



Submission form for feedback

New Zealand's productivity in a changing world

How can we accelerate the growth of high productivity activities in the New Zealand economy?

The Ministry of Business, Innovation and Employment (MBIE) and the Ministry of Foreign Affairs and Trade (MFAT) are inviting feedback on the draft of our Long-term Insights Briefing.

Please provide any feedback by **5pm, 17 November 2025**.

When completing this submission form, please provide comments and supporting explanations where relevant. We appreciate your time and effort taken to respond to this consultation.

Instructions

To make a submission you will need to:

1. Fill out your name, email address, and organisation. If you are representing an organisation, please provide a brief description of your organisation and its aims, and ensure you have the authority to represent its views.
2. Fill out your responses to the consultation questions that follow. You can answer any or all of these questions in the consultation document. You are welcome to provide any additional supporting information, either in this form or as an attachment.
3. Submit your feedback:
 - i. as a Microsoft Word document by email to LTIB@mbie.govt.nz with the subject line: Topic consultation
 - ii. by mailing your submission to:

Economic Strategy and Insights - LTIB
Ministry of Business, Innovation and Employment
PO Box 1473, Wellington 6140
New Zealand

Privacy Act 2020

MBIE and MFAT intend to publish a summary of submissions received, plus the names of organisations/individuals that made a submission.

Please check if you do not wish your personal information to be published

- The Privacy Act 2020 applies to submissions. Please tick the box if you do not wish your name or other personal information to be included in any information about submissions that MBIE and MFAT may publish.

Please check if your submission contains confidential information

- I would like my submission (or identifiable parts of my submission) to be kept confidential and **have stated** my reasons and ground under Section 9 of the Official Information Act that I believe apply, for consideration by MBIE and MFAT.

Note on the use of AI

To help us process and understand submissions, we may use artificial intelligence (AI) tools such as Microsoft Copilot to support our manual review (for example, to summarise key points). Before any AI analysis, all names and other personally identifying information (eg email addresses, phone numbers, office addresses and employment information) will be removed.

Submitter information

MBIE and MFAT would appreciate if you would provide some information about yourself. Any information you provide will be stored securely.

Your name, email address and organisation

Name: Kemi Hughes

Email address: public@mdc.govt.nz

Are you making this submission on behalf of a business or organisation?

- Yes No

If yes, please tell us the name of your business or organisation and some brief details about its purpose:

Manawatū District Council

Consultation on the draft Long-term Insights Briefing

We would like to hear your views to help us finalise the Long-term Insights Briefing. Your feedback is welcome and appreciated.

To help guide your reflections, here are a few questions to consider:

Question 1: Do you have feedback on any of the insights presented in this Briefing? A summary of the insights is on page 49 of the Briefing, and more detailed insights are presented throughout the draft – look for the ‘lightbulb’ icon.

Manawatū District Council (MDC) considers the LTIB’s insights largely valid and resonant with our experience. We endorse the insight that New Zealand’s productivity challenge is structural and requires a shift toward higher-value, knowledge-intensive activities. In our District, we have seen that moving up the value chain (e.g. turning raw milk into specialty nutritional products) is key to higher productivity and wages. We strongly agree that a mix of horizontal and targeted levers is needed to drive this shift.

The Briefing’s emphasis on the complementarity of broad enablers and careful targeted interventions aligns with what has worked for the district– for example, good infrastructure and education (horizontal) combined with specific industry support programs (vertical) in agritech.

We also support the focus on “development through adjacencies” as a prudent growth strategy and aligns with experience in regions that combine science assets, specialty processing and logistics. Manawatū’s agrifood sector has diversified into adjacent areas (agritech, bioproducts) by building on existing strengths, validating this insight. In the Manawatū, the development of Te Utanganui, the multi-modal freight and logistics hub, exemplifies place-based investment that strengthens national productivity by improving supply-chain efficiency and linking regional producers to export markets. It provides a foundation for agri-food, manufacturing and distribution firms to scale and integrate with international value chains.

Additionally, the recognition that New Zealand is a network of diverse regional economies – and that place-based approaches may be needed – is welcome. We see considerable variation in productivity drivers between regions; the LTIB’s acknowledgement of this gives us confidence that policy can be better tailored to unlock each region’s potential. MDC agrees with the framing that resilience (energy, climate, supply chains) is now a productivity pre-condition is appropriate and forward-looking. Strategic infrastructure such as Te Utanganui also contributes to national resilience by diversifying freight options and reducing transport bottlenecks.

Digital connectivity is another foundational enabler of productivity, particularly for rural districts like Manawatū where many businesses operate outside urban centres. Poor mobile coverage and limited rural broadband capacity constrain innovation and efficiency across the agrifood and manufacturing sectors. Improving digital infrastructure and coverage – not only to homes and business premises, but across farms, paddocks, and remote worksites – is essential for unlocking productivity in rural economies. Government investment in reliable rural connectivity and support for fit-for-purpose digital tools can significantly expand the reach of technology-driven productivity gains across regional New Zealand.

MDC also supports the Briefing’s approach of linking trade and domestic policy to achieve dynamic productivity gains such as knowledge spillovers, technology diffusion and international collaboration, rather than focusing solely on tariff reduction.

The Briefing correctly identifies that globalisation is evolving, not receding. Rising geopolitical and supply chain pressures are leading to deeper regional integration among trusted partners, but not at the expense of global engagement. The concept of open regionalism, that is, deepening integration with the Asia–Pacific region to harness proximity, scale, and connectivity, underpinned by continued

global openness, reflects the best path for New Zealand. Investments such as Te Utanganui support this by improving connections between regional producers and both Asia-Pacific and global markets.

MDC encourages greater emphasis on implementation and coordination. The insights correctly identify innovation diffusion and coordination failures as issues. In practice, addressing these requires strong partnerships between central government, local authorities, industry and research institutions. The Briefing could further highlight the role of local and regional entities in operationalizing these insights – for instance, how Councils and regional economic development agencies can help translate high-level strategy into on-the-ground action. Local government can play a complementary role in advancing New Zealand’s international engagement objectives. For instance, Manawatū District Council’s support for trade and relationship-building delegations to China, including participation by elected members with direct business experience in that market, illustrates how sub-national institutions can exercise a form of regional economic diplomacy. Such initiatives strengthen commercial and cultural linkages, enhance market intelligence, and align regional development efforts with national trade and investment strategies. This multi-level approach extends the reach and coherence of New Zealand’s broader economic diplomacy and reinforces national efforts to build trusted partnerships in the Asia-Pacific and beyond.

The Briefing’s case studies of Finland, Denmark, Ireland (Ireland is a bit of an outlier as a share of GDP their R&D is hovering just above NZs, but they managed to generate a lot of R&D through FDI) and Singapore explicitly highlight the central role of sustained research and development (R&D) investment in driving productivity and economic transformation. Each of these small advanced economies treats R&D as a core element of national infrastructure, supporting innovation diffusion, firm capability, and technological competitiveness. By contrast, New Zealand’s R&D expenditure remains comparatively low and uneven, limiting its capacity to capture similar productivity gains. Addressing this gap may require a fundamental shift in government thinking: to view R&D not as discretionary spending, but as a long-term strategic investment critical to national productivity and resilience.

Overall, Council is encouraged by the LTIB’s analysis and broadly supports its key messages. We look forward to these insights being used to shape concrete policies, and we underscore the importance of maintaining the consultative, evidence-based approach evident in the draft.

Question 2: Reflecting on the framework presented in Section 5 of the Briefing (page 25), do you have any other suggestions for how government could identify and enable high productivity sectors or activities with growth potential? For example, what factors could be taken into account, or what process do you suggest for analysis or engagement?

MDC considers that the framework sets a foundation upon which the following suggestions can build on.

When identifying high-potential sectors, the government should explicitly consider regional comparative advantages and existing clusters. A promising sector might only emerge in a region that has the right ecosystem. The framework could include questions like “In which region(s) does this activity have a supportive base of skills, suppliers, or natural resources?” This ensures that the Government enables sectors in locations where they are most likely to thrive (as opposed to a generic, national view). It aligns with the insight that leveraging “capabilities [and] clusters of regional economic strengths” is crucial. For example, advanced agriculture technology might be best enabled in regions like Manawatū where a primary industry cluster exists to adopt and scale it. A place-based filter would improve prioritization and implementation success.

MDC recommends that the framework emphasize engagement loops with businesses, local government, Māori enterprises, and research communities during the analysis phase. On-the-ground insights can validate data findings (e.g. confirming a nascent trend or identifying barriers). A formal process – such as sector roundtables or “discovery workshops” – could be built into the framework’s methodology (perhaps as part of the ‘Dynamics’ or ‘Focus’ analysis). This collaborative approach ensures the Government’s focus areas have buy-in and real-world feasibility input from day one.

The current framework appropriately considers factors like firm formation rates, export growth, and revealed comparative advantage to identify opportunities. We suggest expanding the criteria to include global market trends and strategic needs (beyond current NZ metrics). For instance, does a sector align with global mega-trends such as decarbonisation, digitalization, or Asia’s rising middle-class demand? Sectors that meet global demand or solve emerging problems (e.g. climate tech, agri-biotechnology) might deserve focus even if they are small today. The framework hints at this via “horizon scanning” and “scenario planning” – we support those tools and recommend their findings explicitly feed into selection decisions. In practice, this might mean identifying a high-productivity opportunity that isn’t yet reflected in our export statistics but is poised for growth (for example, hydrogen technology or cybersecurity services).

The framework could be improved by systematically evaluating what’s missing for a sector to succeed – be it skilled labor, infrastructure, or research capacity – and then deploying levers to fill those gaps. The Briefing notes that misalignment between education and industry or weak firm-research links can stifle new industries. We recommend adding an assessment of education/training pipelines and R&D support specific to each prospective sector. For example, if advanced aviation is identified, do we have the engineering graduates and testing facilities needed? If not, part of the enablement plan should be to establish those (through, say, workforce development initiatives or investment in labs). By baking capability-building into the framework, Government can avoid a situation where a chosen sector is left unsupported in crucial areas. Essentially, “enabling” should involve a coordinated package of interventions addressing the sector’s end-to-end needs (skills, capital, innovation, market access).

Question 3: Where are the opportunities for New Zealand to better connect and integrate with global and regional markets, value chains and innovation networks, particularly in the Asia Pacific? What role could the expansion of the Single Economic Market to the wider region play in New Zealand business growth and productivity strategies?

MDC sees significant opportunity for New Zealand to deepen its integration into the Asia-Pacific economic region, which could in turn boost productivity through scale, investment, and innovation. The Asia-Pacific is where an increasing share of global growth occurs, and NZ must remain connected to these dynamic markets and networks. Key opportunities include:

Expanding the Trans-Tasman Single Economic Market (SEM) model to Wider Asia-Pacific: MDC agrees that expanding this concept to willing Asia-Pacific partners could yield substantial benefits. In practice, an “ASEAN+NZ+Australia” SEM could be transformative. ASEAN countries already account for nearly 10% of NZ’s exports (with Australia, the combined share is much larger) and are growing in importance. An SEM-type arrangement that includes Australia and ASEAN members would cover over a quarter of NZ’s exports – giving our firms a much larger effective domestic market. It could reduce regulatory duplication, enable freer movement of skilled workers, and harmonize standards across the region, much as the SEM with Australia has done for Trans-Tasman business. For Manawatū, where we have export-focused industries (dairy, meat) and a developing logistics hub, such integration means smoother access to regional markets. For example, common standards in food safety with Southeast Asia would allow our food exporters to innovate and ship products faster. Mutual recognition of professional qualifications would enable our agritech and engineering firms to deploy staff into Asia-Pacific projects easily, increasing their service exports. Removing behind-the-border barriers can save

significant costs – following the Australia SEM template, things like one-stop product approvals or unified digital trade rules could be extended to new partners.

Use SEM as a template: Pilot Single Economic Market (SEM) style arrangements beyond Australia, e.g. with Singapore or selected ASEAN partners beginning with mutual recognition of standards and qualifications, and establishing streamlined pathways for professional and technical specialists to work across borders, as is done in other SEMs (i.e. EU). Such specialist mobility framework arrangements would enable engineers, scientists, ICT experts and other professionals to move more easily between participating economies, strengthening innovation and knowledge exchange.

Leveraging Regional Trade Agreements and Beyond: New Zealand’s participation in CPTPP, RCEP, AANZFTA, and numerous bilateral FTAs in the Asia-Pacific provides a platform for deeper integration. New Zealand can use these agreements’ built-in committees and cooperation provisions to push for incremental progress – e.g. mutual recognition of digital identities or easing visa processes for certain professionals. While high-level, these efforts signal commitment to integration and can gradually align policies. Specifically, digital trade is ripe for better integration – extending the principles of the Digital Economy Partnership Agreement (DEPA, which NZ has with Chile and Singapore) to more countries would help our tech and services firms. Manawatū’s businesses (even SMEs) increasingly participate in digital trade (whether selling agri-software or tourism experiences online); clearer regional digital rules and data flows would help them reach customers throughout Asia.

The LTIB insight notes that deeper integration into global innovation networks can overcome isolation rings true – for example, our agritech startups benefit when they can connect to agri-innovation hubs in Australia or Asia without excessive barriers. We see merit in NZ proactively seeking innovation partnerships – perhaps an Asia-Pacific Innovation Council or joining initiatives like the Global Alliance of Small-Medium Enterprise Innovation – to plug NZ companies and researchers into Asia-Pacific clusters. Expanding the SEM concept beyond goods into these areas (research, innovation, education exchange) will strengthen long-term ties and productivity.

SEM Expansion and Regional Infrastructure: A point of consideration is that to fully exploit an expanded SEM, NZ will need strong connective infrastructure at home. For instance, if an SEM enabled higher volumes of goods trade with Asia, we’d need efficient ports, inland hubs, and logistics networks (like Te Utanganui) to handle it. The Government should view domestic infrastructure investment as complementary to international integration. Manawatū’s distribution hub can serve as a key node for distributing increased imports/exports that might result from deeper Asia-Pacific ties – but support may be needed (e.g. upgrading rail links to ports, increasing capacity at regional airports for freight). Likewise, freer movement of people under an expanded SEM would require ensuring our cities and districts can absorb talent (housing, services). We encourage a coordinated approach: as diplomatic efforts proceed to broaden the SEM, domestic agencies (like transport, immigration, education) should plan for the operational requirements of success. Our region stands ready to play its part – for example, Palmerston North airport could potentially host direct cargo or passenger links to Australia/Asia in the future, given the right conditions.

Single Economic Market’s Role in Business Growth Strategies: The Trans-Tasman SEM has already taught many of our local firms the value of treating a neighboring country as “home market”. Companies in Manawatū routinely operate in both NZ and Australia thanks to harmonized regimes. If a wider SEM took shape, businesses could adopt a “NZ+Asia-Pacific” strategy from inception, rather than seeing themselves as NZ-only. This mind-set change could be profound for productivity: firms would have incentives to scale up, invest in innovation, and meet higher standards because the accessible market (and competitive benchmark) is larger. The Briefing suggests that a more integrated framework covering Australia and ASEAN could unlock value especially in high-value services and innovation-driven sectors – we concur. As a Council, we see local tech startups or education providers who could serve thousands more customers if regulatory and market frictions in Asia were lower. Even in traditional sectors like food, integration can help – for example, coordinating food standards and export certifications across an SEM could let our producers diversify markets more easily (exporting niche

products to multiple countries without separate compliance each time). It also spreads risk, enhancing resilience.

Regional value-chain entry points: For agri-food and bio-based regions such as Manawatū, prioritise Asia-Pacific partnerships in food tech, bio-ingredients, animal health and logistics/traceability. Te Utanganui and the KiwiRail Freight Hub will strengthen inland port capacity, enabling exporters to connect efficiently with both regional and global markets.

Question 4: Do you have any other feedback on how New Zealand can successfully accelerate the growth of high productivity activities, in a changing world? What may be the strategic choices that New Zealand will need to make?

Accelerating growth in high-productivity sectors will require a holistic and bold approach. In addition to the points already covered, the Council offers the following feedback and strategic considerations:

Role of government: MDC suggests a recalibration of government’s role from “facilitative” (permitting, standards, diplomacy) to “supportive/strategic” (shared infrastructure, mission-led R&D, skills) depending on sector maturity, with evaluation loops to avoid lock-in or crowd-out. A critical component here is to lift national investment in research and development (R&D). Unlike case study examples such as Finland, Denmark, and Singapore, where R&D investment routinely exceeds 2–3 per cent of GDP New Zealand remains below 1.5 per cent, well under the OECD average. The current restructuring of New Zealand’s Crown Research Institutes into a new network of national research entities offers an important opportunity to modernise our science system and strengthen alignment between research, industry, and national missions. However, restructuring alone will not deliver the intended productivity and innovation benefits if the new entities are not funded at a scale and duration sufficient to build capability, attract global talent, and sustain long-term research programmes. Council emphasises the importance of stable, long-term government commitment to R&D funding. Certainty of investment is critical for firms, research organisations, and regions to plan, retain skilled talent, and build enduring innovation capacity. Stop–start funding cycles undermine confidence and limit the ability of regional economies like ours to contribute to national innovation outcomes.

Strengthen Horizontal Foundations – but Targeted to Productive Sectors: New Zealand should continue to refine its broad horizontal policy settings – keeping the macroeconomy stable, investing in infrastructure, education, and ensuring competitive markets. These create the bedrock for productivity. However, given finite resources, we suggest rebalancing investment towards the most productive and future-focused areas. This means, for example, prioritizing infrastructure that directly enables commerce- particularly digital infrastructure for rural productivity and trade corridors that connect regional producers to markets- and training that supplies skills for growth industries (tech, engineering, advanced manufacturing) over less productivity-relevant spending. It is less about neglecting social sectors, but more focused toward emphasizing those horizontal investments that have multiplier effects on high-value activities. A strategic choice may be needed to shift some public spending from consumption towards investment in knowledge and capital – e.g. expanding R&D tax incentives, or funding more university places in STEM fields aligned with high-productivity sectors.

Align Climate Action with Productivity Growth: As the Briefing observes, the climate transition can be an opportunity to unlock innovation and efficiency, despite short-term adjustment costs. We echo that strategic view. New Zealand should treat the shift to a low-carbon economy not just as an environmental necessity, but as a chance to initiate and develop high-productivity activities (e.g. green

tech, smart infrastructure, renewable energy industries). For our District, increased investment in sustainable agricultural technology and bioenergy could both reduce emissions and create valuable exportable solutions. Government can accelerate this by directing more R&D funding and business incentives toward climate-aligned innovation. One strategic choice is to lean into areas where NZ could thrive – for instance, methane reduction technologies for livestock (building an industry around it), or wood-based bioproducts tapping our forestry resources. By being bold in these areas, NZ could carve out global niches, much as we did historically in agricultural science.

Boost Innovation and Technology Adoption: Rapidly developing general-purpose technologies – such as AI, automation, and digital platforms – could drive huge productivity gains if NZ firms adopt them quickly. To accelerate this, NZ needs to be an early adopter and adapter of new tech. We suggest strategic programs to diffuse technology to SMEs, which dominate our economy. This might involve subsidized access to expert advice on automation, grants or tax credits specifically for tech adoption, and expansion of innovation extension services (like Callaghan Innovation) to reach more traditional sectors (farms, factories). Additionally, actively participating in international tech collaborations is important – e.g. aligning our AI governance and data standards with key partners so our firms can plug into larger innovation ecosystems. The strategic choice here is to embrace technological change proactively, even if it disrupts some legacy practices. The pay-off is higher productivity; the risk of inaction is widening the gap if NZ lags in tech uptake. The Council also notes the role of research commercialization – efforts to accelerate the translation of our strong research (much of it regionally based, like Massey’s work in agri-science) into high-value businesses should be prioritized.

In sum MDC believes that the Insights Briefing document has outlined a compelling vision and the challenge now is action. MDC supports collaboration with central government and notes that the Manawatū–Whanganui region can be used as a living lab for productivity initiatives (as we have with our distribution hub and food innovation network). By making smart strategic choices now – investing in people and technology, choosing promising sectors to support, and connecting to the world – New Zealand can indeed accelerate into a more productive, prosperous future. We appreciate the opportunity to contribute our views and welcome continued dialogue on turning these insights into impactful policy.

Question 5: Would you or your organisation like to meet with us directly to share feedback on the Briefing, in addition to submitting written comments?

We’re offering the option of online or in-person meetings with the project team during the consultation period, from 23 October to 17 November 2025.

Yes No Not sure/No preference

[insert response here]

13 November 2025

ERP2 amendment consultation
The Ministry for the Environment
PO Box 10362
Wellington, 6143.

Via: [Citizen Space](#)

Submission from the Manawatū District Council on the Revised Second Emissions Reduction Plan (ERP2)

Manawatū District Council (MDC) thanks the Ministry for the Environment for the opportunity to provide feedback on the revised second Emissions Reduction Plan (ERP2) for New Zealand.

MDC largely supports the removal of on-farm pricing from the revised Plan. MDC had previously advised that the government takes some time and resources to establish the farm-level levy rather than setting up an interim processor level levy which would require further transition to the farm-level levy setup for pricing agricultural emissions.

MDC notes that the government restates its commitment to utilising a multi-pronged approach to reducing agricultural emissions without undermining profitability which includes investment into research, development and commercialisation. MDC reiterates its recommendation that the government increase investment in R&D at institutions like Massey University to facilitate the development and localization of agricultural mitigation technologies.

MDC also stresses the need for certainty and continuity in Government investment in agricultural research and development. A technology-driven emissions strategy requires a strong, stable innovation pipeline that enables researchers, universities, and industry partners to undertake multi-year programmes, test emerging technologies under New Zealand conditions, and support early commercialisation. Long-term, predictable funding signals are essential to build confidence across the sector and ensure that promising mitigation tools can be delivered into farm systems at the pace required.

What, if any, other impacts or consequences of the revised approach to reducing agricultural emissions should the Government be aware of?

Concern: Under the original ERP2, the pricing mechanism provided a clear signal that emission reductions would accelerate after 2030, with modelling attributing around 10 Mt of EB3 abatement to the combined effect of pricing and emerging mitigation technologies. With pricing removed, much of this projected abatement is now attributed to assumed voluntary adoption of technologies—without any formal mechanism to ensure uptake occurs at the pace required. This creates a substantial policy architecture gap. Without defined triggers for policy escalation or intervention, New Zealand could find itself entering the 2030s without either the regulatory or market settings needed to close the emissions gap for the third emissions budget.

Without an emissions pricing mechanism, the importance of transparent emissions measurement and reporting becomes even more critical to the integrity of the revised ERP2. However, the amended plan does not specify the indicators that will track farm-level uptake of mitigation technologies, the thresholds that would signal policy underperformance, or the mechanisms for escalating intervention if the technology-led approach fails to deliver at the necessary scale.

While local government is not responsible for designing or implementing agricultural emissions policy, the outcomes of these national policy settings have significant implications for council responsibilities. Rural land use, economic conditions, infrastructure demand, freshwater management, and long-term climate resilience planning are all shaped by the trajectory of agricultural emissions and by the tools central government uses to influence that trajectory.

Because the revised ERP2 relies primarily on voluntary, market-driven adoption of mitigation tools, a clear national monitoring and escalation framework becomes essential. Without transparent indicators or defined intervention triggers, councils are left with uncertainty about how farming systems may evolve over the coming decade and what the downstream effects will be for their communities.

This uncertainty in national direction directly affects councils' ability to plan infrastructure investment, support regional economic development, partner effectively with Māori landowners, and anticipate land-use and workforce changes driven by shifts in agricultural production. A more clearly defined governance framework—one that sets out how progress will be monitored and what happens if uptake lags—would strengthen local government's capacity to plan for and respond to the economic, environmental, and community impacts of the transition to lower-emissions agriculture.

MDC is also concerned about a potential widening of social inequities. Market-driven approaches tend to favour farms with more capital, management capacity, scale, and exposure to international supply chain pressures. Larger dairy operations integrated corporate farms and suppliers aligned to strong Scope-3 obligations will generally adopt technologies earlier and more comprehensively.

By contrast, a substantial share of sheep-and-beef farms in the Manawatū–Whanganui region, including those operating on steeper or less versatile land, along with Māori agribusiness on multiply owned whenua and lower-capital family farms, are likely to face greater barriers in accessing or funding new mitigation tools. The risk is that emissions reductions cluster among already high-performing, better-resourced farms, while more constrained systems—including some within Manawatū District—struggle to keep pace, weakening the overall national emissions outcome.

What actions could the Government consider taking to further support a market- and technology-led approach to reducing agricultural emissions?

MDC notes that a market- and technology-led strategy for reducing agricultural emissions can only succeed if the conditions for widespread adoption are strong, clear, and well supported. For the Manawatū district, where agriculture plays a substantial economic and cultural role, the effectiveness of this model will depend heavily on whether farmers can access the right

technologies at the right time, whether the supporting systems around them are coherent, and whether central government provides the certainty needed for rural communities and local authorities to plan ahead.

One of the most important actions the Government could take is to provide a clear national signal about how mitigation technologies are expected to scale over time. In the absence of a pricing mechanism, the entire strategy relies on voluntary and market-driven uptake. This requires a well-defined framework that outlines which mitigation tools are likely to be most impactful, how quickly they are expected to be adopted, and how progress will be measured. Farmers and industry leaders in Manawatū, like those elsewhere, operate long planning horizons; without clear expectations from government, it is difficult for them to make confident decisions about investment, infrastructure, and stock management. A transparent national approach would help reduce uncertainty, strengthen trust in the transition pathway, and allow both industry and councils to anticipate likely shifts in land-use and farm management practices.

Alongside clearer direction, government will need to ensure that mitigation technologies reach farms quickly, affordably, and with the assurance that they are safe and effective. Many emerging agricultural mitigation tools require substantial early investment—whether in new effluent systems, methane-reducing feed technologies, or changes in herd or flock genetics. These technologies will not spread at the pace required if farmers perceive them as expensive, untested, or difficult to integrate into existing systems. Targeted support—such as co-funding pilots, accelerating regulatory assessments of proven tools, or supporting early market entry—would help build confidence and reduce financial barriers. In districts like Manawatū, where farm businesses vary from highly capitalised dairy platforms on the plains to more traditional sheep and beef operations in surrounding areas, lowering the cost and risk of early adoption is essential to ensuring equitable uptake.

An additional constraint for the Manawatū district is the quality and consistency of digital connectivity. Many of the tools that underpin a technology-led emissions approach—including effluent monitoring systems, methane-reduction technologies, precision-farming applications and emissions measurement tools—depend on robust broadband or mobile coverage across the entire farm, not just at dwellings or sheds. Poor connectivity continues to limit the ability of rural businesses to utilise digital technologies, engage in real-time data systems, and participate fully in verification or monitoring frameworks. For a market-driven transition to succeed, Government will need to prioritise improved rural digital infrastructure and support the capability of farmers and rural enterprises to adopt and make effective use of these technologies.

A technology-led approach also depends on strong advisory and extension services. Farmers will need practical support to understand how mitigation tools work, how they interact with farm systems, and what the financial and environmental implications might be. In Manawatū, where farm types range widely and where local environmental pressures such as freshwater quality are already shaping land-management decisions, advisory support must be regionally tailored and integrated with broader environmental and planning frameworks. National investment in skilled rural advisors, demonstration initiatives, and coordinated information programmes would help ensure that knowledge is accessible, trusted, and consistent across regions.

Noting that agricultural emissions policies may disproportionately impact Māori, what further action could the Government consider supporting Māori to reduce agricultural emissions?

Although the sector-wide emissions reduction agenda will affect both Māori and non-Māori agribusinesses, the evidence shows Māori landowners and enterprises experience distinct structural barriers. The government should consider designing a Māori-specific mitigation-support initiative that aligns with Māori land and business realities. While broad sector-wide programmes are valuable, Māori agribusinesses would benefit from a tailored stream of support that recognises their ownership structures (often trusts or incorporations with multiple owners), land characteristics (often less versatile, more remote, or fragmented), and cultural aspirations (emphasis on whenua as taonga, long-term stewardship, inter-generational outcomes). For example, investment grants or co-funding mechanisms could be directed to Māori land trusts to trial mitigation technologies (such as effluent systems, methane-reducing feed additives, or low-emission genetics) under a Māori-governed project model. The aim would be not simply to adopt tools but to align their use with Māori values and business models.

Research into Māori agrifood collectives highlights five key constraints: finance, skills & knowledge, market paths, relationships & trust, and regulatory overheads. It is evident that many Māori agribusinesses face higher cost of capital, constrained borrowing capability due to land tenure issues, and weaker ability to absorb early-adoption risk of new mitigation technologies. The Government could therefore develop low-interest or subsidised “green lending” tailored for Māori agribusiness, risk-sharing vehicles (e.g., where Government backs part of the investment for mitigation technologies), and revenue-sharing or lease-purchase options for technologies to spread cost over time. These tools help ensure that Māori landowners are not locked out of the opportunity to adopt mitigation innovations simply because of upfront cost or investment risk.

Māori leadership, participation and governance in research, technology development, and data systems will need to be deepened. A PwC review signalled that many Māori land blocks are not supported by strong management structures (average Māori land-block size ~53 ha with 114 owners, and only about 42.5% of blocks have formal management structures). For mitigation technologies to succeed on Māori land, Māori organisations must be deeply involved in priority-setting, consenting, IP ownership, data governance (especially where on-farm measurement is required), and Māori-driven trials. This means Government should support Māori research partnerships, ensure Māori are part of advisory boards for mitigation tool development, and guarantee transparent and equitable intellectual-property and data-sharing arrangements that respect Māori data sovereignty and tikanga.

Finally, the government can support diversification of Māori land-use in ways that connect emissions reduction, environmental enhancement and economic resilience. Many Māori aspirations for whenua extend beyond commodity production to include ecological, cultural and community goals. Government can support Māori landowners to explore alternative land-uses (such as indigenous forestry, regenerative pasture, horticulture, agro-forestry, or carbon-offset complementary activities) that reduce emissions intensity, enhance biodiversity and maintain employment and rural vibrancy. Policies and programmes that recognise these wider objectives — rather than only focusing on “emissions reduction on-farm” — will better align with Māori goals and strengthen the overall transition.

What are your views on ERP2 with the revised approach to reducing agricultural emissions?

The revised ERP2 has strengths such as the government's expanded investment in agricultural research, development and commercialisation. The focus on innovation through entities such as AgriZeroNZ and the Ag Emissions Centre supports the development of practical mitigation options and enhances New Zealand's international competitiveness. MDC also notes that the updated emissions projections also suggest that EB2 remains achievable in the near term, with a 4.5 Mt buffer that provides some confidence in our short-term trajectory. The removal of pricing may reduce immediate regulatory pressures on farmers and Māori landowners, easing transition challenges.

However, the revised approach also creates several risks. Most notably, it increases uncertainty around the 2030 methane target and the longer-term emissions trajectory. New Zealand is no longer on a clear pathway to meet the methane reduction target, and the removal of pricing leaves a gap in the policy framework that has not yet been filled.

Further, the amended ERP2 places substantial reliance on voluntary adoption scenarios. Without safeguards, intervention triggers, or minimum expectations, there is a risk that the pace of adoption will not match the emissions reductions required. This threatens both national climate commitments and the competitiveness of our agricultural exporters.

Conclusion

In sum, Manawatū District Council supports the Government's desire to enable a prosperous, technology-driven agricultural sector. The expanded innovation agenda provides a valuable opportunity for regional economies like ours. We urge the Government to strengthen governance, adopt explicit adoption frameworks, broaden Māori partnership mechanisms, and establish clear policy triggers to ensure that emissions reductions progress at the pace required. The transition to low-emissions agriculture must be equitable, credible, and aligned with the needs of our regions, our exporters, our Māori landowners, and the broader national interest.

Yours sincerely,



Michael Ford

Mayor, JP

Water Quality Assurance Rules (Large Supplies)

Submission – Manawatu District Council

Manawatū District Council welcomes the opportunity to provide feedback on Taumata Arowai’s proposed changes to the Drinking Water Quality Assurance Rules (the Rules) and the associated change in annual reporting timeframe.

Questions from Water Services Authority (Taumata Arowai)

<p>Do you agree with the proposal to change the current Rules reporting year, currently January to December (calendar year), to July to June (financial year)?</p>	<p>We support the proposed shift from calendar year to financial year reporting from 1 July 2027. Aligning drinking water quality reporting with councils’ financial years will better integrate regulatory reporting with our Long Term Plan and Annual Plan processes, asset management, and performance reporting.</p> <p>This has the potential to reduce duplication and inconsistencies that arise when different reporting “years” are used for financial and water quality purposes.</p>
<p>Do you agree that if a change to financial year reporting is introduced, revised Rules reporting year should apply from 1 July 2027?</p>	<p>Yes, subject to a clear and practical transition. We would welcome clear transitional guidance on how the first financial-year reporting period will be managed (for example, any one-off short or extended reporting period) so that we can adjust internal systems, data extracts and reporting processes in an orderly and efficient way.</p> <p>The transition will require Council to reconfigure SCADA exports, laboratory data interfaces and reporting templates (e.g. Hinekōrako/Excel) to align to the new period.</p> <p>A one-off partial-year data load or bridging process will be required along with additional staff time during the changeover period – for example, an 18-month transitional compliance period then reverting to 12-month financial year periods.</p>
<p>Are there any implementation issues or impacts associated with changing to a financial year that you would like to provide feedback on?</p>	<p>We request that the proposed implementation date is accompanied by clear guidance and worked examples for transitioning from calendar year to financial year reporting, and that any system changes to national reporting platforms are well-communicated and tested well in advance of the first financial-year reporting deadline. Without this, there is a real risk of duplicated effort and rework at both supplier and regulator level.</p>
<p>Level 3 Source water classes</p>	
<p>Would you agree with expanding source water classes so that they apply to source water</p>	<p>We support this in principle. Expanding the source water classification framework so that it consistently</p>

<p>monitoring, bacteria and virus as well as protozoa rules.</p>	<p>underpins source water monitoring and bacteria, virus and protozoa treatment rules should improve alignment between source risk and required barriers. However, we are concerned that without clear technical guidance and nationally consistent methods, the framework could be applied inconsistently and lead to disagreements over classification and treatment obligations especially in relation to the proposed Class 1 criteria. To reduce inconsistency, it is recommended that the minimum virus initial and ongoing monitoring requirements are specified.</p>
<p>Class A and Class A (Interim) source water</p>	
<p>Do you agree with the proposal that Class A source water will not require primary treatment for bacteria, viruses or protozoa (though they will still need to add chlorine to provide a residual)?</p>	<p>We support this in principle for truly Class A sources that meet stringent criteria. For such highly protected sources, it is reasonable to rely on source protection plus disinfection residual. While a large proportion of Class 1 “B”, will likely satisfy the proposed Class A criteria it is expected that relatively few supplies will adopt the new class due to the additional monitoring requirements and limited benefit for existing supplies.</p>
<p>Do you agree with the proposed requirement for an enteric viral monitoring programme to demonstrate a health-outcome target for viral risk can be met?</p>	<p>We support the concept for suppliers seeking to rely on Class A status, but are concerned about the practicality and cost of viral monitoring. Nationally consistent guidance will be essential on sampling design, analytical methods and data interpretation. Without this, suppliers may either over-sample (at high cost) or under-sample (with poor evidential value).</p>
<p>Do you agree with the proposed health-outcome target of one enteric viral infection/10,000 people/year?</p>	<p>We support this as a health objective consistent with international practice. Our concern is not with the target itself, but with how realistically and consistently compliance with it can be demonstrated, especially for smaller supplies.</p>
<p>Do you agree with the proposed requirement that an independent suitably qualified and experienced person must prepare a written report demonstrating that the health outcome target can be achieved and maintained for the supply?</p>	<p>Yes, we agree that a suitably qualified and experienced person (SQEP) should prepare the Class A assessment report, given the high consequence of reducing treatment barriers.</p> <p>However, we do not support this being interpreted as requiring an external consultant in all cases. For example the proposed criteria for Class “B” water sources is based on bore depth, sanitary bore head and presence or absence of E.coli/total coliforms in the previous three years. These assessments don’t require the individual making the assessment to make assumptions or interpret the data. Therefore the conclusions are based on achieving or not achieving the requirements. Subsequently Council don’t consider a SQEP is required to make this assessment.</p>

	<p>Manawatū District Council already employs staff who meet the likely SQEP competency criteria for some areas (e.g. chartered professional engineers, experienced water quality scientists and operational specialists). The Rules should explicitly allow internal staff to act as SQEPs where they can demonstrate the required qualifications and experience, with independence managed through internal peer review and governance processes rather than by default externalisation.</p> <p>A narrow interpretation of “independent SQEP” as “external consultant only” would impose unnecessary cost, create capacity constraints in a small specialist market, and would not necessarily improve public health outcomes.</p>
Do you agree with the proposed criteria included in Class A (Interim) to establish Class A source water?	We broadly support the proposed Class A (Interim) criteria as a pragmatic way to enable transition towards full Class A classification.
Do you agree with the 24-month timeframe for establishing Class A source water?	We support a 24-month timeframe in principle, as this is generally sufficient to collect representative monitoring data. However, some flexibility may be needed where hydrological variability or practical constraints mean a longer observation period is needed. Extensions should be considered on a risk-based basis where appropriate interim controls are in place.
Class B and Class B (Interim) source water	
Do you agree with the proposed criteria for demonstrating Class B source water?	We support the concept and criteria in principle. Notwithstanding this, we believe the criteria needs to reflect that total coliforms are abundant in the environment and don’t necessarily pose a risk to public health. If total coliforms are detected in low numbers, in absence of E.coli, the water supply manager should not be required to demonstrate the Class 1 /B criteria from scratch when the presence could be due to contamination at the point of sampling and therefore not reflect the source water quality. Council encourage the Water Service Authority to add provisions for one to two weeks of intensive monitoring if total coliforms are detected.
Do you agree with the proposed criteria included in Class B (Interim) for establishing Class B source water?	We support Class B (Interim) criteria with the exception of having provisions for total coliforms (see above comment).
Do you agree with the 24-month timeframe for establishing Class B source water?	We support a 24-month timeframe in principle, with similar risk-based flexibility as for Class A.
Source water contamination assessments	
Do you agree with the proposed assessments for Class A, Class A (Interim), Class B and Class B (Interim) source water if any monitoring result	We support this requirement. Elevated or unusual results in higher-classified sources, particularly where treatment barriers have been reduced, must trigger investigation. However, the Rules and guidance should allow screening of minor anomalies (for example,

indicates potential contamination or the groundwater source has been compromised?	laboratory QA issues) without requiring a full, resource-intensive assessment every time.
Class C source water	
Do you agree with the criteria for Class C source water?	We broadly agree with the proposed criteria. They appear reasonable for sources that have moderate contamination or vulnerability and require stronger treatment than Classes A and B.
Do you agree that an assessment to reclassify a Class D source water to Class C should only be undertaken by a suitably qualified and experienced person?	The treatment requirements between Class “C” and Class “D” are similar and therefore a SQEP should not be required to make that decision provided that the decision is documented and justified.
Class D source water	
Do you agree with the criteria for Class D source water?	We agree that Class D water sources should include protozoa and bacteria barriers as the source water is likely to contain contaminants
General rules module -G.RR.4	
Do you agree (for all applicable rules) with the change to make all continuous monitoring rules reported on a monthly basis?	<p>We support moving to monthly reporting of continuous data when it relates to level 3 treatment. For clarity Rule G.RR.4 should only apply to continuous monitoring within the treatment plant or reticulation. This continuous monitoring has a direct impact on the quality of the water being supplied and therefore it is appropriate to report on a regular basis. This will help simplify the end of year reporting as the bulk of the detail would have already been provided.</p> <p>While some water sources require continuous monitoring it does not reflect the risk to public health as the quality will change due to the treatment that is yet to occur.</p>
Do you agree with non-compliance reporting for non-compliance with continuous monitoring rules?	We support a focus on non-compliance and exception reporting. This is a sensible way to reduce data volumes and highlight real risk.
Are there any cost implications for you from this proposed change?	Yes, there will be cost implications. SCADA, telemetry and reporting systems will need configuration and testing, and staff time will be needed to validate and submit monthly reports.
If there are costs - will these be internally or from purchasing services	Most costs will be internal staff time, but we also expect to require vendor support for SCADA and reporting system changes.
General rules module -G.RR.5	
Do you agree with including a rule that sets out the requirements specific to grab sampling for monitoring rules?	We support including a rule that clearly sets out grab sampling requirements. This will help standardise practice between suppliers, samplers and laboratories.

	For consistency the monthly and yearly reporting should have the same time frame. Ie convert the monthly and yearly reporting to 30 working days.
Do you agree with changing some reporting that is currently annual into monthly reporting?	<p>We can support selected changes from annual to monthly reporting where this clearly improves risk management and regulatory visibility.</p> <p>We do not support converting all or most annual reporting into monthly reporting as this would substantially increase compliance overhead. Each proposed change should be tested for net value.</p>
General rules module -G.CM.4	
Do you agree with the 60-minute grab sample time proposed to account for missing treatment continuous monitoring data?	We support the proposed 60-minute timeframe as a pragmatic and workable approach to covering short-term analyser outages.
Level 3 Source water monitoring rules module	
Source Water common rules – S3.CR.1	
Do you agree that an assessment to classify a source water class should only be undertaken by a suitably qualified and experienced person?	<p>With the exception of the proposed Class 1, the classification of source water should not require a SQEP as the criteria are generally well defined. As detailed above the viral sampling criteria for Class 1 could be defined to avoid the use of a SQEP.</p> <p>In an environment where we are trying to control expenditure the use of SQEP should be limited to areas that need individuals to make conclusions based on the data and knowledge. Where the conclusions can be made through an achieved not achieved assessment process a SQEP is not necessary in our view unless internal staff can make the decision.</p> <p>Therefore, we strongly oppose any interpretation that SQEP must mean an external person. Manawatū District Council employs staff with the necessary qualifications and experience to act as SQEPs, and the Rules should explicitly recognise internal staff as eligible SQEPs where they meet competency criteria. Independence can be provided through internal peer review, separation of duties and governance processes.</p>
Would there be any cost implications for your organisation?	If SQEP is interpreted as “external consultant only”, there will be significant cost implications for our organisation and the sector, without clear evidence of better outcomes.
Class A and Class B source water rules - S3.AB.1	
Do you agree that an assessment to demonstrate a sanitary bore head should only be undertaken by a suitably qualified and experienced person?	We support the need for a SQEP to assess sanitary bore heads, recognising their importance in protecting groundwater quality.

	As above, we consider it essential that internal council staff can act as SQEPs where they meet defined competency criteria. Forcing all such assessments to be performed by external consultants would add cost and delay, and would under-utilise in-house expertise.
Would there be any cost implications for your organisation?	We expect some additional cost from more formalised assessment and documentation, but believe this can be largely managed internally if the Rules clearly allow internal SQEPs. These costs would be multiplied as water suppliers need to reconfirm the water class's on a regular basis.
S3.AB.2	
Do you agree with only allowing representative sampling for Class A, Class A (Interim), Class B and Class B (Interim) source water?	We support limiting representative sampling to these higher-class, more homogeneous sources.
Do you agree with the proposal to remove the six bore limit for representative sampling?	We support the proposal to remove the six-bore limit for representative sampling provided there is sufficient evidence to demonstrate that the abstractions are sourcing the same water source.
S3.AB.4	
Do you agree with the frequency for testing for a viral indicator being determined by the supplier's enteric viral monitoring programme?	This approach will result in inconsistency. To reduce costs and create consistency the minimum viral monitoring frequency should be specified.
S3.AB.5	
Do you agree with the removal of the requirement to monitor for colour for Class A, Class A (Interim), Class B and Class B (Interim) source water?	We support removal of routine colour monitoring for higher-class sources. The marginal value of colour data is low where other determinants and turbidity are monitored.
S3.AB.6	
Do you agree with requiring continuous monitoring for conductivity, pH and turbidity for Class A, Class A (Interim), Class B and Class B (Interim) source waters?	We don't support continuous monitoring of these parameters as these water sources are not subject to significant change. It is considered that the proposed change is not justified due to the associated cost benefit.
Would there be any cost implications for your organisation?	The capital and costs of installing and maintaining continuous monitoring and associated telemetry and SCADA systems means there will be a significant cost for minimal gain (approximately \$30,000/source)
S3.AB.7 and S3.CD.4	
Do you agree with the proposed addition of boron, fluoride and hardness?	We support adding boron, fluoride and hardness as the sampling is already occurring.
Do you agree with the proposed removal of barium, calcium and magnesium?	We support the removal of barium, calcium and magnesium from routine lists, provided MAVs remain available where specific risks are identified.

S3.AB.9	
Do you agree that testing for radiological determinands should only be required for Class A, Class A (Interim), Class B and Class B (Interim) source waters?	<p>We support focusing radiological monitoring on A/Ai/B/Bi sources, where the risk profile and possible reduction in treatment barriers justify the additional monitoring.</p> <p>We would not support expanding radiological requirements further as these lower classes are not reliant on long residence times.</p>
Class C and Class D source water rules - S3.CD.6	
Do you agree with the change to an assessment of the likelihood of the presence of cyanobacteria in source water and moving the assessment of cyanobacteria risk to the source water risk management plan?	We support the intent to embed cyanobacteria risk assessment within the Source Water Risk Management Plan; and use biovolume-based triggers and prescriptive monitoring rules where risk is identified.
Do you agree that the likelihood assessment should only be undertaken by a suitably qualified and experienced person?	We support using SQEPs for this likelihood assessment but again emphasise that internal water quality specialists and environmental scientists should be able to act as SQEPs, not only external consultants.
S3.CD.7 and S3.CD.8	
Do you agree with the change from requiring suppliers to prepare a cyanobacteria/ cyanotoxin response plan to prescribing monitoring?	<p>There is a need to create consistency across the water industry. Therefore rather than individual Councils going through the process, it is recommended that the Water Service Authority provide a standardised template for small rivers, riparian bores, large rivers and lakes with medium to high risk. This would create consistency and save a significant amount of money across the industry.</p> <p>Individual suppliers could make these templates specific to their abstraction by adding site specific information associated with monitoring data and abstraction configuration. This would help identify when there is likely to be a potential Cyanobacteria risk.</p>
Do you agree with the requirements to monitor cyanobacteria biovolume when source waters have a medium or high likelihood of planktonic or benthic cyanobacteria being present?	<p>While some sites may be considered to have a medium or high risk, this is unlikely to span seven months in most cases. For example an abstraction point may have a low risk for nine months, medium risk for two months and high risk for one month. Site inspection monitoring should be set accordingly and not default to high risk.</p> <p>To create consistency in terms of cyanobacteria risk assessments it is recommended that a matrix is specified based on abstraction methodology, frequency of cyanobacteria, and cover. Council don't support the use of SQEP as it will ultimately result in inconsistency across the industry.</p>

	In the event that the surveys exceed the thresholds identified in S3.CD.8, sampling should occur under S3.CD.7.
Do you agree that suppliers do not need to undertake monitoring of source water for planktonic or benthic cyanobacteria if they have a cyanotoxin removal process as part of their treatment?	<p>We support allowing suppliers with robust cyanotoxin removal processes to reduce or omit source-water cyanobacteria monitoring where the overall risk assessment supports this.</p> <p>We would not support an obligation to monitor water for cyanobacteria in all circumstances ie high risk, regardless of treatment design. However we question if the cyanobacteria monitoring should be post treatment rather than pre.</p>
S3.CD.9	
Do you agree with the cyanobacteria biovolume threshold prescribed for initiating cyanotoxin monitoring in treated water?	We support having a clear biovolume threshold for initiating treated-water cyanotoxin monitoring.
S3.5 (existing rule) - remove	
Do you agree with the proposed removal of additional event-based monitoring of Class C and D source waters from the Rules?	We support removal from the Rules as there is sufficient continuous monitoring within the treatment process to demonstrate that the treatment has not been compromised.
Footnotes 33, 36 and 40 (existing footnotes) - remove	
Do you agree with the proposed removal of footnotes on the collection of samples from the Rules?	<p>We support removing footnote 40. However it is important that the rules have provisions to allow source water samples to be collected at the abstraction point or treatment plant prior to treatment.</p> <p>There are some abstraction points that have limited power and or comms is not reliable. Forcing suppliers to monitor the source water at the point of abstraction will add a significant cost and will not improve water management.</p>
Level 3 Treatment rules module	
T3.BV.C2	
Do you agree with removing chlorine dioxide as an option for bacteria and virus treatment?	We do not oppose removing chlorine dioxide as an option for bacteria and virus treatment, as it is not a key tool for us.
Do you agree with removing the requirement for Self-supplied buildings providing water to more than one building to use chlorine?	We support modernising requirements for self-supplied buildings, but seek clear guidance on what residual risk controls are expected where chlorine is not used.
Protozoa treatment rules - T3.PZ.C3	

Do you agree with removing the coagulation, flocculation and sedimentation process without filtration process option?	Yes. We support removing this option, as sedimentation without filtration.
Do you agree with removing the current coagulation, flocculation and direct filtration process option for achieving 3 log and 3.5 log credits?	Yes, in principle. We support simplifying the list of prescriptive treatment options where alternatives exist that can be more reliably validated against current Standards.
Do you agree with removing the reference to flocculation in the current coagulation, flocculation and direct filtration process?	Yes.
Are you using coagulation and direct filtration to achieve 3 log or 3.5 log credits?	No. We are not currently relying on coagulation and direct filtration alone to achieve 3 or 3.5 log protozoa credits for our Level 3 supplies.
Do you agree with removing the second stage filtration process option?	Yes, provided that existing plants using this configuration are given a reasonable transition pathway if required. We do not rely on this option for our compliance.
Do you agree with removing the slow sand filtration process option?	Yes, we support removing this as a prescriptive option for Level 3 supplies.
Will removing these options create any challenges for your organisation?	No significant challenges are anticipated for our organisation. We note that some other suppliers may need transitional arrangements, and support Taumata Arowai providing appropriate pathways for them.
T3.PZ.C5	
Do you agree with the proposed changes for managing recycled water at treatment plants?	We support the proposed inclusion of the recycled water rule.
T3.PZ.C6	
Do you agree with the inclusion of this rule about the turbidity of filtered water?	<p>When the raw turbidity is extremely low there can be instances where the turbidity increases after filtration temporarily. These instances don't necessarily reflect a filtration failure.</p> <p>Therefore there should be a % allowance tolerance over a period of at least an hour if the raw turbidity is below a specific set point and the filtered turbidity is within the accepted range.</p> <p>It is noted in the case of cartridges, a reduction in differential pressure is a better indicator of the cartridge performance.</p>
T3.PZ.X4	
Do you agree with the removal of the option to use AS/NZS 4348:1995 in conjunction with AS/NZS 3497:1998 (updated 2001)?	We support updating and simplifying reference to treatment standards.

Chemical monitoring rules – T3.CH.1	
Do you agree with requirements for suppliers to demonstrate that chemicals dosed into drinking water are safe for use?	We support the principle and already work to ensure chemicals are fit for purpose. For commonly used chemicals like chlorine and Fluoride the certification should be a requirements for the suppliers not treatment operators.
Will meeting the requirements of this proposed rule create challenges for your organisation?	The main impact will be additional documentation and verification work; this is manageable but should not be overly prescriptive or duplicative of what is already required under other frameworks (e.g. procurement, HSNO, HSWA).
T3.CH.2	
Do you agree with this proposed rule requiring preparation of a schedule of chemicals used in treatment?	We support maintaining a schedule of treatment chemicals and inclusion of relevant MAV information.
T3.CH.3	
Do you agree with the increase in monitoring frequency to monthly for chemicals that were previously determined to have standard values?	We have reservations about increasing monitoring frequency to monthly across the board for all chemicals that historically had standard values. While we accept that some determinands justify monthly monitoring, a blanket requirement risks significant cost increases with limited additional benefit for some supplies. We would prefer a risk-based approach that targets monthly monitoring where it is most needed and allows lower frequencies (with justification) where risk is demonstrably low.
T3.96 (existing rule) - remove	
Do you agree that the requirement for event-based monitoring should be removed from the Rules and managed by the supplier on a case-by-case basis?	We support removing the prescriptive event-based monitoring rule and managing this via case-by-case risk assessment, provided guidance clearly sets expectations for how suppliers should approach common event types (e.g. floods, contamination incidents).
Cyanotoxin monitoring rules – T3.CY.1	
Do you agree with this proposed rule on when cyanotoxin monitoring must be undertaken in treated water?	We support the monthly sampling requirement when source monitoring indicates that there is a potential risk.
T3.CY.2	
Do you agree with this proposed change to the sampling frequency of cyanotoxins?	Yes, in principle. We support adjusting sampling frequency to better reflect risk and the behaviour of cyanotoxins, provided the final requirements are clearly linked to the assessed risk and operational realities.

<p>Level 3 Distribution rules module</p> <p>Pressure monitoring rules - D3.PM.1</p>	
<p>Do you agree with the proposal to require continuous monitoring of pressure in distribution zones?</p>	<p>We support the goal of maintaining safe and reliable pressure, and agree that continuous monitoring in key zones is valuable.</p> <p>However, we do not support a blanket requirement for continuous pressure monitoring in <i>all</i> distribution zones without a risk-based phasing approach. For small or remote zones, the cost and practicality of continuous monitoring may be disproportionate to the risk. We recommend prioritising critical and higher-risk zones and allowing alternative approaches (e.g. spot monitoring, portable loggers) for low-risk areas.</p>
<p>Do you agree with the requirements of the proposed rule?</p>	<p>Yes in principle, although implementation detail will be important. The rules should recognise practical constraints in smaller or remote zones and allow for a phased implementation based on risk.</p>
<p>Do you currently have pressure monitoring in place in any of your distribution zones?</p>	<p>We currently don't measure the pressure within the network in accordance with D3.PM.1 in any of our schemes. Therefore this change would require significant upgrades to occur and a suitable implementation period would be required.</p>
<p>Are there any cost implications for you of this proposed change?</p>	<p>Yes. Expanding continuous pressure monitoring will require additional pressure sensors, telemetry, data management and maintenance. This will have moderate capital and ongoing operating cost implications, which will need to be factored into future budgets.</p>
<p>D3.PM.2</p>	
<p>Do you agree with the proposed pressure limits in distribution zones?</p>	<p>Yes we agree with the pressure limits being specified. We broadly agree with the proposed limits, provided the Rules and compliance framework clearly account for short-term deviations during fire-fighting flows, planned maintenance and unplanned outages. We also note that some of our rural schemes operate as low-pressure, trickle-fed systems into tanks/reservoirs; as a result, pressures can vary significantly during peak demand and with changing storage levels, and this should be reflected in D3.PM.2. We request that the compliance framework recognises these operational characteristics and allow for expected pressure variability where service levels are delivered via storage.</p>
<p>Residual disinfection/disinfection byproducts and plumbosolvent metals rules - D3.RD.1</p>	
<p>Do you agree with the proposed rule on monitoring Free Available Chlorine (FAC) in a distribution zone?</p>	<p>We support strong residual disinfectant control and agree that FAC monitoring is essential. However, we are concerned about the move from "every four days" to a</p>

	<p>strict “every 96 hours” requirement with no tolerance. While mathematically equivalent, treating 96 hours as a hard limit removes practical flexibility on the fourth day for staff availability, access, weather and operational conditions. When monitoring multiple schemes this add additional complexity with limited value.</p> <p>D3.RD.4 is focused on large schemes. It is recommended that an additional category is added to cater for the smaller large schemes. Ie 500 – 5,000 and 5,000 to 15,000.</p>
Do you agree with meeting compliance requirements by using either continuous or grab sampling options?	We support allowing compliance to be demonstrated via continuous or grab sampling, and support continuous FAC monitoring as a long-term direction.
Do you agree that continuous monitoring of FAC should be required for all distribution zones?	We do not support making continuous FAC monitoring mandatory for all zones immediately; instead we recommend a risk-based, phased rollout that prioritises high-risk or high-population zones ie >25,000 people.
Other Matters	
Rule type changes - Do you have any comments on the proposed rule type changes or changes to reporting frequency?	We support the general direction of simplifying rule types and adjusting reporting frequency to focus on information of greatest value, but we are cautious about the cumulative impact on compliance workload. We recommend that Taumata Arowai stress-tests the overall reporting package with suppliers to ensure that reductions and increases balance out in practice.
Interpretation changes - Do you agree with the proposed changes to the definitions in the interpretation rules?	We support the proposed changes to definitions where they improve clarity and alignment with the Act and Standards. Maintaining a publicly accessible, up-to-date glossary will be important to avoid ambiguity.
Costs for your organisation - Do you agree with our assessment of the cost implications of the proposed Rules changes?	We do not disagree with the broad direction of Taumata Arowai’s cost assessment but expect that, for our organisation, additional instrumentation, telemetry, increased monitoring frequencies and expanded SQEP requirements will create non-trivial cost pressures.
Do you have any comments on the cost implications of the proposed Rules changes?	Our support for some of the more demanding requirements (e.g. continuous monitoring, monthly chemical monitoring, continuous FAC in all zones) is contingent on risk-based targeting, phased implementation and clear guidance that avoids unnecessary duplication or “gold-plating”.

<p>Formatting changes - Do the proposed changes make it easier to follow the Rules?</p>	<p>We agree that the proposed formatting and numbering make the Rules easier to follow. We strongly recommend a cross-reference between existing and new rule numbers to minimise confusion and rework when updating internal documents and SCADA/reporting systems.</p>
<p>Do you agree with the revised Rules numbering system?</p>	<p>See comment above</p>
<p>Do you have any comments on the proposed formatting changes?</p>	<p>See comment above</p>
<p>General comments</p>	
<p>Do you have any comments on any other proposed rule changes?</p>	<p>SQEP use and internal capability</p> <p>Manawatū District Council strongly supports the use of suitably qualified and experienced persons (SQEPs) for key risk assessments and classifications. However, we consider it essential that the Rules explicitly recognise internal staff as eligible SQEPs where they meet defined competency requirements. Councils already employ chartered professional engineers, hydrogeologists, water quality scientists and experienced operators who are well placed to undertake these functions, with independence managed through internal peer review and governance processes. We would not support an interpretation that “independent SQEP” automatically means “external consultant”.</p> <p>Where the rule does not data to be interpreted ie achieved, not achieved the specification of a SQEP does not add additional value.</p>
<p>Do you have any general comments you would like to make about the proposed changes?</p>	<p>Implementation and phasing</p> <p>Many of the proposed changes are technically sound but will require careful phasing and prioritisation to be affordable and deliverable. We encourage Taumata Arowai to continue engaging closely with suppliers on implementation guidance, to adopt risk-based phasing for capital-intensive requirements, and to regularly review the Rules to ensure they remain practical as well as protective.</p>

The following is the questions and the Manawatū Council Feedback for Modernising our approach to the 2028 Census. This was submitted on Friday the 19th of December 2025.

Consultation question 1 Do you have feedback on the benefits, opportunities, and challenges of the new census approach?

Council recognises significant benefits in Stats NZ's proposed admin data first census model, particularly the shift toward more timely and frequent data releases (expected from 2030 onwards). Long term having access to more up-to-date information would strengthen Council's ability to make evidence based decisions, rather than relying on data that is five or more years old. We also welcome the greater flexibility to update census topics more regularly, as this would help ensure emerging issues are captured without significant delays.

However, the approach assumes that people interact consistently with government systems. We see an opportunity, through partnership, to ensure that those who currently face digital exclusion are not left out of the census data. It will be important that government actively supports participation from individuals who have limited or no engagement with digital or administrative systems.

Council also has concerns about the potential expectation that local authorities may need to supply additional data to central government. This could result in increased costs, including staff training for new data collection tasks and adjustments to existing data collection permissions. There is a real risk that the expected savings from stopping full Census will not materialise, particularly in the next 5–10 years. Council is not convinced that the necessary improvements can be achieved on the timelines envisaged. There is also a risk of eroding public trust if communities perceive Council as "on-selling" their data to central government.

Equity and data gaps for iwi, Māori, Pacific and other smaller communities:

Finally, we have a genuine concern about the accurate representation of smaller population groups within our District. Under the proposed approach, these groups may not be reliably captured until at least 2035. This delay could lead to reduced funding for certain communities and a misunderstanding of the demographic reality within the District. Therefore, Council is concerned that an admin-first model will hit iwi, Māori, Pacific, disabled, rainbow and other numerically smaller or more mobile communities hardest. These are exactly the communities that most need high-quality data to identify and monitor inequities. Without a full Census, iwi affiliation data in particular is likely to degrade quickly, with no alternative population-wide source currently available. We note strong calls from Māori data experts for investment in iwi-led data systems and indigenous data sovereignty, rather than further reliance on fragmented government admin records.

Overall, while the new census approach presents promising benefits and opportunities, it also poses significant challenges that will need to be carefully managed to ensure fairness, trust, and robust representation.

Council sees merit in proposals to retain a full census for at least one or two further cycles, alongside admin-data-first methods. This would allow proper benchmarking and validation of admin data, and identification of biases, before reliance on full enumeration is removed. Moving

directly to an admin-first model without that overlap removes a critical quality-checking mechanism.

Taken together, these concerns reinforce Council's view that a full nationwide Census in 2028 remains essential. It would provide a crucial benchmark for the new system, reduce the risk of degraded data for priority communities, and help maintain trust in both the electoral system and the wider data system.

Council requires

- Certainty about what data local government is expected to provide to Statistics New Zealand going forward.
- Clarity about funding attributed to additional data collection.
- And a clear communication plan to ensure trust in both local and central government is maintained.

Consultation question 2 We've identified specific communities to work with and some examples of what tailored solutions could include. Do you have any suggestions about how Stats NZ could work with communities to design and deliver tailored solutions?

Our communities and community groups have already had significant reduction in central government funding in recent years.

Council supports the concept of tailored solutions, particularly for iwi, Pacific, LGBTIQ+, disabled and ethnic communities, and people experiencing homelessness. To design and deliver these effectively, Council suggests:

- Genuine co-design and shared governance of any data
- Establish long-term governance arrangements (not project-based) with iwi, hapū, Pacific, disabled, and rainbow organisations to determine priorities, methods, ownership, and access.
- Use existing local and regional partnerships with councils as a platform for co-design.

Resourcing and capability building

- Provide funding and technical support for community-led data collection and analysis (eg training, tools, access to safe data environments).
- Provide transparent metadata on what is collected through admin, survey, and tailored solutions so users can understand comparability and limitations.

Consultation question 3: Māori descent Do you have any feedback about how we plan to collect information on Māori descent for the next census?

Council is unsure whether admin data will produce accurate Māori descent counts. People may be hesitant to share whakapapa information with agencies that do not clearly explain why they need it. Admin sources also have gaps for people born overseas.

Do you have suggestions about how Māori descent information could be improved for the next census?

Māori descent data is critical for:

- Determining Māori electoral population and electorates.

- Māori health and education planning.
- Local partnership, funding, and service design.

Council therefore encourages Stats NZ to treat Māori descent as a critical “must get right” variable during the transition.

Partner with iwi and Māori organisations

- Involve iwi in the design, testing, and governance of Māori descent questions and admin standards to ensure they align with Māori concepts of whakapapa and data sovereignty.

Consultation question 4: Iwi affiliation Do you have any feedback about how we plan to collect information on iwi affiliation for the next census?

There is a concern that there are many iwi listed on Te Whata that are under 10,000 members which would mean that this data would not be accurately represent until 2035 has you have stated. There is a worry that these groups won’t be captured and what funding implications this could have.

For councils, accurate iwi affiliation by location is fundamental to:

- partnership and relationship agreements.
- service planning and investment; etc.

On some forms across different government agencies there is not always an option to select an iwi that may be people may be affiliated to. This could lead to some of the smaller more unknown iwi being completely left off of these forms and the leading to an underestimation of affiliation.

Do you have any suggestions for how we could better represent smaller iwi for the next census?

Council strongly supports:

- Iwi-led data solutions
- Co-design iwi registers or iwi-led collections, with Stats NZ providing technical, legal, and methodological support.
- Build on platforms such as *Te Whata* while ensuring iwi retain control over their data.
- Improving admin data
- Ensure education, health, and other agencies:
 - use updated iwi classification lists.
 - allow people to record multiple iwi affiliations.
 - provide avenues for correction and updating.

Intentional and targeted oversampling could be a tool applied to our smaller iwi.

Consultation question 5: LGBTIQ+ communities Do you have any feedback about how we plan to collect information on sexual identity, variations of sex characteristics, gender, cisgender and transgender status, and the rainbow/LGBTIQ+ population for the next census?

As our District only has a population of 34,000, there is a concern that our LGBTIQ+ population may not be represented in the data until at least 2035 or if ever. With central government funding using census data there is a worry that these groups won't be represent when it comes to budget decisions.

Do you have suggestions about how LGBTIQ+ information could be improved to better reflect your community or lived experience?

Council recommends:

- Stable, community-endorsed question wording developed with rainbow organisations.
- Maintaining consistent questions over time
- Clear definitions, examples, and “prefer not to say” options.
- Strong, transparent communication about confidentiality

Consultation question 6: Ethnicity data Do you have any feedback about how we plan to collect information on ethnicity for the next census?

Again, we are concerned that any central government funding decisions will exclude several of our small population ethnicity groups. Our council does not ask for ethnicity data currently as we believe that utilising the census data as best practice. Council is concerned that if we are required to start obtaining this type of information this led to potential issues arising, especially in relation to the Privacy Act 2020 regarding what a council can collect to “properly undertake their functions and mandates”.

Do you have suggestions about how ethnicity information could be improved to better reflect your community or lived experience?

Council Recommends:

- Mandate consistent, detailed ethnicity collection across government.
- Use the standard ethnicity classification and allow multiple responses in all major admin systems.
- Audit and publish quality assessments for each source.

Consultation question 7: Data about housing deprivation and homelessness Do you have any feedback about how we could measure housing deprivation and homelessness for the next census?

We know that the unhoused community traditionally have a high reluctance to interact with government agencies currently. Relying on community services to provide information to Statistic New Zealand may erode the trust these services have built within these communities. It is also worth noting that a lot of these services have had a loss of central government funding recently.

Do you have any suggestions for how we could better reach or represent people experiencing housing deprivation/homelessness?

Council thinks that to get the true understanding of the unhoused issue across the country that specific roles would need to be established to obtain this data from on the ground. These roles would have to build and maintain a certain level of trust with the unhoused population.

Temporal and seasonal variation would also have to be considered as some unhoused people move around depending on weather and time of year.

Consultation question 8: Data about the disabled population Do you have any feedback about how we plan to collect information about the disabled population for the next census?

Council is concerned that the district's already low population numbers contribute to the ongoing under-representation of the disabled population in official statistics, limiting the accuracy of data available for planning and decision-making. Relying on an annual survey with limited sample size may reduce spatial granularity, especially for particular impairment types.

TA-level and small-area disability information is critical for:

- Accessible infrastructure and transport planning.
- Emergency management.
- Targeted services and funding.

Do you have any suggestions for how information about the disabled population could be improved to better reflect your community or lived experience?

Council supports the recommendation to run the Housing Disability Survey more often than every 10 years, ideally at least every 5 years.

Council also recommends that Statistics New Zealand:

- Work with Whaikaha and disabled people's organisations.
- Co-design measures that better capture social, cognitive, and mental health impairments, as well as environmental barriers.
- Where disability-related admin data is used, ensure it is governed by strong privacy protections and developed with disabled people.

Consultation question 9: Quality of life indicators If we collect quality of life information in the census, at minimum we would ask about life satisfaction.

Do you need information about life satisfaction to be collected through the census?

Currently council asks this question as part of their resident satisfaction survey.

What would you use this data for?

Council used this to better understand how our community is in general term. There is a potential for Council to use this further to understand what sections of our community have lower life satisfaction.

Do you have any feedback about this data being collected?

Council is concerned that you may require from this data from us as we already collect it. This may lead to Council having to change our contract with the third party who conducts this survey, as the purpose of the data collection would have to change. This may lead to a cost for Council.

We are seeking feedback on whether there is a need to collect additional quality of life indicators. Do you need information about sense of purpose? What would you use this data for that can't be met with life satisfaction information?

This type of information could help determine where funding could be allocated by indicating where the need is highest in the community. This could assist both central and local government funding for these communities.

Sense of purpose complements life satisfaction by capturing meaning and engagement, not just overall happiness.

It could be particularly useful for:

- youth wellbeing strategies.
- older people's services.
- employment and volunteering initiatives.

Do you need information about self-rated general health? What would you use this data for that can't be met with life satisfaction information?

As state above this type of information could help determine where funding could be allocated by indicating where the need is highest in the community. This could assist both central and local government funding for these communities.

If it is not possible to include all these measures, which would be most useful and why?

The self-rated general health would be more useful to council.

Council would make extensive use of self-rated health data to:

- Identify spatial and demographic patterns in poor health.
- Support integrated health, housing, and transport planning.
- Complement life satisfaction when interpreting wellbeing trends.

Consultation question 10: Income amount by income source Do you need information about income amount by income source?

Council requires information such as median income and understanding how many people in our community are self employed. We do currently source this information form other sources.

What would you use this data for?

Council use income data to understand affordability of chargers such as rates. Also, under the new water services delivery plan council must also understand what is affordable based on income for any water related chargers.

Do you have any feedback about this data being collected?

Consultation question 11: Floor area Do you need information about the floor area of a dwelling?

Council supports collection of floor area (from admin data) provided quality is adequate, and would use it to:

- Support planning for housing typology and density (linking to district plan zones and consent patterns).
- Inform energy efficiency and retrofit programmes.

What would you use this data for?

Do you have any feedback about this data being collected?

Councils provide new building consent data to Statistics New Zealand already; this type of data would be included in that.

Historical data is held by QV.

Consultation question 12: Age of dwelling Do you need information about the age of a dwelling?

Yes. This is important for Manawatū District's housing quality assessment, long-term infrastructure planning, and understanding resilience factors (e.g., seismic risk, insulation standards).

What would you use this data for?

Estimating infrastructure demand where older housing stock may transition to redevelopment. Depending on what happens to development contributions, supporting work where projected household lifecycle patterns matter.

Do you have any feedback about this data being collected?

QV already holds this information, but coverage varies, and valuations do not always reflect renovation or extension history.

The proposed property-centric dwelling register (p. 29) should integrate multiple verified sources (LINZ, building consents, QV) to improve accuracy.

Consultation question 13: Dwelling coldness Do you need information about dwellings being colder than people would like in winter?

This would help Council understand where across the community there is an issue with coldness in households.

What would you use this data for?

Identifying households experiencing energy hardship, allowing Council to better advocate for subsidy schemes, insulation upgrades, and bulk-buying initiatives. Targeting warm homes initiatives geographically.

Do you have any feedback about this data being collected?

Consultation question 14: Cigarette smoking behaviour Do you need information about electronic cigarette (vape) use?

Yes, Council thinks that there would be a benefit in understanding how many in the community are using electronic cigarettes and how regularly.

What would you use this data for?

Council recognises the value of collecting data on e-cigarette (vaping) use, as it provides important insights into community wellbeing trends. This information would directly support the upcoming review of Council’s Smokefree and Vapefree Policy.

We strongly encourage the inclusion of vaping-related measures in local health and wellbeing datasets, with results available at the district level and where possible broken down by key demographic segments such as age, gender, and potentially ethnicity. These breakouts are essential for identifying which groups within our community may require targeted attention or support in relation to vaping behaviours.

Access to this data would also enhance our ability to engage in effective public health partnerships, guide advocacy efforts, and inform place-based interventions, particularly in areas where youth vaping is most prevalent.

Do you have any feedback about this data being collected?

Council supports collecting this data via the census survey. People might be more willing to disclose vaping than smoking in some cases (since vaping carries less stigma to some, especially younger individuals who might not consider it “as bad”). Council considers that the wording of the question will matter – making clear it’s about e-cigarette or vape use. Possibly capturing frequency (daily, occasional) would be useful because experimental vaping vs habitual vaping are different from a health perspective. But even a yes/no current use is a start.

Consultation question 15: Access to telecommunication systems What do you currently use household level cellphone access data for?

We use this data to understand areas in our community that may not have access to telecommunication systems and how this may impact people in an emergency event.

Do you need cellphone access information for households only, individuals only, or both households and individuals?

Council would be happy with household level data.

What would you use this data for?

Council would use this to determine what other forms of communication may be needed and where there are areas with telecommunication issues.

This also helps Council understand areas where building consent processing and online inspections are unable to occur due to limited connectivity.

It also helps Council understand where limited connectivity may limit services such as Telehealth. This is particularly relevant to our rural communities as in person health check may be not possible regularly.

Should cellphone access for individuals be asked of people aged 5 years and over, or 15 years and over?

Council believes that this information should be from 15 years and over.

Do you have any feedback about this data being collected?

The Commerce Commission hold data regarding this type of information.

Consultation question 16: Main means of travel to work and workplace address Is the information we collected in the 2023 Census about working from home at a suitable level of detail for transport planning needs, or do we need a different approach? If we need a different approach, what information would you like to understand?

The level of data provided in the 2023 Census worked well for Council.

What would you use this data for?

Council uses this data to understand the movement between our District and a neighbouring city. This helps council understand how people are moving across the region. People moving in and out of the District gives Council an indication of how many people are in our District during the day and the evening for emergency management purposes.

This type of information also feeds into where council decide to instal traffic counters. This helps council understand the amount and frequency of vehicles on roads and likely maintenance schedules for these roads. It also contributes to understanding the life span on certain roads.

This data also helps Council know where people are working vs living which then gives an understanding of likely population growth based on work opportunities.

Is would also help Council to understand carpooling practices in our District as well as public transport practices. This could lead to promotion of public transport and advocacy for services that best serve our community, e.g. If we understand that there is a large Feilding population

that goes to a specific location in Palmerston North for work, Council can advocate for a public transport service that could drop people off and pick them up from around this location.

Do you have any feedback about this data being collected?

Consultation question 17: Number of rooms What do you currently use number of rooms data for?

Council would anticipate having to use this type of data in the future due to current government reforms, specifically around the development levies space.

Do the types of rooms we count meet your needs?

Under the new development levies the number of bedrooms will become important. It has been stated that these levies will be scaled based on the number of bedrooms of the new development. In order to correctly plan for how much will be these levies will be Council need to understand how many bedrooms houses currently have in the District.

What additional types of rooms would you like included in the count of number of rooms?

Would adding additional types of rooms, such as bathrooms and toilets, impact your use of the count of number of rooms?

Do you have any other feedback about this data being collected?

QV currently holds this information.

Consultation question 18: Content determination framework Do you have any feedback on the content determination framework guiding questions?

Council believes that an additional point needs to be added to the framework to address situations where data is required to support a legal obligation or a delegated function imposed on local government by central government, i.e. emergency management, and forecasted income for local water done well.

Consultation question 19: Veterans' data Do you need data about veterans?

The Council doesn't require Veterans' data in the way we require, say, population or housing data, but we welcome it as it can enhance our community profiling and support efforts. It would also help council understand potential health issues of our community both physical and mental and how we could advocate for support in this area.

What would you use this data for?

This data could be used to inform and coordinate support services. It can also be useful for policy purposes and advocacy on behalf of veterans for more services. Data could also be useful to inform emergency management support and volunteering. Council could engage veterans in volunteer emergency roles (if they're willing) or in community resilience planning – many have training that could benefit civil defence initiatives.

Consultation question 20: Meeting broader information needs. We are keen to understand what would make the population and social statistics system more useful, inclusive, and future-focused. Are there particular data needs, gaps, or opportunities you think Stats NZ should consider?

Council considers that Stats NZ development of user friendly tools very important. TLA based snapshots would be very useful. User-friendly tools and TLA-level snapshots would improve accessibility for the public and support more informed community engagement.

Consultation question 21 Are there ways you use Stats NZ data that you want to tell us about?

Council uses Stats NZ data in various facets of our operations and strategic planning.

We use census population counts and demographic breakdowns to underpin our Long Term Plan (LTP) and infrastructure strategies. Manawatū District Housing Strategy is also informed by Stats NZ data on dwellings and household characteristics. Council's Housing Strategic Action Plan has also cited census data on household growth and tenure trends to set targets for new housing development. Council also uses Stats NZ data to inform applications for central government funding or when assisting community groups with their funding applications. Council has used Stats NZ data in the policy development space. For example, when reviewing the smokefree policy we looked at the smoking rates for various demographics to identify groups that needed more focus.

Consultation question 22 Is there anything else you want to say or share with us?

Council has concerns about linking data using a person's name, as names are not consistently used across different agencies and forms, increasing the risk of misidentification. Developing a secure national unique identifier over the next decade would reduce this margin of error.

Council reiterates that a nationwide Census in 2028 remains the most reliable way to obtain essential population data in the short to medium term.

6 January 2025

Committee Secretariat
Committee Secretariat
Transport and Infrastructure Committee
Parliament Buildings
Wellington

Submission from the Manawatū District Council on the Land Transport (Revenue) Amendment Bill

Manawatū District Council (MDC) thanks the Transport and Infrastructure Committee for the opportunity to submit on the Land Transport (Revenue) Amendment Bill. MDC represents a largely rural district in the Manawatū-Whanganui region, with communities that could be impacted by the O2NL and any future roads of national significance (RONs). We acknowledge the Bill's intent to strengthen user-pays funding tools for transport, and we support in principle the goal of sustainable transport funding. However, we urge that these tools be implemented in a manner that is equitable and mindful of local impacts. In this submission, we outline our key concerns regarding the Bill's tolling framework (especially as it relates to O2NL and future RONs) and the proposed Road User Charges (RUC) reforms, evaluate how the Bill addresses those concerns, and recommend further measures to ensure the legislation works fairly for districts like Manawatū.

Toll Revenue Provisions- Alternative Routes and Regional Reinvestment

Council acknowledges and supports the Bill's recognition that toll revenue may be applied to the maintenance or operation of an alternative route, reflecting the need to reinvest user-pays contributions into the broader transport network. In the context of significant fiscal constraints on local authorities, this flexibility is both timely and necessary to ensure that essential alternative routes can be adequately maintained when new toll roads are introduced.

However, MDC is concerned that proposed section 48(5) imposes an unduly stringent precondition on this funding mechanism. Section 48(5) provides that the Minister "must not recommend that a road tolling scheme be established to provide funds for an [alternative route] unless the Minister is satisfied that the road controlling authority is unable to fund the maintenance or operation of the road or roads itself." In other words, even if including the alternative route in the tolling scheme would be prudent or equitable, the Minister is statutorily barred from recommending such a scheme unless the relevant local road authority is demonstrably incapable of funding that route's upkeep from its own resources. This is a high threshold: it suggests that only in cases of clear financial incapacity of the local authority could toll revenues be applied to an alternative route. The Council appreciates the intent to target toll revenue use to genuine need, but we submit that the chosen test of "unable to fund" sets the bar so high as to frustrate the provision's practical utility.

MDC recommends that the clause is amended to either remove the precondition in subclause (5) or to soften it to a more permissive, discretionary standard. The Council's preferred approach is that the Minister of Transport should be empowered to recommend the use of toll revenue for an alternative route whenever doing so would materially assist in the route's maintenance or operation, having regard to the local authority's funding situation, but without the need to prove an absolute inability to fund.

MDC has previously submitted that toll revenue from projects should be reinvested in regional transport priorities once core project costs are met – for example, ring-fencing surplus toll income to help deliver the Manawatū Regional Freight Ring Road. Council therefore recommends that the Bill go further: toll revenue should be permitted to support other regionally significant projects within the corridor from which it is collected, rather than being confined solely to an alternative route. This broader reinvestment approach would maximize the benefit of tolling schemes for the communities they affect, aligning with the Bill's user-pays funding objectives while directly addressing regional infrastructure needs.

Equity Considerations on Proposed Tolling

MDC considers that equity must be a central consideration when toll charges are set for any future tolling proposals under the amended framework. In rural districts such as ours, toll charges that are set too high, risk imposing undue hardship on households that already face higher travel costs and have limited access to alternative transport options. When determining appropriate toll charges, it is essential that the socio-economic conditions of the communities served by the road are accurately assessed, and that the charges imposed do not disproportionately affect low-income residents or frequent local commuters.

When considering toll charges for any new road, MDC considers it essential that these charges are broadly comparable to those used on similar toll roads elsewhere in New Zealand. Toll proposals that set unusually high charges, or that cannot be clearly justified, raise equity issues for affected communities and may weaken public confidence in tolling as a funding tool.

While the Bill requires that an untolled alternative route be available, MDC notes that the practicality and safety of such alternatives can vary greatly. Relying on alternative routes that cannot withstand larger volumes of traffic, as the "affordability option" for those unable to pay the toll is not, in our view, an adequate equity safeguard. For this reason, MDC recommends that the Committee consider including in the Bill a requirement for toll proposals to include an explicit equity assessment. Such an assessment should identify the likely impacts on low-income communities and high-frequency local users and should outline measures to mitigate hardship. These measures could include capped daily or weekly charges, discounted passes for residents or regular commuters, or exemptions for essential or community-service travel.

In MDC's view, the tolling framework will be most effective and publicly acceptable when toll charges are set in a manner that is fair, consistent nationwide, and sensitive to the economic realities of the communities that rely on the affected corridor.

Impact of Traffic Diversion on Alternative Route

MDC acknowledges that the Bill allows the toll revenue to be used for maintaining existing roads that are part of the tolled scheme, including the alternative route, if the local road controlling authority would otherwise struggle to fund that maintenance. MDC welcomes this amendment as the reinvestments of toll proceeds will support the surrounding network so that local ratepayers are not left carrying the full burden.

MDC seeks clarity on how the “unable to fund” test will be applied to trigger toll revenue usage for alternative routes – we suggest a proactive approach where the default assumption is that local councils will receive support for alternative route maintenance unless they explicitly opt out or demonstrate sufficient funding.

Clarity on Timing of Implementation of Tolling

MDC notes that the Bill does not indicate when tolling must commence relative to the opening of a road. As best practice, MDC suggests that if a new road is to be tolled, a grace period of 2-5 years post-opening during which no tolls are charged should be considered. Council recommended this in our previous submission (concerning a proposal to toll the Te Ahu a Turanga- the Manawatū-Tararua Highway Road) to encourage motorists to habituate to the new highway’s use. MDC considers that establishing travel patterns early is critical. Where drivers immediately resort to old routes to avoid a toll, it may be difficult to bring them back later. However, a temporary toll-free period, coupled with public education about the new route’s benefits, could significantly reduce long-term diversion. We urge the Committee to contemplate either incorporating this principle into the tolling framework or encouraging Waka Kotahi and the Minister to use their discretion to delay toll commencement for a reasonable period on new roads.

Review of Toll Adjustment Methodology

MDC supports Taituarā’s suggestion that the way tolls are adjusted over time should be reconsidered. The costs of building and maintaining roads often increase faster than general living costs, so relying only on a general inflation measure may not be the best fit. We recommend that the Committee consider whether a measure that better reflects actual transport construction costs would be more appropriate, while still ensuring that any toll increases remain fair and manageable for the communities affected.

Road User Charge Reforms

MDC acknowledges that the move towards a more efficient, flexible RUC system is both necessary and largely positive. We support the Bill’s foresight in enabling future transition of light vehicles from fuel excise to RUC, ensuring the long-term funding base for transport is secure. MDC welcomes the innovations stipulated in the Bill that will allow a range of new payment options (including subscription-based RUC payments) and the use of in-vehicle electronic technology to automatically track distance travelled. These improvements will potentially enable greater convenience and could reduce compliance costs overall.

While cautiously supportive of these changes, MDC wishes to highlight a few considerations to ensure the RUC reforms work for rural communities. MDC signals that a shift to electronic RUC and online systems may inadvertently disadvantage those in rural or remote areas with limited internet connectivity or mobile coverage. A number of farmers in our district operate some distance away from our urban centre. The new system should mitigate this by providing offline or low-connectivity solutions. If, for example, in-vehicle GPS-based RUC devices are used, they should not require constant cellular connection to function (or there should be a manual alternative for recording distance when signal is unavailable).

Affordability and Fairness Concerns

As the transition to RUC occurs, it will be vital to monitor the distributional effects on different communities. Rural residents often have to drive longer distances for everyday needs and do not have the public transport alternatives available in the township. If light vehicle RUC is introduced, rural motorists could end up paying more simply due to geography. MDC urges that any future scheme be designed with equity in mind – perhaps through differential rates, rebates, or adjustments in other taxes. At a minimum, revenue from an expanded RUC base should be used to improve rural transport options, recognizing the higher contribution those communities might make. MDC notes that policy work is still to be done on setting appropriate RUC rates and any offsetting measures, and we encourage the Committee to keep rural affordability central to those discussions.

Additional Support for Rural Users

MDC requests for implementation to be accompanied by dedicated support: easy-to-understand guidance, training or helplines for rural users, and potentially a phased rollout. We note that transitioning from paper-based RUC regime to a high-tech system will be a significant change for older drivers and those not accustomed to telematics and there may be concerns about compliance burden if users are required to install devices or learn new apps. We also suggest that the Government consider subsidising or bulk-negotiating the cost of any required on-board units or GPS devices so that individual owner-operators (especially in the provinces) are not hit with high upfront costs to comply.

Privacy and Data Security

MDC notes the two references to privacy in the explanatory note and Clause 46A(2)(d). The explanatory note states that “the Bill makes these requirements less prescriptive by enabling the RUC collector to approve any technology that is “fit for the purpose” while continuing to protect user data and privacy. Clause 46A(2)(d) addresses an order made under Clause 46 and provides that the order may “authorise the enforcement authority to have access to law enforcement information held by a holder agency under the Privacy Act 2020 and set out terms and conditions governing that access”. MDC considers that these provisions in the amended bill partially allays the concerns about privacy particularly around the utilisation of in-vehicle electronic tracking for RUC. It is imperative that clear limits on data collection, retention, and sharing should be established in regulations as building public trust in the new RUC technology will be essential for its success.

In sum, MDC supports the intent of a more flexible tolling framework and an updated RUC system as tools to future-proof transport funding. We, however, emphasise that the success of these tools will depend on how they are implemented on the ground. By incorporating the recommendations above – ensuring transparency, equity, local reinvestment, and support for all users – the Committee can improve the Bill and its outcomes for communities.

To conclude, MDC supports the Bill’s overarching aim of creating a more resilient and sustainable land transport funding system. However, Council reiterates that this objective can only be fully realised if the statutory framework accounts for the realities faced by rural districts and the road controlling authorities responsible for their local networks. The recommendations proposed in this submission particularly the refinement of section 48(5), a more explicit equity lens for toll-setting, clarified expectations regarding diversion impacts, and safeguards for rural users in the transition to an expanded RUC system, are intended to strengthen the Bill’s coherence, fairness, and practical workability. The adjustments will enable the Bill better to align the user-pays principle with the financial constraints borne by local communities and would ensure that tolling and RUC systems operate in a way that supports, rather than strains, the regions in which they are applied. MDC welcomes ongoing engagement with the Committee and officials as the Bill progresses and stands ready to provide further information should that assist the Committee’s deliberations.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael Ford', with a stylized flourish at the end.

Michael Ford

Mayor, JP

8/01/2026

Committee Secretariat
Transport and Infrastructure Committee
Parliament Buildings
Wellington

Dear members of the Committee

The Manawatū District Council (MDC) thanks the Transport and Infrastructure Committee (“the Committee”) for the opportunity to provide feedback on the Building and Construction Sector (Strengthening Occupational Licensing Regimes) Amendment Bill (“the Bill”).

Building Services for the Manawatū District Council (MDC) are provided via a contract arrangement with the Palmerston North City Council (PNCC) that has been in place since 2007. The scope of the contract includes all Building Consent Authority (BCA) functions. Our interest in the Bill reflects our statutory role in consenting and compliance, our exposure to legal and financial risk under current liability settings, and our responsibility to support safe, durable building outcomes for current and future building users.

General Comments – Risk-based consenting

MDC supports the intent of the Bill to strengthen occupational licensing regimes and agrees that a stronger licensing system can enable a more risk-based approach to building consent processes. While stronger licensing and disciplinary settings can improve system assurance, the Council considers that any policy shift that reduces consenting oversight for some categories of work must be carefully designed to avoid creating unintended risk transfer to councils and consumers.

Accordingly, if occupational licensing reform is intended to facilitate risk-based consenting, the Council recommends that the Government ensure implementation settings include:

- 1) clear criteria for what constitutes low-risk work, supported by evidence and regularly reviewed;
- 2) a nationally consistent approach so that risk settings do not vary significantly across the country;
- 3) effective monitoring and enforcement of licensed practitioner performance; and
- 4) data and information-sharing arrangements so that councils can rely on licensing signals when determining the appropriate level of consenting and inspection effort.

MDC also recommends that consumer protections be explicitly considered where reduced consenting oversight is applied, including clarity on liability and recourse where licensed work does not meet the Building Code. Without these safeguards, there is a risk that reduced consenting oversight may shift costs and risk to councils and homeowners, including increased remediation, compliance action, and reputational impacts for the sector.

Objectives of the Bill – imposition of penalties

MDC generally supports the objectives of the Bill. In particular, we support the proposal to enhance the complaints and disciplinary functions of existing regulatory regimes for building and construction professionals to ensure their effectiveness. In MDC's experience, delays and inconsistent outcomes undermine confidence and can result in councils being treated as the default risk holder.

MDC supports in part the proposal to separate the functions of the Building Practitioners Board, the Electrical Workers Registration Board, and the Plumbers, Gasfitters, and Drainlayers Board ("the Boards") and the registrars, and to expand the registrars' powers to triage and investigate complaints. However, we note that the Bill does not include a definition of "frivolous" or "vexatious." There could therefore be some uncertainty around which complaints might be considered "valid." To ensure consistency, MDC recommends that clear guidance is developed by the Ministry or by the Building Practitioners Board, the Electrical Workers Registration Board, and the Plumbers, Gasfitters, and Drainlayers Board. If claims are rejected too easily, this will deter complaints from being lodged in the first place. Such guidance should be developed in consultation with the Building Officials Institute of New Zealand (BOINZ), on behalf of BCA's, to ensure that they are practical and enforceable.

It has been our experience that the Building Practitioners Board in particular encourages complaints being brought to the Board by BCAs. However, BCAs often see little value in doing so. The money it costs BCAs to bring a complaint to the board is often far greater than the perceived severity of the penalty awarded in response.

MDC supports the proposed amendments to section 318 that given the Board a greater degree of flexibility when imposing disciplinary penalties. In particular, we support the ability for the Board to impose more than one disciplinary penalty at one time. MDC considers that such changes will be more effective than the current penalty regime, particularly in relation to serious or repeat offences.

Decisions sought:

1. That guidance is developed to help clarify what is meant by a "frivolous" or "vexatious" complaint. This guidance should be developed by the Ministry or by the Building Practitioners Board, the Electrical Workers Registration Board, and the Plumbers, Gasfitters, and Drainlayers Board, in consultation with BOINZ or BCAs.
2. With the exception of the maximum suspension period under clause 318(1)(c), that the proposed amendments to section 318 of the Building Act 2004 are retained as drafted. In particular, the ability for the Board to impose more than one disciplinary penalty at one time (new Clause 318(2B)) should be retained.

Accessibility of Records

MDC supports the proposed amendments to section 301 of the Building Act 2004 that requires the register to contain certain information relating to cancellations of a licensed building practitioner's licensing. Such transparency is beneficial for the public and will enable them to make an informed decision when engaging a practitioner.

However, MDC would like some further clarification with respect to new section 301(3). MDC supports this section if it relates to the removal of licenced building practitioners who have not held a licence for three or more years. However, if the intention is to also remove from the register information about an operating licensed building practitioner's past license suspensions, then we consider a period of three years to be insufficient. A period between 5 and 10 years may be more appropriate. We consider that members of the public have a right to know information about the past conduct of someone that they are engaging for services.

Decision sought:

3. That the Committee retain the proposed amendments to section 301 of the Building Act (Matters to be contained in register) but provide clarification as to whether section 301(3) applies to licensed building practitioners who have had their license reinstated, or only those who no longer hold a license.

Codes of Ethics for licensed plumbers, gasfitters and drainlayers

MDC supports proposed new clause 105A being added to the Plumbers, Gasfitters, and Drainlayers Act 2006. We understand that these provisions enable the making and enforcement of codes of ethics for licensed plumbers, gasfitters, and drainlayers to support consistent expectations of professional conduct and enable regulators to take action against unethical or negligent behaviour. MDC agrees that the making and enforcement of codes of ethics for these professionals will increase consumer confidence and will provide a framework for unethical behaviour to be addressed.

Decision sought:

4. That the Committee retain new clause 105A to the Plumbers, Gasfitters and Drainlayers Act 2006 as drafted in the Bill.

Powers of entry and inspection

MDC recognises the importance of occupier consent and the sensitivities associated with entry into household units and marae, and supports the intent of new clause 316F to protect those interests. However, MDC notes that there may be circumstances where the requirement for consent, or the ability to impose conditions on entry, could affect the timeliness and effectiveness of complaint investigations. MDC encourages the Committee to consider whether additional guidance or procedural clarity is required to ensure investigations can be carried out in a proportionate and practical manner, while maintaining appropriate protections for occupiers.

MDC generally supports new clauses 316G and 316H which make a failure to comply with notice to provide information or to knowingly provide false or misleading information. However, the costs associated with prosecuting an offender will likely exceed any fine that individual is liable to pay. MDC considers that instant fines would be more effective in disincentivising such behaviour.

Decision sought:

5. That the Committee recommend the development of guidance to support the use of powers of entry to ensure that requirements for consent do not unduly impact on the timeliness and effectiveness of complaint investigations.

Need for coherent and sequenced reform

MDC encourages the Government to continue to treat occupational licensing reform, liability reform, and consenting system reform as interdependent parts of the same system. Effective licensing reform should contribute to rebalancing risk away from councils and ratepayers and toward those who design and construct building work. This is important to reducing systemic risk and supporting proportionate, risk-based regulatory decision-making by BCAs.

In particular, MDC considers it important that:

- strengthened licensing regimes are fully operational before any reduction in regulatory oversight is expected;
- councils receive clear guidance on how reforms interact and what reliance is appropriate at each stage; and
- transitional arrangements do not expose councils or consumers to increased risk.

MDC supports progression of the Bill as an important step toward strengthening accountability in the building system. MDC also encourages continued engagement with local authorities to ensure subsequent reforms are practical, enforceable, and improve outcomes without increasing undue risk to councils and ratepayers.

Decisions sought:

6. That Government develop and publish a coordinated implementation and sequencing plan across occupational licensing reform, liability reform, and consenting system reform, including monitoring impacts on councils, consumers, and build quality outcomes.

Closing Remarks

Thank you again for the opportunity to provide feedback on the Construction Sector (Strengthening Occupational Licensing Regimes) Amendment Bill.

MDC does not wish to speak to the Committee with respect to this submission. However, we would be happy to provide any points of clarification or to respond to questions from the Committee, if this would be of assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Shayne Harris'.

Shayne Harris

Chief Executive

8 January 2026

Committee Secretariat
Transport and Infrastructure Committee
Parliament Buildings
Wellington

Lodged via: [Building and Construction Sector \(Self-certification by Plumbers and Drainlayers\) Amendment Bill Submission - New Zealand Parliament](#)

Dear members of the Transport and Infrastructure Committee

Submission from the Manawātū District Council on the Building and Construction Sector (Self-certification by Plumbers and Drainlayers) Amendment Bill

The Manawātū District Council (MDC) thanks the members of the Transport and Infrastructure Committee for the opportunity to submit on the Building and Construction Sector (Self-certification by Plumbers and Drainlayers) Amendment Bill (the “draft Bill”).

General feedback

MDC supports in principle the proposal to introduce to the Building Act a new opt-in self-certification scheme for plumbers and drainlayers.

In particular, MDC supports the following aspects of the scheme:

1. Limiting the scheme to those plumbers and drainlayers that have been endorsed by the Plumbers, Gasfitters and Drainlayers Board (“the Board”) as meeting the necessary criteria in terms of qualification and competency, that will be set out in regulations made under the Plumbers, Gasfitters and Drainlayers Act 2006 (new sections 51A to 51H).
2. The proposal that certificates of compliance for self-certified plumbing and drainlaying work be held on a register by the Plumbers, Gasfitters and Drainlayers Board (new section 51D(3)).
3. Restricting the work that a plumber or drainlayer is able to self-certify (specified in regulations).
4. New monitoring and enforcement functions for the Board, including conducting audits of compliance issued under Part 2AA.
5. The amendments to section 392 (clause 12) which mean that a building consent authority (BCA) is not liable for self-certified work.

MDC agrees that the keeping of a register of certificates of compliance for self-certified work by the Board is necessary to ensure accountability for self-certifiers and to support the Board’s monitoring of the scheme (point 1. above).

MDC's support in relation to restricting the work that a plumber or drainlayer is able to self-certify (point 4. Above) is based on our expectation that the regulations will limit such works to those that are low risk. MDC agrees that it is still appropriate for a building consent authority to inspect more complicated and high risk plumbing and drainlaying work. These regulations should be developed in consultation with BCAs to ensure there is agreement on which types of works should be exempt from the scheme.

Decisions sought:

- That the Committee recommend the retention of new sections 51A to 51H as drafted.
- That the Committee approve the proposed amendments to section 172 and 172C (clause 44) that permit the Governor General, by Order in Council, to make regulations that define self-certifiable drainlaying and self-certifiable plumbing, and to limit such work to work that is "routine, not complex, and low risk."
- That the Committee support the new monitoring, enforcement and auditing functions for the Board.
- That the Committee approve the proposed amendments to section 392 in relation to civil proceedings (clause 12).

Concerns with the Bill

MDC has some concerns that the Bill may not achieve Government's desired cost and time savings. This is because the proposal has the effect of shifting the burden to those plumbers and drainlayers that opt-in to the scheme. These professionals will likely need to increase their insurance liability cover, and prepare additional compliance documentation to minimise risk. MDC shares concerns raised previously by the Palmerston North City Council that the reduction in inspections provides limited protection for homeowners, should issues arise after Code Compliance Certificate approval.

Section 89A – obligations on the owner

MDC does not support the proposal in section 89A to place an obligation on the owner to notify the BCA if a new or replacement approved self-certifying plumber or drainlayer who was not listed in the building consent application commences work on the building project or if the listed approved self-certifying plumber or drainlayer ceases to work on the project.

MDC thinks it is unrealistic for the owner of the building to be monitoring who is carrying out works on the project. Oftentimes the project management of a building project is not the owner but a building company or contractor. MDC considers it more appropriate for the onus to be placed on the self-certified plumber or drainlayer to notify the BCA of changes in who is undertaking the work. This will ensure that those who are certified under the scheme remain accountable. This change may also require consequential amendments to new Part 6 of Schedule 1AA (transitional provisions).

Decisions sought:

- That the Committee amend section 89A (clause 7) to shift the responsibility from the owner to the self-certified plumber or drainlayer to notify the BCA of any changes in who is undertaking work on the building project.
- That the committee make any consequential changes necessary to Part 6 of Schedule 1AA for consistency with the amendments to section 89A.

Other Matters

Another potential issue with the self-certification scheme is that some inspections require measurements that must be taken with tested, calibrated equipment, such as moisture metres and thermometers. This equipment is usually carried by Council's inspectors. MDC does not currently rely on equipment owned by tradespeople as this cannot be verified as being appropriately calibrated. MDC also does not lend out calibrated equipment to tradespeople given the risk of damage or loss (at the ratepayers' or home owners' expense), and the additional cost and time to tradespeople to pick up and drop back equipment to Council.

MDC suggests that the regulations for the registration of certified plumbers and drainlayers include an obligation to ensure that any equipment used for inspections remains calibrated.

Decision sought:

- That the Committee note that when the regulations are developed under the Plumbers, Gasfitters and Drainlayers Act 2006 for the certification of plumbers and drainlayers under the scheme, they include a requirement that any equipment used by a certified plumber or drainlayer remain calibrated.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Shayne Harris'.

Shayne Harris
Chief Executive

26 January 2026

Committee Secretariat
Transport and Infrastructure Committee
Parliament Buildings
Wellington

Dear members of the Transport and Infrastructure Committee

Manawatū District Council (MDC) welcomes the opportunity to make a submission on the Public Works Amendment Bill 2025 (the “draft Bill”).

MDC is a territorial authority established under the Local Government Act 2002, responsible for land-use planning, infrastructure provision, community outcomes, and representing the interests of its residents and ratepayers across a large, rural-provincial district.

Public works land acquisition is a matter of significant importance to the Manawatū District. MDC has a dual role under the PWA. It is both a requiring authority for local infrastructure projects (including roading, three waters, recreational facilities, and community facilities); and an advocate for landowners and communities affected by land acquisition for local, regional, and nationally significant projects.

MDC supports the overarching intent of the Bill to modernise aspects of the Public Works Act 1981 (“PWA”) and improve its efficiency and clarity. While MDC is largely supportive of the Bill as drafted, our submission suggests improvements to reduce the likelihood of litigation for local authorities acting as acquiring authorities under the PWA, and to ensure alignment between this reform and other reforms impacting on local government.

Amendments to the Preliminary Provisions

MDC supports those proposed amendments to the preliminary provisions that help to modernise the PWA and reduce administrative costs when acquiring land, including:

- The proposal to repeal the definition of public notice and to insert a definition of publicly notify; and
- Amendments to section 4 (clause 6) so that a notice under the PWA may be served or given electronically.

Decisions sought:

- That the proposed definition of “publicly notify” is retained in section 2 of the Bill (clause 4) as drafted.
- That the proposed amendments to section 4 (clause 6) be retained as drafted.

Amendments relating to acquisition or taking of, and dealing with, land

The PWA already contains a number of safeguards for landowners. Safeguards include the substantial evidence base required to justify land acquisition applications, and the ability for landowners to lodge an objection with an Environment Court. MDC recognises the importance of early and meaningful engagement with affected landowners and communities. Early engagement supports negotiated outcomes, reduces the likelihood of objection or litigation, and can assist in identifying alternative design or alignment solutions that avoid or minimise land acquisition.

MDC understands that new section 23D of the Bill streamlines the land acquisition process by introducing clearer statutory timeframes for progressing a Notice of Intention to Take land. In particular, section 23D provides that a notice will automatically lapse unless defined steps are taken within specified periods, including a new one-year timeframe requiring the acquiring authority to either progress the acquisition, formally confirm its intention, or be actively engaged in objection or review processes.

MDC supports new Section 23D given its intention to reduce prolonged uncertainty for affected landowners about negotiation timeframes. While the requirement for local authorities acquiring land under the PWA to achieve an outcome within a reasonable timeframe is already well established in case law, we recognise that protracted negotiation timeframes contribute significantly to landowner stress.

MDC considers that the PWA already sets out a fair process with fair compensation for affected landowners. MDC therefore supports new section 23C(2)(c) that clarifies that an objection must not relate to the amount of compensation payable under the PWA for a taking of land.

Decisions sought:

- That the Committee affirm the importance of early and meaningful engagement with affected landowners.
- That the Committee retain new section 23D as drafted in the Bill
- That new section 23C(2)(c) be retained as drafted in the Bill.

Combined Projects

MDC supports new sections 27A to 27D that provide for combined projects. We understand that these provisions enable a single entity to run the acquisition process on behalf of multiple agencies. MDC considers that these new provisions will encourage collaboration, reduce duplication and improve efficiencies. For example, where an application for land acquisition includes an area of state highway, MDC could run the acquisition process on behalf of NZTA. From a landowners perspective, this would mean that there is only one point of contact or notices, negotiations, and the formal PWA acquisition steps, rather than parallel approaches from two agencies.

Decision sought:

- That new sections 27A to 27D be retained in the Bill as drafted.

Emergency Recovery Land Acquisition

MDC supports the inclusion of new Part 2C (Acquisition or taking of land for emergency recovery). MDC understands that these provisions will enable land acquisition powers to be used immediately where land is required for emergency response and recovery, without the need for event-specific bespoke legislation. This is a pragmatic improvement on the status quo (bespoke legislation developed for each emergency), and is expected to support more timely recovery outcomes while providing greater certainty and clarity about the legal framework that applies following an emergency event.

The Manawatū District has recent experience of flood and weather-related events, and acknowledges the need for timely recovery interventions. Having legislation developed in advance of an emergency event will facilitate a more timely response. MDC is satisfied that the existing legal protections, the opportunities for objection, and the evidential base required for land acquisition provide sufficient safeguards for affected landowners.

However, MDC notes that there could be benefit in clarification of how such decisions align with local community response and recovery plans, to ensure the best available information is taken into account when powers are enacted.

Decision sought:

- That the emergency recovery land acquisition provisions be retained in the Bill as drafted.
- That the Committee consider requiring the Minister to clarify how these emergency recovery land acquisition provisions will consider community response and recovery plans, to ensure the best available information informs the response.

Transpower-Specific Provisions

MDC recognises the national importance of electricity transmission infrastructure and supports efficient delivery of works by Transpower. MDC supports new Part 2B of the Bill and considers that such provisions are necessary to modernise the legislation and to resolve long-standing inconsistencies between the acquisition powers for public and private electricity transmission providers nationwide.

However, MDC notes that the Bill introduces Transpower-specific land acquisition and transfer provisions that may operate independently of local planning and infrastructure coordination processes.

In the Manawatū District, nationally significant infrastructure often intersects with local roading networks, rural land uses, and future growth and development areas. Under the RMA replacement Bills, local authorities are required to work together with key infrastructure providers, including Transpower, to develop 30 year regional spatial plans, that identify where growth will go and the key infrastructure/corridors needed to support it. Should Transpower act independently of local authorities and deviate from

previous agreed growth planning corridors, this has the potential to undermine outcomes.

Decision Sought:

- That the Bill be amended to require Transpower to notify local authorities in relation to Transpower works, particularly where such plans deviate from previously agreed infrastructure plans/corridors.

Financial Impact of Compensation Changes on Local Authorities

MDC is concerned that the proposed changes to compensation provisions may result in a significant increase in land acquisition costs for local authorities acting as requiring authorities. MDC is also concerned about the cumulative impact of enhanced compensation provisions on rural and provincial districts, where infrastructure corridors are often extensive and land acquisition costs can form a substantial proportion of overall project budgets.

Unlike central government agencies, local authorities fund compensation primarily through rates and debt and must operate within the constraints of long-term plans and annual plans that are consulted on and adopted well in advance. Increased or less predictable compensation obligations create material financial risk for councils and may affect the timing, scale, or feasibility of essential local infrastructure projects.

MDC notes that central government is currently consulting on matters relating to rates affordability and rates banding. In that broader policy context, it is important that legislative changes do not unintentionally exacerbate cost pressures on local authorities or ratepayers, particularly where those costs arise from statutory changes outside local government control.

MDC also notes the risk that increased compensation entitlements could inadvertently reduce incentives for early negotiated acquisition, leading to longer timeframes, higher transaction costs, and greater reliance on compulsory processes.

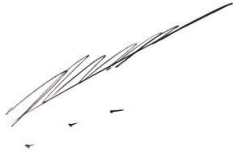
Decision Sought:

That the Committee ensure that the Bill gives adequate recognition to the funding constraints faced by local authorities as requiring authorities, by:

- providing clearer limits or guidance around the application of enhanced compensation provisions;
- considering mechanisms to ensure that the costs of land acquisition more appropriately reflect the broader public benefit of certain public works, rather than falling disproportionately on local ratepayers; and
- seeking advice on the likely fiscal impact of the proposed compensation changes on territorial authorities, including impacts on rates, debt, and infrastructure delivery.

MDC does not wish to be heard by the Committee in relation to this submission.
However, we would be happy to provide further information or clarification on any of the matters raised.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael Ford', with a long, sweeping underline that extends to the right.

Michael Ford

Mayor

4/02/2026

Rowan Burns
Policy Manager
Department of Internal Affairs
45 Pipitea Street
Wellington

Emailed to: ratescapping@dia.govt.nz

Submission from the Manawatū District Council on a rates target model for New Zealand

Dear Mr Burns

The Manawatū District Council (MDC) thanks the Department of Internal Affairs for the opportunity to provide feedback on the Government's proposed introduction of a rates target model for New Zealand.

General feedback

MDC does not oppose the principle of setting a target range for rates increases in New Zealand. However, MDC does not consider rates banding, on its own, to be an effective or sustainable response to the underlying funding challenges facing local government. There are a number of important considerations that should inform the final model to ensure the approach is appropriately targeted, practical to implement, and avoids unintended consequences.

MDC has fundamental concerns regarding the proposal that rates banding be expressed on a per capita basis, rather than per rating unit (for example, by separately used or inhabited part of a rating unit (SUIP)). Expressing rates increases in this way risks confusing the public, as rates are levied on a property basis rather than population. In addition, population-based measures are a poor proxy for rates affordability, as there is not a linear relationship between population growth and demand for council infrastructure, services, and regulatory functions.

MDC also shares the concerns raised by Taituarā – Local Government Professionals Aotearoa that capping rates within a target band may place the effective implementation of resource management reforms, emergency management reforms, and Simplifying Local Government reforms at risk.

As outlined in Manawatū District Council's *Open Letter on Rates Capping* to the Hon Simon Watts (August 2025), rates banding does not address the underlying issue that reliance on rates as the primary source of local government funding is unsustainable. Council continues to advocate for a revised funding model that provides local

authorities with a greater share of tax revenue and access to additional funding tools, thereby reducing reliance on rates. Council also reiterates its request for the removal of GST from rates, noting that this change alone would result in an effective 15 per cent reduction in rates. MDC considers that applying GST to rates amounts to a tax on a tax. As an alternative, Council suggests that consideration be given to allowing local authorities to retain GST collected on rates as a means of strengthening the sustainability of local government funding.

Feedback on the submission prepared by Taituarā – Local Government Professionals Aotearoa

MDC generally supports the submission prepared by Taituarā – Local Government Professionals Aotearoa. In particular, we support the following key submission points and recommendations:

- We concur with the general policy statement that preceded the Local Government (System Improvements) Bill that *“Rates rises are being primarily driven by rising council costs, particularly for critical infrastructure.”* As noted in our open letter to Hon Simon Watts, Minister for Local Government (dated 26 August 2025), the primary contributors to Council’s rates increase of 7.56% for 2025/26 was inflation for three waters, interest, the cost of gas, and cost of electricity. Only 1.08% of the total rates increase was attributable to new projects and initiatives.
- The model needs to be transparent – simple for councils and their communities to understand. This submission expands on the concerns that MDC has with the proposed rates target formula.
- The reliance on the CPI as a measure of price change underestimates the actual movement in infrastructure costs. Taituarā recommends CPI be replaced by the Capital Goods Price Index (CGPI) given it is more reflective of construction inflation pressures.
- The proposed rates target formula is not sufficiently localised. For example, the growth component should be applicable to all councils experiencing growth, not just an unspecified few councils.
- The proposed rates formula does not account for government mandated changes in levels of service or new responsibilities imposed on local government. Local government will become increasingly unwilling to accede to new central government mandates without full cost recovery mechanisms that sit outside of the rating system. For example, in the 2025/26 financial year, 0.34% of the rates increase was attributable to the new central government water levies.
- Stringent limits on rates could constrain local government’s ability to invest in infrastructure in a way that supports Central Government’s objectives in housing, urban development, and economic growth and development.
- The proposal creates a potential for shifting the cost burden for tourism, arts, heritage, culture and events from local government to central government. The regulator should have some ability to adjust the cap to account for exogenous events and variables that impact on local authority costs.
- Rates capping/banding could encourage councils to alter current funding arrangements for activities to shift income from rates, to fees and charges.

Our open letter on rates capping to Minister Watts (attached) provides some examples of the true cost to the community if council were to fund 100% of an activity via user fees and charges. We agree with Taituarā’s assertion that moving to user pays could lead to possible reductions in levels of service, and lead to unintended consequences such as negative impacts on health, social wellbeing and crime.

- A rates cap/band could undermine prudent financial management by incentivising short-term behaviours such as reducing spending on maintenance and renewals, and may discourage councils from investing in resilience measures during construction (i.e., may encourage councils to make decisions based on short-term costs at the expense of considering long-term sustainability and whole-of-life costs).
- More detail is needed on the process for applying to the regulator for exceptions.
- The regulator needs to be obligated to respond to applications for exceptions within a timely timeframe (a matter of weeks rather than months), to avoid uncertainty and disruption to councils’ Annual Plan and Long-term Plan work programmes.
- As the Commerce Commission is also the water services regulator, if appointed as the regulator for rates, there is potential for public confusion given the different regulation regimes that apply.
- Any metrics that local authorities need to consider will need to be in place well before local authorities finalise their financial strategies and revenue and financing policies for the 2027 Long-term Plan (i.e. no later than June 2026).
- That any levy or charge set by a third party and collected via the rating system be excluded from the model.

MDC agrees with the submission by Taituarā that the model and supporting information is not transparent about how population growth will be accounted for. MDC is concerned that Stats NZ traditionally underestimates population growth in the Manawatū District. Table 1 is a comparative table between the 2018 medium based projections from StatsNZ and our actual population estimates (StatsNZ) for those corresponding years:

TABLE 1

Year at 30 June	2019	2020	2021	2022	2023	2024
Stats NZ medium	31,440	31,780	32,120	32,460	32,800	32,960
Actual	31,500	32,100	32,600	32,800	33,200	33,600
Difference	60	320	480	340	400	640

Due to concerns regarding the accuracy of StatsNZ forecasts, MDC commissions Infometrics to prepare population and household forecasts to inform our Long-term Plan. MDC also notes that the changes to the census may further complicate the timing

and accuracy of any population projections commissioned by StatsNZ, particularly for Districts like the Manawātū that have a high proportion of their population living rurally.

MDC supports recommendation 5 in the submission by Taituarā that a population growth component be added for all local authorities that can demonstrate that they are forecast to experience population growth. MDC generally supports recommendation 6 in the Taituarā submission that local authorities be permitted to nominate either the Statistics New Zealand forecasts of population for their area, or forecasts from a provider whose methodology has been certified as being robust. Where MDC's view differs slightly from that of Taituarā is that we consider the audit of local authorities' population and household forecasts as part of a Long-term Plan to provide this assurance. We would not support population estimates having to be certified by the regulator in consultation with the Government Statistician, if such an approach would add to the cost of administering the model.

MDC recommends that the growth component for all Councils experiencing growth be based on population and household projections that have been audited as part of councils' Long-term Plans. MDC considers that household rather than population projections may more closely align with a rating target that applies on a per-rating unit (price) basis. The Committee should therefore consider whether the formula should be amended to refer to household growth or increase in number of rating units, as opposed to "population growth" and the "average residential population."

MDC agrees with the concerns raised in the submission by Taituarā that any new responsibilities/mandates imposed on local government by central government should come with commensurate funding, or that the regulator should be able to adjust the "cap" where an exogenous event has had a systemic impact on local authority costs. However, our support for recommendation 2 in Taituarā's submission that the DIA or regulator prepare an annual report to "*identify any new responsibilities imposed on local government, and any steps taken to mitigate additional cost imposed by those new responsibilities*" is contingent on ensuring that such a requirement is not funded through increased levies on local government.

MDC also generally supports recommendation 3 in the Taituarā submission that asks for central government to replace all existing limits on local government's ability to set fees and charges for statutory functions with a power to charge actual and reasonable costs (extending this power to also include staff time and overheads). However, any changes to fees and charges facilitated by the removal of limits would need to be carefully managed to avoid unintended consequences.

Consultation questions

1. *Do you agree with the proposed economic indicators to be included in a formula for setting a rates target?*

MDC does not support the proposed use of CPI as the primary indicator of price change within the formula. CPI is a household cost-of-living measure and does not reflect the main drivers of council cost escalation, particularly where costs are driven by labour, construction inputs, and contractor markets. MDC supports the use of independently produced economic indicators but considers the proposed indicator

set should be refined so that the price-change measure better aligns with local government cost pressures.

2. *If not, what economic indicators do you suggest be included and why?*

MDC supports the use of Stats NZ capital and construction-related indices (such as CGPI, and relevant construction measures within the Producer Price Index framework), as these are more closely aligned with infrastructure and service delivery cost escalation than CPI and are transparent and independently produced. MDC also notes that local-government-specific cost adjustors (such as those prepared by BERL for LTP forecasting) are often more cost-reflective than CPI. However, we recognise that as the Local Government Cost Index is commissioned by Taituarā and paid for by the sector, use of this in the formula may be perceived as not meeting the government's requirements for independence. If the LGCI is to be used in a national formula it must be independently governed, transparent, and not sector-controlled - potentially through direct central government commissioning or a Stats NZ-led approach.

a. *Does setting the minimum of the target in line with inflation ensure that councils can maintain service standards? If not, why not?*

No. Setting the minimum target in line with inflation alone does not ensure councils can maintain service standards, because councils face real cost and demand growth that is not captured by inflation measures. Key drivers include population growth and demographic change, regulatory and compliance requirements, the need to address asset condition and renewals, and climate resilience and risk obligations. If the minimum target is constrained to inflation only, it risks creating an expectation that councils can absorb these pressures without impacting service levels or asset performance. The outcomes of which could be deferred maintenance, reduced service standards, or increased operational and compliance risk over time. The minimum target should therefore recognise that maintaining service standards often requires funding growth beyond inflation.

3. *Does the maximum of the target account for council spending on core services?*

MDC is not confident that the proposed maximum of the target range (anchored to long-run nominal GDP growth) will reliably account for council spending on core services. Core services such as network infrastructure, waste management and minimisation, civil defence emergency management, and community and recreational facilities are increasingly subject to cost escalation and regulatory requirements, and resilience expectations that are not well captured by a single GDP-based measure. MDC notes that the proposal assumes the system is in a "steady state" where infrastructure deficits have been addressed and investment is constant as a share of GDP. However, many councils are not in that position and are managing significant renewal and resilience needs, and funding catch-up investment to avoid further deterioration of assets.

MDC also notes the analysis referenced in Local Government New Zealand's submission which questions the appropriateness of anchoring the upper bound of the target range to long-run nominal total GDP growth. LGNZ highlights that general government expenditure growth has historically exceeded total GDP growth, and argues that this more closely reflects the cost environment faced by councils.

This analysis reinforces MDC's concern that a GDP-anchored maximum may not adequately capture the cost pressures associated with delivering and maintaining core local government services, particularly where those costs are driven by labour, construction markets, regulatory standards, and infrastructure renewal requirements rather than general economic output.

In addition, Manawatū District Council notes the concerns raised in Local Government New Zealand's submission regarding the potential implications of a binding rates cap or band for councils' credit ratings and borrowing costs. LGNZ has highlighted that constraining councils' primary revenue source may negatively affect lender and rating agency assessments of council financial flexibility, increasing borrowing costs and reducing councils' ability to fund long-term infrastructure investment.

MDC considers this risk particularly relevant in the context of central government expectations that local authorities will take on greater levels of debt to address infrastructure deficits. Even small increases in borrowing costs can materially affect councils with significant debt portfolios, potentially reducing their capacity to fund long-term infrastructure investment. This interaction should be explicitly considered in the final design of the rates target model.

MDC also notes that the design intent of the model appears to focus on constraining expenditure outside a government-defined set of core services, when the evidence indicates that the cost of delivering core services is the primary driver of rates increases.

While the proposal states that councils retain discretion over how rates funding is allocated, a maximum target that is too tightly anchored will constrain the overall rates-funded envelope over time. MDC is concerned that in applying the cap to price and not volume, growth in the rating base is not reflected in the cap. In MDC's opinion, this approach does not reflect the reality that not all rates increases translate into increased burden on existing ratepayers. For example, in 2025/26 the total rates increase was 7.56%, but 1.57% was absorbed by growth in rating units, reducing the impact on existing ratepayers to 5.99%. This illustrates that council "headline" rates changes already reflect structural factors such as growth, alongside genuine cost pressures in core services. A maximum band that does not adequately reflect these drivers risks limiting councils' ability to maintain core service standards and meet statutory obligations.

4. What council spending will not be able to take place under this target range? Why?

While the proposal is described as a target band rather than a formal cap, Manawatū District Council notes the observation made in Local Government New Zealand’s submission that, where the upper bound becomes binding, the practical effects for councils may be indistinguishable from a rates cap. In such circumstances, councils’ ability to respond flexibly to cost shocks, investment needs, or community priorities may be materially constrained.

MDC’s comments below therefore focus on the likely behavioural and investment impacts that may arise if the upper bound operates as a binding constraint in practice.

Because the proposal is a target band rather than a service-by-service restriction, the most likely impacts are not that certain activities are formally prohibited. Instead, if the band becomes binding, councils will need to reprioritise within a constrained rates-funded envelope. In practice, the spending most at risk of being reduced, delayed, or deferred is the spending that is easiest to adjust in the short term, even where that is not optimal for communities or long-term affordability. Short-term underinvestment and deferred maintenance could lead to much higher catch-up costs over the long-term.

MDC considers the areas most likely to be affected include:

- Preventive maintenance, renewals and resilience investment, where deferral is often the quickest way to remain within a constrained funding envelope. Over time, this increases the risk of compounding asset deterioration, higher future costs, and service failures.
- Cuts to discretionary funding that is often characterised as “non-core”, but which responds to increasing local need. MDC has previously noted that, despite this spending being a small proportion of the Council’s budget, reductions would have disproportionately negative impacts on communities and shift costs elsewhere in the system.
- Regulatory service delivery, particularly where councils have limited ability to recover full costs through fees and charges due to cost recovery constraints, consultation requirements, or statutory settings. In these circumstances, a constrained rates-funded envelope may result in reduced service levels, longer processing timeframes, or reduced capacity rather than improved efficiency.
- Depreciation funding and asset reinvestment, particularly where councils are already underfunding depreciation for some assets. MDC has previously noted that it currently funds only 50% of depreciation for some significant assets (including the Makino Aquatic Centre and Manawatū Community Hub Libraries). If the upper bound of the target band becomes binding, councils may be further incentivised to underfund depreciation or defer reinvestment in order to remain within the band, directly affecting service standards and long-term affordability. In this context, MDC notes the concern raised in Local Government New Zealand’s submission that constrained revenue settings may create systemic

incentives for such behaviour across the sector, undermining long-term asset condition, affordability, and intergenerational equity.

- Insurance and financing pressures, which are largely outside council control and can remain elevated despite changes in headline interest rates due to fixed-rate borrowing and hedging arrangements. The existing debt position of councils needs to be a factor that is considered.

MDC also expects that a binding target band would increase incentives to shift funding from rates to fees and charges, which can reduce access to services and shift costs onto individual service users. MDC has previously highlighted that if the Makino Aquatic Centre were required to move to full cost recovery through user charges, adult general admission would need to increase from \$5.50 to \$28.16 (an increase of 412%). Similarly, MDC has noted that full cost recovery for cemetery services would require fee increases of more than 150%, which would have significant impacts in rural communities with low service volumes. These examples demonstrate that shifts from rates to user charges can create substantial equity and access issues, even where councils are attempting to remain within a constrained rates-funded envelope.

When comparing this proposal with Australian rates capping models, it is worth noting that Australian councils receive funding from federal government as a matter of course, and additional funding for significant projects. Other than FAR rates for roading projects, New Zealand councils receive little in the way of central government funding.

Rates capping has the potential to constrain councils' primary revenue source for funding infrastructure, particularly in high-growth areas where upfront investment is required to enable development. In this context, the proposed rates banding framework risks limiting local government's ability to address New Zealand's well-documented infrastructure deficit and may not be well aligned with the Government's stated objective of accelerating infrastructure delivery and development to support economic growth.

5. *Are changes to the target needed to account for variations between regions and councils? What changes do you propose and why?*

Yes. MDC supports changes to ensure the model is appropriately localised, recognising that councils face materially different combinations of growth pressures, infrastructure condition and renewal requirements, geographic scale, climate risk exposure, and regulatory obligations. A single national band with limited differentiation risks placing disproportionate pressure on councils with high renewal needs or significant growth, and may constrain councils' ability to maintain service standards and meet legislative requirements.

MDC is responsible for a geographically extensive roading network, comprising approximately 1,369 km of roads and around 380 bridges and culverts, which

requires substantial ongoing maintenance and renewal to sustain agreed levels of service. Approximately 53 per cent of the District's population resides in Feilding, with the balance living rurally or in rural villages. Rural-provincial councils such as Manawatū District Council must therefore provide and maintain core services, including water and roading, across a wide geographic area with fewer ratepayers to share the cost base, creating inherent affordability pressures that are less pronounced in more urbanised councils.

By way of example, in the 2023–24 financial year, rural roads accounted for 89 per cent of the Council's total roading infrastructure costs. In this context, rates banding is likely to have a disproportionate impact on rural-provincial councils, where extensive asset networks, dispersed settlement patterns, and a smaller rating base result in a greater reliance on general rates to fund essential infrastructure maintenance and renewal.

The requirements of the National Policy Statement on Urban Development (NPS-UD) further illustrate potential policy misalignment. Under the NPS-UD, councils are required to maintain a competitiveness margin by ensuring a surplus of development-ready land—typically 15–20 per cent above projected demand—to enable timely development and support growth outcomes. However, the development contributions framework enables councils to recover only the actual, attributable costs of growth-related infrastructure and does not provide for full cost recovery where infrastructure capacity must be provided in advance of demand to meet competitiveness requirements.

In practice, the funding gap between infrastructure that can be recovered through development contributions and infrastructure required to meet NPS-UD obligations is met through general rates. Constraining councils' ability to raise rates through rates banding therefore risks undermining their capacity to meet statutory obligations under the NPS-UD and may be inconsistent with the Government's stated objective of accelerating development and enabling growth.

MDC also supports the position outlined in Local Government New Zealand's submission that greater transparency is required regarding the cumulative cost impacts of central government policy and legislative changes on local authorities. LGNZ has suggested that the regulator play a role in monitoring and reporting on cost shifting from central government to councils.

MDC considers that improved visibility of these impacts would support a more transparent and evidence-based application of the rates target model, provided that any such monitoring function is not funded through additional levies on local government.

MDC proposes the following changes:

1. Confirm the target applies on a per-rating unit (price) basis rather than acting as a total rates revenue cap. This will ensure the model reflects the rates burden experienced by households and businesses and does not penalise growth councils where part of the overall rates increase reflects changes in the number of rating units (as demonstrated by MDC's 2025/26 rates increase, where a portion was absorbed by growth).
2. Introduce transparent adjustment mechanisms that recognise local drivers of expenditure and investment need, including:
 - growth and development pressures (including the portion of growth costs not recovered through development contributions/levies);
 - infrastructure renewal deficits and asset condition;
 - resilience investment needs and emergency recovery requirements; and
 - regulatory and compliance-driven cost pressures beyond council control.
3. Provide a clear and workable variation process, including a lighter-touch and time-bound pathway for emergency recovery and disaster events, and clear decision timeframes to avoid delaying essential works or creating perverse incentives to defer investment.

Clarification required: scope of the waters exclusion

MDC notes there is ambiguity in the proposal's stated exclusion for "water charges and water-related targeted rates." MDC's Revenue and Financing Policy includes a mixed funding approach for waters-related activities, with components funded through both targeted rates and general rates. For example, MDC currently funds urban stormwater through a combination of targeted rates (80%) and General Rates (20%). If the exclusion applies only to explicit water charges and water-related targeted rates (and not to waters costs funded through General Rates), councils such as MDC could be unintentionally constrained in their ability to fund essential waters services and renewals. This would create inequity between councils based on rating structure rather than service need and could incentivise councils to restructure rating policies for compliance rather than sound long-term funding decisions. MDC therefore recommends that the scope of the waters exclusion be clarified and applied consistently to waters-related funding regardless of the rating mechanism used, to avoid unintended impacts on infrastructure investment and service standards.

MDC notes that the treatment of three waters will materially affect councils that are retaining in-house delivery arrangements during the transition. While the proposal indicates that "water charges and water-related targeted rates" are excluded, the practical impact on councils will depend on how this exclusion is defined and implemented, including whether waters-related expenditure currently funded through General Rates is also excluded. If waters investment, compliance, or financing pressures remain within the rates-funded envelope in practice during transition, this will affect councils' ability to manage debt servicing, renewals investment, and affordability while maintaining service standards.

Recommendations

That the Committee:

A. Endorse and address the following key issues identified in the submission by Taituarā – Local Government Professionals Aotearoa:

1. That the Committee make amendments to the proposed formula in the rates target model to make it more transparent and readily understood by councils and their communities. Added to this, there needs to be a clear and workable exception/variation process and timely decision-making by the regulator.
2. That the Committee recommend that the proposed formula is amended to remove CPI as the price change measure, noting that CPI is not reflective of the cost drivers faced by local government and that a more appropriate indicator is required.
3. That the Committee recommend changes to the rates target model to ensure it is sufficiently localised, including that growth pressures are appropriately recognised and are applicable to all councils experiencing growth rather than an unspecified subset.
4. That the Committee recommend changes to the rates target model to ensure it accounts for government-mandated changes, including new statutory responsibilities and mandated changes in levels of service, with appropriate cost recovery mechanisms that sit outside the rates target model.
5. That the Committee recognises and recommends amendments to the proposal to address the concerns raised in the Taituarā submission with respect to the unintended consequences that may result from shifting revenue from rates to fees and charges, including impacts on levels of service, reduced demand for services, and wider social and wellbeing impacts.
6. That the Committee recognises and recommends amendments to the proposal to ensure that it avoids perverse incentives for short-term decision-making, including deferral of maintenance and renewals and discouraging investment in resilience measures and whole-of-life planning.
7. That the Committee ensures that the proposal recognises the need to ensure that implementation settings and any new metrics are available well in advance of councils' 2027 Long-Term Plan processes (i.e. no later than June 2026).
8. That any other levy or charge set by a third party and collected via the rating system be excluded from the model.

B. Endorse the following additional recommendations requested by the Manawātū District Council in its submission:

9. That the price change measure be strengthened by using Stats NZ capital and construction-related indices, such as the Capital Goods Price Index (CGPI) and relevant construction measures within the Producer Price Index framework, as these are more reflective of council cost escalation pressures than CPI and are independently produced and transparent.

10. That Government consider a pathway for the use of a local government cost index (LGCI), including the BERL local government cost adjustors, noting that such an index may be more cost-reflective than CPI but would require appropriate independent governance and commissioning arrangements (for example, direct central government commissioning or a Stats NZ-led approach) to meet neutrality and independence requirements for inclusion in a national formula.
11. That Government address the treatment of GST on rates as part of wider local government funding reform. MDC recommends that either GST be removed from rates or, alternatively, that GST collected on rates be retained by local authorities to support local service delivery and infrastructure investment.
12. That the minimum target not be set solely by reference to inflation, and instead recognise that councils face demand and regulatory pressures not captured by inflation measures (including population and demographic change, compliance requirements, asset renewal needs, and climate resilience obligations). Undue pressure on councils could increase the risk of deferred maintenance, reduced service standards, and increased operational and compliance risk.
13. That the model recognise the impacts of growth in rating units when assessing affordability and changes in rates burden, noting that headline rates increases do not necessarily reflect the burden on existing ratepayers (as demonstrated by MDC's 2025/26 rates increase, where growth absorbed part of the overall increase). Note – in giving effect to this recommendation, the formula may need to be amended to replace “population growth” and “average residential population” with “household growth” and/or “increase in the number of rating units.”
14. That the model explicitly address the risk that, if the target band becomes binding, councils may be incentivised to underfund depreciation and defer asset reinvestment, and that this be treated as a key unintended consequence to be avoided in the final design.
15. That Government clarify the scope and operation of the exclusion for “water charges and water-related targeted rates”, including whether the exclusion applies to waters-related costs funded through general rates, to avoid inequity between councils based on rating structure and to prevent perverse incentives for councils to restructure rating policies for compliance rather than sound long-term funding decisions.
16. That the model and any associated guidance explicitly recognise that councils' financing costs may not respond immediately to movements in headline interest rates, due to fixed-term borrowing and hedging profiles, and that assumptions or settings in the model should avoid overstating councils' capacity to “benefit” from short-term interest rate movements.
17. That Government ensure the variation/exception mechanism is clear, timely, and workable, including decision timeframes and a lighter-touch pathway for emergency and disaster events, to reduce the risk of delayed essential works and unintended service impacts.

If given the opportunity, MDC does wish to be heard in respect of this submission.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael Ford', with a long, sweeping horizontal stroke extending to the right.

Michael Ford

Mayor

Attachment: Open Letter to Minister Watts on Rates Capping

3/02/2026

Committee Secretariat
Governance and Administration Committee
Parliament Buildings
Wellington

Dear members of the Governance and Administration Committee,

The Manawatū District Council (MDC) thanks the members of the Governance and Administration Committee (the Committee) for the opportunity to make a submission on the Emergency Management Bill (No 2).

General comments

The intent of the Bill is supported but successful reform will depend on practical, staged implementation and appropriate resourcing

Relevant provisions: Whole Bill

MDC supports the Bill's overall intent. In particular, MDC supports the retention of the 4 R's approach to risk management and the devolution of responsibilities to all parts of society, with risks being managed by those who are best placed to manage them, at the lowest appropriate level.

MDC agrees with the assertion made by Taituarā - Local Government Professionals Aotearoa in their submission that successful reform will depend on practical, staged implementation that is appropriately resourced. The Regulatory Impact Statement for the Bill suggests that significant costs will fall to local government to implement the new provisions. As outlined in the Taituarā submission, these additional costs will arise in the context of significant fiscal constraints for local government. Taituarā also anticipates that costs will be disproportionately higher for councils like MDC that have a smaller, dispersed population, and a greater susceptibility to natural hazards. MDC agrees with Taituarā that if this reform is a priority for local government and for central government – its implementation needs to be resourced adequately. Without adequate resourcing of local government by central government to implement the new requirements, the expected benefits will not be realised.

MDC also notes the concerns raised by Local Government New Zealand in their submission on the Bill regarding the affordability and deliverability of the proposed reforms for councils, particularly in the context of increasing hazard frequency, climate-driven events and multiple overlapping system reforms. MDC agrees that, without sustainable funding arrangements, there is a risk that the Bill's objectives will not be realised consistently across all council types.

MDC also agrees with the concerns raised in the submission by Taituarā regarding the need to ensure alignment across all legislative reform involving local government functions relating to natural hazards. The Taituarā submission identifies several potential inconsistencies or overlaps between the Emergency Management Bill (No 2), the Local Government (Systems Improvements) Bill, the Planning Bill and the Natural Environment Bill. MDC supports recommendations 1 – 8 in the submission by Taituarā that seeks to achieve the address these inconsistencies.

MDC notes that the Bill is being progressed alongside wider local government reforms that may introduce new regional governance arrangements, including Combined Territorial Boards (CTBs). At the time of this submission, the roles, powers and accountabilities of CTBs in relation to emergency management functions have not yet been clearly defined. MDC considers there is a risk that, without clear sequencing and explicit guidance on how any future CTB arrangements will interface with Emergency Management Committees, Controllers and existing local authority responsibilities, uncertainty could arise at both governance and operational levels. This is particularly relevant in large and geographically diverse regions such as Manawatū-Whanganui, where clarity of leadership, prioritisation and decision-making is critical during emergency response and recovery.

MDC therefore encourages the Committee to ensure that the Bill, and any associated implementation guidance, clearly addresses transitional arrangements and interfaces with any future regional governance structures, so that accountability, authority and coordination are unambiguous during emergency events.

Decision sought:

1. That the Committee consider the cost implications of this new legislation and ensures that local government is appropriately resourced to implement the new requirements in a timely manner.
2. That the Committee support and give effect to recommendations 1 – 8 in the submission by Taituarā.

Changes to terminology and transition risks

Some of the terms used in the Bill should be reconsidered, as they have the potential to create confusion and implementation issues

Relevant Bill Provisions: Whole Bill

MDC notes that a number of terminology changes proposed in the Bill have the potential to create confusion and unintended consequences during implementation, particularly where new terms overlap with long-established concepts already in use across councils and communities. MDC considers that clarity of language is especially important in the emergency management system, where shared understanding of roles, responsibilities and authority is critical during response and recovery.

For example, many councils already operate emergency management committees at the local level, whereas the “Emergency Management Committees” established under the Bill are intended to function at a regional level. MDC is concerned that using the same or similar terminology for bodies operating at different scales may create

confusion for elected members, partner agencies and the public. MDC considers that alternative terminology which more clearly reflects the regional, mayoral and governance-focused nature of these bodies (for example, “Regional Mayors Emergency Management Forums”) would reduce ambiguity and better signal their intended role and membership.

MDC also notes that the Bill replaces the long-established term “Local Controller” with “District Controller”, while reserving the term “Local Controller” for use by unitary authorities. MDC is concerned that this change may unnecessarily disrupt well-understood local roles and training pathways. MDC considers that it may be more practical for existing local controllers to retain their established title, with a distinct title introduced for controllers appointed by unitary authorities, rather than re-labelling roles that are already widely understood and embedded in practice.

Finally, MDC reiterates its previous concerns about the removal of “Civil Defence” from the legislative framework. As outlined in MDC’s submission on Strengthening New Zealand’s emergency management legislation (May 2025), communities have a strong and well-established understanding of “Civil Defence” as relating to community preparedness, readiness and self-help. MDC considers that “emergency management” is more commonly understood as the system that operates during and after an event, with communities as recipients of those services. MDC deems these concepts to be distinct but complementary components of the same system, and is concerned that removing “Civil Defence” from the legislation may weaken community recognition, preparedness messaging, and the public’s connection to the system.

Decisions sought:

3. That the Committee consider whether the terminology used for Emergency Management Committees appropriately reflects their regional governance role and membership, and whether alternative terminology that more clearly distinguishes these bodies from existing local-level emergency management committees would reduce confusion during implementation.
4. That the Committee consider whether long-established titles for Local Controllers should be retained for territorial authorities, with a distinct title introduced for controllers appointed by unitary authorities, rather than re-labelling roles that are already well understood and embedded in practice.
5. That the Committee consider whether the removal of the term “Civil Defence” from the legislative framework may have unintended impacts on community understanding and preparedness, and whether retaining or better acknowledging the concept of civil defence within the legislation would support public recognition of community-led preparedness alongside emergency management functions.
6. That the Committee consider providing clear transition guidance and communications to support consistent understanding and adoption of new terminology across councils, partner agencies and communities.

Engaging with Disproportionately Affected Communities section 86(2)(a)

Requirements to consider the needs of communities who may be disproportionately affected during an emergency are supported, as long as legislative obligations do not hinder our ability to tailor engagement to local needs

Relevant Bill Provisions: 86(2)(a), 91(1)(k) and 94.

MDC agrees that emergencies disproportionately affect some population groups more relative to others. As noted in our feedback on the “Strengthening New Zealand’s emergency management legislation” discussion document, some people and groups are disproportionately affected by emergencies and have different needs that cannot be met through a “one size fits all” approach. For example, the percentage of Māori land within the Manawatū District is around 1%. 84% of this land is next to waterways such as the Manawatū, Rangitikei and Ōroua Rivers and their tributaries that have a long history of flooding. MDC also recognises that remote rural communities that rely on one or two key transport routes may be disproportionately affected by emergencies (e.g. Tangimoana and Āpiti in the Manawatū District).

Some of our rural communities have limited internet and mobile phone access. This makes information sharing difficult on a good day, and virtually impossible during emergency events. Some people are more vulnerable by virtue of being less willing or able to engage or have an increased level of mistrust.

MDC generally supports the following sections in the Bill:

- section 86(2)(a) of the Bill that makes the Director-General of Emergency Management responsible for identifying communities that may be disproportionately affected by emergencies and to engage with representatives from those communities during the development of the national emergency management plans. However, MDC questions how effective national-level engagement could practically address the needs of specific communities.
- Section 91(1)(k) that requires each Emergency Management Committee’s regional emergency management plan to state and provide for the needs of any community in the Committee’s area that may be disproportionately affected during an emergency.
- Section 94 that requires the Emergency Management Committee to engage with representatives of any community that the Committee considers is likely to be disproportionately affected in an emergency when developing the regional emergency management plan.

MDC considers that local authorities and Emergency Management Committees (EMCs) are best placed to understand their communities’ diverse needs. MDC therefore recognises the value in EMCs identifying those communities that may be disproportionately affected by emergencies, and to engage with representatives of those communities during the development of emergency management plans. MDC already works with Community Committees and relevant community organisations to promote emergency management in neighbourhoods and the wider community. Council also engages with and supports iwi driven initiatives within the Manawatū District to support vulnerable community members in emergency events.

However, we have reservations about making engagement with disproportionately impacted communities a statutory obligation. Our concerns with adopting a statutory approach are as follows:

- EMCs may be legislatively required to engage with these groups in a way that does not best meet the needs of these communities and iwi/Māori.
- A prescribed approach may lead to challenges of discrimination against certain groups.
- Mandated requirements could open EMCs up to greater liability.

While MDC would have preferred national level guidance to a legislative requirement, section 94 of the Bill is sufficiently open (i.e. refers only to “engage with representatives of any community”) for us to continue to tailor our engagement approach to the specific needs and preferences of each community.

MDC supports the Bill’s intent to ensure that emergency management planning recognises and responds to the needs of communities that may be disproportionately affected by emergencies. However, MDC notes that the broad framing of this concept may create uncertainty for EMCs when determining which communities should be engaged with for specific hazards or events, particularly given that vulnerability can vary depending on the nature, scale and location of an emergency. MDC considers that clearer national guidance on how “disproportionately affected communities” should be identified and applied in practice, and how national-level and regional engagement responsibilities should be coordinated, would support consistency across the system, reduce duplication and engagement fatigue, and provide greater confidence for councils in meeting their statutory obligations.

Decision sought:

7. That the committee reconsider whether the requirement to identify and engage with communities who may be disproportionately affected during an emergency when developing national and regional emergency management plans (sections 86(2)(a), 91(1)(k) and 94) should be a statutory obligation. MDC recommends consideration be given as to whether national guidance is a more appropriate approach so as to ensure flexibility is retained in how the needs of these communities are considered and responded to.

Strengthening the role of iwi Māori in emergency management

MDC supports strengthening iwi/Māori participation across governance and planning, but considers expectations should be matched with clear appointment/capability settings and resourcing to support effective participation

Relevant Bill Provisions: s92(2)(f), 94(b), s95

MDC notes that the Bill strengthens the role of iwi Māori in emergency management in the following ways:

- Mandatory appointment of Māori-interest/value members to Emergency Management Co-ordinating Executive Groups (CEG) (section 39(2)(f))
- Mandatory requirement for the EMC to “engage with and involve” representatives of iwi and Māori in the Committee’s area in the development of the regional emergency management plan (section 94(b))
- Mandatory requirement for the Director-General to notify and have regard to comments received from representatives of iwi and Māori within the

Committee's area when developing the national emergency management plan (section 95)

MDC supports strengthening iwi Māori participation in emergency management, but with important caveats about resourcing, selection and flexibility.

MDC agrees that greater recognition is needed of the willingness, expertise and capability of iwi Māori in emergency management. MDC recognises the community benefit that comes from having Māori representation on the CEG, as without local representation, the pre-planning of a community response, and welfare co-ordination during an emergency event involving local marae risks being disjointed and ineffective.

MDC agrees with the submission by Taituarā that clause 39 should be amended to specify that at least one Māori representative be appointed as a member to the CEG, rather than the appointment of “persons with local perspectives of Māori” etc. The current wording in the Bill with respect to the appointment of Māori representatives is in our view too generalised to provide assurance that the “right person” is appointed. MDC is of the opinion that the appointment of the Māori representative should be iwi led. MDC recognises that there is value in appointment two Māori representatives concurrently from a succession planning and resourcing perspective.

MDC notes that while the Bill creates participation obligations, these obligations do not come with the central government reimbursement/resourcing mechanisms that we requested through our previous submission on Strengthening New Zealand's emergency management legislation (May 2025). Without central government resourcing, MDC is concerned that these members will not be able to participate fully in the emergency management system.

MDC also supports the position advanced by Local Government New Zealand in their submission that meaningful iwi Māori and community participation in emergency management requires dedicated funding and capability support, rather than reliance on unfunded goodwill or variable local resourcing.

MDC notes that clause 41 of the Bill requires an Emergency Management Committee to provide any necessary resources, information, and administrative support to the members of the Emergency management CEG that are appointed to provide for the interests and values of local Māori communities and of local rural communities. Such requirements add considerably to the cost of implementing these new requirements, particularly for rural provincial councils like MDC. MDC does not support the resourcing burden falling on the EMC, and instead considers that their membership should be central government funded, so as to not increase the financial burden on local authorities.

MDC notes that while the Bill is prescriptive at the system level, it does not prescribe what approaches iwi Māori use when sharing experiences/mātauranga. MDC supports the system retaining flexibility in how iwi Māori contribute.

Decisions sought:

8. That the requirements for iwi Māori and local rural communities' involvement in emergency management be matched with central government funding or reimbursement to support participation.
9. That clause 39 of the Bill be amended to specify that iwi appoint their representatives to the CEG.

Changes to roles at national level

MDC supports the Bill formalising and clarifying national leadership roles and responsibilities and strengthening national coordination and accountability settings

Relevant Bill provisions: s14, s19, s20, and Subpart 2 – Regional Role-holders ss23-68

We recognise that the Bill defines new statutory roles and functions, such as the Director-General of Emergency Management (s14), National controller (s19), National Recovery Manager (s20).

These changes reflect the establishment of the National Emergency Management Agency (NEMA) and provide a clearer legislative basis for the national emergency management leadership arrangements. These new roles are therefore supported by MDC.

MDC supports stronger national direction and intervention tools. In particular, MDC supports the Bill giving the Director-General of Emergency Management greater authority to intervene, supported by stronger enforcement tools.

MDC supports the Bill formalising and clarifying lead agencies responsible for planning and co-ordinating response to particular hazard-specific emergencies. MDC considers that such provisions will improve the effectiveness of regional plans through improved leadership and accountability.

MDC supports the emphasis placed by Local Government New Zealand on the need for clear operational guidance on direction, control and escalation during complex and multi-agency emergencies, to ensure decisions are made quickly by the right people and roles are clearly understood across the system.

Decision sought:

10. That sections 14, 19 and 20 (national leadership roles and responsibilities) be retained as drafted in the Bill.

Rule-making Authority

MDC supports national consistency tools, but seeks safeguards to prevent over-prescription of operational practices and to strengthen co-design/consultation expectations for prescribed forms and compliance tools

Relevant Bill provisions: Section 212 (including section 212(1))

MDC supports the intent of establishing a clearer and more consistent national operating environment through the use of rules, technical standards and guidance, particularly where these support minimum performance expectations, effective information sharing, and system assurance.

MDC understands that the Bill has effectively relocated rule-making powers upward from the Director (Chief Executive of NEMA) to the Minister. While this change addresses some of the concerns MDC has previously raised in relation to the powers afforded to the Director, we remain concerned that the Bill enables a high degree of central prescription without sufficiently clear safeguards.

Section 212 of the Bill gives the Minister the power to prescribe forms for the purposes of this Act, regulations, or rules. During Covid Lockdown One, there was one form in particular, Āwhina, that was promoted by NEMA but rejected by most, if not all, Councils at the time. The form was poorly constructed and did not serve its intended purpose. To ensure that forms and other compliance tools are fit for purpose, proportionate to risk and practical to implement, MDC recommends that they be co-designed with EMCs, iwi/Māori and other relevant agencies.

MDC is concerned that section 212(1)(b) gives the Minister the power to prescribe “...operating practices, procedures, and systems...” The Minister’s powers should be limited to prescribing technical/data standards, performance standards, and interoperability requirements, but should not extend to operational decision-making approaches, except where expressly authorised elsewhere in primary legislation. Rules or standards that prescribe operational approaches (including in relation to concurrent emergency designations) could constrain a local authority from acting in the manner it considers will best serve its people. Local authorities should have the power to make autonomous decisions for their communities.

MDC agrees with Local Government New Zealand that national standards and rules should be risk-based and proportionate, and that formal consultation with affected local authorities is essential to ensure requirements are practical, achievable and appropriately calibrated to local capability and hazard profiles.

Decisions sought:

11. That the Committee amend the Bill to require that any rule made by the Minister under section 212 that prescribes the development of a form or compliance tool includes an obligation for such tools be co-designed with EMCs, iwi/Māori and other relevant agencies.
12. That section 212(1)(b) is amended to remove or qualify the power of the Minister to prescribe “operating practices, procedures, and systems, except where expressly authorised elsewhere in primary legislation.

Changes to roles at the local level

MDC supports provisions that strengthen local authority leadership and accountability, while seeking targeted safeguards around appointments and clearer resourcing expectations

Relevant Bill Provisions: Section 50, sections 52–55 (including section 55), section 61, section 58(2), section 67(2), and section 45

MDC supports the Bill’s increased emphasis on local authority leadership and accountability, including making mayors primarily responsible for declaring states of local emergency and local transition periods within their districts (section 50 of the Bill).

MDC supports those provisions in the Bill that reinforce local authority leadership and clarify the role of territorial authority chief executives in emergency management. In particular, MDC supports the provisions that make chief executives key decision-makers for appointing District Controllers (sections 52–55) and District Recovery Managers (section 61), and that (for unitary authorities) enable chief executives to direct Local Controllers in relation to the functions and powers they perform or exercise (section 58(2)) and to direct Local Recovery Managers in relation to the functions and powers they perform or exercise (section 67(2)). This approach aligns with MDC’s previous submissions, which emphasised the importance of ensuring that emergency management powers sit with appropriately trained and experienced practitioners and that councils retain clear local leadership roles.

MDC notes section 45 (Authority for payment of expenses), which clarifies the territorial authority chief executive’s role in coordinating resources made available for emergency management purposes (including where delegated). MDC emphasises that strengthened statutory expectations across the system must be supported by clear implementation settings and adequate resourcing for councils to meet their statutory obligations.

To support effective implementation and maintain continuity of local response and recovery leadership, MDC recommends the following targeted amendments to clarify safeguards around key appointments and capability expectations.

Decisions sought:

13. That section 55 (Removal or replacement of District Controller) be amended to require that, when removing or replacing a District Controller, the appointing chief executive must have regard to continuity of response capability, and must record the reasons for the removal/replacement decision in writing.
14. That section 61 (Appointment of District Recovery Managers) be amended to require the Director-General to issue national guidance on minimum competency and training expectations for District Recovery Managers, and to require appointing authorities to have regard to that guidance when making appointments under section 61.
15. That the Committee consider amending section 45 (Authority for payment of expenses) to clarify cost responsibilities and resourcing expectations for local authorities and Emergency Management Committees.

National direction for regional emergency management plans

MDC supports stronger national direction over regional planning to lift consistency, and recommends these tools be developed collaboratively and implemented with clear guidance, timeframes and resourcing support

Relevant Bill Provisions: Sections 91, 93, 96 (including section 96(4)), and the regional emergency management planning standards (sections 100 – 103).

MDC supports the Bill’s intent to strengthen national direction and assurance over regional emergency management planning, including through the ability to establish mandatory planning standards (sections 100–103), direct Emergency Management Committees to undertake full or partial reviews of their regional plans (section 97, supported by section 93), and require amendments to a proposed plan where it would

otherwise fail to meet the requirements of the Act or the national emergency management plan (section 96(4)).

MDC's considers these provisions to provide the national leadership necessary to lift consistency and capability across the system. However, MDC recommends that national direction tools are developed with local government and partner agencies and are supported by clear implementation guidance and resourcing.

Decisions sought:

16. That sections 100–103 (Planning standards) be amended to require the Minister to consult affected local authorities, Emergency Management Committees, iwi/Māori and relevant sector partners before issuing, amending or withdrawing planning standards, and to have regard to implementation timeframes, transition arrangements and resourcing implications (including local authority capability and capacity).
17. That section 96 (Minister directions requiring amendments) be amended to require the Minister to identify the specific provisions requiring amendment and specify the amendments in sufficient detail to enable implementation, and to have regard to implementation timeframes, transition arrangements and local authority capability and capacity when setting compliance timeframes (including staged compliance where appropriate).

Management of animals during an emergency

MDC supports embedding animal management arrangements in regional plans and supports the new animal welfare entry power, while seeking nationally consistent, co-designed guidance to support practical implementation

Relevant Bill Provisions: Section 91 and the entry powers in sections 129 and 162.

MDC supports the Bill's inclusion of a requirement for regional emergency management plans to set out arrangements for managing animals during an emergency (section 91). MDC supports the integration of animal welfare into emergency planning, given the importance of companion animals, working animals and livestock to people's wellbeing, and to their emotional and mental health during and following emergency events. Early integration of animals into emergency management planning can help reduce the risk that owners will place themselves at risk, and lead to better overall response and recovery outcomes. MDC notes that companion animals, working dogs, production livestock and wildlife each have different needs and implications, and considers that national guidance developed in partnership with local government and relevant animal welfare agencies would support national consistency and optimise outcomes.

MDC also supports the Bill's new power to enter premises where necessary to take urgent measures to mitigate unreasonable or unnecessary pain or distress of an animal, noting the additional safeguards that apply when the power is exercised for that purpose (section 129 for states of emergency; section 162 for transition periods).

Decisions sought:

18. That section 91 be amended to require the Director-General to issue national guidance on minimum expectations for animal management arrangements in

regional emergency management plans (including companion animals, working animals, livestock and wildlife), and to require that this guidance be co-designed with local government and relevant animal welfare agencies and partners.

19. That section 129(1)(c) and section 162(1)(c) (and the associated safeguards) be retained as drafted, and that the Bill be amended to require the Director-General to ensure that national guidance on animal management includes practical guidance on when and how these entry powers should be used alongside relevant Animal Welfare Act responsibilities.

Mechanisms to ensure compliance

MDC supports compliance orders and an updated offences/penalties framework to promote accountability, and recommends clear operational/enforcement guidance so these tools are applied consistently in practice

Relevant Bill Provisions: Sections 174–178, sections 179–189, and section 187.

MDC supports the Bill’s introduction of compliance orders as an escalating intervention mechanism to address non-compliance with statutory responsibilities (sections 174–178). MDC considers compliance orders to be a useful tool to support national consistency and accountability, particularly where responsibilities are not being met and guidance alone is insufficient. MDC also notes the importance of the procedural safeguards included in the Bill, including requirements for the form and content of orders, variation and revocation provisions, appeal rights, and District Court enforcement (sections 176–178).

MDC also acknowledges the Bill’s strengthened offence and penalty framework, including the new offence of failing to comply with a compliance order (section 187) and increased maximum penalties for prosecutable offences (sections 179–189). MDC supports an enforcement regime that promotes compliance and accountability, but considers that these tools will be most effective if accompanied by clear expectations and national guidance on how compliance orders and offences will be applied in practice, including where non-compliance may relate to capability and resourcing constraints.

Decisions sought:

20. That sections 174–178 (Compliance orders) be amended to require the Director-General to publish operational guidance on the use of compliance orders, including a graduated approach to intervention, expectations for reasonable compliance timeframes, and proportionality principles.
21. That sections 179–189 (Offences), particularly section 187 (Failure to comply with compliance order), be amended to require the Director-General to publish enforcement policy guidance to support national consistency and transparency in the application of compliance orders and offence provisions.

Essential Infrastructure Providers

MDC supports the shift to essential infrastructure providers and the new planning/sector response expectations, noting MDC’s in-house three waters role and the importance of co-designed sector plans with clear local interface expectations

Relevant Bill Provisions: Sections 104 and 106

MDC supports those provisions in the Bill that broaden the current “lifeline utilities” approach to a more flexible category of essential infrastructure providers, including a principles-based mechanism to recognise additional providers over time. MDC considers this approach better reflects the range of services relied on by communities during response and recovery and will improve resilience planning across sectors.

MDC recognises that river management, flood protection and stopbank systems are critical to the safety, wellbeing and economic resilience of the Manawatū District and the wider region, particularly for rural and farming communities that are highly exposed to flooding and weather-related hazards. MDC is also mindful that current and proposed reforms affecting regional councils and regional governance arrangements create uncertainty about future roles, responsibilities and accountabilities for the planning, maintenance and operation of these assets. In this context, MDC considers that greater clarity about how river management and flood protection functions are recognised and prioritised within the essential infrastructure framework could provide assurance to affected communities, support coordinated planning and response, and reduce the risk of gaps or delays during emergency events.

As a council delivering three waters services through an in-house business unit, MDC has a direct operational role in the provision and continuity of essential infrastructure. MDC therefore supports clear and practicable requirements for essential infrastructure provider planning and sector response arrangements, and considers these will be most effective where they are co-designed with local government and Emergency Management Committees and where local interface and implementation expectations are clear.

MDC also supports the Bill’s new requirements for essential infrastructure providers, including the requirement to contribute to sector response plans initiated by the Director-General (section 104) and the requirement for providers to address prescribed matters relating to their ability to function during and after an emergency. MDC considers these provisions will assist with national consistency, reduce uncertainty around roles and expectations, and support coordinated and timely restoration of essential services following major disruptions, particularly where sector response plans clearly address the coordination of local priorities and dependencies.

MDC supports the Bill’s clarification that technical advice provided by essential infrastructure providers cannot be used for enforcement purposes (section 106), as this is likely to encourage cooperation and timely information-sharing during response and recovery activities.

Decisions sought:

22. That section 104 (Sector response plans) be amended to require the Director-General to:
 - a. consult and co-design sector response plans with affected essential infrastructure providers, Emergency Management Committees, affected local authorities, iwi/Māori and relevant sector partner agencies; and
 - b. to require that each plan clearly set out local interface and implementation expectations, including alignment with regional emergency management plans and coordination of local priorities and dependencies.

23. That section 106 (Use of advice for enforcement purposes) be retained as drafted.

Changes to declarations, powers, and protections

MDC supports the Bill enabling overlapping national/local declarations where necessary and supports modernised declaration processes (including e-signatures) to improve operational efficiency

Relevant Bill Provisions: sections 115, 149 and 215-216

MDC supports the Bill's changes to declarations, powers and protections, including provisions that enable states of national and local emergency or transition periods to be in force over the same geographic area at the same time (sections 115 and 149), where necessary to respond to different emergency events and to support coordinated management of complex or overlapping emergencies.

MDC also supports the Bill's modernisation of declaration processes, including enabling statutory forms to be completed using electronic signatures (sections 215–216). MDC considers these changes will improve administrative efficiency and better reflect current operational practice, particularly when rapid declarations are required and decision-makers may not be co-located.

Decisions sought:

24. That sections 115 and 149 be retained as drafted.

25. That sections 215-216 be retained as drafted.

Changes to emergency response and recovery powers

MDC supports changes that align statutory powers with operational practice and supports clarified flexibility for access through closed roads/public places

Relevant Bill provisions: Sections 123–124, section 130, and section 163

MDC supports the Bill's changes to emergency response and recovery powers that improve clarity and better align statutory powers with operational practice. In particular, MDC supports Regional Controllers being given direct access to certain state of emergency powers (rather than those powers sitting primarily with Emergency Management Committees and being delegated in practice). MDC considers this change will improve responsiveness and reduce administrative burden during time-critical events, while maintaining appropriate controls through the Bill's framework for when and where authorised Controllers and specified persons may exercise powers.

MDC also supports the Bill's clarification that when a road or public place is closed during a state of emergency or transition period, access can still be granted to a class or group of persons (or vehicles). MDC considers this provides useful operational flexibility, enabling emergency services, essential services, residents, and other authorised groups to move safely through restricted areas where appropriate.

Decisions sought:

26. That sections 123–124 and 127–135 (powers applying during states of emergency and powers exercised by authorised Controllers and specified persons) be retained as drafted.

27. That section 130 (Power to close roads and public places) and section 163 (Power to close roads and public places) be retained as drafted.

Limitation of Civil Liability

MDC supports strengthened civil liability protections to reduce barriers to timely warnings and coordinated action, while supporting explicit exclusions for bad faith or gross negligence

Relevant Bill Provisions: Sections 202–204 (including section 203 and section 204, and section 202(3) as referenced)

MDC supports the Bill's strengthened limitation of civil liability provisions, including the new protection from civil liability for loss or damage arising (directly or indirectly) from the issue of, or failure to issue, a warning (section 203), and the clarification that protection extends to any person acting under the direction of a person performing functions, duties or exercising powers under the Act (section 202(3)–(4)). MDC considers these protections will help reduce barriers to issuing timely warnings and support coordinated response activity, consistent with the need for rapid decision-making in emergencies.

However, MDC notes that the submission by Taituarā recommends that the Bill be amended to provide legal protection for persons acting in good faith during an emergency or transition period and for volunteers. MDC supports this recommendation.

MDC also supports the development of clear national guidance that reinforces the role of authoritative, trusted information sources during emergency events, to promote consistency, public confidence and timely decision-making, while recognising the fast-moving and uncertain nature of emergency response environments.

MDC also supports the Bill's explicit exclusions where loss or damage is caused by conduct in bad faith or gross negligence (section 204), as these provisions maintain appropriate accountability settings and public confidence. MDC further encourages the Director-General to develop practical, non-legislative tools (such as templates and training resources) to support consistent warning practice across jurisdictions, without creating additional administrative burden during an emergency event.

Decisions sought:

28. That section 203 (Warnings) be retained as drafted.
29. That sections 202–204 (Limitation of civil liability) be retained as drafted, including the explicit exclusions in section 204.
30. That the Committee support the recommendation in the submission by Taituarā that legal protections be extended to persons acting in good faith during an emergency or transition period and for volunteers.

Increased oversight for use of powers

MDC supports in principle post-event reporting as an accountability mechanism and supports the Committee considering enabling standard templates/guidance to promote consistency and minimise administrative burden

Relevant Bill Provisions: Section 168 and Schedule 4

MDC supports in principle the Bill's increased oversight of the use of emergency powers, including the requirement for Controllers to provide written reports following the termination of a state of emergency, and the additional transparency requirements where a report relates to a state of national emergency (Section 168 and Schedule 4). MDC considers post-event reporting is an appropriate accountability mechanism, and encourages the development of standardised templates and guidance to support consistent reporting practice and minimise administrative burden during recovery.

Decisions sought:

31. That section 168 and Schedule 4 (Reporting on use of powers) be retained as drafted.
32. That the Committee consider amending section 168 and Schedule 4 to enable the Director-General to issue standardised templates and guidance for post-event reporting.

MDC again thanks the Committee for the opportunity to provide feedback on the Emergency Management Bill (No 2).

We do not wish to speak to the Committee in relation to this submission. However, we would be happy to answer any questions or provide further clarification on any points made.

Yours sincerely,



Michael Ford

Mayor

13 February 2026

Committee Secretariat
Environment Committee
Parliament Buildings
Wellington
Via email: en.legislation@parliament.govt.nz

Dear Chair and members of the Environment Committee

Submission from the Manawatū District Council on the Planning Bill 2025

The Manawatū District Council (MDC) thanks the Environment Committee for the opportunity to make a submission on the Planning Bill 2025 ('the Bill'). The preparation of the Bill constitutes the most significant change to the New Zealand planning and resource management system since 1991, with considerable impacts on the lives of every New Zealander and many billions of dollars in public and private investment for years to come. We ask the Committee to look beyond the immediate issues of today and carefully consider the long-term benefits and costs the provisions of the Bill will confer, particularly on future generations.

This submission comprises two principal parts. The first part of the submission consists of a brief overview of the Manawatū District and general submission points on the Bill. The second part of the submission, presented in tabular form, contains points on specific subject matter areas and provisions of the Bill.

Manawatū District Council also supports many of the points raised in the submissions by Local Government New Zealand and Taituarā - Local Government Professionals Aotearoa.

An overview of the Manawatū District

The Manawatū District has a population of approximately 33,700 people and covers nearly 2,600 square kilometres. It incorporates the full or partial catchment of several rivers (the Manawatū, Rangitīkei and Oroua) stretching from the boundary with Palmerston North City and the Ruahine Ranges in the east to twelve kilometres of Tasman Sea coastline in the west. Towards the coast, much of the District consists of flood plains and extensive areas of highly productive land.

Much of the land in Manawatū District is used for primary production purposes (e.g. sheep farming, dairy and cattle farming, and some horticultural and forestry uses). Areas of indigenous vegetation and reserves make up less than 13 per cent of land area (the largest areas being the Ruahine Forest Park and coastal dunelands).

Contained within, or crossing, the Manawatū District are numerous infrastructure assets of national and regional importance. These include State Highways 1, 3, 54 and 56, the North Island Main Trunk Railway and Palmerston North to Gisborne Railway, Ohakea Airbase,

multiple national electricity grid lines, fibre broadband backbone cables, and the national gas distribution pipelines.

Our largest town, Feilding, has a population of 17,500, with a compact, central, business area containing around 600 businesses. The town is surrounded by highly productive land to the north, south and east, and has experienced multiple significant flood events over its history. These latter features play a key role in determining where future urban growth areas can be located.

Feilding has 42 listed heritage buildings in its town centre. While these buildings give the town centre a distinct, attractive, late-Victorian/early-Edwardian character, many are also classified as earthquake prone. Striking an appropriate balance between protecting the character of the town centre and complying with earthquake-prone-building regulatory requirements to strengthen or demolish these buildings has been a particular challenge for both the Council and building owners.

It is estimated the Manawatū District will require capacity for an additional 4,345 houses over the next 30 years to meet housing capacity targets under the current National Policy Statement on Urban Development (NPS-UD). The Manawatū District has zoned land, and deferred zoning (i.e. 'future residential' zoning), capacity for more than 7,500 houses in our urban areas alone.

MDC does not consider the Manawatū District to have a shortage of zoned and developable land, but we remain mindful of the ongoing need to ensure the District continues to have sufficient developable land available to meet future growth. We also remain mindful of the need to fund infrastructure to enable development (around 80 percent of our budget goes to pay for infrastructure), and of balancing overall Council funding needs with managing the burden on ratepayers.

We are of the view that the Manawatū District Plan is pragmatic in approach and generally enabling of development. Compared to larger local authorities, we have few controls on the design or layout of buildings in residential areas. In part, this pragmatism has been brought about through necessity. Being a smaller rural council, Manawatū District Council has access to fewer specialists and experts to help us meet our obligations. This is a limitation which is often overlooked by government and non-governmental organisations based in the main centres.

The addition of national direction and regulations as part of the overall proposed planning framework is supported, but there have been examples where these have tended to complicate, rather than assist, the interpretation of our district plan.

MDC has included this context as a reminder that we are one of many smaller districts with characteristics, issues and planning approaches which are different to the main centres and growth areas of New Zealand (e.g. Auckland, Hamilton, Tauranga, Wellington, Christchurch, Selwyn, Queenstown, and Dunedin). It is therefore important that the future planning system does not take a 'one-size-fits-all' approach whereby detailed and costly requirements intended to address issues seen in the larger centres are unnecessarily imposed on smaller rural councils with much smaller ratepayer and funding bases.

General Themes

Support for Resource Management reform

The Manawātū District Council recognises and supports the need to replace the Resource Management Act 1991 (RMA) with more modern legislation which better recognises and manages the issues facing New Zealand today.

Over many years the RMA has failed to keep pace with changes in the natural and built environments, and best practice planning approaches for managing those environments. Despite many amendments intended to address its shortcomings, the RMA became, simultaneously, more complex, and less cohesive as more issue (or circumstance) specific work-around processes and requirements were added.

Under the RMA, key natural environmental health indicators have frequently shown worsening outcomes, while urban planning has become increasingly litigious, and detail heavy.

Repeated amendments to the RMA, and the subsequent enactment of the Fast Track Approvals Act has demonstrated RMA processes are also not efficient for large scale infrastructure and urban development projects. However, the response to those inefficiencies should not need to have been a separate piece of legislation (with its own separate purpose). It is preferable that appropriately designed, considered and enduring planning processes (including for nationally and regionally significant infrastructure) be contained wholly within the principal planning legislation itself.

The proposed greater use of regulations and national instruments

Both the Planning Bill and Natural Environment Bill contain extensive references to various national instruments and regulations.

Drafts of these instruments and regulations, or detailed supplementary material providing guidance on their content, were not available at the time this submission was prepared. This has made making an informed submission on their effect difficult. It has also made it difficult for local authorities to understand or anticipate how issues which may be about to be addressed through national instruments proposed under this Bill intersect with other regulatory changes. For example, of key interest to the Manawātū District is whether national instruments may be prepared under the Planning Bill which address conflicting requirements to protect heritage buildings, and requirements under Earthquake Prone Building legislation to strengthen or demolish earthquake prone buildings (some of which may be heritage listed). The Manawātū District Council requests the Environment Committee give urgent consideration how national instruments can resolve such conflicts.

MDC supports, in-principle, a degree of standardisation of plan formats, provisions, and processes where:

- There is no justifiable reason for plan provisions to differ from one plan to another.
- The standardisation provisions improves overall system efficiencies – for example in the preparation of plans, plan interpretation, and plan administration.

MDC also understands that having such provisions in regulations and national instruments reduces complexity of the primary legislation and may enable a greater degree of regulatory agility to adapt to changing circumstances.

However, MDC is concerned the overreliance and intended proliferation of such instruments across two different Acts will:

- Do little to make the replacement planning system simpler for the public to understand.
- Reduce certainty for local authorities, consent applicants and the general public as regulations and national instruments can be changed swiftly, and without the scrutiny of the full select committee process.

It is noted that significant and broad planning system implementation difficulties and vulnerabilities will be created if all the required instruments and regulations do not come into force, and are not available to local authorities to use, in a timely manner. MDC urges the government:

- To ensure government departments responsible for the preparation of the instruments and regulations are fully resourced to undertake the work required.
- To involve local authorities in the preparation of draft instruments to ensure there are no perverse or unintended consequences.

The need for more careful implementation sequencing and timing

Building on the matter above, Manawatū District Council urges the Environment Committee to pay close attention to the proposed sequencing and timing of implementation requirements in the Bill and key instruments under it.

Manawatū District Council considers further work is required to achieve a more logical and realistic sequencing of the preparation of national policy direction and instruments, regional spatial plans, natural environment plans, and land use plans.

As currently written the Planning and Natural Environment Bills (and in particular, the commencement and Schedule 1 transitional provisions) requires local authorities to commence preparation of regional spatial plans before much of the national policy direction, national standards, environmental limits and other regulations (which the spatial plan must comply with) will be in place. There is also a circularity in the preparation of regional spatial plans, natural environment plans, and land use plans.¹ The Bill appears to require regional spatial plans to incorporate information from natural environment plans (particularly in respect to environmental limits) and land use plans. However, natural environment plans and land use plans are to implement the regional spatial plan and be notified after the regional spatial plan is decided.

Although appreciative of the need to reform New Zealand's planning and resource management systems at pace, Manawatū District Council is also concerned that timeframes for preparing national direction, regional spatial plans, natural environment plans, and land use plans are overly optimistic. We agree with the Taituarā assessment that it would be better if regional spatial plans be notified within 24 months of enactment and further

¹ See Planning Bill sections 68 and s80(2), the commencement provisions under cl5 of Schedule 1, and clauses 3, 5 and 6 of Schedule 2 (which relate to the context and content of regional spatial plans). See also s51 of the Natural Environment Bill (which relate to setting of ecological environmental limits in natural environment plans).

consideration be given to more realistic timeframes for natural environment plans and land use plans. Such timeframes would better reflect:

- The additional process steps and more complex interdependencies and governance arrangements associated with the first generation of instruments and plans under the new Bills.
- The risk of key inputs to plans not being in place in time (e.g. the government's national flood map is not proposed for release until some time in 2027).
- The realities of preparing new types of plans under new legislation, including a much reduced ability to rely on previous legal interpretations and precedents (which, when the RMA was enacted, was a contributor to the first generation of RMA plans taking several years to complete).
- The complexity of implementing large scale change while the government is making wider changes to the local government system (including rates caps which may limit the resourcing needed to implement change), and to the structure and roles of central government departments responsible for overseeing the passage and implementation of the Bills.

Key features of the Planning Bill MDC support

Notwithstanding specific matters of detail outlined in the tabulated sections to this submission, MDC supports the following general features of the Bill:

1. A clear set of goals which outline what all persons exercising functions, powers or duties must seek to achieve.
2. Clearer and simpler drafting of provisions which involve key statutory tests for decision making around matters (such as the notification of planning consents).
3. A clear explanation of the hierarchy of the respective national direction and planning instruments and how these are intended to relate to each other.
4. The introduction of regional spatial plans, prepared collaboratively by all the councils in a region, which sets the strategic direction for development and investment within the region, and which are intended to enable integrated decision-making and development planning.
5. The introduction of a lower-cost appeals body (the Planning Tribunal) to determine objections and appeals on administrative and lower-order policy matters which do not warrant the scrutiny of the Environment Court or a higher court.
6. The broader range of enforcement and compliance options and powers (such as adverse publicity, pecuniary penalty, or monetary benefit orders) available to the Environmental Protection Authority and local authorities.

Key features of the Planning Bill MDC do not support or has concerns about

Although supportive of the need to replace the RMA, and many of the goals in the Bill, Council has concerns about a number of general features of the Bill which may detract from its efficient and effective implementation in the long-term. We also have concerns about the overall impact on accountability, local democracy, and financial implications for smaller councils and their communities. Principal amongst our concerns are the following:

1. A purpose and goals which fail to explicitly acknowledge future generations

Submission

With the omission of a reference to sustainable management (as used in the purpose of RMA), the Planning Bill no longer refers to the use of land or resources being managed to benefit future generations.

The absence of consideration of explicit benefits for (or impacts on) future generations inadvertently places an emphasis on addressing the issues of today at the expense of the long-term future. MDC submits that this is not in the greater interests of New Zealand, and appears to be at odds with:

- The intent that regional spatial plans provide for timeframes greater than 30 years.
- The rationale for setting environmental limits to safeguard the life supporting capacity of air, water soil, and ecosystems.

Relief sought

The purpose of the Natural Environment Bill and Planning Bill should both refer to the proposed frameworks in each Bill existing to achieve the goals in section 11, and for the benefit of both current and future generations.

2. Regulatory relief provisions

The Bill proposes the imposition of a regulatory relief regime which includes financial compensation from councils when the reasonable use of land is significantly impacted. We consider these provisions are likely to set an unwelcome precedent and will be problematic in effect and implementation. The proposed regime is particularly problematic where the regulation of the use and development of land, or the protection of heritage and various natural features is mandatory under the Bill.

The imposition of the regulatory relief regime:

- Appears to apply inconsistently, in so far that the regulatory relief appears to only apply to the provisions in local authority plans, and not regulations, national instruments, standards or national rules set by central government.
- May place local authorities in a 'no-win' situation where legislation both requires local authorities to regulate certain activities, but then also compensate or offset the impact on affected landowners.
- Sets an unwelcome precedent by opening the door to financial compensation for losses of private rights imposed to achieve a broader range of public goods beyond the scope of the Natural Environment Bill and Planning Bill (e.g. restrictions on the use of land for public health and safety reasons).
- Where it entails additional expenditure by local authorities, the proposal is inconsistent with government objectives to reduce cost of living pressures, including requiring local authorities to rein in spending and rates increases.

Other provisions of the Bill already provide sufficient opportunity to challenge provisions which render land incapable of reasonable use (see section 105, and the ability to make submissions on plans, for example). Consideration could also be given to imposing a stronger duty on central government and local authorities to consider the impact of provisions on the reasonable use of private property when preparing national instruments and plans.

Relief sought:

- a) The deletion of the regulatory relief provisions in Part 4 of Schedule 3 of the Planning Bill, and associated cross-references to it in the Natural Environment Bill.
- b) Those provisions relating to the preparation of national instruments, standards, and national rules and rules in plans all be required to include explicit consideration as to whether the proposed instrument or rules will render land incapable of reasonable use.
- c) Retention of proposed section 105 (without the reference to regulatory relief), which enables a person to apply to the Environment Court to have a provision deleted or modified if it severely impairs the reasonable use of land.

3. Increased scope of Ministerial powers and the weakening of local democracy

Submission

Greater national direction and guidance is useful and supported where it will assist interpretation and consistent administration of the Bill. However, MDC is concerned that the combination of a high degree of Ministerial say over plan content (by multiple Ministers in the case of environment plans), ministerial appointments to regional spatial plan committees and hearings panels, prescription of operational processes and Ministerial-directive-type powers:

- Weakens local democracy and the application of the principle of subsidiarity².
- Appears contrary to previous government statements around restoring local decision-making.
- Moves closer to treating all local authorities the same and creating levels of central government intervention, complexity and cost which are disproportionate to the scale, characteristics and nature of issues found in smaller local authorities such as the Manawatū District.
- Risks frequent and rapid changes in national and local policy settings in such a way as to undermine the creation of a stable, enduring, consistent

² Expressed as, for example: 'the principle that a central authority should have a subsidiary function, performing only those tasks which cannot be performed at a more local level' (The Oxford Dictionary), or 'decisions are taken at the most appropriate level; for example by those most directly affected, by those best informed and by those best placed to deal with any consequences' (*Subsidiarity: Implications for New Zealand*, New Zealand Treasury Working Paper Series 02/03).

land development and environmental management system which provides confidence and certainty for all.

Relief sought

- a) The provisions of the Bill be amended to provide greater specificity regarding the circumstances Ministerial directions and appointments will be made, including the Minister having regard to the necessity and proportionality of their actions, upholding the principle of subsidiarity, and Ministers being required to consider impact on the integrity of local democratic decision-making.
- b) Ministers and the chief executive of the department responsible for administering the Planning Act must have particular regard to the scale and characteristics of the local authorities to which provisions of a national instrument or regulation will apply to, and whether there is a need to those provisions to apply universally to all local authorities.

4. Few requirements to engage with local authorities when preparing national instruments, direction, and regulations

Submission

MDC is concerned that in several parts of the Bill, there is no explicit requirement to notify, consult with or engage with local authorities when preparing a national instrument, direction, standards, or regulations. At best, the provisions provide a discretion for the Minister to consult persons who may have an interest, or to notify the public generally. The situation is compounded by the ability of Ministers to amend instruments (e.g. National Standards) without a full process or any requirement to invite comment from any party including local authorities (see, for example, proposed section 62).

MDC submits the preparation of sound and effective policy is dependent on input from those who have the greatest experience of its application and will have to implement it. In this case it is local authorities which will be responsible for the implementation and enforcement of national instruments and compliance with regulations. Local authorities can advise on the practicality of what is proposed and help avoid unintended consequences.

We are also concerned that there are no fixed minimum timeframes relating to consultation or submission periods relating to various national instruments, even though minimum timeframes are specified for local authority plans.

Experience has found some government consultation periods too short to enable meaningful input. The provisions of the Bill leave this issue unaddressed. Short (or non-existent) consultation periods:

- Are inconsistent with the principles of natural justice (those affected should have an appropriate opportunity to have a say in proposals which affect them).
- Are inconsistent with the principles of good consultation (as expressed by the High Court in *Air New Zealand Ltd v Wellington Airport Ltd* HC Wellington, CP 403/91) and the principles of

consultation placed on local authorities (s82 of the Local Government Act 2002 for example).

- Will work against an intent to have quality, responsible and enduring regulation (including the intent inherent in the purpose and principles of the Regulatory Standards Act 2025).

The importance of local authority input is further underlined by proposals in the Bill which may limit broader community participation. In these cases, it often falls to local authorities to represent the views of their communities.

Relief sought

- a) The following provisions should make specific reference to affected local authorities being consulted, and being given the opportunity to submit or comment on, the preparation of draft regulations, national instruments, or directions:
 - i. Provisions relating to the preparation of national instruments (proposed sections 46 - 52).
 - ii. Provisions relating to preparation of the National Policy Direction (proposed sections 53 – 57).
 - iii. Provisions relating to National Standards (proposed sections 58 – 60).
 - iv. Regulations made under proposed sections, 281, 282 and 283 which relate to matters including, the preparation of spatial plans, esplanade strips, fees, the application and categorisation of rules in plans, monitoring by local authorities, timeframes and procedures, and levies.

The provisions could take a form similar to proposed section 305 Emergency Response Regulations, including the pre-circulation of drafts (similar to section 58D of the Resource Management Act), or both.

- b) The minimum timeframe of consultation and submissions or feedback on proposed regulations, national instruments or directions be set at 20 working days.

5. Unclear, onerous, and potentially costly permitted activity provisions

Submission

MDC is concerned that the provisions relating to permitted activities and permitted activity rules (proposed sections 30, 38, 177 and 180) are confusing, and likely to be onerous on those undertaking permitted activities.

Under the Resource Management Act 1991, permitted activities are those which do not require a consent, and there is no requirement for a person undertaking such activities to register them formally with the council (nor for the council to have discretion to set additional conditions on them).

The Planning Bill proposes a permitted activity registration process (if an activity is subject to a permitted activity rule), a local authority determination, and for the person who is undertaking the activity to undertake tasks such as

seeking affected party approvals or reports from experts. Those persons may also be required to pay a fee, or a permitted activity levy to the government. This is significantly more onerous and expensive than most permitted activities under the Resource Management Act.

If there is supposed to be a distinction between permitted activities which need to be registered, and those which do not need to be registered and which can be undertaken without having to approach a local authority, then this needs much more explicit clarification in the Bill. This could be done by calling permitted activities which are required to be registered by a different name.

Relief sought

- a) Having a clear separation between genuinely permitted activities (where no planning consent is required and a landowner or operator is not required register their activity) and activities which are required to be registered and may be subject to conditions.
- b) Renaming permitted activities which are required to be registered and which may be subject to conditions by another name (for example 'registered activity' or 'controlled activity').

6. Narrowed application of Treaty principles and inconsistent Māori engagement provisions

Submission

Recognition of the importance of Māori participation and Te Tiriti o Waitangi / Treaty of Waitangi and its principles in planning and resource management precedes the RMA. Such recognition can be found in multiple reports from past governments, non-governmental organisations, and academia.³

Section 8 of the Bill summarises provisions in other parts of the Bill which recognise the Crown's responsibilities in relation to Te Tiriti o Waitangi / Treaty of Waitangi. However, section 8 represents a significant narrowing of the application of the principles of the Treaty and omits a broader duty for all persons acting under the Bill to take into account the principles of the Treaty (as provided for under section 8 of the RMA). The Crown's responsibilities are further watered down by proposed section 9(3), under which the obligations of the Crown to work with post-settlement governance entities to transition redress arrangements to the new legislation automatically expire after two years.

The Bill does provide for some participation by Māori (which is consistent with the principles of Te Tiriti o Waitangi / Treaty of Waitangi). However, the

³ For example:

- Parliamentary Commissioner for the Environment. (1998). *Kaitiakitanga and local government : tangata whenua participation in environmental management*. Wellington: Parliamentary Commissioner for the Environment
- Cheyne, C. M. & Tawhai, V. M. H. (2007). *He wharemoa te rakau, ka mahue. Māori engagement with local government : knowledge, experiences, and recommendations*. A research project supported by the Royal Society of New Zealand Marsden Fund (MAU-039)
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terminology used to describe various Māori entities is used inconsistently (e.g. Māori, iwi, iwi authorities, post-settlement government entities, customary rights groups, and just a couple of references to hapū). The effect of this is to lock some Māori groups with legitimate rights and interests out of participation in key planning and consenting processes.

The difference in terminology described above is particularly important to the Manawatū District where resident Māori comprise a mix of iwi with Treaty settlements in place, iwi who have yet to have claims resolved, and various marae or hapū collectives who are not in themselves iwi, iwi authorities, or post settlement governance entities.

The inconsistent referencing means the rights, sites of significance, and interests of various Māori groups are unlikely to be protected or provided for as intended under section 11 and past injustices (including those which are still the subject of Treaty Claims) may be perpetuated.

Although the general intent of 'Māori interests' goal in section 11 is supported, it is also noted that its emphasis on participation is weakened by the absence of an ability for iwi and hapū to enter into joint management agreements and initiate Mana Whakahono ā Rohe participation arrangements. Such agreements were provided for in the RMA.

Relief sought

- a) Replace section 8 of the Planning Bill with wording which has the same or similar effect to section 8 of the Resource Management Act (duty to take into account the principles of the Treaty of Waitangi).
- b) Provisions which refer to engagement or consultation with Māori should refer to both iwi and hapū (where appropriate).
- c) The Bill should make provision for iwi and hapū to participate in and initiate joint management agreements and Mana Whakahono ā Rohe participation arrangements.

Conclusion

Thank you again for the opportunity to provide feedback on the Planning Bill 2025.

The Manawatū District Council wishes to be heard in support of this submission.

Yours sincerely



Michael Ford
Mayor

MDC Submission on Specific Provisions of the Planning Bill 2025

Part 1: Preliminary Provisions		
Provision(s)	MDC Position	Submission
Section 3 <i>Interpretation</i>	Partly Support	<p><u>Submission – Specified Topic</u></p> <p>This definition exists solely to support the proposed regulatory relief framework to which Manawatū District Council is opposed (as outlined in other parts of this submission).</p> <p><u>Relief sought</u></p> <ul style="list-style-type: none"> i. Delete the definition of Specified Topic.
Section 4 <i>Purpose</i>	Partly Support	<p><u>Submission</u></p> <p>The purpose of the Planning Bill conveys the impression that the Bill exists to create a framework for planning and regulation the use and development of land (as though that is the desired end point). A greater sense of purpose would be achieved by linking the purpose to the goals in proposed section 11 (which effectively talk to the outcomes sought through planning and regulation).</p> <p>MDC also notes that with the dropping of any concept of sustainability, sustainable development or sustainable management the purpose and goals in the Bill inadvertently create a focus on the short-term and makes no explicit reference to benefits for future generations (who could be shut out by a focus on current issues, or face unreasonable costs as a result of decisions taken to address the issues of today).</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. Add '<u>in order to achieve the goals contained in section 11 for the benefit of current and future generations</u>' or words to similar effect.
Section 8	Opposed	<u>Submission</u>

Part 1: Preliminary Provisions

Provision(s)	MDC Position	Submission
		<p>Section 8 purports to recognise the Crown’s responsibilities under the Treaty of Waitangi / Te Tiriti o Waitangi by paraphrasing provisions contained in other parts of the Bill. In so doing, the section (in conjunction with others it links to):</p> <ul style="list-style-type: none"> • Narrows the application of Treaty Principles (be they those espoused by the Waitangi Tribunal or the Court of Appeal). • Imposes unclear and inconsistent duties on parties exercising duties and powers under the Bill (noting in particular that those which relate to local authorities are different to those on various Ministers when the latter are exercising some of their powers). • Effectively fixes the status of Treaty Settlements to a particular point in time (it is unclear what happens with iwi or hapū who have yet to have their claims heard). • Prioritises iwi and iwi authorities without equal, explicit consideration of hapū (not all hapū who hold tangata whenua or mana whenua status hold views which are completely aligned with the iwi in their area). <p>The circumstances above are suggestive of provisions which do not meet the spirit of the Treaty and its principles and which may give rise to further contemporary Treaty claims.</p> <p>MDC submits that the committee give consideration to how the principles of Te Tiriti can be better reflected in the Bill holistically. MDC also recommends that guidance for upholding Te Tiriti principles is sought by the committee from iwi and hapū.</p> <p>Relief Sought</p> <ol style="list-style-type: none"> i. Replace section 8 with a provision similar in form and effect to section 8 of the RMA. ii. The Committee seek guidance from iwi and hapū as to who the Bill, as a whole, could better uphold Crown obligations under the Treaty / Te Tiriti.
<p>Section 9 <i>Crown to seek</i></p>	<p>Partly Supported</p>	<p>Submission</p> <p>Manawatū District Council supports the intent that the Crown work with post-settlement governance entities (if</p>

Part 1: Preliminary Provisions

Provision(s)	MDC Position	Submission
<p><i>to enter agreements to uphold Treaty settlement redress</i></p>		<p>they so wish) to seek agreement on how their Treaty settlement redress or arrangements will operate with the same or equivalent effect under the Bill.</p> <p>However, Manawatū District Council does not support section 9(3) which repeals the obligation to work with post-settlement governance entities after two years from enactment and appears to make continuation of discussions and further work to transition settlement arrangements at the discretion of the Crown. Section 9(4) appears to continue the discretion for the Crown to continue working with entities, but the effect of this provision would be trumped by the sunset clause in 9(3).</p> <p>Given the number of Treaty Settlements (more than 60) and the complexity Māori and the Crown will likely have in negotiating amendments to these, the expiry of the Crown obligation within two years appears to impose an unrealistic time constraint. It is Council's view that the Planning Bill is not the appropriate legislative space to dictate terms and timeframes on treaty settlement processes.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. Delete s9(3) and 9(4).
<p>Section 10 Treaty Redress or arrangements to be given same effect</p>	<p>Opposed</p>	<p><u>Submission</u></p> <p>The intent to retain and uphold existing Treaty settlements and give them the same effect as under the RMA is supported, but MDC does not support the link to section 9 in so far that subsection 9(3) ensures section 9 will expire after two years. Additionally, MDC does not support the wording of section 10(3) in so far that it appears to mean the Crown may disregard statutory acknowledgements in performing its duties (while local authorities must fulfil their duties – such as under section 189 and Schedule 2).</p> <p>Statutory acknowledgments are areas of Crown land when Māori interests have been formally recognised through a schedule in a Treaty settlement act. Often these include natural features with cultural significance such as rivers, lakes, wetlands, and small offshore islands.</p> <p>MDC has concerns about how subsection 3 is expected to be applied:</p> <ul style="list-style-type: none"> i. The opportunity for iwi to be involved in an activity which affects a statutory acknowledgement area is at the consenting stage. If, as signalled by the messaging around the release of the Bill, many activities

Part 1: Preliminary Provisions

Provision(s)	MDC Position	Submission
		<p>(such as mineral extraction and quarrying) may be classed as permitted activities, then no planning consent is required. Kaitiaki of areas covered by statutory acknowledgements will not be able to have a say if the activity is listed as permitted in the relevant plan.</p> <p>ii. Local authorities may only engage kaitiaki in the context of statutory acknowledgement areas where they are an affected person in a planning consent, and in the development of the rules within the land use plan. If secondary legislation is released that permits certain activities with a significant environmental impact to occur then kaitiaki of statutory acknowledgement which may be affected areas will not be consulted.</p> <p><u>Relief Sought</u></p> <p>i. Delete section 10(1) and 10(3).</p>

Part 2: Foundations

Provision(s)	MDC Position	Submission
Section 11 <i>Goals</i>	Partly Support	<p><u>Submission- Chapeau to s11</u></p> <p>The chapeau to s11 states those exercising functions, duties and powers under the Act must 'seek to achieve' the goals. The use of 'seek' appears to be a weak test (the Cambridge Dictionary definition is '<i>to try and find or get something</i>') and suggestive of a lack of confidence in the achievement of the goals. The RMA section 6 wording of 'recognise and provide for' (which relates to matters of national importance) provides a greater sense of direction, and enables some of the case law from the RMA to be reused (rather than introduce a new concept, whose interpretation will likely have to be tested through the Courts before its meaning is fully understood).</p> <p><u>Relief Sought</u></p>

Part 2: Foundations

Provision(s)	MDC Position	Submission
		<ul style="list-style-type: none"> i. Replace the words 'seek to achieve' with '<u>recognise and provide for</u>' ii. Reword s11(a)-(i) to ensure grammatical correctness as a result of the change to the chapeau <p><u>Submission – s11 Missing Goal</u></p> <p>Although the Explanatory Note and several provisions of the Bill refer to adapting to the effects of climate change (such as in the context of reducing the risk from natural hazards and as a mandatory matter in regional spatial plans) there is nothing in the goals that refers to climate adaptation as being a goal. As demonstrated by recent adverse weather events, the need to plan for effects of climate change (such as drought or more frequent heavy rainfall events) is necessary to avoid further loss to life or property.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> iii. EITHER modify goal (h) (relating to safeguarding communities from the effects of natural hazards) to include a reference to <u>adapting to the effects of climate change</u>, OR iv. Include a new goal which specifically relates to planning for, and regulating the use and development of, land to avoid or mitigate the effects of climate change. <p><u>Submission – s11(1)(a)</u></p> <p>The construct of s11(1)(a) could be read as implying that the separation of incompatible land uses may unreasonably affect others. It is also unclear as to what constitutes 'unreasonable' in reference to affecting others.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> v. Reword section 11(1)(a) to state "<u>to ensure, including through the separation of incompatible land uses, land uses to not unreasonably affect others</u>" vi. Provide a definition of 'unreasonably affect' in section 3, or through the proposed National Policy Direction.

Part 2: Foundations

Provision(s)	MDC Position	Submission
		<p><u>Submission – s11(1)(c)</u></p> <p>While the concept of ‘well-functioning urban areas’ is well traversed through existing RMA national direction and supported by the other goals in s11(b),(d) and (e) it the concept of a ‘well-functioning rural area’ is vague and subjective without further clarification or qualification. Further, grouping rural and urban areas together into the same goal does little to assist clarity as both have distinctively different characteristics.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> vii. If ‘well-functioning’ is to retained as wording related to rural areas then it should be a separate goal to having a ‘well-functioning urban area’ viii. Provide additional wording which clarifies the qualities of a well functioning rural area (e.g. if it relates to some definable and desirable qualities of the rural environment such as the availability of land for primary industries or the protection of highly productive land, for example). <p><u>Submission – s11(1)(e)</u></p> <p>Goal (e) currently uses the word ‘demand,’ presumably in the economic sense of the word. However, demand can relate to both the wants and needs of the consumer. Tying the provision of infrastructure to ‘wants’ rather than needs results in inefficiencies whereby infrastructure providers are being forced to provide and maintain infrastructure in excess of what is actually needed. This places additional costs on infrastructure providers, ratepayers and developers (which are then passed onto to landowners, building owners or occupiers in the form of higher prices, rents, or levies).</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> ix. Replace the word ‘demand’ in s.11(e) with the word ‘<u>needs</u>.’ <p><u>Submission – s11(1)(f)</u></p> <p>Goal (f) refers to maintaining public access to various water bodies. Use of the word ‘maintain’ implies the extent of</p>

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Provision(s)	MDC Position	Submission
		<p>access to those water bodies is fixed at a point of time and further enhancement of access is not envisaged, even if compensation is paid where land is obtained to improve access. This seems at odds with what communities may need or want (e.g. when a settlement expands along a beach, lake, or river) and other provisions in the Bill which anticipate compensation being paid to landowners when land is taken for purposes such as improving access.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> x. Add after the word ‘maintain’ the words ‘<u>or enhance</u>.’ xi. Incorporate a definition of ‘enhance’ into section 3 (interpretation) which incorporates the concept of improvement. <p><u>Submission – s11(1)(g)</u></p> <p>Goal (g) appears both vague and incomplete in its current form. ‘Development’ is not defined in the Bill, but ‘use’ is (but with the latter not being mentioned in the goal at all).</p> <p>MDC is also concerned there is a conflict of expectations in respect to the achievement of this goal (and the functions of territorial authorities in section 184), which requires protection of various natural features and landscapes, and the requirement for local authorities to provide regulatory relief for significant impacts on the reasonable use of land under Part 4 of Schedule 3. The latter requirement is likely to compromise the ability and willingness of local authorities to achieve the goal.</p> <p>If such protection is to be a mandatory national goal under the Bill, then compensation should not be payable by local authorities. If compensation is required, then it should be paid by the entity which first imposed the requirement for protection ‘for the good of New Zealand’ (i.e. central government).</p> <p>It is further noted that s11(1)(g)(iii) refers to the goal of protecting sites of significant historic heritage. Manawatū District Council is not opposed to the protection of such sites, but notes such protections (as under the RMA now) can create conflicts with other regulatory requirements (including those relating to Earthquake Prone Building Act requirements to demolish or strengthen earthquake-prone buildings). This is a particular concern in Feilding where there are 42 heritage buildings, many of which are earthquake prone. A number of these buildings are likely beyond the point of economic repair or strengthening. This leaves owners in a dilemma whereby they will, in coming years,</p>

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Provision(s)	MDC Position	Submission
		<p>be forced strengthen or demolish a building under the Earthquake Prone Building Act, but may be restricted by a heritage listing in a plan from doing so. The owner would first have to go through an expensive and time consuming consenting process to get the necessary consents under the RMA (or, potentially, the Planning Act). As things stand, the process through which local authority could de-list buildings in their district plan (to make things easier for the building owner) can be equally time-consuming, expensive and uncertain. An example of how this conflict between public safety and protection of heritage can result in drawn-out, expensive and uncertain results was well demonstrated by what occurred with the Gordon Wilson Flats in Wellington (which eventually had to be resolved through legislative changes).</p> <p>We request the Committee either amend the Bill to provide an explicit means to de-list earthquake prone heritage buildings which are not considered to be of the highest significance to the local community, or recommend to Parliament that national policy direction on heritage, which includes a process and criteria for de-listing earthquake prone buildings, be made a priority.</p> <p><u>Relief Sought</u></p> <p>xii. Reword s11(1)(g) as ‘to protect from inappropriate development <u>and use...</u>’</p> <p>xiii. Delete Part 4 of Schedule 3 to avoid any conflict with the achievement of goal s11(1)(g) and rely of other provisions in the Bill which enable a landowner to challenge a national rule or plan provision which renders their land incapable of reasonable use.</p> <p>EITHER:</p> <p>xiv. Include provisions in the Bill which qualify the obligations to protect significant historic heritage by allowing certain earthquake-prone buildings which are not considered to be of highest significance by their communities to be de-listed from district plans (during the transitional period of the Bill) and land use plans (once the transitional period is over).</p> <p>OR:</p> <p>xv. The Committee recommend to Parliament that priority be given to the preparation of a national instrument under s44, or national policy direction under s55, which covers the protection of sites of significant historic heritage. The instrument or direction should include a process and criteria for the de-listing of earthquake</p>

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Provision(s)	MDC Position	Submission
		<p>prone heritage buildings. The criteria for the process should include those below (or criteria similar in nature or effect):</p> <ul style="list-style-type: none"> • The building must not be one that has been identified by the local community as being of the highest significance or importance to them, and • The building has been evaluated as being beyond economical repair and strengthening (such that demolition may be the only option), or • The work required to strengthen the building would be of such a great extent as to significantly detract from the heritage value of the building.
<p>Section 12 <i>Relationship between key instruments</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>Section 12 does not mention that the instruments exist for the purpose of achieving the goals. The intent should be for instruments to achieve the goals and for the goals to have primacy (with circumvention of having to achieve all goals, where goals conflict, being the exception).</p> <p><u>Relief Sought</u></p> <ol style="list-style-type: none"> i. Insert into a s12(1) a reference to the instruments listed existing to achieve the goals in s.11. ii. Insert into s12(3) an additional subclause requiring consideration how goals relate to ‘a matter’. iii. Reword s12(3)(c) to be less directive (i.e. ‘<u>need not consider a goal where achievement of the goal is ...</u>’)
<p>Section 13 <i>Procedural principles</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>The inclusion of section 13 appears to continue the themes contained in RMA s18A. In both cases the rationale behind the provisions appears to be codify good practice, but in doing so the sections appear only to add to the potential for legal challenges made on subjective (and potentially vexatious) grounds. Manawatū District Council is of the view that it would be preferable and more efficient for provisions of this nature to be placed in national planning standards or form part of the considerations which inform the making of regulations, plan rules, and consent (or permit) conditions.</p>

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Provision(s)	MDC Position	Submission
		<p>The wording of proposed section 13 is directive, meaning that list of practicable steps must be applied in respect to every action taken under the Bill. However key terms that will be instrumental in determining compliance are left undefined. If not further defined, implementation of the provisions could lead to unnecessary and unintended costs, use of resources and time being spent on compliance. Of key concern are the subjective terms or phrases:</p> <ul style="list-style-type: none"> • Acting in a ‘cost effective manner’ (cost effective for whom?) • Acting ‘proportionately’ (what is proportionate is subjective and likely to depend on the perspective of the parties involved) • ‘Avoiding unnecessary repetition’ (although desirable, this is both subjective and difficult to achieve given the repetition that already exists between the two Bills and the likely need [and requirements] for repetition of material between national instruments, regional spatial plans, and other plans). <p><u>Relief Sought</u></p> <p>EITHER:</p> <p>i. Delete section 13 entirely,</p> <p>OR</p> <p>ii. Provide further provisions in the Bills which guide the application of phrases ‘cost effective manner’ and ‘proportionate’ and which include who those terms and phrases are to apply to.</p> <p>iii. Delete 13(f).</p>
<p>Section 14</p> <p><i>Effects outside the scope of this Act</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>The list of effects of set out in section 14 is neither insufficiently nuanced to reflect the variability and character of effects in the real world, nor does it recognise some plan provisions exist to manage multiple effects (not just those related to visual amenity).</p> <p>Parts of section 14 are supported to the extent they codify common planning practice, relate to matters which are more appropriately covered in other legislation, or relate to matters which have proven difficult (or unnecessary) to enforce. Into these categories fit the proposed exclusion of effects relating to the protection of private views, the</p>

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Provision(s)	MDC Position	Submission
		<p>socio-economic status of residents, retail distribution effects, the financial viability of a project, and the economic effects of trade competition</p> <p>However, MDC submits that the effects that should still be within the scope of the Bill should include:</p> <ul style="list-style-type: none"> • Effects on landscape should be able to be considered where the landscape is identified as an outstanding natural landscape (in some cases local businesses, such as those around Queenstown or Wanaka, are dependent on the natural aesthetic of an area, while in other cases some landscapes may have particular [and sensitive] historical or cultural associations, such as Mount Taranaki). • The visual appearance of buildings within a heritage area or precinct (e.g. some of Feilding’s historic streets, Napier’s Art Deco Streets, or the Oamaru Heritage Precinct) which give a town or location a distinct character and/or attracts visitors and tourist spending. • The external layout of buildings where necessary to address environmental matters other than visual appearance (e.g. to ensure access to sunlight or provide permeable surfaces to help manage stormwater runoff). • Legitimate significant adverse environmental effects on the trade competitors of consent applicants (for example, noise, vibration, dust, runoff, discharges, or traffic safety impacts which have the potential to damage land or buildings, or puts business operations or the health and safety of employees at risk). <p>MDC submits that there is also a legitimate role for considering precedent effects where they play a role in promoting and efficient consenting processes. Considering each consent application on their merits de novo, without an ability to reflect on what approach had been used previously with similar applications, will result in extra time and expense for each new application. Not being able to consider precedents also makes managing cumulative effects (see the definition of ‘effect’ in section 3) difficult.</p> <p>MDC further submits that as worded currently, the relationship between s14(1) and (2) will result in confusion for applicants and those administering the consent process. Managing of the matters listed in 14(2) is difficult without having some regard to some of the effects 14(1) proposes to exclude.</p> <p>Finally, it is not entirely clear from the provisions of the Bill as to what is to happen with activities which, during the transition period which would normally trigger the need for a RMA resource consent (by virtue breaching an amenity-</p>

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Provision(s)	MDC Position	Submission
		<p>based rule in a district plan) but to which section 14 may now apply. It would be appreciated if the Bill could (as part of transitional provisions) clarify whether these are to be treated as permitted activities (i.e. no application is required), whether the corresponding provisions of plans are to be removed without further formality, or whether such activities are still required to apply for a consent and the consent automatically be granted (which seems costly and inefficient for applicants and the consent authority).</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. In 14(1)(a): delete the reference to the external layout of buildings on a site. ii. In 14(1)(b): insert the words ‘<u>economic or financial</u>’ between ‘negative’ and ‘effects’. iii. Qualify 14(1)(e) so that the ability to consider the visual appearance of a building in a heritage area or precinct is retained. iv. Modify 14(1)(h) so that it does not exclude the ability to consider the effects of buildings and activities on outstanding natural landscapes and features, or sites of significance to Māori. v. Delete 14(1)(i). vi. Make consequential amendments to 14(2) to give effect to the matters above.
<p>Section 15</p> <p><i>Considering adverse effects of activities</i></p>	<p>Partly support</p>	<p><u>Submission</u></p> <p>Use of the words ‘where practicable’ in s15(1)(a) weaken and undermine the duty of any party under the Bill to consider how adverse effects are to be avoided, minimised or remedied. Although possibly unintended, the words create the impression that a person can opt out if they are of the view such a consideration entails too much effort or expense. The wording in s15(1)(a) is able to function without the ‘where practicable’ qualification, particularly when other provisions of the Bill already incorporate principles relating to proportionality.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. Delete ‘where practicable’ from s15(1)(a).
<p>Section 16</p>	<p>Opposed</p>	<p><u>Submission</u></p>

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Provision(s)	MDC Position	Submission
<i>Overview of reference to rules</i>		<p>The intended effect and location of this section is unclear, particularly as s16(2) states the section is ‘only a guide’.</p> <p><u>Relief Sought</u></p> <p>Delete section 16 and move the material which defines and distinguishes between <i>national rules</i> and <i>rules</i> in environment plans to section 3 (interpretation).</p>
Section 17 <i>Restrictions on land use</i>	Partly Support	<p><u>Submission</u></p> <p>This sections use of the same or similar language to s9 of the Resource Management Act misses an opportunity to make it clearer that most everyday, common, activities are automatically able to be undertaken without the need for a planning consent and such a consent is only required where a rule in a plan requires a consent to be applied for or a condition of a permitted activity (where such conditions or terms exist) is not able to be complied with.</p> <p><u>Relief Sought</u></p> <p>i. Include a clause to the effect that any effect or activity which is not covered by provisions in a national standard or regional spatial plan or land use plan is deemed to be a permitted activity (of a type which does not need to be registered with a territorial authority).</p>
Section 25 <i>Duty to avoid, minimise or remedy adverse effects</i>	Partly Support	<p><u>Submission</u></p> <p>The RMA used the phrase, ‘avoid, remedy, or mitigate’ in respect to adverse effects. The Planning Bill, instead of referring to ‘mitigate’ proposes to use the term ‘minimise.’</p> <p>It is unclear what ‘minimise’ is intended to mean in this context and the extent to which ‘minimise’ is to be qualified by reference to practicality or degree. For example, is ‘minimise’ intended to incorporate concepts of offsetting or compensation (and would those terms entail full or partial offsetting or compensation)? Without further clarification there is strong risk of the Courts being left to determine interpretation via case law (and such interpretations may be different to what the government intended).</p> <p>By contrast, there is much existing caselaw around the term ‘mitigate’ (as used in the RMA). If the term ‘minimise’ is difficult to define then Manawatū District Council suggests reverting back to ‘mitigate.’</p>

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Provision(s)	MDC Position	Submission
		<p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. EITHER: That the Bill provide a definition which makes it clear as to how the term ‘minimise’ is intended to be interpreted ii. OR: Replace ‘minimise’ with ‘mitigate’.
Section 27 <i>Key instruments</i>	Support	<p><u>Submission</u></p> <p>Provides a useful overview of the type and purpose of key planning instruments in the Bill.</p>
Section 29 <i>Application of objectives, policies, rules, and methods</i>	Support	<p><u>Submission</u></p> <p>MDC supports the intent of the provision but suggests the words ‘specified activity’ be replaced by ‘particular activity’ or ‘individual activity’ to lessen the confusion with the concept of a ‘specified topic’ or an activity which may be specified or listed in a schedule or provision of a planning instrument.</p>
Sections 30 and 31 <i>Meaning of rule and Principles for classifying activities</i>	Support	<p><u>Submission</u></p> <p>Putting aside whether the incorporation of principles adds unnecessary sections to the Bill, MDC supports the general approach the principles take to help determine (by way of the nature of effects) which activity class any activity fits under.</p>
Section 32(2), Section 33, and Section 38 <i>Consequences</i>	Opposed	<p><u>Submission</u></p> <p>The relationship between 32(2)(b) (which requires compliance with a permitted activity rule) and s38 appears to require all permitted activities to be registered or be associated with a condition of a planning consent under s151. Section 38 specifies that a person must not only register their permitted activity but must also obtain the written</p>

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Provision(s)	MDC Position	Submission
<p><i>of activity classifications and Permitted activity rules</i></p>		<p>approvals of all persons who may be directly affected by the activity, and/or obtain a certificate from a qualified person, and/or pay a fee or levy (see section 283).</p> <p>These requirements are more onerous (and costly) than what the RMA currently requires (where there is no general requirement in legislation for permitted activities to be registered, and those undertaking permitted activities generally do not need to approach a local authority).</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. Amend section 32 to remove (or qualify) the requirement for all permitted activities to comply with the permitted activity rule requirements (s39), or make it clearer that s32(2)(b) must only be complied with if, and when, a national rule, regulations, standards, or a rule in a plan states compliance is required. ii. Consider renaming those permitted activities which are subject to the proposed permitted activity rule “registered activities” or “controlled activities” to better distinguish them from permitted activities which do not need to be registered. iii. Reword the chapeau of s38 to state that if a national rule, regulations, standards, or a plan rule so states, a permitted activity (or registered activity or controlled activity, if these terms are used) must be registered or relate to a matter in section 151 <u>as though the condition for a planning consent were a condition for a permitted activity</u>. iv. Clarify that a fee (under section 283) may only be payable where an activity is required to be registered.
<p>Section 45</p> <p><i>Matters to consider when making national instrument</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>MDC is supportive of the Minister being subject to specific process requirements, including being required to consider particular matters, when preparing national instruments.</p> <p>However, missing from section 45 and section 46 is any explicit reference to the Minister having to have regard to, or seek advice on, the necessity for the national instrument, an evaluation of alternatives, and the costs and benefits associated with proposals (including any additional costs or savings that will be imposed on those administering or implementing the instrument). This is particularly important in that national instruments (including the standardised</p>

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		<p>plan provisions, and processes for setting limits) have primacy over natural environment plan provisions, and the Bill contains limited scope for such an evaluation to be carried out (or have much effect) at the regional council level. The cross reference to section 87 of the Bill appears to imply only limited scope for local authorities to give additional consideration to alternatives, costs or benefits.</p> <p>It is understood the government may, in the ordinary performance of its operations, assess options around the making of regulations and national instruments through a Regulatory Impact Statement (RIS), or Cost Recovery Impact Statement (CRIS) (where a regulation or instrument proposes the use of fees or levies). However, Cabinet can still agree to progress regulations without the completion of either form of assessment. This provides little confidence that the impact on those affected (and those who will have to administer or implement the instruments) will always be fully considered and understood. Statutory requirements to carry out an evaluation mitigate that risk.</p> <p>If there is a concern that the double up in effort between complying with statutory evaluation requirements and RIS and CRIS requirements, then it should be straight forward for Cabinet to waive the requirement for the latter when an evaluation under the Planning Act or Natural Environment Act has been prepared and attached to a Cabinet paper seeking approval for regulation or instrument.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. Amend either section 45 or section 46 to include a requirement for the Minister to evaluate, or have due regard to: <ul style="list-style-type: none"> a. The necessity for the instrument and any alternatives means of achieving the objectives of the instrument. b. The costs and benefits associated with the proposals in the instrument, including and additional costs or savings relating to the administration or implementation of the instrument.
Section 46 <i>Process for making national instrument</i>	Opposed	<p><u>Submission</u></p> <p>Section 46(1) only requires the Minister to provide iwi authorities with a draft of a proposed national instrument and give them adequate time to consider the document and provide advice on it. The present wording of the section prioritises iwi and iwi authorities without equal, explicit consideration of hapū (not all hapū who hold tangata</p>

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Provision(s)	MDC Position	Submission
		<p>whenua or mana whenua status hold views which are completely aligned with the iwi in their area).</p> <p>Despite local authorities having to comply with and implement national instruments, and having the best understanding as to how those instruments are likely to be applied locally (as well as what impact they may have), local authorities are also not given the opportunity to consider draft national instruments nor provide advice on them. Local authorities are instead treated the same as any other member of the public under s46(2)(a), i.e. that may be able to comment on a proposed document only.</p> <p>The discretion of the Minister to consult other persons at any time (s46(3)) does not provide certainty regarding local authority input at the draft national instrument stage. Similarly, the ministerial discretion to determine the adequacy of the timeframe for consultation fails to provide the necessary safeguards to ensure meaningful consultation. This is in direct contrast to requirements placed on local authorities (who are required to provide a submission period of at least 20 working days when preparing plans).</p> <p><u>Relief Sought</u></p> <ol style="list-style-type: none"> i. References to ‘iwi authorities’ should be changed to recognised ‘iwi and hapū.’ ii. The following provisions should make specific reference to affected local authorities being consulted, and being given the opportunity to submit or comment on, the preparation of draft regulations, national instruments, or directions: <ul style="list-style-type: none"> • Provisions relating to the preparation of national instruments (proposed sections 46 - 52). • Provisions relating to preparation of the National Policy Direction (proposed sections 53 – 57). • Provisions relating to National Standards (proposed sections 58 – 60). • Regulations made under proposed sections, 281, 282 and 283 which relate to matters including, the preparation of spatial plans, esplanade strips, fees, the application and categorisation of rules in plans, monitoring by local authorities, timeframes and procedures, and levies. <p>The provisions could take a form similar to that proposed for section 305 (Emergency Response Regulations), include the recirculation of drafts (similar to section 58D of the Resource Management Act), or both.</p> iii. The minimum timeframe of consultation and submissions or feedback on proposed regulations, national

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		<p>instruments or directions be set at 20 working days.</p> <p>iv. Subsection 46(5)(d) should also refer to advice received from local authorities.</p>

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Provision(s)	MDC Position	Submission
<p>Plan sequencing Issues arising from section 68 and Schedule 2.</p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>MDC supports the concept of regional spatial plans, natural environment plans, and land use plans supporting each other, but considers there is a fundamental timing issue with the intended sequencing of plans and plan provisions across the Planning Bill and the Natural Environment Bill.</p> <p>The Natural Environment Bill establishes environmental limits as being a central concept (under a ‘development within environmental limits’ type approach). The Planning Bill places the timing of the preparation of the regional spatial plan ahead of the preparation of the environment plan. This is problematic in that a regional spatial plan committee must consider environmental limits and information from a natural environment plan (see Schedule 2, clause 6 of the Planning Bill) and must identify and provide for the spatial implications of environmental limits as a mandatory content matter in the regional spatial plan (clauses 2 and 3 of the Schedule 2 of the Planning Bill). However, environmental limits relating to ecological health are set through environmental plans which the Bills anticipate being prepared <u>after</u> decisions have been taken on the regional spatial plan (see section 68 of the Planning Bill). Transitional provisions of the Planning Bill need to allow existing RMA regional plans to serve as interim natural plans (and incorporate limits as appropriate) until such time as the first natural environment plans come into force.</p> <p><u>Relief Sought</u></p> <p>i. Incorporate transitional provisions into the Planning Bill which provide for existing RMA regional plans to</p>

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Provision(s)	MDC Position	Submission
		act as interim natural environment plans, including containing environmental limits (or equivalent provisions within those plans until such time as environmental limits are set).
Sections 65 and 66 <i>Geographical boundaries of a regional spatial plan</i>	Partly Support	<p><u>Submission</u></p> <p>Some local authorities which are small but adjoining unitary authorities may benefit from the ability to combine when preparing a regional spatial plan. The ability to jointly prepare a spatial plan in section 292, and it would be helpful for section 292 to be cross referenced in this section (sections 65 and 66 otherwise read as though the existing regional boundaries the only boundaries which apply to a spatial plan).</p> <p>In other instances, some local authorities have land within the boundaries of two or more regions (e.g. Taupō District), which would mean those districts would be inefficiently duplicating their effort through being part of multiple regional spatial planning exercises. Despite some recognition of this situation in clause 5(6) of Schedule 1, it would be more efficient for those local authorities to only be required to participate in regional spatial plans of the region within which most of their land area is contained. Local authorities participating in regional spatial planning exercises can rely on the relationship anticipated in clause 8 of Schedule 2 to help manage issues or matters which cross regional boundaries.</p> <p><u>Relief Sought</u></p> <ol style="list-style-type: none"> i. Amend section 65 to insert a cross reference to section 292 (which provides for the joint preparation of spatial plans). ii. Amend section 66 to provide for territorial authorities whose land area is within multiple regions with an ability to opt to only be part of a regional spatial plan which relates to the region within which most of the territorial authority's land is located. iii. Make consequential amendments to clause 8 of Schedule 1 and section 69 to accommodate the circumstances in 'ii' above.
Section 67 <i>Purpose of regional</i>	Partly Support	<p><u>Submission</u></p> <p>Section 67 makes no reference to guiding or directing land use and infrastructure investment in such a way as to avoid or mitigate the risk of natural hazards (which may cross the boundaries of multiple districts and may become</p>

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Provision(s)	MDC Position	Submission
<i>spatial plans</i>		<p>more severe in future). This appears to be at odds with the likely reason for identifying such hazards as a constraint in the first place (as per Schedule 2 clauses 2 and 3).</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. Amend section 67 to include a reference to coordinating and guiding land use and infrastructure planning and investment to avoid or mitigate the risks associated with natural hazards.
<p>Section 68</p> <p><i>How regional spatial plans promote integration</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>MDC is concerned that the requirement for the Minister to ‘take into account’ any regional spatial plan when preparing and reviewing the Government Policy Statement on land transport is too weak to provide long-term certainty for development and infrastructure investment by other providers (local authorities and the private sector).</p> <p>A duty to ‘take into account’ does not necessarily equate to a requirement to action or to commit to investment. A more active and binding duty which maintains the confidence investors and of other parties involved in implementing spatial plans is recommended. We recommend substitution of ‘take into account’ with ‘recognise and provide for’. If there are concerns around a future government being bound by a stronger commitment, then safeguards for a future government exist in the words ‘provide for’ not specifying the exact means of provision. The Minister being able to appoint representatives to the spatial plan committee and hearing panel, and the ability for spatial plans to be reviewed or changed as circumstances dictate (see Schedule 2), provide other opportunities for all parties to collectively discuss and review government commitments as and when needed.</p> <p>MDC is also concerned that section 68 is missing references to Ministers whose portfolio responsibilities cover other types of key infrastructure important to building and maintaining well-functioning communities (such as schools and health facilities). A commitment from such Ministers to participate in spatial planning and recognise and provide for the provisions of spatial plans in their plans is needed to provide certainty to local authorities in the preparation of their plans, and confidence to private sector to invest in a given area.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. Amend the requirement of the Minister to take into account regional spatial plans when preparing the government policy statement to ‘<u>recognise and provide for</u>’ the provisions of regional spatial plans.

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Provision(s)	MDC Position	Submission
		<p>ii. Broaden the list of Ministers who need to recognise and provide for the provisions of regional spatial plans in their own planning documents (e.g. property management plans, Strategic Intentions, or other strategic documents) to include those responsible for education and health.</p>
<p>Section 69 <i>Process agreement for preparation of regional spatial plan</i></p>	<p>Partly support</p>	<p><u>Submission</u></p> <p>Although section 69 sets out the matters which local authorities must agree on, the heading is misleading in so far that neither the process for the agreement, nor the form the agreement is to take, is described in the section (or the associated provisions in Schedule 2). As not all regions will have operational policies or agreements as to how they will work together on plans, beyond Local Government Act triennial agreements, the lack of specificity in these provisions may slow the initial stages of regional spatial plan preparation while the form and detail of agreements are negotiated.</p> <p>If it is intended the process is to be contained in regulations, then the relevant sections of the Bill should state this.</p> <p>It is noted that a secretariat to support the agreements does not formally exist under section 69 and does not appear to exist before the spatial plan committee appoints one. MDC submits that one of the matters local authorities should be agreeing through section 69 agreements is the establishment of the secretariat to support the development of the agreements and to support the establishment of the spatial plan committee.</p> <p><u>Relief Sought</u></p> <p>i. EITHER:</p> <ul style="list-style-type: none"> ○ Provisions be incorporated into the Planning Bill which specify the form the regional spatial plan agreement is to take, and the minimum process agreement requirements (similar to sections 37 and 39), OR ○ Incorporate wording to the effect that the form, minimum content of, and process to be used to formulate the agreements must be consistent with regulations. <p>ii. Amend section 69 (with a consequential amendment to section 71) so that one of the matters local authorities must agree to are the establishment of a secretariat to support the preparation of the other agreements under the section, and the setting up and administration of the regional spatial plan committee.</p>

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Provision(s)	MDC Position	Submission
<p>Section 70</p> <p><i>Consultation with iwi</i></p>	<p>Partly support</p>	<p><u>Submission</u></p> <p>Section 70 only makes reference to iwi authorities and customary title groups. This prioritises iwi and iwi authorities without equal, explicit consideration of hapū (not all hapū who hold tangata whenua or mana whenua status hold views which are completely aligned with the iwi in their area).</p> <p>It is also noted that sections 70 (and also Schedules 2 and 3 of the Planning Bill) requires local authorities to engage iwi authorities and those holding Mana Whakahono ā Rohe and other types of partnership agreements on the development of regional spatial plans. MDC notes that no resourcing provisions are in place to facilitate iwi authorities or hapū to engage on regional spatial plans to help fulfil the statutory requirement. Not all iwi and hapū are the beneficiaries of Treaty settlements and therefore may have little to no resources to participate in consultation and engagement processes mandated under this Bill. This can capacity and ability of Māori groups to input (thus undermining the goal in the Bill to provide for Māori interests through participation).</p> <p>If it is to be assumed that, as in the case of Clause 6 of Schedule 3, local authorities are to consider how to foster iwi capacity, then this needs to be stated clearly. However, in doing so, the Environment Committee should recommend to Parliament that the costs of fostering iwi capacity be excluded from the calculations which underpin any formula which may be applied to capping of local authority rates. The requirement to consult on regional spatial plans is a government requirement, rather than something that was at the discretion of local authorities.</p> <p><u>Relief Sought</u></p> <ol style="list-style-type: none"> i. Section 70 should refer to ‘iwi and hapū’ (or groups which represent them) in the region to which the spatial plan relates (the detail of how to best do this would then be determined as part of an amended section 69(1)(e)). ii. Provisions should be included in the Bill which provide clarity on how iwi and hapū may be resourced to provide input into, and participate in the preparation of, national instruments and planning documents.
<p>Section 72</p> <p><i>Ministerial appointments</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>Section 72 is not clear on the circumstances under which the Minister may exercise their discretion, and whether 72(1)(b), in its current form, was intended to act as a form of local authority veto. There appears to be a</p>

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Provision(s)	MDC Position	Submission
		<p>typographical error in 72(1)(b) which should refer to two or more members.</p> <p>To avoid the potential for an unconstitutional override of local democracy, the default should be for the Ministerial appointees (who are unelected) to have no voting rights, and if voting rights are provided, the number of Ministerial appointees cannot exceed the number of local authority representatives.</p> <p><u>Relief Sought</u></p> <ol style="list-style-type: none"> i. Amend section 72 to specify the circumstances or considerations which will determine whether the Minister will exercise their discretion to appoint one or more panel members and the extent of their voting powers. ii. Amend section 72(1)(b) to refer to <u>two</u> or more members and include wording to the effect that the number of Ministerial appointments must be fewer than the number of local authority representatives. iii. Reword section 72(2) so that the default is for Ministerial appointments to not have voting rights.
<p>Section 79</p> <p><i>Plan may include bespoke provisions</i></p>	<p>Support</p>	<p><u>Submission</u></p> <p>If there is to be greater standardisation of plans and plan content through national policy direction and other national planning instruments, then it is important that flexibility is incorporated to accommodate local circumstances which do not fit the nationally prescribed provisions.</p> <p>However, it is also recognised that having too many local variations in plans have contributed to unnecessary confusion and inefficiencies in the planning system, and there needs to be some restrictions on local provisions which differ from nationally standardised approaches without appropriate justification. That said MDC, notes that it is difficult to make further comment without the government providing more concrete examples of how the system will work.</p>
<p>Section 80</p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>It is noted that section 80 anticipates iwi having prepared planning documents. Not all iwi and hapū are the beneficiaries of Treaty settlements. Those that don't may have little to no resources to prepare planning documents of their own. This can the ability for Māori to have meaningful input into the planning process (thus undermining the goal in the Bill which seeks to provide for Māori interests through participation [section 11(1)(i)]).</p>

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Provision(s)	MDC Position	Submission
		<p><u>Relief Sought</u></p> <p>i. Provisions should be included in the Bill which provide clarity on how iwi and hapū may be resourced to participate in the preparation of national instruments and planning documents.(including through the preparation of planning documents of their own).</p>
<p>Section 81</p> <p><i>Provisions in land use plan</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>MDC supports the provisions of land use plans incorporating objectives, policies, and rules as mandatory content, and methods and designations as being optional.</p> <p>MDC is opposed to the regulatory relief provisions of the Bill in their current form. MDC’s preference is for the Bill to rely on section 105 (without the references to regulatory relief) which allows for landowners to apply to the Environment Court to have overly onerous provisions struck out or modified. Such an approach would make the additional effort and expense of preparing a regulatory relief framework unnecessary.</p> <p><u>Relief Sought</u></p> <p>i. Delete s81(1)(b) – which refers to a regulatory relief framework.</p>
<p>Section 86</p> <p><i>Methods relating to incentives</i></p>	<p>Support</p>	<p><u>Submission</u></p> <p>There has been a tendency of RMA plans to resort to regulation of activities with limited or no consideration of alternatives or complementary methods such as incentives. More explicit consideration of incentives as a method is supported.</p> <p>MDC also suggests more explicit consideration of non-regulatory methods should be incorporated into section 89 (requirements for justification reports) where a local authority is proposing bespoke provisions of a regulatory nature.</p>
<p>Section 92</p> <p><i>Obligations relating to</i></p>	<p>Opposed</p>	<p><u>Submission</u></p> <p>MDC is opposed to the regulatory provisions of the Bill in their current form. MDC’s preference is for the Bill to rely on section 105 (without the references to regulatory relief) which allows for landowners to apply to the</p>

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Provision(s)	MDC Position	Submission
<i>regulatory relief.</i>		<p>Environment Court to have overly onerous provisions struck out or modified. Such an approach would make the additional effort and expense of preparing a regulatory relief framework unnecessary.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. Delete section 92 – which refers to a regulatory relief framework.
Section 97 <i>Applying for a consent that authorises change to plan provisions</i>	Partly support	<p><u>Submission</u></p> <p>The concept of providing a means to expedite a development or land use without having to go through both a resource consent and plan change process where the former process effectively changes the character of an area to the extent it resembles another zone, is supported from an efficiency point of view. However, the approach proposed:</p> <ul style="list-style-type: none"> • Risks creating an ad hoc patchwork of zoning which is not necessarily consistent with the goal in s11(1)(a), • Could result in an inefficient use of infrastructure and may undermine business certainty as to which activities may locate where (and who their neighbours may be). This is not a positive outcome for local authorities or private companies who are looking to keep their costs under control. <p>As worded, it is assumed that the intent behind section 97 relates to the appropriate zoning of land once a subdivision or land use consent which will significantly change the use of an area of land is granted.</p> <p>Manawatū District Council is of the view that a better approach would be to provide a similar mechanism within Parts 1 and 2 of Schedule 3 where a local authority may, without having to follow a full Schedule 3 process, change the zoning or rules which apply to a specified area of land to reflect a change of use authorised by a subdivision or land use consent.</p> <p>Before determining whether the rezoning is appropriate, the local authority must prepare a report which demonstrates:</p> <ul style="list-style-type: none"> • The consent is, or will be, given effect to. • The zoning change is consistent with the achievement of the goals in section 11. • The plan change will be consistent with standardised plan provisions (and any bespoke provisions justified)

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		<p>and is consistent with the requirements of the relevant national instruments.</p> <ul style="list-style-type: none"> The zoning will be more appropriate than the current zoning of the land, and will not significantly undermine the broader intent, land use patterns, and infrastructure provisions set out in the relevant regional spatial plan. <p>As with the provisions currently proposed, the zoning change would only apply to the land which was the subject of the original consent.</p> <p>Relief Sought</p> <ul style="list-style-type: none"> Delete sections 97 and 98 and replace them with a similar ‘fast track’ rezoning plan change mechanism in Schedule 3 of the Bill. The fast track rezoning must only relate to the area of land to which a consent has been granted, and must consider whether the effect of the consent is consistent with the achievement of section 11 goals, standardised plan provisions, and the regional spatial plan.
<p>Section 105 <i>Environment Court may give directions in respect to land subject to controls</i></p>	<p>Partly Support</p>	<p>Submission</p> <p>MDC is supportive of the ability of the Environment Court to make various directions and notes the proposed section 105 largely mirrors the existing section 85 of the Resource Management Act.</p> <p>However, MDC is opposed to the regulatory relief provisions of the Bill in their current form and considers the alternative relief mechanisms (submissions and appeals on land use plans, and the ability of landowners to apply to the Court to modify, delete or replace plan provisions which impair the reasonable use of land) to be sufficient.</p> <p>Relief Sought</p> <ul style="list-style-type: none"> Delete section 105(3)(c) and section 105(8) – which refer to the regulatory relief framework.
<p>Schedule 2, Clause 3 <i>Contents of regional</i></p>	<p>Partly Support</p>	<p>Submission</p> <p>Clause 3(1)(e) is worded too generally, and it is unclear to what level of granularity the ‘other infrastructure’ is to be identified and provided for. Other than key trunk, arterial, mains and headwork infrastructure, current practice is for most of the in-subdivision infrastructure to be provided by developers. Further, the location and layout of future development areas are planned in more detail at the planning consent stage. Additionally, some infrastructure</p>

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Provision(s)	MDC Position	Submission
<i>spatial plans</i>		<p>providers will not commit to providing infrastructure until such time as they know the development is going ahead, and the general layout is confirmed (which makes it hard to include in regional spatial plans before a consent application is well progressed).</p> <p>If only the key infrastructure is intended to be shown, then clause 3(1)(d) is sufficient.</p> <p><u>Relief Sought</u></p> <p>i. Delete clause 3(1)(e).</p>
<p>Schedule 2, Clauses 22 and 23.</p> <p><i>Consensus Decision Making</i></p>	Partly Support	<p><u>Submission</u></p> <p>MDC is supportive of the concept of consensus decision making, particularly where there are a diversity of local authorities (in terms of size and resources) and the issues being managed affect multiple local authorities. Consensus decision making lessens the risk of smaller local authorities being overruled or ignored by large local authorities (particularly if they have more representatives on a committee, such as when representation is proportional to population size)).</p> <p>MDC also supports the concept that, where there is a dispute which cannot be resolved by multiple local authorities, the matter go to an independent adjudicator for a decision. However, MDC considers that adjudication should not be by the Minister, especially if the Minister has appointed their own representative to the spatial plan committee. As an alternative, MDC suggests adjudication be by a suitably independent, qualified, and experienced person such as a Planning Tribunal member or senior lawyer with experience local government law.</p> <p><u>Relief Sought</u></p> <p>i. Replace references to the Minister in clause 23 with EITHER: ‘a suitably qualified and experienced person agreed by the local authorities of the region’ OR: ‘The Planning Tribunal’.</p>
<p>Schedule 2, clauses 24-25</p> <p>Appeals on points of law</p>	Support	<p><u>Submission</u></p> <p>The point of an independent, qualified, hearing panel is to make decisions on the merits of arguments made in submissions in a structured, quasi-judicial manner. Revisiting merits-based arguments will only add to the time and cost it takes to make a regional spatial plan operative (recognising too, that the regional spatial plan plays a more</p>

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Provision(s)	MDC Position	Submission
and merit		<p>limited role in how people can use their land compared to land use plans).</p> <p>Where a local authority has rejected a hearing panel decision, it would be unlikely that elected members of that local authority would have sat through all the hearings, and read all the information submitted on the spatial plan. It is therefore appropriate that a decision to reject a hearing panel decision is heard by a judge who has the appropriate skills and experience to consider and test the grounds for the decision.</p>
<p>Schedule 2, clause 26</p> <p><i>Appeals on decisions of a designating authority</i></p>	Support	<p><u>Submission</u></p> <p>As proposed by the Bill, decisions on designations are to be taken by the designation authority in the first instance, and not the independent hearing panel. Because of this, and the inherent conflict of interest in a designating authority making a decision on its own designation, it is appropriate for merit-based appeals to be made on designations included in spatial plans.</p>
<p>Schedule 2, Clause 28</p> <p><i>Decisions of Environment Court may be appealed</i></p>	Partly Support	<p><u>Submission</u></p> <p>MDC supports the potential to save cost and time in the further appeals processes by reducing the number of courts an appeal can be progressed through. However, it is questioned whether removing the High Court appeal stage will create a de facto barrier to justice if going to the Court of Appeal proves to be more expensive and only possible if leave is required to appeal to that Court.</p> <p><u>Relief Sought</u></p> <p>i. That the Environment Committee seek advice on the relative costs and time savings for all parties in having appeals go straight to the Court of Appeal and, if so, whether that represents a barrier to access to justice.</p>
<p>Schedule 3, Clauses 5 and 6</p> <p><i>Pre-</i></p>	Partly Support	<p><u>Submission</u></p> <p>The references to tangata whenua in these clauses limits consultation to being through iwi authorities for whom the local authority has records. Not all iwi operate with iwi authorities, and not all hapū have iwi or iwi authorities which speak on their behalf.</p>

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Provision(s)	MDC Position	Submission
<i>notification consultation on proposed plan</i>		<p><u>Relief Sought</u></p> <p>i. Amend clauses 5 and 6 to provide for consultation to also occur with hapū who are not represented by an iwi or iwi authority.</p>
Schedule 3, Clause 11 <i>Justification Report</i>	Partly Support	<p><u>Submission</u></p> <p>Clause 11(2)(a) appears to require regional councils to prepare a justification report on bespoke provisions in accordance with section 89 (which relates to land use plans). Land use plans are prepared by territorial authorities (or territorial authorities with additional regional council functions – if a unitary authority). Justification reports for land use plans are already covered in clause 11(1).</p> <p><u>Relief Sought</u></p> <p>i. Delete the words “section 89 of this Act (for a proposed land use plans) or” from clause 11(2)(a).</p>
Schedule 3, clause 34 <i>Appeal on provision of relief framework</i>	Oppose	<p><u>Submission</u></p> <p>MDC is concerned the ability to appeal a regulatory relief framework will only result in costly, time-consuming, litigation, and potential abuses of process which have the effect of slowing plans coming into force. As seen with appeals related to financial contributions provisions in the early years of the RMA, some parties use whatever appeal mechanisms they can to slow certain plan provisions coming into force (to prevent controls being applied, avoid paying fees, or as a means to frustrate competitors).</p> <p>MDC is opposed to the regulatory provisions of the Bill in their current form. MDC’s preference is for the Bill to rely on section 105 (without the references to regulatory relief) which allows for landowners to apply to the Environment Court to have overly onerous provisions struck out or modified. Such an approach would make the additional effort and expense of preparing a regulatory relief framework unnecessary.</p> <p><u>Relief Sought</u></p> <p>i. Delete clause 34 of Schedule 3</p> <p>ii. Delete section 92 – which refers to a regulatory relief framework.</p>

Part 3: Combined Plan

Provision(s)	MDC Position	Submission
<p>Schedule 3, Part 4, Clauses 62-74</p> <p><i>Regulatory Relief</i></p>	<p>Opposed</p>	<p><u>Submission</u></p> <p>MDC is opposed to the regulatory relief provisions in their current form. Although narrow in scope, the provisions risk creating an inefficient and expensive processes at a time when local authorities are being asked to change at pace and keep expenditure and rates increased under control.</p> <p>MDC notes that the specified topics for which regulatory relief is to be provided for, relate (at least in part) to goals in section 11(g) and (i) which local authorities must seek to achieve, and mandatory functions of local authorities under section 184. It is inconsistent for the government to impose such requirements on local authorities, for some wider national benefit, and then require local authorities to provide regulatory relief while the government itself does not.</p> <p>MDC agrees that there should be a duty on local authorities to consider whether plan provisions have a significant impact on the reasonable use of land when preparing such provisions. Such considerations should include the impact on development potential, the effect of obligations for protection or restoration, or whether the provision creates an onerous compliance obligation. However, plan consultation, submission processes and appeal rights also create avenues for landowners to challenge the imposition of unreasonable restrictions on the use of land.</p> <p>In respect to the ability of a landowner to appeal or object to unreasonable restrictions over their land, MDC's preference is for the Bill to rely on section 105 (without the references to regulatory relief). That section already allows for landowners to apply to the Environment Court to have overly onerous provisions struck out or modified. Such an approach would make the additional effort and expense of preparing a regulatory relief framework unnecessary.</p> <p>MDC also notes that proposed section 86 also enables plans to incorporate incentives for a landowner to undertake an activity, and suggests this be extended to also providing incentives for protection or restoration.</p> <p><u>Relief Sought</u></p> <ol style="list-style-type: none"> i. Delete Part 4 of Schedule 3. ii. Amend proposed section 78 to include requirements for a local authority to have regard to whether a plan provision places an unreasonable restriction on the use of land.

Part 3: Combined Plan

Provision(s)	MDC Position	Submission
		iii. Amend section 105 to delete the cross reference to Part 4 of Schedule 3 and references to regulatory relief.
Schedule 10, Clause 23 <i>Review of decisions granting regulatory relief</i>	Oppose	<p><u>Submission</u></p> <p>MDC is opposed to the regulatory relief provisions of the Bill in their current form. MDC’s preference is for the Bill to rely on section 105 (without the references to regulatory relief) which allows for landowners to apply to the Environment Court to have overly onerous provisions struck out or modified. Such an approach would make the additional effort and expense of preparing a regulatory relief framework unnecessary.</p> <p>MDC is also supportive of methods in plans being able include incentives to encourage landowners to undertake various activities (see section 86) such as protecting , restoring, or maintaining buildings or areas.</p> <p><u>Relief Sought</u></p> <p>i. Delete Schedule 10, clause 23 – which refers to a regulatory relief framework.</p>

Part 4: Planning Consents

Provision(s)	MDC Position	Submission
Section 115 <i>Consent authority returns incomplete application.</i>	Partly Support	<p><u>Submission</u></p> <p>MDC supports the ability of a consent authority to return an incomplete consent application and that an applicant has an ability to challenge such an action. However, there is a risk that the Planning Tribunal may be clogged with minor administrative matters and that by being a division of the Environment Court, it may prove to be slower, more complex and formal, and a more costly body for resolving lower order challenges than some other forms of independent adjudication means.</p> <p><u>Relief Sought</u></p>

Part 4: Planning Consents

Provision(s)	MDC Position	Submission
Section 117 <i>Consent processing timeframes</i>	Partly Support	<p>i. Provide for an intermediate adjudication step, whereby an applicant can request the local authority get an independent peer review of the decision to return the application, and only then (if dissatisfied with that person’s decision) apply to the Planning Tribunal.</p> <p><u>Submission</u></p> <p>MDC supports the specification of the consent timeframes for basic application types within the Planning Bill but is concerned that these are expressed as maxima with no reference made in the Bill itself to processing timeframes being paused while consent authorities are awaiting further information from applicants, situations where the applicant has asked for an application to be put on hold, or other extenuating circumstances. The Bill instead appears to suggest that suspensions will be defined through regulations (which are not yet available for parties to submit on), which would not provide long-term certainty for applicants or consent authorities (as regulations can be changed relatively quickly with minimal public input).</p> <p>The situations where processing timeframes should be suspended are clear from the content of subsequent sections (i.e. s118 where applicants or iwi have asked for an extension, s119 Requests for further information, and s120 requests for reports).</p> <p>Consent processing timeframes should also be suspended for specified extenuating circumstances such as during a declared state of emergency (as consent processing staff may themselves be affected by an emergency or be involved in civil defence response and short-term recovery activities).</p> <p><u>Relief Sought</u></p> <p>i. To provide transparency and certainty for consent authorities, applicants and the general public, provisions similar to RMA sections 88B and 88E (which set out the circumstances as to what time periods should be excluded from the calculation of processing timeframes) should be included in the Planning Act. At a minimum, exclusions should be provided for timeframes associated with:</p> <ul style="list-style-type: none"> ○ Further information requests. ○ Commissioned reports. ○ Where the applicant (or other specified party) has asked to put processing on hold.

Part 4: Planning Consents

Provision(s)	MDC Position	Submission
		<ul style="list-style-type: none"> ○ Circumstances where a consent authority is awaiting another related application.
Section 118 <i>Certain consents must be processed within a year</i>	Opposed	<p><u>Submission</u></p> <p>MDC questions the need for section 118 and its processing timeframe of 1 year. The singling out of particular industry or business types over others for special treatment (picking winners) in the Bill is not conducive to business certainty, can result in the misallocation of resources, distorts markets, sets an undesirable precedent whereby other industries also seek special treatment, and disincentivises diversification of the economy and innovation.</p> <p>Section 117 already provides for processing timeframes which are shorter than the 1 year timeframe proposed, with sections 284 and 285 providing the ability for timeframes to be extended, or requirements waived to cater for complex applications. It should be possible to amend sections 284 and 285 to provide for longer timeframes if applicants or other specified groups (such as the groups listed in 118) request.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. Delete section 118 and modify sections 284 and 285 to allow for longer extension of timeframes if an applicant or specified group request it.
Section 125 <i>Notification requirements if 124 does not apply</i>	Partly Support	<p><u>Submission</u></p> <p>MDC supports the general structure and approach to section 125.</p> <p>However, some local authorities, such as the Manawatū District, include iwi and hapū whose Treaty claims have yet to be settled. Section 125 implies that these groups, even if mana whenua or tangata whenua, will not automatically be notified under s125(2) even if they have an agreement or arrangement outside of a statutory acknowledgment.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. Amend section 125 so that iwi and hapū who do not have a Treaty settlement may be notified under s125 if the relevant local authority has retained records which identifies their sites of significance, and the proposed activity is on, adjacent to, or adversely effects that site of significance.
Section 127	Partly Support	<u>Submission</u>

Part 4: Planning Consents

Provision(s)	MDC Position	Submission
<i>Whether effects are likely to be more than minor</i>		<p>MDC supports the general structure and approach to section 127.</p> <p>However, MDC considers the reference to the regional spatial plan in 127(3) to be unnecessary and potentially problematic. Regional spatial plans are likely to have a form which is higher-level and less detailed than land use plans (so may not be particularly useful when considering specific effects), while sections 12 and 68 clearly anticipate land use plans will be implementing the regional spatial plan with greater specificity and provisions better aligned with the task of assessing adverse effects.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. Delete the reference to the regional spatial plan in s127(3).
Section 131 Submissions on applications	Partly Support	<p><u>Submission</u></p> <p>MDC appreciates the need for limiting unnecessary costs associated with large volumes of submissions from parties with no association with the region or district to which a consent application relates. However, there should be some allowance for submissions from specialist or expert groups who are representing an interest greater than that of a member of the general public. That interest could concern situations where an application concerns technical matters (such as uncommon but high-risk impacts on human health or ecological health) and there is no person in the region or district who would otherwise have the expertise to comment on that matter.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. Provide a new subsection 131(1)(c) which enables a person representing an interest greater than what the general public has to make submission. If desired, the scope of that interest could be limited to providing comment on technical matters which no qualifying resident in the district or region has expertise to comment on (even if the submitter is not directly affected themselves).

Part 5: Key Roles

Provision(s)	MDC Position	Submission
<p>Sections 184 and 185.</p> <p><i>Responsibilities and functions of territorial authorities</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>MDC supports the responsibilities and functions listed, as these are similar to the functions of territorial authorities now.</p> <p>However, provisions which require mandatory regulation of significant historic heritage, areas of high natural character within the coastal environment and outstanding natural features and landscapes (which, by necessity, may require limiting the use of land) conflict with requirements to provide regulatory relief. This creates the potential for councils to be in a lose-lose situation whereby they either face legal challenge for failing to regulate the use of certain land or must incur a financial penalty (in the form of regulatory relief) if they do. This is not a financially sustainable situation for smaller councils which may, proportionately, have a large number of outstanding natural features or heritage buildings and sites within their district.</p> <p>MDC supports the proposed inclusion of requirements for councils to consider incentives as land use plan methods (proposed s86) to encourage landowners to undertake activities and is of the view that incentives also serve as form of compensation for a reduced land use rights where the protection of natural or historic heritage is proposed.</p> <p>MDC also notes that the function of managing noise is missing from the list of responsibilities under s184(2). This is inconsistent with the territorial authority powers and duties proposed under sections 17, 24, 240, 242, 248 and 254. Noise is listed as a function of regional councils (in respect to fisheries) under section 222 of the Natural Environment Bill. For the sake of simplicity and clarity, it is suggested responsibility for the control of noise be shared as following:</p> <ul style="list-style-type: none"> • Noise is the responsibility of territorial authorities landward of mean high water springs. • Noise is the responsibility of regional councils in coastal waters seaward of mean high water springs (i.e. in the coastal marine area). <p><u>Relief Sought</u></p> <ol style="list-style-type: none"> i. Where regulation of certain matters is mandatorily required, the requirement to provide regulatory relief should be replaced with an ability for a land owner who believes their land is unreasonably impacted to request the Environment Court remove or modify the plan provision creating the impediment (along similar lines to the current RMA section 85). ii. Add the management of noise, landward of mean high water springs, as a responsibility of territorial

Part 5: Key Roles

Provision(s)	MDC Position	Submission
		authorities under s184.
Section 186 <i>Information gathering, monitoring, and keeping records</i>	Partly Support	<p><u>Submission</u></p> <p>Although the duty to monitor the effectiveness and efficiency of rules and methods falls to local authorities, it is unclear how information from monitoring nationally-prepared provisions. or methods which have been imposed (or required to be inserted) by central government, is to be fed back to central government. Such provisions may need to be amended if, through data collected by local authorities, shows the efficacy of those provisions is questionable.</p> <p>There also appears to be typographical error in s186(3)(a) which inadvertently requires territorial authorities to monitor the efficiency and effectiveness of rules and methods in ‘regional plans’. The reference should be to land use plans.</p> <p><u>Relief Sought</u></p> <ol style="list-style-type: none"> i. Amend s182 so that the Minister must have regard to information contained in local authority rule and method effectiveness reporting and, where the relevant provision is one required in plans though a central government instrument, must take action where a such rule or method is shown to be ineffective or inefficient. ii. Change the reference to ‘regional plans’ in s186(3)(a) to ‘land use plans’.
Section 189 <i>Obligations relating to statutory acknowledgements</i>	Partly Support	<p><u>Submission</u></p> <p>There appears to be no equivalent duty on central government in relation to statutory acknowledgements as there is for local authorities. Given the power of Ministers to make, delete or amend provisions in local authority plans, require compliance with standardised plan provisions, and direct other plan-content related matters, this creates a double standard and potential double-jeopardy situation for local authorities (such as whereby the Bill requires consideration of statutory acknowledgements by local authorities, but government standardised planning provisions do not). This can be addressed by creating a duty for Ministers to act consistently with statutory acknowledgments when exercising their powers.</p>

Part 5: Key Roles

Provision(s)	MDC Position	Submission
		<p><u>Relief Sought</u></p> <p>i. Insert a similar provision to s189 into the Bill which requires the Ministers to ensure the exercise of their powers is consistent with statutory acknowledgements in the districts or regions in which the exercise of the powers is proposed. These provisions should relate to all national policy direction, national instrument, national standard, and regulation making powers.</p>
<p>Section 197</p> <p><i>Power to make joint management agreements</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>Section 197 makes no reference of an ability to enter into a joint management agreement with iwi or hapū despite various parts of New Zealand being of higher importance to Māori and some groups having the knowledge, capability and capacity to help manage areas. Joint management agreements can also enable iwi and hapū to better perform their traditional duties of kaitiaki and offer the potential to further grow the Māori economy. The ability to enter into joint management agreements with iwi and hapū should therefore be seen as a complementary opportunity, even if comparatively little used at present.</p> <p>Any concerns from central government about Māori participation in a joint management agreement can be mitigated by the Minister being notified of the wish to enter into a joint management agreement, and the Minister being able to exercise various intervention powers (if they believe there is a problem) under sections 201, 202 and 204.</p> <p>It is noted that RMA section 36B (the RMA equivalent of proposed section 197) does refer to iwi and hapū, so it is unclear as to why the reference was omitted in this provision of the Planning Bill.</p> <p><u>Relief Sought</u></p> <p>i. Amend s197(1)(b)(i) to read “for the purposes of this Act, the public authority, <u>iwi or hapū</u> that would be a party to the joint management agreement – “</p>
<p>Section 203</p> <p><i>Minister may direct preparation of plan, document,</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>Section 203 broadly mirrors the intent behind section 24A of the of RMA but extends the Minister’s powers to directing (rather than ‘recommending’) a local authority prepare a plan, document, change or variation.</p>

Part 5: Key Roles

Provision(s)	MDC Position	Submission
<i>change or variation.</i>		<p>Although the reference to council functions (s185) appears appropriate, the reference to addressing ‘the issue’ (which appears to be a ‘planning land use issue’) is vague and has the potential to be interpreted widely or misused. The direction needs to be tied back more firmly to a significant shortcoming or failure (be it an act of commission or omission) in relation to the local authority carrying out its land use planning functions.</p> <p>Subsection 203(3) and (4) are of significant concern as they appear to give permission to the Minister to skip an investigation of the local authority before issuing a direction (which would otherwise be required through section 203(2)).</p> <p>The requirement that the Minister can skip an investigation on the basis of having reasonable evidence only (s203(4)) is a fundamental breach of the principles of natural justice (as it does not provide local authorities an opportunity to respond to accusations) and may result in the Minister taking ill-informed, inappropriate or unconstructive action, particularly where:</p> <ul style="list-style-type: none"> • The perceived failure of the local authority is related to a lack of resources to carry out their duties in a timely manner. • A local authority has been given conflicting goals or provisions in national instruments which are impossible to reconcile. • The failure on the part of a local authority relates back to an act or omission by central government in the performance of its functions, duties, or powers. <p>Relief Sought:</p> <ol style="list-style-type: none"> i. Replace the word ‘issue’ in a s203(1) and (2) with a ‘significant failure or shortcoming in the performance of its functions or duties under this Act’ (or wording to similar effect). ii. Delete s203(3) and 203(4).
Section 204 <i>Minister may</i>	Partly Support	<p>Submission</p> <p>Section 204 gives the Minister a broad discretion to direct local authorities to take any action the Minister</p>

Part 5: Key Roles

Provision(s)	MDC Position	Submission
<i>direct local authority to achieve outcomes</i>		<p>considered necessary to achieve an outcome. Although the intent that the Minister can intervene where a local authority has failed to adequately perform a duty, function or power, the reference to ‘outcomes’ has the potential to be misused as it is not strongly tied to the matter of non-performance. An outcome ‘specified by the Minister’ combined with the words ‘any action necessary’ could (in theory) enable the Minister to direct a plan change or change in consent processing practice that offers an unfair advantage to (or discourages) a particular group, business, or industry.</p> <p><u>Relief Sought</u></p> <p>i. Amend s204(1) to read “The Minister may direct a local authority to take any <u>relevant</u> action that the Minister considers necessary to <u>remedy any aspect of a significant failure or shortcoming in the performance by a local authority of any of its functions, powers or duties under this Act.</u>”</p>

Part 6: Enforcement and Other Matters

Provision(s)	MDC Position	Submission
<i>Section 218 Authorisations and responsibility of enforcement officers</i>	Partly Support	<p><u>Submission</u></p> <p>Section 218 narrows who local authorities can authorise to carry out enforcement functions on their behalf compared to RMA s38. Although Manawatū District Council has limited the range of authorisations it has given in the last (mainly to security firms), the proposed wording of s218 nonetheless reduces the flexibility of other local authorities to fill capacity gaps. Most local authorities have very few dedicated enforcement staff. Narrowing the range of agencies which can undertake enforcement actions on behalf of a local authority may also reduce the ability to undertake opportunistic enforcement actions (whereby non-local-authority enforcement officers who happen to have a warrant from local authority can use their presence to dissuade or prevent an offence from occurring, or undertake other enforcement actions on behalf of the local authority).</p>

Part 6: Enforcement and Other Matters

Provision(s)	MDC Position	Submission
		<p><u>Relief sought</u></p> <p>i. Provide a new 218(1)(c) which enables officers from the Ministry of Primary Industries, Department of Conservation, Maritime New Zealand, or Customs New Zealand to be authorised to act on behalf of a local authority (if the relevant agency of department has agreed).</p>
<p>Sections 220-222</p> <p><i>Enforcement Functions of the EPA</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>Most of the powers mentioned in sections 220 and 221 are similar to those contained in RMA section 343F. The addition of an ability to take action against a regional council is supported as it ensures an appropriately independent enforcement agency can take action where a regional council would otherwise have a conflict of interest (e.g. where a regional council may otherwise have had to take action against itself).</p> <p>However, Manawatū District Council submits that 220(c) should be amended so that the EPA can only intervene in an enforcement action of a local authority with the agreement of the local authority, or else in circumstances where there is reasonable evidence the action being taken by the local authority will be insufficient relative to the seriousness of the offence. These qualifiers would help address concerns that the use of the power in 220(c) would compromise or unnecessarily complicate investigations by a local authority.</p> <p><u>Relief sought</u></p> <p>i. Amend section 220(c) by adding qualifiers to the effect the EPA can only intervene:</p> <p>(i) with the agreement of the relevant local authority, or</p> <p>(ii) only in circumstances where the EPA has reasonable evidence to suggest the enforcement action proposed by the local authority will be insufficient or inadequate relative to the seriousness of the offending.</p> <p>ii. Make consequential changes to section 221(1) to give effect to the point above.</p>
<p>Section 224</p> <p><i>EPA may require</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>The general intent behind section 224 is supported, but in order to meet the 10 working day timeframe it is recommended that section 224 relate only to that information which is held by the local authority. The EPA should</p>

Part 6: Enforcement and Other Matters

Provision(s)	MDC Position	Submission
<i>information from local authority</i>		<p>not require a local authority to investigate and gather information the local authority does not already hold if the EPA is carrying out the performance function (particularly where such an investigation by a local authority will be impractical to complete within 10 working days).</p> <p>Relief Sought</p> <p>i. Amend section 224 so that each reference to information is followed by the words ‘held by the local authority’.</p>
<p>Sections 283 and 291</p> <p><i>Regulations relating to planning consent levy</i></p>	<p>Opposed</p>	<p>Submission</p> <p>Although the need to fund the development and review of national direction is accepted, the collection of levies under sections 283 and 291 is opposed because:</p> <ul style="list-style-type: none"> • Responsibility for collection falls on, and imposed costs and an additional administrative burden on, local authorities (section 291 does not provide any discretion for the government to collect the levy itself). • The collection of levies will create significant transactional inefficiencies for permitted activities (requiring persons to submit information and pay fees in situations where the RMA does not require them to currently) • Imposition of levies in this instance fails to acknowledge the nationwide benefits associated with national direction, and that good-practice principles for setting charges, levies and taxation⁴ dictate that taxation is more appropriate in instances where there is a greater public good. • It is unclear how local authorities are to enforce non-payment of the levies as the debt would be to the Crown and not the local authority. • In some instances, where national instruments impose restrictions of the use of land, the collection of levies is inconsistent with the concepts behind the government’s proposed regulatory relief regime.

⁴ E.g. New Zealand Treasury (2017) *Guidelines for Setting Charges in the Public Sector*

Part 6: Enforcement and Other Matters

Provision(s)	MDC Position	Submission
		<p><u>Decision Sought</u></p> <ul style="list-style-type: none"> i. Delete section 283 ii. Delete section 291
Sections 292 293 <i>Joint regional and district planning documents</i>	Support	<p><u>Submission</u></p> <p>The ability for local authorities to combine to jointly prepare a regional spatial plan, natural environment plan, or land use plan is supported. The costs of preparing and administering plans can be substantial relative to a small local authority's funding base, and the ability to combine to jointly prepare plans (as occurred with the local authorities in the Wairarapa) is one way to share costs. In other circumstances, the limited resources of some smaller rural local authorities and the similarity of issues they are managing with neighbouring districts may mean there is little need for them to have separate plan provisions.</p>

Schedule 1: Transitional, savings, and related provisions

Provision(s)	MDC Position	Submission
Schedule 1 Clause 5 <i>First Key Instruments under this Act and the Natural Environment</i>	Opposed	<p><u>Submission</u></p> <p>Clause 5 is inconsistent and unrealistic in its current form.</p> <p>Clause 5(1)-(3) states :</p> <ul style="list-style-type: none"> a) the national policy direction for this Act and Natural Environment Act must be issued within nine months of Royal Assent, and b) after the first national policy direction is issued, the national standards setting the evidence base for supporting combined plans must be issued within nine months of Royal Assent, and

Schedule 1: Transitional, savings, and related provisions

Provision(s)	MDC Position	Submission
Act		<p>c) national standards on standard [Combined] plan provisions must be issued within 18 months of Royal Assent</p> <p>d) national standards relating to various matters set out in [we presume⁵] s83 of the Natural Environment Bill relating to implementation of national policy direction, consistency, and how goals are to be achieved within 9 months of Royal Assent.</p> <p>However, clause 5(4), says a draft regional plan must be notified within 15 months of Royal Assent or 6 months of the first national policy direction being issued. That means the draft regional spatial plan may need to be notified before the standards relating to their content and format are issued. It is also likely that local authorities will be some way into their evidence gathering and draft regional spatial plan preparation process before any national direction is available. It would be more logical for draft spatial plans to be notified after all relevant government direction has been issued and sufficient time has been allowed to incorporate or comply with that direction.</p> <p>Clause 5(5) states that a local authority must notify its land use plan or natural environment plan within 9 months after the regional spatial plan is decided. This takes little account of:</p> <ul style="list-style-type: none"> • that for many local authorities the staff and resources used for preparing the land use or environment plan will be the same staff who have been working on the regional spatial plan. Only limited progress may have been made on land use and environment plans while the spatial plan was being prepared. • Some Iwi and hapū who need to be consulted may not be in position to allocate resources and respond quickly to further demands for input. • Clause 5(4) is not clear as to what the reference to ‘decided’ relates. The references to sections 22 and 23 are incorrect. It is possible that the reference is supposed to be to local authority decisions under Schedule 2 clause 21 or possibly it is related to the adoption of the regional spatial plan under Schedule 2 clauses 29 and 30. If the former, then the nine months timeframe is likely to be insufficient to resolve appeals which may have a material effect on land use or natural environment plan content. • The draw on the resources and time of other participants in the planning process, such as nationwide

⁵ Clause 5(3) appears to cite Natural Environment Bill sections which either do not exist or are misquoted. They may relate to matters listed in s.83 of that Bill.

Schedule 1: Transitional, savings, and related provisions

Provision(s)	MDC Position	Submission
		<p>infrastructure providers, who may have to be involved in more than 70 land use and environment plan preparation processes.</p> <ul style="list-style-type: none"> • The likelihood of councils needing to seek legal advice on new and untried provisions and concepts, or central government guidance on those concepts not being available in time. <p>Taking in account the work and resources required, and the resources likely to be available to all parties involved in the preparation of land use and natural environment plans, a more realistic timeframe to notify would be at least 18 months from regional spatial plans being decided. That timeframe is likely to be the minimum required to enable a local authority to meet its Schedule 2 obligations to:</p> <ul style="list-style-type: none"> • Consider the implications of iwi participation legislation or initiated Mana Whakahono ā Rohe agreements • Undertake pre-notification consultation in a meaningful way, including with: <ul style="list-style-type: none"> ○ The Minister and any other affected Ministers of the Crown. ○ Local iwi and hapū (including consideration of how the local authority may foster development of iwi capacity to respond). ○ Nearby local authorities. ○ Customary marine title groups (where relevant). • Invite and include designations in the draft plan (with six weeks for a response). • Prepare evaluation and justification reports, including assessments of the materiality of impacts. • Prepare a regulatory relief framework (where a plan contains provisions related to a <i>specified topic</i>). • Provide documents to the relevant departmental chief executive for an audit and respond to feedback and update its justification report (where bespoke provisions or provisions related to a specified topic are proposed). • Provide a full copy of the draft proposed plan to iwi, and have regard to any advice received <p>It is further noted that many of the requirements above are subject to regulations, and the timing and content of the</p>

Schedule 1: Transitional, savings, and related provisions

Provision(s)	MDC Position	Submission
		<p>regulations are both uncertain currently. Examples of some of the regulations proposed in the Bill include:</p> <ul style="list-style-type: none"> • Environmental limits and / or methodologies. • Regulations relating to regulatory relief frameworks (including regulations relating to the materiality of impacts). • National instruments relating to plan content and format. <p>Relief Sought</p> <ol style="list-style-type: none"> i. Fix the cross-references in clause 5(3) which currently refer to Natural Environment Bill sections 6.5(a), (b), (c) and (d), and section 6.8((1)(b). ii. Amend clause 5(4)(a) so that the first draft regional spatial plans must be notified within six months of the last national direction listed in 5(3) being issued, or 24 months of Royal Assent, whichever is the later. iii. Amend clause 5(4)(b) to refer to 18 months of when a regional spatial plan is adopted under clause 29 of Schedule 2.
Schedule 1, Clauses 11 and 12	Support	<p>Submission</p> <p>Manawatū District Council supports treating the processing of consents and notices of requirement lodged before the commencement of the Planning Bill under the RMA as though the Planning Bill had not been enacted.</p> <p>The treatment of applications in this manner is consistent with the principle that legislation should not be applied retrospectively and is pragmatic in that it avoids the necessity for applications to be re-worked or re-submitted.</p> <p>The reference to Part 1 of Schedule 9 in clause 12(2) should refer to Part 1 of Schedule 11.</p> <p>Relief Sought</p> <ol style="list-style-type: none"> i. Amend clause 12 so that the reference to Part 1 of Schedule 9 is changed to ‘Part 1 of Schedule 11’.
Schedule 1,	Support	Submission

Schedule 1: Transitional, savings, and related provisions

Provision(s)	MDC Position	Submission
Clause 30 <i>Continuation of Environment Court</i>		<p>Manawatū District Council supports treating matters before the Environment Court, relating to proceedings already commenced under the RMA at the time the clause takes effect as though the RMA still applied, as being consistent with the principle that legislation should not be applied retrospectively and is pragmatic.</p> <p>However, the use of the words ‘and enforced under that Act’ may benefit from further clarification in respect to whether the effects exclusion envisaged under section 14 would apply post commencement of this clause.</p>

Schedule 4: Independent Hearing Panels

Provision(s)	MDC Position	Submission
Schedule 4, Clause 2 <i>Direction on skills</i>	Partly Support	<p><u>Submission</u></p> <p>Clause 2 is currently worded in very general terms. To provide predictability in the appointment process, the clause should set out minimum specific qualifications and experience with respect to Planning Law, Environmental Law (or both), environmental science, land development, local government law, te ao Māori and must be accredited decision-makers.</p> <p>The independent panel must also have knowledge and experience of issues facing the region or district to which the planning instrument relates.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. Amend clause 2 so the Minister must as a minimum, when issuing a direction, ensure Independent Panels are chaired by a lawyer or accredited decision-maker and have appropriate qualifications and experience in relation to the following: <ul style="list-style-type: none"> a. Planning law, or Environmental Law, or a combination of both b. Local government

Schedule 4: Independent Hearing Panels

Provision(s)	MDC Position	Submission
Schedule 4, Clause 5	Partly Support	<p>c. Environmental Science, or land development, or engineering, or a combination of these</p> <p>d. Te ao Māori</p> <p><u>Submission</u></p> <p>It is appropriate that the Minister has a discretion to appoint a panel member where there will be an impact on central government resources, projects, or goals. However, to ensure the overall independence of the panel, the number of members appointed by the Minister should not exceed one person (as the overall size of the hearing panel will likely be small, perhaps fewer than seven members).</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. Amend clause 5(1) to refer to only one central government appointee ii. Restrict the exercise of the Ministerial discretion in clause 5 to circumstances where <ul style="list-style-type: none"> a. The panel is considering a regional spatial plan or a review of a regional spatial plan; or b. The subject matter of the plan or plan change will affect, or is likely to affect, a project or assets owned by the government or impact on the achievement of a goal in the relevant Act
Schedule 4, clause 8 <i>Funding of panel and related activities</i>	Opposed	<p><u>Submission</u></p> <p>Most of the arrangements set in clause 8 are of the nature that local authorities would normally work through individually or in conjunction with other local authorities. However, MDC does not support local authorities having to pay for the costs of participation of central government representatives, particularly if they have not asked for central government representation. If the government wishes to participate in an independent panel, then they should carry the costs of that participation (in reflection of broad national interest they purport to represent) rather than pass the costs onto local ratepayers.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. Delete the reference to central government representatives from clause 5(3). ii. Delete clause 5(5) entirely.

Schedule 4: Independent Hearing Panels

Provision(s)	MDC Position	Submission
		iii. Delete clause 5(6)(c) which refers to private plan changes.

Schedule 5: Designations

Provision(s)	MDC Position	Submission
Schedule 5, Clause 2 <i>Recognition of identified Māori land as taonga tuku iho</i>	Partly Support	<p><u>Submission</u></p> <p>MDC supports the concepts of ‘identified Māori land’ and ‘taonga tuku iho’ in relation to designations. However, there are concerns around the wider applicability of the concepts in the context of the Bill as the Bill seems to refer to these terms only within the context of designations and infrastructure corridor sites. The terms could be relevant to many matters covered in the Bill. The concept of identified Māori land being taonga tuku iho has broader application outside the Bill, but the Bill adopts narrower interpretation.</p> <p><i>Taonga tuku iho</i></p> <p>In respect to <i>Taonga tuku iho</i>, the term is undefined and appears to leave identification to leave interpretation (and the implications of that interpretation) open to either the designation authority (which is not appropriate) or Māori.</p> <p><i>Identified Māori land</i></p> <p>The definition given for identified Māori land is consistent with other definitions released in recent national direction (i.e. Māori ancestral land in the draft National Environmental Standards for Papakāinga (NES-P)). However, as with the draft National Environmental Standard for Papakāinga, the parameters around what is considered ‘general land owned by Māori’ under the Bill is more limiting than the standard definition under Te Ture Whenua Māori Act 1993.</p> <p><u>Relief Sought</u></p> <p>i. That the definition of general land owned by Māori is made consistent with that under Te Ture Whenua Māori Act 1993.</p>

Schedule 5: Designations

Provision(s)	MDC Position	Submission
Schedule 5, Clause 3 <i>Meaning of designation</i>	Support	<u>Submission</u> The definition is supported as providing greater clarity as that a designation does not just apply to land but can also include restrictions on the use of subsoil, airspace, or space occupied by water. This is clearer than the RMA definition.
Schedule 5, Clause 9 <i>Meaning of core infrastructure Operator</i>	Partly Support	<u>Submission</u> The definition of ‘core infrastructure operator’ and corresponding meaning of ‘core infrastructure operation’ is generally supported. However, it is unclear as to whether the reference to ‘drainage’ in subclause (e) includes flood control works or not. Although there is some overlaps, some common understandings of drainage works omit works intended to protect land and property from flooding through measures such as stopbanks, floodwalls, detention or attenuation structures, and floodgates (which divert or hold water rather than drain it). The Manawatū District and wider Horizons Region contains many flood control structures. At present almost of the flood control structures are owned by the Regional Council, but there may be potential for a future development to have its own private flood protection works given extensive flood plains in the region. <u>Relief Sought</u> i. Include a reference to ‘flood control works’ in clause 9(e), or provide a definition of ‘drainage’ in clause 3 which includes flood control or flood control works.
Schedule 6, Clause 11 <i>Minister may approve other infrastructure operators</i>	Partly Support	<u>Submission</u> It is noted that clause 11 is intended to accommodate infrastructure operators who are not ‘core infrastructure operators’ under clause 9. It is not clear who these parties may be, nor what their operations may be. Historically, designations were reserved for public works (which were generally held to have a public benefit, and the effects of which had a degree of public accountability associated with them as they were under the ultimate control of elected members). The public benefit test is incorporated into clause 11 and is supported. However, there is no consideration given to adverse impacts beyond the ‘those directly affected’ and potentially ‘the built environment’. Subclauses 3 to 7 then goes further to emphasis what appear to be primarily economic benefits. There is no explicit reference to the

Schedule 5: Designations

Provision(s)	MDC Position	Submission
		<p>potential environmental impacts of works associated with the operator or operation (or the potential economic costs or remediating damage to the natural environment). A link to the Natural Environment Bill and its goals should be included to ensure the Minister gives a balanced assessment of the merits of any application before making a decision.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. Amend clause 11 but inserting a subclause which requires the Minister to explicitly consider whether approval of a designating authority application will enable works which are not inconsistent with achieving goals under section 11 of the Natural Environment Bill, would be of low risk in respect to a breaching environmental limits, and whether the Minister is satisfied that an operator will be able to fulfil obligations that may be imposed under the plans or permits under Natural Environment Bill.
<p>Schedule 5, Clauses 17-20</p> <p><i>Notification of designation</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>Clause 17(1)(c) only references effects on the <i>built environment</i> that are more than minor. However, although it is well known that the activities associated with a designation can have significant impacts on natural resources there is no cross reference to the Natural Environment Bill, nor the possible need for a permit under that Bill. It is also noted that references to designations are largely absent from the Natural Environment Bill, which presumably means the activities associated with the designation which affect natural resources are independently subject to the separate natural resource permit regime under the Natural Environment Bill. This lack of integration means there is a lost opportunity to improve process efficiency by enabling proposed designations and natural resource permits to be notified and considered concurrently and jointly.</p> <p><u>Relief sought</u></p> <ul style="list-style-type: none"> i. Provide a mechanism in Schedule 5 of the Planning Bill which provides for territorial authorities to share notices of a proposed designation with regional councils where there is a likelihood of the designation having adverse effects on natural resources; and ii. Enable notices for a proposed designation and natural resource permits which relate to the same project to be notified together (where necessary under the provisions of each Bill) and heard together. iii. EITHER: Amend clause 14 of Schedule 5 (no duty to consult) to state that a territorial authority must

Schedule 5: Designations

Provision(s)	MDC Position	Submission
		<p>provide information about a notice for a proposed designation to a regional council: where the designation is likely to have a more than minor effect on a natural resource.</p> <p>OR:</p> <p>iv. The territorial authority must provide information about a notice of a proposed designation to the relevant regional council(s), and the regional council must assess whether the designation is likely to have a significant effect on a natural resource which will require a permit and notify the designation authority of that need.</p>
<p>Schedule 5 Clause 22</p> <p><i>Recommending authority</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>Some designations may have adverse effects on the natural environment of such significance that they require a natural resource permit under the Natural Environment Bill, and for that permit application to be notified. In such circumstances, it may be efficient for the permit and designation to be notified and heard at the same time. When this is the case, provision should be made to have a joint territorial authority – regional council recommending authority and hearings (so to avoid duplication of hearings processes).</p> <p>It is noted that clause 23 already anticipates some ability for there to be joint hearing, and this could be extended to the circumstances described above.</p> <p><u>Relief sought</u></p> <p>i. Amend clause 22 to provide for more than 1 commissioner to be appointed by the relevant territorial authority (or authorities where a designation spans more than one district) and regional council where a project which is the subject of a proposed designation is also the subject of a notified natural resource permit application.</p> <p>ii. Amend clauses 24 and 25 (recommendations on proposed designation and designation conditions) to provide the ability for a joint hearing panel which comprises commissioners appointed for the purpose of hearing the proposed designation and associated natural resource permit with the ability to make a decision on the natural resource permit and set conditions.</p>

Schedule 5: Designations

Provision(s)	MDC Position	Submission
Schedule 5 Clause 42	Partly support	<p><u>Submission</u></p> <p>MDC generally supports clause 42, particularly subclause 4 where, if a person wishing to undertake an activity in contravention of clauses 4(1)(c) or 5(1) does not receive a decision from the designating authority within 40 working days, the person may proceed with their activity. This helps reduce the potential impact of ‘planning blight’ (whereby a person is unable to use land because of uncertainty around whether their activity will conflict with a designation over that land). Council supports this approach but also recommends a contact requirement for designating authorities to improve communication with affected parties to make this subclause workable. MDC would also like to see a contact register be established for contacting designating authorities. At times, Council has not been able to make contact with the correct staff of designating authorities or has found the address for service is unclear or out-of-date.</p> <p><u>Relief sought</u></p> <p>MDC seeks that:</p> <ul style="list-style-type: none"> i. All requiring authorities must have an address for service (email and postal) that those acting under this section can use to contact the designating authority. This address for service should be given to all affected landowners of the designation, as well as to the local authorities within which the designation sits.

13 February 2026

Committee Secretariat
Environment Committee
Parliament Buildings
Wellington
Via email: en.legislation@parliament.govt.nz

Dear Chair and members of the Environment Committee

Manawatū District Council Submission on the Natural Environment Bill 2025

The Manawatū District Council (MDC) thanks the Environment Committee for the opportunity to make a submission on the Natural Environment Bill 2025 ('the Bill'). The preparation of the Bill constitutes the most significant change to the New Zealand planning and resource management system since 1991, with considerable impacts on the lives of every New Zealander and many billions of dollars in public and private investment for years to come. We ask the Committee to look beyond the immediate issues of today and carefully consider the long-term benefits and costs the provisions of the Bill will confer, particularly on future generations.

This submission comprises two principal parts. The first part of the submission consists of a brief overview of the Manawatū District and general submission points on the Bill. The second part of the submission, presented in tabular form, contains points on specific subject matter areas and provisions of the Bill.

Manawatū District Council also supports many of the points raised in the submissions by Local Government New Zealand and Taituarā - Local Government Professionals Aotearoa.

An Overview of the Manawatū District

The Manawatū District has a population of approximately 33,700 people and covers nearly 2,600 square kilometres. It incorporates the full or partial catchment of several rivers (the Manawatū, Rangitikei and Oroua) stretching from the boundary with Palmerston North City and the Ruahine Ranges in the east to twelve kilometres of Tasman Sea coastline in the west. Towards the coast, much of the district consists of flood plains and extensive areas of highly productive land.

Much of the land in Manawatū District is used for primary production purposes (e.g. sheep farming, dairy and cattle farming, and some horticultural and forestry uses). Areas of indigenous vegetation and reserves make up less than 13 per cent of land area (the largest areas being the Ruahine Forest Park and coastal dunelands).

Our largest town, Feilding, has a population of around 17,500, with a compact, central, business area containing around 600 businesses. The town is surrounded by highly productive land to the north, south and east, and has experienced multiple significant flood events over

its history. These latter features play a key role in determining where future urban growth areas can be located.

We are of the view that the Manawatū District Plan is pragmatic in approach and generally enabling of development. Compared to larger local authorities, we have few controls on the design or layout of buildings in residential areas. In part, this pragmatism has been brought about through necessity. Being a smaller rural council, Manawatū District Council has access to fewer specialists and experts to help us meet our obligations. This is a limitation which is often overlooked by government and non-governmental organisations based in the main centres.

MDC has included this context as a reminder that we are one of many smaller districts with characteristics, issues and planning approaches which are distinctly different to the main centres and growth areas of New Zealand (e.g. Auckland, Hamilton, Tauranga, Wellington, Christchurch, Selwyn, Queenstown, and Dunedin). It is therefore important that the future planning system does not take a 'one-size-fits-all' approach whereby detailed and costly requirements intended to address issues seen in the larger centres are unnecessarily imposed on smaller rural councils with much smaller ratepayer and funding bases.

General Themes

Support for Resource Management reform

The Manawatū District Council recognises and supports the need to replace the Resource Management Act 1991 (RMA) with more modern legislation which better recognises and manages the issues facing New Zealand today.

Over many years the RMA has failed to keep pace with changes in the natural and built environments, and best practice planning approaches for managing those environments. Despite many amendments intended to address its shortcomings, the RMA became, simultaneously, more complex, and less cohesive as more issue (or circumstance) specific work-around processes and requirements were added.

Under the RMA, key natural environmental health indicators have frequently shown worsening outcomes, while in some instances, urban planning has become increasingly, litigious, and detail heavy.

Repeated amendments to the RMA, and the subsequent enactment of the Fast Track Approvals Act has demonstrated RMA processes are also not efficient for large scale infrastructure and urban development projects. However, the response to that inefficiency should not need to have been a separate piece of legislation (with its own separate purpose). It is preferable that appropriately designed, considered and enduring planning process (including for nationally and regionally significant infrastructure) be contained wholly within the principal planning legislation itself.

The proposed greater use of regulations and national instruments

Both the Planning Bill and Natural Environment Bill contain extensive references to various national instruments and regulations.

Drafts of these instruments and regulations, or detailed supplementary material providing guidance on their content, were not available at the time this submission was prepared. This has made making an informed submission on their likely effect difficult

MDC supports, in-principle, a degree of standardisation of plan formats, provisions, and processes where:

- There is no justifiable reason for plan provisions to differ from one plan to another.
- Standardisation of plan provisions will result in efficiencies in the preparation of plans, plan interpretation, and plan administration.

MDC also understands that such provisions in regulations and national instruments reduces complexity of the primary legislation and may enable a greater degree of regulatory agility to adapt to changing circumstances.

However, MDC is concerned the overreliance and intended proliferation of such instruments across two different Acts will:

- Do little to make the replacement planning system simpler for the public to understand.
- Reduce certainty for local authorities, consent applicants and the general public as regulations and national instruments can be changed swiftly, and without the scrutiny of the full select committee process.

It is noted that significant and broad planning system implementation difficulties and vulnerabilities will be created if all the required instruments and regulations do not come into force, and are not available to local authorities to use, in a timely manner. MDC urges the government:

- To ensure government departments responsible for the preparation of the instruments and regulations are fully resourced to undertake the work required.
- Provide sufficient and more realistic timeframes for the setting of environmental limits to ensure they are based on appropriate robust scientific evidence and monitoring information.
- To involve local authorities in the preparation of draft instruments to ensure there are no perverse or unintended consequences.

The need for more careful implementation sequencing and timing

Building on the matter above, Manawatū District Council urges the Environment Committee to pay close attention to the proposed sequencing and timing of implementation requirements in the Bill and key instruments under it.

Manawatū District Council considers further work is required to achieve a more logical and realistic sequencing of the preparation of national policy and instruments, regional spatial plans, natural environment plans and land use plans.

As currently written, the Planning and Natural Environment Bills (and in particular, the commencement and Schedule 1 transitional provisions) requires local authorities to commence preparation of regional spatial plans before much of the national policy direction, national standards, environmental limits and other regulations (which the spatial plan must comply with) will be in place. There is also a circularity in the preparation of regional spatial

plans, natural environment plans and land use plans.¹ The Bill appears to require regional spatial plans to incorporate information from natural environment plans (particularly in respect to environmental limits) and land use plans. However, natural environment plans and land use plans are meant to implement the regional spatial plan, and be notified after the regional spatial plan is decided.

Although appreciative of the need to reform New Zealand's planning and resource management systems at pace, Manawatū District Council is also concerned that timeframes for preparing national direction, regional spatial plans, natural environment plans and land use plans are overly optimistic. We agree with the Taituarā assessment that it would be better if regional spatial plans be notified within 24 months of enactment and further consideration be given to a more realistic timeframes for natural environment plans and land use plans. Such timeframes would better reflect:

- The additional process steps and more complex interdependencies and governance arrangements associated with the first generation of instruments and plans under the new Bills.
- The risk of key inputs to plans not being in place in time (e.g. the government's national flood map is not proposed for release until some time in 2027).
- The realities of preparing new types of plans under new legislation, including a much reduced ability to rely on previous legal interpretations and precedents (which, when the RMA was enacted, was a contributing factor to the first generation of RMA plans taking several years to complete).
- The complexity of implementing large scale change while the government is making wider changes to the local government system (including rates caps which may limit the resourcing needed to implement change), and to the structure and roles of central government departments responsible for overseeing the passage and implementation of the Bills.

Key features of the Natural Environment Bill MDC supports

Notwithstanding specific matters of detail outlined later in this submission, MDC supports the following general features of the Bill:

1. A clear set of goals which outlines what all persons exercising functions, powers or duties must seek to achieve.
2. Clearer and simpler drafting of provisions which involve key statutory tests for decision making around matters such as the notification of permits.
3. The introduction of environmental limits, to protect human health (with limits set at central government level) or protect the life-supporting capacity of the natural environment (with limits set by regional councils using nationally consistent methodologies).

¹ See Planning Bill sections 68 and s80(2), the commencement provisions under cl5 of Schedule 1, and clauses 3, 5 and 6 of Schedule 2 (which relate to the context and content of regional spatial plans). See also s51 of the Natural Environment Bill (which relate to setting of ecological environmental limits in natural environment plans).

4. Regional councils being required to prepare an 'action plan' which, when an environment is breached, may include imposing a resource use cap, changing the rules of an environment plan, or reviewing conditions of resource permits.
5. A clear explanation of the hierarchy of the respective national direction and planning instruments and how these are intended to relate to each other.
6. The introduction (by way of reference to the proposed Planning Act) of regional spatial plans, prepared collaboratively by all the councils in a region, which sets the strategic direction for development and investment within the region, and which are intended to enable integrated decision-making and development planning.
7. The introduction of a lower-cost appeals body (the Planning Tribunal) to determine objections and appeals on administrative and lower-order policy matters which do not warrant the scrutiny of the Environment Court or a higher court.
8. The inclusion of explicit provisions relating to freshwater farm plans as an interim means to provide flexibility to better control the adverse effects of farming on water quality and ecosystems.
9. The broader range of enforcement and compliance options and powers (such as adverse publicity or monetary benefit orders) available to the Environmental Protection Authority and local authority.

Key features of the Natural Environmental Bill MDC does not support or has concerns about

Although supportive of the need to replace the RMA, and many of the goals in the Bill, MDC has concerns about a number of general features of the Bill which may detract from its efficient and effective implementation in the long-term. We also have concerns about the overall impact on accountability, local democracy, and financial implications for smaller councils and their communities. Principal amongst our concerns are the following:

1. A purpose and goals which fail to explicitly acknowledge future generations

Submission

With the omission of a reference to sustainable management (as used in the purpose of the Resource Management Act), the Planning Bill no longer refers to the use of land or resources being managed to benefit future generations.

The absence of consideration of explicit benefits for (or impacts on) future generations inadvertently places an emphasis on addressing the issues of today at the expense of the longer-term future. MDC submits that this is not in the greater interests of New Zealand, and appears to be at odds with:

- The intent that regional spatial plans provide for timeframes greater than 30 years.
- The rationale for setting environmental limits to safeguard the life supporting capacity of air, water soil, and ecosystems.

Relief sought

The purpose of the Natural Environment Bill and Planning Bill should both refer to the proposed frameworks in each Bill existing to achieve the goals in section 11, and for the benefit of both current and future generations.

2. Regulatory relief

Submission

Through cross-references to the Planning Bill, the Natural Environment Bill proposes the imposition of a regulatory relief regime which includes financial compensation from councils when the reasonable use of land is significantly impacted. We consider these provisions are likely to set an unwelcome precedent and will be problematic in effect and implementation. The proposed regime is particularly problematic where the regulation of the use and development of land, or the protection of heritage and various natural features is mandatory under the Bill.

The imposition of regulatory relief regime:

- Appears to apply inconsistently, in so far that the regulatory relief appears to only apply to the provisions in local authority plans, and not regulations, national instruments, standards or national rules set by central government.
- May place local authorities in a 'no-win' situation where legislation both requires local authorities to regulate certain activities, but then also compensate or offset the impact on affected landowners.
- Sets an unwelcome precedent by opening the door to financial compensation for losses of private rights imposed to achieve a broader range of public goods beyond the scope of the Natural Environment Bill and Planning Bill (e.g. restrictions on the use of land for public health and safety reasons).
- Where it entails additional expenditure by local authorities, the proposal is inconsistent with government objectives to reduce cost of living pressures, including requiring local authorities to rein in spending and rates increases.

Other provisions of the Bill already provide sufficient opportunity to challenge provisions which render land incapable of reasonable use (see section 122, and the ability to make submissions on plans, for example). Consideration could also be given to imposing a stronger duty on central government and local authorities to consider the impact of provisions on the reasonable use of private property when preparing national instruments and plans.

Relief sought

- a) The deletion of the regulatory relief provisions in Part 4 of Schedule 3, of the Planning Bill, and associated cross-references to it from the Natural Environment Bill.
- b) That provisions relating to the preparation of natural instruments, standards, and national rules and rules in plans all be required to give explicit consideration as to whether the provision renders land incapable of reasonable use.

- c) Retention of proposed section 122 (without the reference to regulatory relief), which enables a person to apply to the Environment Court to have a provision deleted or modified if it severely impairs the reasonable use of land.

3. Few requirements to engage with local authorities when preparing national instruments, direction, and regulations

Submission

MDC is concerned that in several parts of the Bill, there is no explicit requirement to notify, consult with or engage with local authorities when preparing a national instrument, direction, standards, or regulations. At best, the provisions provide a discretion for the Minister to consult persons who may have an interest or to notify the public generally. The situation is compounded by the ability of Ministers to amend instruments (e.g. National Standards) without a full process or any requirement to invite comment from parties including local authorities (see, for example, proposed section 90).

MDC submits that sound and effective policy is dependent on input from those who have the greatest experience of its application and will have to implement it. In this case it is local authorities which will be responsible for the implementation and enforcement of national instruments and compliance with regulations. Local authorities can advise on the practicality of what is proposed and help avoid unintended consequences.

We are also concerned that there are no fixed minimum timeframes relating to consultation or submission periods relating to various national instruments, even though minimum timeframes are specified for local authority plans.

Experience has found some government consultation periods too short to enable meaningful input. The provisions of the Bill leave this issue unaddressed. Short (or non-existent) consultation periods:

- Are inconsistent with the principles of natural justice (those affected should have an appropriate opportunity to have a say in proposals which affect them).
- Are inconsistent with the principles of good consultation (as expressed by the High Court in *Air New Zealand Ltd v Wellington Airport Ltd* HC Wellington, CP 403/91) and the principles of consultation placed on local authorities (s82 of the Local Government Act 2002 for example).
- Will work against an intent to have quality, responsible and enduring regulation (including the intent inherent in the purpose and principles of the Regulatory Standards Act 2025).

The importance of local authority input is further underlined by proposals in the Bill which may limit broader community participation. In these cases, it often falls to local authorities to represent the views of their communities.

Relief sought

- a) The following provisions should make specific reference to affected local authorities being consulted, and being given the opportunity to

submit or provide advice on, the preparation of regulations, national instruments, or directions:

- i. Provisions relating to the setting of environmental limits and national standards (sections 51 – 59).
 - ii. Provisions relating the preparation of national instruments (proposed sections 70 - 74).
 - iii. Provisions relating to preparation of the National Policy Direction (proposed sections 78 – 81).
 - iv. Provisions relating to National Standards (proposed sections 82 – 87).
 - v. Regulations made under proposed sections, 307, 310, 311 and 313 which relate to matters including fees, levies, harmful substances, exemptions from discharge provisions, local authority monitoring requirements, consent processing, resource allocation, and aquaculture activities.
- b) The minimum timeframe of consultation and submissions or feedback on proposed regulations, national instruments or directions be set at 20 working days.

4. Unclear, onerous, and potentially costly permitted activity provisions

Submission

MDC is concerned that the provisions relating to permitted activities and permitted activity rules (proposed sections 33, 39, 169 and 313) are confusing, likely to be onerous on those undertaking permitted activities.

Under the RMA, permitted activities are those which do not require a consent, and there is no requirement for a person undertaking such activities to register them formally with the council (nor for the council to have discretion to set additional conditions on them).

The Natural Environment Bill proposes a permitted activity registration process (if an activity is subject to a permitted activity rule), a local authority determination, and for the person who is undertaking the activity to undertake tasks such as seeking affected party approvals or reports from experts. Those persons may also be required to pay a fee, or a permitted activity levy to the government. This is a significantly more onerous and expensive set of requirements than for most permitted activities under the RMA.

If there is supposed to be distinction between permitted activities which need to be registered, and those which do not need to be registered and which can be undertaken without having to approach a local authority, then this needs much more explicit clarification in the Bill. This could be done by calling permitted activities which are required to be registered by a different name.

Relief sought

- a) Having a clear separation between genuinely permitted activities (where no planning consent is required and a landowner or operator is not

required to register their activity) and activities which are required to be registered, and which may be subject to conditions.

- b) Renaming permitted activities which are required to be registered and which may be subject to conditions by another name (for example 'registered activity' or 'controlled activity').

5. A narrow application of Treaty principles and inconsistent Māori engagement provisions

Submission

Recognition of the importance of Māori participation and Te Tiriti o Waitangi / Treaty of Waitangi and its principles in planning and resource management precedes the RMA. Such recognition can be found in multiple reports from past governments, non-governmental organisations, and academia.²

Section 8 of the Bill summarises provisions in other parts of the Bill which recognise the Crown's responsibilities in relation to Te Tiriti o Waitangi / Treaty of Waitangi. However, section 8 represents a narrowed application of the principles of the Treaty and omits a broader duty for all persons acting under the Bill to take into account the principles of the Treaty (as provided for under section 8 of the RMA). The Crown's responsibilities are further watered down by proposed section 9(3), under which the obligations of the Crown to work with post-settlement governance entities to transition redress arrangements to the new legislation automatically expire after two years.

The Bill does provide for some participation by Māori (which is consistent with the principles of Te Tiriti o Waitangi / Treaty of Waitangi and its principles). However, the terminology used to describe various Māori entities is used inconsistently (e.g. Māori, iwi, iwi authorities, post-settlement government entities, customary rights groups, and just a couple of references to hapū). The effect of this is to lock some Māori groups with legitimate rights and interests out of participation in key planning and consenting processes.

The difference in terminology described above is particularly important to the Manawatū District where resident Māori comprise a mix of iwi with Treaty settlements, iwi who have yet to have claims resolved, and various marae or hapū collectives who are not in themselves iwi, iwi authorities, or post settlement governance entities.

The inconsistent referencing means the rights, sites of significance, and interests of various Māori groups are unlikely to be protected or provided for as intended under section 11, and past injustices (including those which are still the subject of Treaty Claims) may be perpetuated.

² For example:

- Parliamentary Commissioner for the Environment. (1998). *Kaitiakitanga and local government : tangata whenua participation in environmental management*. Wellington: Parliamentary Commissioner for the Environment
- Cheyne, C. M. & Tawhai, V. M. H. (2007). *He wharemoa te rakau, ka mahue. Māori engagement with local government : knowledge, experiences, and recommendations*. A research project supported by the Royal Society of New Zealand Marsden Fund (MAU-039)

Although the general intent of 'Māori interests' goal in section 11 is supported, it is also noted that its emphasis on participation is weakened by the absence of an ability for iwi and hapū to enter into joint management agreements and initiate Mana Whakahono ā Rohe participation arrangements. Such agreements were provided for in the RMA.

Relief sought

- a) Replace section 8 of the Natural Environment Bill with wording which has the same or similar effect to section 8 of the Resource Management Act (duty to take into account the principles of the Treaty of Waitangi).
- b) Provisions which refer to engagement or consultation with Māori should refer to both iwi and hapū (where appropriate).
- c) The Bill should make provision for iwi and hapū to participate in and initiate joint management agreements and Mana Whakahono ā Rohe participation arrangements.

Conclusion

Thank you again for the opportunity to provide feedback on the Natural Environment Bill 2025.

The Manawatū District Council wishes to be heard in support of this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Ford', with a long, sweeping horizontal stroke extending to the right.

Michael Ford
Mayor

MDC Submission on Specific Provisions of the Natural Environment Bill 2025

Parts 1 and 2: Purpose and Foundations		
Provision(s)	MDC Position	Submission
Section 3 <i>Interpretation</i>	Partly Support	<p><u>Submission – Natural Environment</u></p> <p>Subclauses (a) and (b) of the definition of ‘natural environment’ appears to include, simultaneously, all plants (without exclusion), and plants (except pest species). This is confusing and probably unintended.</p> <p><u>Relief Sought</u></p> <p>i. Either delete the reference to plants in (a), or delete the reference to ‘plants (excluding pest species)’ in (b).</p> <p><u>Submission - Long-lived Infrastructure</u></p> <p>The definition is missing references to:</p> <ul style="list-style-type: none"> • Headworks and network infrastructure relating to water, wastewater and stormwater. Such networks and headworks are large, expensive and often have design-lives exceeding 50 to 70 years. • Flood control and protection infrastructure (which in the case of stopbanks or flood control gates such as those at Moutoa, can be large, expensive and long-lived). <p>These types of infrastructure all relate to the damming, storage, diversion or taking of water, or discharges into water such that they need to be recognised within the Natural Environment Bill.</p> <p><u>Relief Sought</u></p> <p>ii. Amend the definition of long-lived infrastructure to include:</p>

Parts 1 and 2: Purpose and Foundations

Provision(s)	MDC Position	Submission
		<ul style="list-style-type: none"> • Network, treatment, attenuation and storage infrastructure, associated with water, wastewater and stormwater networks • Flood control and protection works.
<p>Section 4</p> <p><i>Purpose</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>The purpose of the Natural Environment Bill conveys the impression that the Bill exists to create a framework for use, protection and enhancement of the natural environment (as though the framework is the desired end point). A greater sense of purpose would be achieved by linking the purpose to the goals in proposed section 11 (which effectively talk to the outcomes sought through planning and regulation).</p> <p>MDC also notes that with the dropping of any concept of sustainability, sustainable development or sustainable management, the purpose and goals in the Bill inadvertently create a focus on the short-term and makes no explicit reference to benefits for future generations (who could be shut out by a focus on current issues, or face unreasonable costs as a result of decisions taken to address the issues of today).</p> <p><u>Relief Sought</u></p> <p>Add <u>'in order to achieve the goals contained in section 11 for the benefit of current and future generations'</u> or words to similar effect</p>
<p>Section 8</p> <p><i>Treaty of Waitangi / Tiriti O Waitangi</i></p>	<p>Opposed</p>	<p><u>Submission</u></p> <p>Section 8 purports to recognise the Crown's responsibilities under the Treaty of Waitangi / Te Tiriti o Waitangi by paraphrasing provisions contained in other parts of the Bill. However, in so doing, the section (in conjunction with the others it links to):</p> <ul style="list-style-type: none"> • Narrows the application of Treaty Principles (be they those espoused by the Waitangi Tribunal or the Court of Appeal). • Imposes unclear and inconsistent duties on parties exercising duties and powers under the Bill (noting in particular that those which relate to local authorities are different to those on various Ministers when the latter are exercising some of their powers),

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Provision(s)	MDC Position	Submission
		<ul style="list-style-type: none"> • Effectively fixes the status of Treaty Settlements to a particular point in time (it is unclear what happens with iwi or hapū who have yet to have their claims heard or resolved). • Prioritises iwi and iwi authorities without equal, explicit consideration of hapū (not all hapū who hold tangata whenua or mana whenua status hold views which are completely aligned with the iwi in their area). <p>The circumstances above are suggestive of provisions which do not meet the spirit of the Treaty and its principles and which may give rise to further contemporary Treaty claims.</p> <p>MDC submits that the committee give consideration to how the principles of Te Tiriti can be better reflected in the Bill holistically. MDC also recommends that guidance for upholding Te Tiriti principles is sought by the committee from iwi and hapū.</p> <p>Notwithstanding the concerns above, there also appears to a typographical error in s8(b)(ii) which should refer to natural environment plans rather than land use plans (the latter being prepared under the Planning Bill).</p> <p><u>Relief sought</u></p> <ul style="list-style-type: none"> i. Replace section 8 with a provision similar in form and effect to section 8 of the RMA. ii. The Committee seek guidance from iwi and hapū as to how the Bill, as a whole, could better uphold Crown obligations under the Treaty / Te Tiriti. <p>If the relief above is not granted, MDC requests:</p> <ul style="list-style-type: none"> iii. The reference to ‘land use plans’ in s8(b)(ii) be replaced by “<u>natural environment plans</u>”.
<p>Section 9</p> <p><i>Crown to seek to enter agreements to uphold Treaty settlement redress</i></p>	<p>Partly Supported</p>	<p><u>Submission</u></p> <p>Manawatū District Council supports the intent that the Crown work with post-settlement governance entities (if they so wish) to seek agreement on how their Treaty settlement redress or arrangements will operate with the same or equivalent effect under the Bill.</p> <p>However, Manawatū District Council does not support section 9(3) which repeals the obligation to work with post-settlement governance entities two years from enactment and appears to make continuation of discussions and further work to transition the settlement arrangements at the discretion of the Crown. Section 9(4) appears to</p>

Parts 1 and 2: Purpose and Foundations

Provision(s)	MDC Position	Submission
		<p>continue the discretion for the Crown to continue working with entities, but the effect of this provision would be trumped by the sunset clause in 9(3).</p> <p>Given the number of Treaty Settlements (more than 60) and the complexity Māori and the Crown will likely have in negotiating amendments to these, the expiry of the Crown obligation within two years appears to impose an unrealistic time constraint. It is Council's view that the Planning Bill is not the appropriate legislative space to dictate terms and timeframes on treaty settlement processes.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. Delete s9(3) and 9(4).
<p>Section 10 <i>Treaty Redress or arrangements to be given same effect</i></p>	<p>Opposed</p>	<p><u>Submission</u></p> <p>The intent to retain and uphold existing Treaty settlements and give them the same effect as under the RMA is supported, but MDC does not support the link to section 9 in so far that subsection 9(3) ensures section 9 to expire after two years. Additionally, MDC does not support the wording of section 10(3) in so far that it appears to mean the Crown may disregard statutory acknowledgements in performing its duties (while local authorities must fulfil their duties – such as under section 189 and Schedule 2).</p> <p>Statutory acknowledgements are areas of Crown land when Māori interests have been formally recognised through a schedule in a Treaty settlement act. Often these include natural features with cultural significance such as rivers, lakes, wetlands, and small offshore islands.</p> <p>MDC has concerns about how subsection 3 is expected to be applied:</p> <ul style="list-style-type: none"> i. The opportunity for iwi to be involved in an activity which affects a statutory acknowledgement area is at the consenting stage. If, as signalled by the messaging around the release of the Bill, many activities (such as mineral extraction and quarrying) may be classed as permitted activities, then no planning consent will be required. Kaitiaki of areas covered by statutory acknowledgements will not be able to have a say if the activity is listed as permitted in the relevant plan. ii. Local authorities may only engage kaitiaki in the context of statutory acknowledgement areas where they are an affected person in a planning consent, and in the development of the rules within the land

Parts 1 and 2: Purpose and Foundations

Provision(s)	MDC Position	Submission
		<p>use plan. If secondary legislation is released that permits certain activities with a significant environmental impact to occur then kaitiaki of statutory acknowledgement which may be affected areas will not be consulted.</p> <p><u>Relief Sought</u></p> <p>i. Delete section 10(1) and 10(3).</p>
<p>Section 11 <i>Goals</i></p>	<p>Partly Support</p>	<p><u>Submission- Chapeau to s11</u></p> <p>The chapeau to s11 states those exercising functions, duties and powers under the Act must ‘seek to achieve’ the goals. The use of ‘seek’ appears to be a weak test (the Cambridge Dictionary definition is ‘<i>to try and find or get something</i>’) and suggestive of a lack of confidence in the achievement of the goals. The RMA section 6 wording of ‘recognise and provide for’ (which relates to matters of national importance) provides a greater sense of direction, and enables some of the case law from the RMA to be reused (rather introduce a new concept, whose interpretation likely have to be tested through the Courts before its meaning is fully understood).</p> <p><u>Relief Sought</u></p> <p>i. Replace the words ‘seek to achieve’ with ‘<u>recognise and provide for</u>’</p> <p>ii. Reword s11(a)-(i) to ensure grammatical correctness as a result of the change to the chapeau</p> <p><u>Submission – s11 Missing Goal</u></p> <p>Although the Explanatory Note and several provisions of the Bill refer to adapting to the effects of climate change (such as in the context of reducing the risk from natural hazards and as a mandatory matter in regional spatial plans) there is nothing in the goals that refers to climate adaptation as being a goal. As demonstrated by recent adverse weather events, the need to plan for the effects of climate change (such as drought or more frequent heavy rainfall events) is necessary to avoid further loss to life and property.</p>

Parts 1 and 2: Purpose and Foundations

Provision(s)	MDC Position	Submission
		<p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. EITHER modify goal (h) (relating to safeguarding communities from the effects of natural hazards) to include a reference to adapting to the effects of climate change, OR ii. Include a new goal which specifically states a goal relating to planning for, and regulating the use of land and resources to avoid or mitigate, the effects of climate change. <p><u>Submission – s11(1)(c)</u></p> <p>Protection of human health from harm from contaminants is supported as a goal. However, the choice of the word ‘discharge’ appears to convey a risk from an ongoing or recent act and may miss the risk of harm associated with exposure from contaminants which are either inherent in the environment or are the result of discharges in the distant past.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> iii. Amend s11(c) to refer to both discharge of, and exposure to, contaminants. <p><u>Submission – s11(1)(d)</u></p> <p>The overall intent of preventing the further loss of indigenous biodiversity is supported, but MDC would prefer the goal be stated in the positive (e.g. to ‘restore or promote a net gain in indigenous biodiversity across each region’). The current wording of ‘net loss’ is phrased in the negative, thereby implying that the current (depleted) state is the desired benchmark, rather than an increased level or biodiversity which is has benefits to both humankind and natural ecosystems (and their functioning).</p> <p>The goal as stated is unclear as to how net loss is intended to be measured (it is measured according to the number of species, habitat are and type, and across what scale [local, district, regional or national]?). Similarly, it is unclear how the assessment, monitoring and enforcement of a net loss (or gain) of indigenous biodiversity is to be carried out (for example the goal assumes a detailed understanding and inventory of the current state of the environment at all times, is unclear as to whether various indigenous species are interchangeable for the purposes of achieving the</p>

Parts 1 and 2: Purpose and Foundations

Provision(s)	MDC Position	Submission
		<p>goal, and is not clear as to what account is to be taken as to the roles each species places in the healthy functioning of a local ecosystem).</p> <p>Relief Sought</p> <ul style="list-style-type: none"> iv. Give further consideration as to how s11(1)(d) may be turned into a positive statement which supports the restoration or improvement of biodiversity. v. EITHER: Clarify in s11(1)(d) what scale the net loss (or gain) is to be measured over and whether or not it is in terms of species or area (or both); OR vi. Clarify in the Bill that one of the matters the Minister must, mandatorily, prepare national direction on (under the sections 77 to 81) is the how the goal in s11(d) is to be interpreted and implemented. vii. Give further consideration to how net biodiversity loss (or gain) is to be assessed, monitored and policed in practicable manner.
<p>Section 12</p> <p><i>Relationship between key instruments</i></p>	Partly Support	<p>Submission</p> <p>Section 12 does not mention that the instruments exist for the purpose of the achieving the goals, and the intent is for the achievement of the goals to have primacy (with circumvention of having to achieve all goals, where goals conflict, being the exception).</p> <p>Relief Sought</p> <ul style="list-style-type: none"> i. Insert into a s12(1) a reference to the instruments listed existing to achieve the goals in s.11. ii. Insert into s12(3) an additional subclause requiring consideration of how goals relate to ‘a matter’. iii. Reword s12(3)(c) to be less directive (i.e. ‘<u>need not consider a goal where achievement of the goal is ...</u>’)
<p>Section 13</p> <p><i>Procedural principles</i></p>	Partly Support	<p>Submission</p> <p>The inclusion of section 13 appears to continue the theme contained in RMA s18A. In both cases the rationale behind the provisions appears to be to codify good practice, but in doing so the sections appear only to add to the potential for legal challenges made on subjective (and potentially vexatious) grounds. Manawatū District Council is of the view</p>

Parts 1 and 2: Purpose and Foundations

Provision(s)	MDC Position	Submission
		<p>that it would be preferable and more efficient for provisions of this nature to be placed in national planning standards or form part of the considerations which inform the making of regulations, plan rules, and consent (or permit) conditions.</p> <p>The wording of proposed section 13 is directive, meaning that list of practicable steps must be applied in respect to every action taken under the Bill. However key terms that will be instrumental in determining compliance are left undefined. If not further defined, implementation of the provisions could lead to unnecessary and unintended costs, use of resources and time being spent on compliance. Of key concern are the subjective terms or phrases:</p> <ul style="list-style-type: none"> • Acting in a ‘cost effective manner’ (cost effective for whom?) • Acting ‘proportionately’ (what is proportionate is subjective and likely to depend on the perspective of the parties involved) • ‘Avoiding unnecessary repetition’ (although desirable, this is both subjective and difficult to achieve given the repetition that already exists between the two Bills and the likely need [and requirements] for repetition of material between national instruments, regional spatial plans, and other plans). <p><u>Relief Sought</u></p> <p>EITHER:</p> <p>i. Delete section 13 entirely,</p> <p>OR</p> <p>ii. Provide further provisions in the Bills which guide the application of phrases ‘cost effective manner’ and ‘proportionate’ and which include who those terms and phrases are to apply to.</p> <p>iii. Delete 13(f).</p>
Section 15	Partly support	<p><u>Submission</u></p> <p>Use of the words ‘where practicable’ in s15(1)(a) weaken and undermine the duty of any party under the Bill to consider how adverse effects are to be avoided, minimised or remedied. Although possibly unintended, the words create the impression that a person can opt out if they are of the view such a consideration entails too much effort</p>

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Provision(s)	MDC Position	Submission
<i>Considering adverse effects of activities</i>		<p>or expense. The wording in s15(1)(a) is able to function without the ‘where practicable’ qualification, particularly when other provisions of the Bill already incorporate principles relating to proportionality.</p> <p><u>Relief Sought</u></p> <p>i. Delete ‘where practicable’ from s.15(1)(a).</p>
Section 16 <i>Overview of reference to rules</i>	Opposed	<p><u>Submission</u></p> <p>The intended effect and location of this section is unclear, particularly as s16(2) states the section is ‘only a guide’.</p> <p><u>Relief Sought</u></p> <p>i. Delete section 16 and move the material which defines and distinguishes between <i>national rules</i> and <i>rules</i> in environment plans to section 3 (interpretation).</p>
Section 26 <i>Duty to avoid, minimise or remedy adverse effects</i>	Partly Support	<p><u>Submission</u></p> <p>The RMA used the phrase, ‘avoid, remedy, or mitigate’ in respect to adverse effects. The Planning Bill, instead of ‘mitigate’ proposes to use the term ‘minimise.’</p> <p>It is unclear what ‘minimise’ is intended to mean in this context and the extent to which ‘minimise’ is to be qualified by reference to practicality or degree. For example, is ‘minimise’ intended to incorporate concepts of offsetting or compensation (and would those terms entail full or partial offsetting or compensation)? Without further clarification there is strong risk of the Courts being left to determine interpretation via case law (and such interpretations may be different to what the government intended).</p> <p><u>Relief Sought</u></p> <p>That the Bill provide a definition which makes it clear as to how the term ‘minimise’ is intended to be interpreted .</p>
Sections 32 and 33	Partly Support	<p><u>Submission</u></p> <p>MDC supports the concept of incorporating principles to help determine (by way of the nature of effects) which activity class any particular activity fits under. However, it is noted the relationship between s33(2)(b) (which</p>

Parts 1 and 2: Purpose and Foundations

Provision(s)	MDC Position	Submission
<i>Principles for classifying activities and consequences</i>		<p>requires compliance with a permitted activity rule) and s39 appears to require all permitted activities to be registered, or be associated with a condition of a permit.</p> <p>This appears to be a more onerous and expensive requirement for landowners and those undertaking activities, than what the RMA currently requires (where there is no requirement in legislation for permitted activities to be registered).</p> <p>There also appears to be a typographic error in s39(2)(a) which should presumably refer to the regional council (permit authority) rather than a territorial authority. It is noted there is a cross reference to s202s which correctly refers to a 'permit authority'.</p> <p><u>Relief Sought</u></p> <ol style="list-style-type: none"> i. Amend section 39(1) to remove (or qualify) the requirement for all permitted activities to comply with the permitted activity rule requirements, or make it clearer that s32(2)(b) must only be complied with if, and when, a national rule, regulations, standards, or a rule in a plan states compliance is required. ii. Consider renaming those permitted activities which are subject to the proposed permitted activity rule “registered activities” or “controlled activities” to better distinguish them from permitted activities which do not need to be registered. iii. Change the reference to ‘territorial authority’ in section 39(2)(a) to ‘regional council’ or ‘permit authority’.

Part 2: Environmental Limits & National Instruments

Provision(s)	MDC Position	Submission
Section 46 and 47 <i>Purpose of environmental</i>	Support	<p><u>Submission</u></p> <p>Manawatū District Council supports the setting of environment limits for human health and ecological health.</p>

Part 2: Environmental Limits & National Instruments

Provision(s)	MDC Position	Submission
<i>limits and who sets limits.</i>		<p>As humankind does not significantly vary from region to region, and frequently moves from region to region, it seems sensible for human health limits to be set at the national level, in conjunction with the central government agency with the greatest knowledge around human health.</p> <p>By contrast the natural environment varies significantly from region to region (by climate, topography, geology, water availability, and indigenous species). This means a single ‘one-size-fits-all’ numerical standard will not always be practicable. It therefore makes sense for ecological limits to be set by regional councils using one or more common ‘best practice’ methodologies.</p>
<p>Sections 52, 53, 54 and 55</p> <p><i>Criteria for decisions relating to limits</i></p>	Partly Support	<p><u>Submission</u></p> <p>The setting of appropriate environmental limits and limit setting methodologies is critical to the achievement of the goals in section 11, but the ability of the limits to achieve the goals does not feature as a criterion in s52, s53, s54 or s55. In section 53, it appears the Minister need only consider goals.</p> <p><u>Relief Sought</u></p> <p>i. Insert an additional criterion in s52, s54(2) and s55(1) which requires the Minister to ‘evaluate and report on’ the extent to which the limit, or method for setting the limit, will contribute to the achievement of the goals set out in section 11.</p>
<p>Section 66</p> <p><i>Avoiding Breach of Environmental Limit</i></p>	Partly Support	<p><u>Submission</u></p> <p>Section 66(1) should be reworded to avoid a possible misinterpretation that it is only the regional council that must avoid breaching environment limits (such that restrictions on other natural persons or persons other than a natural persons do not apply). Additionally, the duty on regional councils should be to ‘take all reasonably practical steps’, as there will be occasions where parties (or circumstances) outside the knowledge or control of regional councils may breach a limit.</p> <p><u>Relief Sought</u></p> <p>i. Reword s66(1) to “<u>A regional council must take all reasonably practical steps to avoid any person breaching an environmental limit</u>” or similar.</p>

Part 2: Environmental Limits & National Instruments

Provision(s)	MDC Position	Submission
<p>Section 69</p> <p><i>Matters to consider when making national instrument</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>MDC is supportive of the Minister being subject to specific process requirements, including being required to consider particular matters, when preparing national instruments.</p> <p>However, missing from section 69 and section 70 is any explicit reference to the Minister having to have regard to, or seek advice on, the necessity for the national instrument, an evaluation of alternatives, and the costs and benefits associated with proposals (including any additional costs or savings that will be imposed on those administering or implementing the instrument). This is particularly important in that national instruments (including the standardised plan provisions, and processes for setting limits) have primacy over natural environment plan provisions, and the Bill contains limited scope for such an evaluation to be carried out (or have much effect) at the regional council level. The cross reference to section 87 of the Planning Bill appears to imply only limited scope for local authorities to give additional consideration to alternatives, costs or benefits.</p> <p>It is understood the government may, in the ordinary performance of its operations, assess options around the making of regulations and national instruments through a Regulatory Impact Statement (RIS), or Cost Recovery Impact Statement (CRIS) (where a regulation or instrument proposes the use of fees or levies). However, Cabinet can still agree to progress regulations without the completion of either form of assessment. This provides little confidence that the impact on those affected (and those who will have to administer or implement the instruments) will always be fully considered and understood. Statutory requirements to carry out an evaluation mitigate that risk.</p> <p>If there is a concern that the double up in effort between complying with statutory evaluation requirements and RIS and CRIS requirements, then it should be straight forward for Cabinet to waive the requirement for the latter when an evaluation under the Planning Act or Natural Environment Act has been prepared and attached to a Cabinet paper seeking approval for regulation or instrument.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. Amend either section 69 or section 70 to include a requirement for the Minister to evaluate, or have due regard to: <ul style="list-style-type: none"> a. The necessity for the instrument and any alternatives means of achieving the objectives of the instrument.

Part 2: Environmental Limits & National Instruments

Provision(s)	MDC Position	Submission
		<p>b. The costs and benefits associated with the proposals in the instrument, including and additional costs or savings relating to the administration or implementation of the instrument.</p>
<p>Section 70 <i>Process for making national instrument</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>Section 70(1) only requires the Minister to provide iwi authorities with a draft of proposed national instrument and give them adequate time to consider the document and provide advice on it. The wording of this section prioritises iwi and iwi authorities without equal, explicit consideration of hapū (not all hapū who hold tangata whenua or mana whenua status hold views which are completely aligned with the iwi in their area</p> <p>Despite local authorities having to comply with (and implement) national instruments, and local authorities having the best understanding as to how those instruments are likely to be applied locally (as well as what impact they may have), local authorities are not given the opportunity to consider draft national instruments nor provide advice on them. Local authorities are instead treated the same as any other member of the public under s70(2)(a).</p> <p>The discretion of the Minister to consult other person at any time (s70(3)) does not provide certainty regarding local authority input at the draft national instrument stage. Similarly, the ministerial discretion to determine the adequacy of the timeframe for consultation provides an insufficient safeguard to ensure meaningful consultation. This stands in contrast to local authorities having to consult the Minister on draft plans and being required to provide a submission period of at least 20 working days when preparing plans.</p> <p><u>Relief Sought</u></p> <ol style="list-style-type: none"> i. References to ‘iwi authorities’ should be changed to recognised ‘iwi and hapū’. ii. The following provisions should make specific reference to affected local authorities being consulted, and being given the opportunity to submit or comment on, the preparation of draft regulations, national instruments or directions: <ul style="list-style-type: none"> • Provisions relating to the preparation of national instruments (proposed sections 68 - 75). • Provisions relating to preparation of the National Policy Direction (proposed sections 77 – 81). • Provisions relating to National Standards (proposed sections 82 – 87).

Part 2: Environmental Limits & National Instruments

Provision(s)	MDC Position	Submission
		<ul style="list-style-type: none"> • Amendments to national standards (proposed section 90). • Regulations made under proposed sections, 307, 308 and 309 which relate to matters including, the preparation of spatial plans, esplanade strips, fees, the application and categorisation of rules in plans, monitoring by local authorities, timeframes and procedures, and levies. <p>The provisions could take a form similar to that proposed for section 305 (Emergency Response Regulations), include the pre-circulation of exposure drafts (similar to section 58D of the Resource Management Act), or both.</p> <p>iii. The minimum timeframe of consultation and submissions or feedback on proposed regulations, national instruments or directions be set at 20 working days.</p> <p>iv. Subsection 70(5)(d) should also refer to advice received from local authorities.</p>
<p>Section 85</p> <p><i>Minister must ensure national standards enable resource use with environment limits</i></p>	<p>Support</p>	<p><u>Submission</u></p> <p>The origin of environment limits was to protect human health or ecosystem health from falling to levels whereby damage was irreparable or irreversible. The intent was that an activity should not be allowed if the limits were breached. Section 85 appears consistent with this approach.</p> <p>Variability in the natural environment means that, on some occasions, environmental limits set at the national level will not be appropriate to local circumstances (for example, being set too high for a local, highly sensitive environment). In these instances it is appropriate that regional councils have an ability to apply a more restrictive approach than a nationally set limit or standard.</p>
<p>Section 86</p> <p><i>National standards relating to significant</i></p>	<p>Opposed</p>	<p><u>Submission</u></p> <p>The conceptual origin of environment limits was to protect human health or ecosystem health from falling to levels whereby damage was irreparable or irreversible. The intent was that an activity should not be allowed if the limits were breached. The provisions of sections 46, 53-57, and 85 tend to reinforce this intent. It is generally not then acceptable that Ministers be given the ability to specify a process which would enable limits to be breached unless it</p>

Part 2: Environmental Limits & National Instruments

Provision(s)	MDC Position	Submission
<i>infrastructure which breaches limits.</i>		<p>can be demonstrated that no alternative exists and that taking no action would result in even greater damage to human health, ecosystems or the environment. There are very few infrastructure projects where an alternative location, technology or approach could be used to avoid serious harm.</p> <p>Relief Sought</p> <ul style="list-style-type: none"> (i) EITHER: Delete section 86 in its entirety and rely on the methodology behind the setting of environmental limits to provide flexibility to take into account appropriate infrastructure locations, types, technologies and other variables, OR (ii) Add tests to section 86 which require an evidence backed demonstration that no alternative location, technology or approach exists which avoids breaching the limit, <u>and</u> that taking no action to allow the infrastructure would result in even worse harm to human health, ecological health and the environment.

Part 3: Combined Plan and other matters

Provision(s)	MDC Position	Submission
Plan sequencing Issues arising from section 68 and Schedule 2.	Partly Support	<p>Submission</p> <p>MDC supports the concept of regional spatial plans, natural environment plans, and land use plans supporting each other, but there is a fundamental timing issue with the intended sequencing of plans and plan provisions across the Planning Bill and the Natural Environment Bill.</p> <p>The Natural Environment Bill establishes environmental limits as being central (under a ‘development within environmental limits’ approach), but the Planning Bill puts the development of the regional spatial plan ahead of the preparation of the environment plan. This is problematic in that the regional spatial plan committee must consider environmental limits and information from a natural environment plan (see Schedule 2, clause 6 of the Planning Bill) and must identify and provide for the spatial implications of environmental limits as a mandatory content matter in the regional spatial plan (clauses 2 and 3 of the Schedule 2 of the Planning Bill). However, environmental limits</p>

Part 3: Combined Plan and other matters

Provision(s)	MDC Position	Submission
		<p>relating to ecological health are set through environmental plans which the Bills anticipate being prepared after decisions have been taken on the regional spatial plan (see section 68 of the Planning Bill). Transitional provisions of the Planning Bill need to allow existing RMA regional plans to serve as interim natural plans (and incorporate limits as appropriate) until such time as the first natural environment plans come into force.</p> <p><u>Relief Sought</u></p> <p>i. Incorporate transitional provisions into the Planning Bill which provide for existing RMA regional plans to act as interim natural environment plans, including containing environmental limits (or equivalent provisions within those plans until such time as environmental limits are set), until such time as the first generation of natural environment plans are made operative.</p>
<p>Section 70 <i>Process for making national instrument</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>Section 70(1) only requires the Minister to provide iwi authorities with a draft of proposed national instrument and give them adequate time to consider the document and provide advice on it. The wording of this section prioritises iwi and iwi authorities without equal, explicit consideration of hapū (not all hapū who hold tangata whenua or mana whenua status hold views which are completely aligned with the iwi in their area</p> <p>Despite local authorities having comply with (and implement) national instruments, and local authorities having the best understanding as to how those instruments are likely to be applied locally (as well as what impact they may have), local authorities are not given the opportunity to consider draft national instruments nor provide advice on them. Local authorities are instead treated the same as any other member of the public under s70(2)(a).</p> <p>The discretion of the Minister to consult other person at any time (s70(3)) does not provide certainty regarding local authority input at the draft national instrument stage. Similarly, the ministerial discretion to determine the adequacy of the timeframe for consultation provides an insufficient safeguard to ensure meaningful consultation. This stands in contrast to local authorities having to consult the Minister on draft plans and being required to provide a submission period of at least 20 working days when preparing plans.</p> <p><u>Relief Sought</u></p>

Part 3: Combined Plan and other matters

Provision(s)	MDC Position	Submission
		<p>v. References to ‘iwi authorities’ should be changed to recognised ‘iwi and hapū’.</p> <p>vi. The following provisions should make specific reference to affected local authorities being consulted, and being given the opportunity to submit or comment on, the preparation of draft regulations, national instruments or directions:</p> <ul style="list-style-type: none"> • Provisions relating to the preparation of national instruments (proposed sections 68 - 75). • Provisions relating to preparation of the National Policy Direction (proposed sections 77 – 81). • Provisions relating to National Standards (proposed sections 82 – 87). • Amendments to national standards (proposed section 90). • Regulations made under proposed sections, 307, 308 and 309 which relate to matters including, the preparation of spatial plans, esplanade strips, fees, the application and categorisation of rules in plans, monitoring by local authorities, timeframes and procedures, and levies. <p>The provisions could take a form similar to that proposed for section 305 (Emergency Response Regulations), include the pre-circulation of drafts (similar to section 58D of the Resource Management Act), or both.</p> <p>vii. The minimum timeframe of consultation and submissions or feedback on proposed regulations, national instruments or directions be set at 20 working days.</p>
<p>Section 92 <i>Purpose of natural environment plan</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>Manawatū District Council supports the purpose of natural environment plans as proposed, but requests clarification be provided as to the intended meaning of ‘enhancement’. Common dictionary definitions (e.g. the process of improving the quality, amount, or strength of something) do not always make sense when applied to aspects of the natural environment (e.g. is it to imply that biodiversity has to be increased beyond what was the natural state?).</p> <p><u>Relief Sought</u></p> <p>i. Provide a definition of ‘enhancement’ in section 3 of the Bill.</p>

Part 4: Natural Resource Permits

Provision(s)	MDC Position	Submission
<p>Section 138</p> <p><i>Permit processing timeframes</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>MDC supports the specification of the permit timeframes for basic application types within the Planning Bill but is concerned that these are expressed as maxima with no reference is made in the Bill itself to processing timeframes being paused while permit authorities are awaiting further information from applicants, situations where the applicant has asked for an application to be put on hold, or other extenuating circumstances. The Bill instead appears to suggest that suspensions will be defined through regulations (which are not yet available for parties to submit on), which would not provide long-term certainty for applicants or consent authorities (as regulations can be changed relatively quickly with minimal public input).</p> <p>The situations where processing timeframes should be suspended are clear from the content of subsequent sections (i.e. Natural Environment Bill s140 Requests for further information, and s141 requests for reports). Consent processing timeframe exemptions are also needed for specified extenuating circumstances such as during a declared state of emergency (as consent processing staff may themselves be affected by an emergency or be involved in civil defence response and short-term recovery activities).</p> <p><u>Relief Sought</u></p> <p>i. To provide transparency and certainty for consent authorities, applicants and the general public, provisions similar to RMA sections 88B and 88E (which set out the circumstances as to what time periods should be excluded from the calculation of processing timeframes) should be included in the Natural Environment Bill. At a minimum, exclusions should be provided for timeframes associated with:</p> <ul style="list-style-type: none"> ○ Further information requests ○ Commissioned reports ○ Where the applicant (or other specified party) has asked to put processing on hold. ○ Circumstances where a consent authority is awaiting another related application.
<p>Section 139</p>	<p>Opposed</p>	<p><u>Submission</u></p>

Part 4: Natural Resource Permits

Provision(s)	MDC Position	Submission
<i>Certain permits must be processed within a year</i>		<p>MDC questions the need for section 139 and its processing timeframe of 1 year. The singling out of particular industry or business types over others for special treatment (picking winners) in the Bill is not conducive to business certainty, can result in the misallocation of resources, distort markets and disincentivises diversification of the economy and innovation.</p> <p>Section 138 already provides for processing timeframes which are shorter than the 1 year timeframe proposed, with sections 318 and 319 providing the ability for timeframes to be extended, or requirements waived to cater for complex applications. It should be possible to amend sections 318 and 319 to provide for longer timeframes if applicants or other specified groups request.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. Delete section 139 and modify sections 318 and 319 to allow for longer extension of timeframes if an application of specified group request it.
Section 146 <i>Notification requirements if 145 does not apply</i>	Partly Support	<p><u>Submission</u></p> <p>MDC supports the general structure and approach to section 146.</p> <p>However, some local authorities, such as the Manawatū District, include iwi and hapū whose Treaty claims have yet to be settled. Section 126 implies that these groups, even if mana whenua or tangata whenua, will not automatically be notified under s146(2) even if they have an agreement or arrangement outside of a statutory acknowledgment.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. Amend section 146 so that iwi and hapū who do not have a Treaty settlement may be notified under s146 if the relevant local authority has retained records which identifies their sites of significance, and the proposed activity is on, adjacent to, or adversely effects that site of significance.
Section 152 <i>Submissions on applications</i>	Partly Support	<p><u>Submission</u></p> <p>MDC appreciates the need for limiting unnecessary costs associated with large volumes of submissions from parties with no association with the region or district to which a consent application relates. However, there should be some allowance for submissions from specialist or expert groups who are representing an interest greater than that of a</p>

Part 4: Natural Resource Permits

Provision(s)	MDC Position	Submission
		<p>member of the general public. That interest could concern situations where an application concerns technical matters (such as uncommon but high-risk impacts on human health or ecological health) and there is no person in the region or district who would otherwise have the expertise to comment on that matter.</p> <p>Relief Sought</p> <p>i. Provide a new subsection 152(1)(c) which enables a person representing an interest greater than what the general public has to make submission. If desired, the scope of that interest could be limited to providing comment on technical matters which no qualifying resident in the district or region has expertise to comment on (even if the submitter is not directly affected themselves).</p>

Part 5: Key Roles (functions)

Provision(s)	MDC Position	Submission
Section 215 <i>Functions of Minister</i>	Partly Support	<p>Submission</p> <p>It is unclear whether s215(f) should refer to 'land use' or 'natural resources' in this context. The use of the words 'as the Minister thinks fit of any significant land use matter; also leaves the Minister with an unchecked, wide discretion to investigate matters. As with s215(g), there needs to be a link back to the purpose and goals of the Bill.</p> <p>Relief Sought</p> <p>i. Clarify whether s215(f) should refer to 'natural resources' instead of 'land use'.</p> <p>ii. Link the Ministers powers in s215(f) to being necessary to achieve the purpose and goals of the Bill.</p>
Section 217 <i>Minister may direct preparation</i>	Partly Support	<p>Submission</p> <p>Section 217 broadly mirrors some of the intent behind section 24A of the RMA, but extends the Minister's powers to directing (rather than 'recommending') a local authority to prepare a plan document, change or</p>

Part 5: Key Roles (functions)

Provision(s)	MDC Position	Submission
<p><i>of plan, document, change or variations</i></p>		<p>variation.</p> <p>Although the reference to council functions (s222 – although the Bill incorrectly refers to s224) appears appropriate, the reference to addressing ‘the issue’ (which appears to be a ‘planning land use issue’) is vague and has the potential to be interpreted widely or misused. The direction needs to be tied back more firmly to a significant shortcoming or failure (be it an act of commission or omission) in relation to the local authority carrying out its land use planning functions.</p> <p>Subsection 217(3) and (4) are of significant concern as they appear to give permission to the Minister to skip an investigation of the local authority before issuing a direction (which would otherwise be required through section 203(2)).</p> <p>The requirement that the Minister can skip an investigation on the basis of having reasonable evidence only (s217(4)) is a fundamental breach of the principles of natural justice (as it does not provide local authorities an opportunity to respond to accusations) and may result in the Minister taking ill-informed, inappropriate or unconstructive action, particularly where:</p> <ul style="list-style-type: none"> • The perceived failure of the local authority is related to a lack of resources to carry out their duties in timely manner, • A local authority has been given conflicting goals or provisions in national instruments which are impossible to reconcile. • The failure on the part of a local authority relates back to an act or omission by the central government in the performance of its functions, duties or powers. <p><u>Relief Sought:</u></p> <ol style="list-style-type: none"> i. Amend the cross-reference to s224 in s217(1)(a)(1) to ‘<u>section 222</u>’. ii. Replace the word ‘issue’ in a s217(1) and (2) with a ‘significant failure or shortcoming in the performance of its functions or duties under this Act’ (or wording to similar effect). iii. Delete s203(3) and 203(4).

Part 5: Key Roles (functions)

Provision(s)	MDC Position	Submission
<p>Section 222</p> <p><i>Functions of regional councils</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>Subsections 222(3) and 222(5) refer to regional councils and the Minister of Conservation performance (or non performance) of functions specified in subsection 3A (which may relate to controlling the taking, allocation of enhancement of fishery resources). However the reference to subsection 3A is unclear in that there is no subsection 3A in s222 and it is unclear as to which sections or provisions of the Natural Environment Bill the reference is supposed to relate to.</p> <p>It is noted that the control of noise as a local authority function only appears in subsection 222(4)(g), and only in relation to fisheries. It does not otherwise appear as a general function of local authorities in sections 184 and 185 of the Planning Bill, nor s222 of the Natural Environment Bill. For clarity, Manawatū District Council recommends functions relating to noise should correspond to local authority boundaries, for example:</p> <ul style="list-style-type: none"> • Noise is the responsibility of territorial authorities landward of mean high water springs. • Noise is the responsibility of regional councils in coastal waters seaward of mean high water springs (i.e. in the coastal marine area). <p><u>Relief Sought</u></p> <ol style="list-style-type: none"> i. Correct the s222(3) and s222(5) cross reference to ‘subsection (3A)’ so that they cross reference the appropriate provision(s) of the Natural Environment Bill. ii. Clarify section 222 so that the control of noise is the responsibility of regional councils in the coastal marine area (seaward of the line of mean high water springs) and not just limited to aquaculture activities.
<p>Section 225</p> <p><i>Obligations relating to statutory acknowledgements</i></p>	<p>Partly Support</p>	<p><u>Submission</u></p> <p>There appears to be no equivalent duty on central government in relation to statutory acknowledgements. Given the power of Ministers to make, delete or amend provisions in local authority plans, require compliance with standardised plan provisions, and direct other plan-content related matters, this creates a double standard and</p>

Part 5: Key Roles (functions)

Provision(s)	MDC Position	Submission
		<p>potential double-jeopardy situation for local authorities. This can be addressed by creating a duty for Ministers to act consistently with statutory acknowledgments when exercising their powers.</p> <p>Relief Sought</p> <p>i. Insert a similar provision to s225 into the Bill which requires the Ministers to ensure the exercise of their powers is consistent with statutory acknowledgments in the districts or regions in which the exercise of the powers is proposed. These provisions should relate to all national policy direction, national instrument, national standard and regulation making powers.</p>

Part 6: Enforcement and other matters

Provision(s)	MDC Position	Submission
<p>Section 278</p> <p><i>Offences against this Act</i></p>	Partly Support	<p>Submission</p> <p>The list of offences described in section 278 is similar to those listed in comparable sections of the RMA (e.g. s338) and is supported. However, with the proposed introduction of registered permitted activities which may have conditions attached, a specific reference to the breach of those conditions appears to be absent.</p> <p>Relief Sought</p> <p>i. Amend section 278(1)(c) to read “any condition of a natural resource permit <u>or permitted activity which is the subject of a permitted activity rule</u>”.</p>
<p>Sections 310 and 311</p> <p><i>Regulations amending natural</i></p>	Opposed	<p>Submission</p> <p>Section 310 gives the Minister responsible for aquaculture the power to make regulations which amend regional plan provisions (i.e. delete, add or change). Giving such a power to a Minister which represents a particular industry or industry group creates the potential for conflict of interest and does not provide independent sufficient safeguards to ensure decisions are taken in the interests of overall environmental health, despite the requirement for amendments</p>

Part 6: Enforcement and other matters

Provision(s)	MDC Position	Submission
<p><i>environment plans</i></p>		<p>to be consistent with other parts of the Natural Environment Act (which happens to also contain various exception clauses).</p> <p>It is further noted that although the Minister responsible for aquaculture must have regard to the provisions of the relevant natural environment plan, section 311 does not specifically or explicitly require consultation with the affected regional council, nor does it specify a minimum period over which consultation must enable submissions to be made.</p> <p>Decision Sought</p> <ul style="list-style-type: none"> i) EITHER: Delete sections 310 and 311 entirely, and rely on the Minister for the Environment’s powers to make regulations and national instruments: OR ii) Amend section 310 and 311 so that all references to the Minister are to Minister for the Environment, and that Minister has the discretion to consult the Minister of Conservation and Minister responsible for aquaculture. iii) Replace references in s311(7) to ‘adequate time’ with a requirement for consultation to be open for a minimum of 20 working days.
<p>Section 313 and 314</p> <p><i>Regulations relating to natural resource levies</i></p>	<p>Partly support</p>	<p>Submission</p> <p>Section 313 allows for the making of regulations prescribing levies for the taking or use of natural resources. As with a range of other regulation making powers under the Bill, the statutory checks on the process through which a Minister may recommend the making of a regulation to the Governor-General are limited.</p> <p>Although it is understood the government may, in the ordinary performance of its operations, assess options regarding the making of regulations through a Regulatory Impact Statement (RIS), or Cost Recovery Impact Statement (CRIS), Cabinet can still agree to progress regulations without the completion of either form of assessment. This provides little confidence to territorial authorities, primary sector industries, and utility operators that the impact on their operations from the imposition of such levies has been considered and understood. An overly high levy for the taking of (for example) water could have a material affect on local authority rates or water charges, or the financial viability of primary sector producers.</p>

Part 6: Enforcement and other matters

Provision(s)	MDC Position	Submission
		<p>It is acknowledged that there is requirement in section 314 for Minister to follow the process set out under section 70. However, as previously noted in this submission, section 70 does not provide a strong or sufficient requirement to consult those affected by a levy. For example, there is no specific requirement to provide an exposure draft, there is not an explicit requirement to consult territorial authorities or others who may be affected to any extent greater than the general public, and there is no minimum timeframe for consultation (in respect to any party). There is also no requirement within section 70 which explicitly looks at quantifiable costs and benefits (and this is only partially addressed in section 314 in its current form).</p> <p>The Minister should be required to comply with additional minimum statutory requirements before recommending regulations which impose a levy, to ensure such a levy is necessary and fair. This is particularly important given the only Parliamentary oversight of regulations is in the form of the limited powers afforded the Regulations Review Committee.</p> <p>The making of regulations imposing a levy are very rarely urgent, so a minimum requirements which include consultation and an opportunity for affected parties to comment (with a 20 working day minimum timeframe) are both appropriate and workable.</p> <p><u>Relief Sought</u></p> <ul style="list-style-type: none"> i. EITHER: Delete subsection 314(1) and replace it with a new subsection which stipulates the minimum requirements a Minister must comply with before recommending regulations which propose imposing levies to the Governor-General. <ul style="list-style-type: none"> a. The Minister must prepare an evaluation which demonstrates the necessity for a levy, the alternative courses of action which have been considered (and the reasons they were accepted or rejected), the anticipated amount or revenue to be raised and how it is proposed to be spent, and the cost impacts on those who will be expected to pay the levy. b. The Minister must prepare and public an exposure draft of the regulations which propose to impose a levy. c. The Minister must consult with persons who will be required to pay the levy (or their representatives), including giving them 20 working days within which to comment on draft proposals.

Part 6: Enforcement and other matters

Provision(s)	MDC Position	Submission
		<p>d. The Minister must make available to those who are consulted, a copy of the exposure draft and the evaluation carried out under (a).</p> <p>OR</p> <p>ii. Amend either section 69 or section 70 to include a requirement for the Minister to comply or have particular regard to (as appropriate), an evaluation that includes matters the same or similar to those described in 'i' above.</p>

Schedule 1:

Provision(s)	MDC Position	Submission
<p>Schedule 1 Clause 1</p> <p><i>Schedule 1 of Planning Act 2025 applies</i></p>	Opposed	<p><u>Submission</u></p> <p>Clause 1 of Schedule cross references to Schedule 1 of the Planning Bill in its entirety. Schedule 1 of the Planning Bill then also contains various references back to provisions in the Natural Environment Bill.</p> <p>Manawatū District Council's concerns regarding Schedule 1 of the Planning Bill are well traversed in our submission on that Bill, and we provide only a summary here:</p> <ul style="list-style-type: none"> • Cross references to the Natural Environment Bill from the Planning Bill in (subclause 5(3)) are incorrect and unclear. • The timing of the issuance of national instruments relative to regional spatial plans means draft regional spatial plans need to be notified before the standards relating to their content and format are issued. • In the case of ecological environmental limits, notification of regional spatial plans (which are required to show the spatial implications for environmental limits) will be ahead of the notification requirements expected for environment plans (within which those limits are to be set).

Schedule 1:

Provision(s)	MDC Position	Submission
		<ul style="list-style-type: none"> • Taking in account the work and resources required (and the resources likely to be available to all parties) involved in the preparation of land use and natural environment plans, the proposed timeframe for notifying environment plans is too short. A more realistic timeframe to notify would be at least 18 months from regional spatial plans being decided. <p><u>Relief Sought</u></p> <ol style="list-style-type: none"> i. Fix the cross-references in Schedule 1 clause 5(3) of the Planning Bill which currently refer to Natural Environment Bill sections 6.5(a), (b), (c) and (d), and section 6.8(1)(b). ii. Amend clause 5(4)(a) of Schedule 1 of the Planning Bill so that the first draft regional spatial plans must be notified within six months of the last national direction listed in 5(3) being issued, or 24 months after Royal Assent. iii. Amend clause 5(4)(b) of Schedule 1 of the Planning Bill to refer to 18 months of when a regional spatial plan is adopted under clause 29 of Schedule 2.

16/02/2026

Committee Secretariat
Transport and Infrastructure Committee
Parliament Buildings
Wellington

Dear Members of the Transport and Infrastructure Committee

The Manawatū District Council (MDC) thanks the members of the Transport and Infrastructure Committee (the Committee) for the opportunity to submit on the Building (Earthquake-prone Buildings) Amendment Bill (the Bill).

Background

The Manawatū District is located within the Manawatū-Whanganui Region. The total population of the District was estimated at 34,345 residents at 1 July 2023. Approximately 53.4% of the population resides in the township of Feilding, and the remainder of the population reside in rural and village areas within the District.

The entire district is located within a high-risk earthquake zone.

This Bill is important to the Manawatū District Council as many of the earthquake-prone buildings (EPBs) in our District have significant heritage value and add to the character and aesthetic quality of our towns and villages.

Under the current legislation a total of 66 EPBs in the Manawatū District still require remediation. Of these 66 EPBs, 28 are Priority Buildings within the Feilding CBD. As a result of the Building (Earthquake-prone Buildings and Other Matters) Amendment Act, owners of priority EPBs have until 24 March 2032 to demolish or strengthen their buildings, and owners of non-priority EPBs have until 12 August 2040.

General Comments

MDC notes and generally supports the submission made by Local Government New Zealand (LGNZ) on the Bill. MDC considers that LGNZ's submission appropriately reflects a range of sector-wide concerns regarding the operation, feasibility, and impacts of the earthquake-prone buildings regime. MDC's submission focuses on the practical implications of the Bill for a provincial, high-seismic-risk district, and provides additional context and recommendations based on MDC's local experience.

In particular, MDC has concerns about the application of materially shorter statutory remediation timeframes to priority buildings in Feilding compared with buildings in functionally similar town centres, and the extent to which this outcome reflects differences in risk rather than framework design.

MDC notes elected members' concern regarding the proportionality of the current regulatory response to earthquake-related building risks. Elected members consider that the response is disproportionate to the level of risk presented, particularly when assessed alongside other life-safety risks faced by communities, including road accidents, drownings, skin cancer, violent crime, substance abuse, extremism, fire, heart disease, cancer, diabetes, air pollution, respiratory illnesses, mental health, flooding, tsunami, volcanic activity, extreme climate/weather events, biosecurity, infrastructure failure, foreign interference, organised crime, epidemics, pandemics, and societal polarisation.

MDC recognises that the Building Act does not seek to address all risks to life and wellbeing, but instead focuses on risks arising from the built environment that are amenable to regulatory intervention. Within that statutory scope, MDC considers it essential that compliance obligations remain proportionate to the life-safety risk being addressed, and that materially different regulatory requirements are not imposed on functionally similar town centres in the absence of demonstrable differences in risk profile or exposure.

The risk-based approach to EPBs in the Bill strikes a better balance between life safety and affordability for building owners

MDC recognises that the overarching aim of New Zealand's regulatory system for managing EPBs is to reduce the risk of death and serious injury from building failure in earthquakes. The system must balance public safety outcomes with affordability for building owners, communities and local authorities, while recognising New Zealand's seismic risk profile and the long lifespan of the building stock. MDC supports the intent of the Bill to establish a regulatory system for managing EPBs that is more risk-based and proportionate.

MDC has long advocated for changes to the regulatory system for managing EPBs under the Building Act 2004, due to concerns that the current statutory timeframes and the significant cost of remediation work have, in some cases, discouraged building owners from undertaking any remedial action. This is particularly true in rural/provincial towns and villages with low commercial rents and low commercial property values.

By allowing for extensions of time, greater flexibility in the remediation measures required for different building types, and less onerous requirements outside of urban centres, MDC considers that the Bill will improve the overall feasibility of strengthening activity. While the Bill may result in an extended timeframe for achieving full compliance, MDC considers that the proposed changes will nevertheless support incremental risk reduction and lead to improved life-safety outcomes over time.

Designation of Earthquake-prone Buildings

MDC understands that this bill narrows the definition of EPBs to those that are either:

- Designed before 1976 and at least 3 storeys high and built of concrete or other heavy materials; or
- Built of unreinforced masonry.

MDC anticipates that the effect of these changes will be to reduce the number of priority EPBs to 28, comprising one building that is three storeys high and of concrete block construction, and 27 buildings constructed of unreinforced masonry. Eleven of these buildings are classified by Heritage New Zealand as Category 2 heritage buildings. The number of non-priority EPBs buildings is expected to reduce to 11.

The changes to the definition will also mean that nine buildings located outside of the Feilding urban area will no longer be considered EPBs (3 in Ohakea, 2 in Rongotea, 1 in Himatangi, 2 in Halcombe and 1 in Sanson). A further six buildings in Feilding that are located outside of the CBD will no longer meet the definition of an EPB.

MDC recognises that the Bill introduces a wide range of new transitional and administrative responsibilities for territorial authorities. Given the relatively small number of earthquake-prone buildings in the Manawatū District, MDC anticipates that the cost of reassessing buildings against the new criteria and issuing new certificates is likely to be manageable. Similarly, the requirement in section 133H to report to the Chief Executive of MBIE on progress towards identifying potentially earthquake-prone buildings is not expected to be overly onerous and is broadly consistent with existing reporting requirements.

MDC acknowledges that transitional and ongoing costs of implementing this Bill will not be evenly distributed across the sector. MDC therefore supports the recommendation in the submission by Taituarā that the Committee consider introducing transitional funding or cost recovery mechanisms to avoid unfunded mandates and recognise the significant transition workload for Councils.

Ongoing ability to identify earthquake-prone buildings over time

Retaining a limited but essential ability for councils to identify additional earthquake-prone buildings beyond the initial statutory identification period

MDC agrees with the concern raised in the submission by Taituarā (Local Government Professionals Aotearoa) that the Bill does not adequately preserve territorial authorities' ability to identify new earthquake-prone buildings once the initial statutory identification timeframes have closed. In particular, MDC notes that after the identification period, the Bill appears to significantly narrow the pathway for councils to designate additional buildings as earthquake-prone, limiting this to a very small subset of high-risk post-1976 buildings of heavy construction completed prior to commencement of the legislation.

This approach does not allow sufficient margin for error and risks locking in incorrect or incomplete outcomes. In practice, earlier identification exercises were undertaken using varying levels of information, engineering methodologies, and assessment tools. Some buildings may have been screened out based on limited visual inspections, incorrect assumptions about construction type, or engineering practice that is no longer consistent with current knowledge.

MDC shares Taituarā's concern that preventing councils from revisiting earlier screening decisions where new or materially different information becomes available could undermine public safety and confidence in the regulatory framework. This may include situations where new structural information emerges, engineering understanding evolves, or errors in earlier classification are identified.

MDC emphasises that retaining an ongoing identification ability need not create an open-ended reassessment regime. Rather, MDC considers that the legislation and supporting EPB methodology should provide for a clearly defined and high-threshold mechanism that allows territorial authorities to identify additional earthquake-prone buildings in limited circumstances, where new evidence justifies doing so. Such a mechanism would operate as a safeguard to correct genuine errors or omissions, while maintaining certainty for building owners and avoiding unnecessary reassessment.

Decision sought:

1. That the Select Committee recommend amendments to ensure territorial authorities retain a limited but explicit ability to identify additional earthquake-prone buildings where new or materially different information becomes available, even after statutory identification periods have closed, consistent with concerns raised by the local government sector.

Standard engineering solutions for façade strengthening

Nationally endorsed standard engineering solutions for façade strengthening and securing are needed to reduce costs, address liability concerns and achieve greater consistency

MDC considers that engineering design costs are a significant contributing factor to the overall cost of securing or strengthening street-facing elements of unreinforced masonry buildings. MDC understands that following the 2016 Hurunui/Kaikōura earthquake, territorial authorities in affected areas (including Hutt City Council, Wellington City Council, Marlborough District Council, and Hurunui District Council) were provided with tools to assist building owners to secure street-facing parts of buildings in a timely manner. In addition to financial assistance, MDC understands that standard engineering solutions were developed to support this work.

MDC considers that the development and national availability of standard, endorsed engineering solutions would help reduce engineering design costs and improve consistency in remediation outcomes. Such solutions could also assist in addressing concerns about professional liability by providing engineers and Building Consent Authorities (BCAs) with an accepted baseline approach for common building types. Standard designs could be developed for one- and two-storey unreinforced masonry buildings and adapted as required to reflect the specific characteristics of individual buildings and sites. MDC considers that this approach would support the Bill's risk-based intent and improve the overall feasibility of strengthening activity.

Decision sought:

2. That the Select Committee recommend the development of nationally endorsed standard engineering solutions for façade strengthening and securing, to support proportionate, risk-based remediation and provide greater certainty for building owners, engineers, and Building Consent Authorities.

Removal of earthquake ratings and introduction of tiered mitigation requirements

Due to removal of the percentage-based ratings, clarity is needed on what constitutes acceptable remediation and compliance for BCAs and building owners

MDC supports the Bill's shift to a more explicitly risk-based approach to the management of earthquake-prone buildings. MDC generally supports a risk-based approach in recognition that there are significant financial advantages for the owners of EPBs in requiring treatment of façades only, rather than having to strengthen entire buildings. As outlined above, less onerous strengthening requirements increase the feasibility of strengthening work and are therefore more likely to result in activity progressing. MDC notes that overly onerous or unaffordable requirements can result in inaction. However, for a risk-based approach to operate effectively and consistently in practice, MDC considers that greater clarity is required around what constitutes acceptable remediation and compliance.

MDC notes that the Bill proposes to remove the use of percentage-based earthquake ratings as part of the regulatory framework for managing earthquake-prone buildings. While MDC does not oppose the removal of ratings in principle, MDC is concerned that, without clear and nationally consistent standards and methodologies, building owners and BCAs will lack certainty as to what constitutes an acceptable level of remediation. In particular, BCAs will require sufficient detail to assess whether proposed works meet the required risk-based outcomes and to ensure consistency in consenting and enforcement decisions across the country.

However, MDC notes that in the absence of clear and nationally consistent criteria and methodology, there is a risk that BCAs may adopt more conservative consenting and enforcement approaches in order to manage uncertainty and liability, which could result in unnecessary compliance costs for building owners.

MDC also notes that the Bill introduces a more flexible, risk-based approach that will require councils to exercise greater professional judgement in identifying specific structural risks and determining appropriate remediation responses. MDC considers that such discretion can only be exercised appropriately and consistently if it is supported by a robust, up-to-date EPB methodology grounded in current engineering science, with clear national criteria and practical guidance on how judgement should be applied, including the use of nationally consistent templates and standardised solutions where appropriate. Without this foundation, increased flexibility risks uneven application across districts and greater exposure to challenge for both councils and building owners.

MDC's concern regarding lack of certainty around performance requirements is echoed in the submission by Taituarā who note that the Bill *“does not provide an alternative mechanism for communicating seismic performance.”* Taituarā's submission calls for the development of a nationally consistent seismic rating system to replace %NBS. MDC generally supports Taituarā's recommendation but rather than calling for a replacement rating system, our request is for clear technical guidance and an approved methodology for demonstrating compliance. This guidance and methodology will be essential to support the effective implementation of the Bill.

MDC notes that percentage-based earthquake ratings are reasonably well understood by building owners, prospective purchasers, and the wider public, and have provided a clear way of communicating seismic risk. MDC is concerned that, without clear guidance on how the new risk-based framework will be reflected on the public register, the removal of these ratings may cause confusion and reduce confidence in the system.

Based on Statistics New Zealand's *Functional Urban Areas – Methodology and Classification (2021)*, Feilding is the only urban centre (a medium regional centre) in the Manawātū District. This means that unreinforced masonry buildings outside of Feilding are only required to be recorded in the EPB register if they are one or two storeys high, and require façade securing if they are three or more storeys high. This approach pragmatically recognises both the comparatively lower risk to life in smaller towns and villages with lower pedestrian and traffic counts, and the lower commercial rents and property values that affect the feasibility of strengthening work. This differentiated approach for buildings located outside of urban centres is therefore generally supported by MDC.

MDC notes that uncertainty during the transition to the new regulatory framework is already influencing building owner behaviour, with some owners pausing or deferring strengthening work while awaiting clarity on future requirements. MDC considers that clear transitional arrangements and early guidance will be important to minimise delays and support continued strengthening activity.

Decisions sought:

3. That the Select Committee recommend amendments and/or supporting regulatory settings to ensure the risk-based approach proposed in the Bill is underpinned by clear, detailed, and nationally consistent standards and methodologies, to ensure the framework can be implemented effectively and consistently in practice.
4. That the Select Committee support the Bill's differentiated, risk-based approach to remediation requirements for buildings located outside of urban centres, recognising the lower risk to life safety and the economic realities of provincial and rural communities.

Heritage Buildings – Need for coordinated implementation across legislation

The earthquake-prone buildings regime should be aligned with the heritage planning framework to support coherent, workable outcomes for heritage-listed buildings

MDC notes that heritage-listed buildings are disproportionately affected by earthquake-prone building requirements, due to the additional complexity, cost, and design constraints associated with strengthening heritage fabric. These impacts are particularly acute in provincial and rural centres, where lower commercial rents and property values often make remediation significantly more challenging to fund.

MDC acknowledges the important contribution that heritage buildings can make to the character, identity, and amenity of towns and communities. MDC therefore supports a tiered approach to heritage outcomes, including the retention (at minimum) of the

facades of those earthquake-prone heritage buildings that communities most value for their contribution to streetscape character.

However, MDC recognises that even with national support mechanisms in place, the cost of remediating some heritage-listed earthquake-prone buildings may still be disproportionate to their heritage contribution, or exceed the cost of demolition and rebuild. MDC considers that where a heritage-listed building is not essential to streetscape outcomes and remediation is demonstrably unaffordable or not reasonably feasible, there should be a clear and workable pathway within the planning system to enable demolition. Without coherent alignment between the two frameworks, there is a risk of unintended outcomes including prolonged vacancy, deterioration, or de facto demolition through neglect.

MDC understands that decisions about heritage protection are primarily matters for the planning framework, and that heritage retention is not the core purpose of the Building Act 2004 or the focus of the Building (Earthquake-prone Buildings) Amendment Bill. However, MDC notes the clear and direct relationship between the earthquake-prone buildings regime and the operation of heritage provisions under the Planning Act, as EPB requirements can significantly affect the viability of retaining heritage buildings.

MDC considers that the effectiveness of the EPB reforms will depend in part on whether the planning system provides workable pathways for heritage decision-making, particularly in provincial town centres.

MDC agrees with the sector view that there is value in exploring national support mechanisms to assist owners of heritage-listed earthquake-prone buildings, including targeted grants, low-interest financing, tax-based incentives, and technical advisory support. MDC considers that national-level support is particularly important for smaller councils and communities that lack the financial capacity to sustain heritage outcomes through local mechanisms alone.

Decision sought:

5. That the Select Committee note the interaction between the earthquake-prone buildings regime and heritage provisions under the Planning Act.

And

6. That the Select Committee recommend that the Government ensure alignment between the earthquake-prone buildings provisions and the planning framework to support workable heritage outcomes, including:
 - (a) A tiered approach to heritage-listed earthquake-prone buildings, providing for retention of the facades of buildings that make a significant contribution to streetscape character; and
 - (b) Clear and practicable planning pathways to enable demolition of other heritage-listed earthquake-prone buildings where remediation is demonstrably unaffordable or not reasonably feasible.

Other Building Code provisions and liability

Limiting upgrades to other building code provisions is supported, providing councils are protected from unintended liability

MDC understands that the Bill proposes changes that will limit the ability BCAs to require upgrades to other Building Code provisions (such as means of escape from fire or accessibility) when granting building consent for earthquake-strengthening work, provided the building continues to comply with the Building Code to at least the same extent as it did prior to the commencement of the work.

MDC generally supports this approach, as it will reduce the overall cost of strengthening work for building owners and remove a significant barrier to remediation. While MDC acknowledges that this may result in slower progress towards compliance with other aspects of the Building Code, this outcome is consistent with the Bill's primary objective of improving life-safety outcomes by facilitating feasible seismic risk reduction.

However, MDC also notes potential concerns regarding liability exposure for councils and BCAs in circumstances where a building is known to have existing non-compliances with other Building Code requirements. In the event of an incident resulting in loss of life or serious injury (for example, related to means of escape from fire), there is a risk that councils may be exposed to legal challenge despite having acted in accordance with the legislative framework. MDC considers that additional clarity and safeguards are required to ensure BCAs can implement the Bill's intent without creating unintended liability risks.

MDC's position reflects the need for proportionality within the earthquake-prone buildings framework and is not intended to weaken the broader progressive improvement objectives of the Building Act outside of seismic remediation contexts.

Decision sought:

6. That the Select Committee recommend the inclusion of clear statutory protections or guidance for Building Consent Authorities when consenting earthquake-strengthening work that does not trigger upgrades to other Building Code provisions, to reduce the risk of unintended liability where councils are acting in accordance with the Act.

Seismic work deadline extensions

Extensions to deadlines are supported but national guidance to support this would be helpful

MDC supports new section 133X, which provides territorial authorities with the ability to grant extensions of time of up to 15 years for the remediation of earthquake-prone buildings. MDC considers that this discretion is critical to enabling councils to work constructively with building owners on a case-by-case basis, particularly where remediation is complex, staged, or subject to funding and design constraints. MDC also supports an approach that allows for extensions to be granted on more than one occasion where building owners can demonstrate genuine progress towards remediation.

MDC considers that this flexible, case-by-case approach will reduce the risk of building owners taking no action where the cost of completing works within legislatively imposed timeframes is economically unachievable. By enabling staged progress and recognising demonstrable effort, the extension provisions are more likely to result in incremental risk reduction and improved life-safety outcomes over time, consistent with the overall objectives of the Bill.

MDC further considers that guidance would be beneficial to clarify how factors such as remediation complexity, heritage value, and feasibility may be appropriately taken into account when determining extension requests under section 133X, to support consistent and defensible decision-making by territorial authorities.

MDC acknowledges the importance of retaining backstop enforcement measures within the earthquake-prone buildings regime, including offence provisions and the ability for councils to take action where building owners fail to meet their obligations. MDC notes that these powers are not new and are intended to operate as measures of last resort. In MDC's experience, such measures are most effective where compliance requirements are proportionate and achievable, and where the framework supports cooperation and progress rather than inaction.

Decision sought:

7. That new sections 133X and 133Y be retained as drafted in the Bill.

Definition of Priority Buildings

The meaning of a priority building should be reinstated to include those buildings that are critical in the event of an emergency

MDC does not support the narrowing of the categories of buildings specified as priority buildings in section 133F to remove hospital buildings, buildings that are likely to be needed in an emergency for use as an emergency shelter or an emergency centre, buildings that are used to provide emergency response services, and buildings that are regularly used by at least 20 people for a variety of specified educational purposes are priority buildings.

Insufficient rationale has been provided for the removal of these buildings from consideration. MDC is of the opinion that such buildings are critical in the event of an emergency, and therefore should be strengthened as a priority.

MDC notes that its concerns regarding the narrowing of the priority building category are shared by Taituarā, which strongly opposes the removal of hospitals, emergency services, and emergency shelters from the priority building definition. MDC agrees that these buildings play a critical role in emergency response and recovery, and that deprioritising them within the earthquake-prone buildings framework risks undermining community resilience and life-safety outcomes.

Decision sought:

8. That the Committee amend new section 133F to reinstate those buildings that are currently listed as priority buildings, if located in an area of medium or high seismic risk, in section 133AE(a) – (d) of the Building Act 2004. However, we note that the reference to the Civil Defence and Emergency Management Act 2002

may need to be updated given that replacement legislation (the Emergency Management Bill (No 2)) is currently being consulted on.

Identification of Priority Buildings

National guidance is needed to help councils determine what is “sufficient vehicle or pedestrian traffic” for the purpose of determining priority thoroughfares

MDC generally supports section 133G of the Building Act 2004, which sets out the role of territorial authorities in identifying certain priority buildings. However, MDC notes that section 133G(3)(a)(ii) requires territorial authorities to determine whether a public road, footpath, or other thoroughfare has “sufficient vehicle or pedestrian traffic” to warrant prioritisation, without providing quantitative thresholds or nationally consistent guidance. In practice, this requires each territorial authority to make its own judgement as to what constitutes “sufficient” traffic, based on local data and community context. MDC considers that this approach has the potential to undermine national consistency and result in materially different outcomes between districts with similar risk profiles.

MDC acknowledges that allowing territorial authorities discretion in assessing pedestrian and vehicle traffic enables local context and community risk tolerance to be reflected in decision-making. However, MDC considers that this discretion would be better supported through non-prescriptive national guidance or indicative benchmarks, rather than the absence of guidance altogether, to improve consistency while retaining local flexibility.

MDC notes that the Bill introduces transitional review provisions requiring territorial authorities to review and reconfirm the earthquake-prone or priority status of buildings recorded on the EPB register as soon as reasonably practicable after 1 July 2027 (new section 133S). MDC is concerned that, without an explicit mechanism to update priority building status where priority thoroughfare determinations are lawfully reconsidered or revised (including as a result of clearer national guidance on what constitutes “sufficient” pedestrian or vehicle traffic for the purposes of section 133G), councils may be required to reconfirm priority status before they have had an opportunity to reassess whether particular thoroughfares continue to warrant prioritisation.

MDC is concerned that, as drafted, the Bill does not clearly provide for priority building status to be amended in circumstances where a building ceases to meet the criteria for priority status due to revised priority thoroughfare determinations. In particular, while section 133R provides that certain buildings cease to be priority buildings, MDC considers the Bill should make explicit that territorial authorities may reissue earthquake-prone building notices and update associated remediation timeframes where a building ceases to be a priority building as a result of revised determinations or new evidence.

MDC considers that without this clarity, building owners may be unnecessarily subject to shorter statutory remediation timeframes for priority buildings, despite there being no material difference in risk or exposure. MDC therefore recommends that the Bill be amended to clarify that territorial authorities may update priority building status and reissue EPB notices where a building ceases to be a priority building following reconsideration of priority thoroughfare determinations.

MDC notes that its concern about the lack of clarity around what constitutes “sufficient” vehicle or pedestrian traffic reflects a broader issue with drafting precision in the Bill. MDC agrees with concerns raised by Taituarā that several key terms and thresholds in the revised earthquake-prone buildings framework are undefined or insufficiently specified, including definitions relating to unreinforced masonry buildings, the meaning of a “storey”, and the use of subjective statutory thresholds. MDC considers that clearer definitions, supported by updated methodology and guidance, are necessary to support consistent national application and defensible decision-making by councils.

Decisions sought:

9. That the Select Committee consider whether additional national guidance or parameters are required to support consistent interpretation and application of section 133G(3)(a)(ii) by territorial authorities.
10. That the Select Committee recommend amendments to the Bill to clarify that territorial authorities may reissue earthquake-prone building notices and update remediation timeframes where a building ceases to be a priority building under section 133R, including where priority thoroughfare determinations are reconsidered or revised following updated guidance or new evidence.

Remediation timeframes for priority buildings

Priority status should not automatically result in shorter statutory remediation timeframes

MDC supports the Bill’s intent to apply a more risk-based and proportionate approach to the management of earthquake-prone buildings. However, MDC is concerned that the Bill retains materially shorter statutory remediation timeframes for priority buildings, regardless of whether those timeframes reflect meaningful differences in life-safety risk or feasibility.

MDC notes that Feilding is classified as an urban centre for the purposes of the Bill and that priority buildings within Feilding are primarily identified by reference to priority thoroughfares. As a result, a significant proportion of earthquake-prone buildings in Feilding are subject to shorter statutory remediation timeframes than non-priority buildings.

MDC is concerned that this outcome is inconsistent with other elements of the Bill that deliberately differentiate requirements based on relative risk and feasibility. In particular, towns with populations under 10,000 are largely excluded from earthquake-prone building strengthening requirements unless buildings are three storeys or more. MDC notes that a number of nearby towns have town centres of comparable scale and pedestrian exposure to Feilding, yet building owners in those centres are subject to significantly lower compliance obligations and longer timeframes.

MDC accepts Feilding’s classification as an urban centre but considers that priority building status should not automatically result in shorter statutory remediation timeframes where this produces materially different obligations for building owners in functionally similar town centres. MDC considers that this outcome is not driven by

differences in life-safety risk, but by the interaction between urban classification and the priority building framework.

MDC therefore considers that the Bill should be amended to enable territorial authorities to apply the same statutory remediation timeframes to priority and non-priority buildings, where this would better reflect relative risk, town centre scale, and feasibility, and support equitable and proportionate outcomes for building owners.

Decision sought:

11. That the Select Committee recommend amendments to the Building (Earthquake-prone Buildings) Amendment Bill to enable territorial authorities to apply the same statutory remediation timeframes to priority and non-priority buildings, where this would support equitable, risk-based, and proportionate outcomes.

Role of the Chief Executive in EPB designation

MDC seeks clarification on the role of the Chief Executive in the designation of EPBs, including the implications for decision-making responsibilities, process, timeliness, resourcing, and liability for territorial authorities

MDC agrees with the position articulated by Taituarā that territorial authorities should remain the primary decision-makers in relation to the identification and designation of earthquake-prone buildings, with MBIE's role focused on providing national tools, guidance, and strengthened methodology rather than making determinations on individual buildings. MDC considers that this approach best reflects the Building Act's established regulatory framework, supports timely and proportionate decision-making, and recognises the operational role of councils as BCAs.

While MDC supports greater national consistency through improved criteria and methodology, MDC questions the need for the Chief Executive of MBIE to be directly involved in determinations about whether individual buildings are earthquake-prone. MDC considers that such determinations are inherently technical and site-specific, and are most appropriately made by territorial authorities applying statutory criteria and relying on independent, suitably qualified CPEng engineers.

MDC is concerned that requirements to notify or consult with the Chief Executive in relation to EPB designation risk blurring decision-making responsibility, introducing delays, and creating uncertainty around accountability and liability. This includes uncertainty about how disagreements would be resolved, whether determinations under the Building Act 2004 would be available, and where ultimate responsibility for designation decisions would lie.

MDC is also concerned that expanding the Chief Executive's role may increase administrative workload and create resourcing pressures, particularly if MBIE capacity constraints result in delays that councils must manage. MDC considers that any additional functions placed on MBIE should be clearly defined, appropriately resourced by central government, and not result in unfunded cost pressures on territorial authorities.

Decisions sought:

12. That the Select Committee clarify the intended role of the Chief Executive in the designation of earthquake-prone buildings, including confirmation that territorial authorities remain the primary decision-makers, and address decision-making responsibilities, expected response timeframes, challenge and determination pathways, and the allocation of resourcing and liability.

MDC wishes to be heard by the Committee in respect of this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Ford', with a long, sweeping flourish extending upwards and to the right.

Michael Ford

Mayor

20/02/2026

Committee Secretariat
Finance and Expenditure Committee
Parliament Buildings
Wellington

Dear Members of the Committee,

Submission of Manawatū District Council on the Infrastructure Funding and Financing Amendment Bill

The Manawatū District Council (MDC) thanks the Finance and Expenditure Committee for the opportunity to provide feedback on the Infrastructure Funding and Financing Amendment Bill (the Bill).

MDC supports the objective of improving and modernising New Zealand's infrastructure funding and financing toolkit. We agree that mechanisms which enable growth-related infrastructure to be delivered in a timely manner, and to be funded by those who generate or benefit from that growth, are important. However, as the IFF framework is broadened to include additional infrastructure providers and project types, it is essential that the legislation provides proportionate safeguards for territorial authorities, particularly smaller rural and provincial councils.

Background and Interest in the Bill

The Manawatū District has a population of approximately 33,700 (Stats NZ, June 2024). Just over half of the District's population resides in Feilding, with the balance living in rural areas and smaller villages.

MDC has a direct interest in the Bill as it has the potential to influence how growth-related infrastructure is planned, funded and delivered within our district. While the Council supports the principle that growth should, to the greatest extent practicable, fund growth, we are also mindful of the practical realities facing a rural provincial authority. MDC is unlikely to use SPVs frequently due to the scale of development typically experienced in the district and the costs of setting up a SPV relative to the benefits they may offer.

In particular, MDC notes that:

- Development within our district is generally modest in scale and incremental in nature. Consequently, the scale of the infrastructure that needs funding at any given point is also modest by New Zealand standards.

- The transaction, governance and administrative costs associated with establishing a Special Purpose Vehicle (SPV) are likely to outweigh the financial benefits for projects of the scale typically experienced in our district.
- MDC has elected to retain an in-house water services delivery model. In these circumstances, the ability for a Water Service Provider to establish or operate as an SPV to shift debt off balance sheet is unlikely to materially alter MDC's financial position.
- The Manawatū District has no current significant fixed public transport assets (such as a commute rail line or dedicated busway) which would warrant the imposition of a levy on those who would benefit.

Accordingly, while the expanded IFF framework may be of limited benefit to MDC, the broadening of eligibility to include NZTA/Waka Kotahi, KiwiRail, water service providers and other entities introduces the potential for levies to be imposed within our district by external providers. Where this occurs, the impacts will be experienced locally, and councils may be expected to administer or support levy collection.

For these reasons, MDC considers that strong governance, alignment and risk allocation safeguards are essential.

Council Role, Democratic Accountability and Alignment with Local Planning

MDC acknowledges the Bill's intent to broaden the scope of the IFF Act (including through the expanded definition of Responsible Levy Authority (RLA) in new section 9A and related amendments) to enable the SPV model to be used for NZTA/Waka Kotahi projects, KiwiRail projects, other State-Owned Enterprises, and Water Service Provider organisations.

This is particularly relevant to large-scale transport, freight, water or regeneration initiatives in the wider Manawatū region. While MDC is supportive of infrastructure that enables economic development and national productivity, projects of this nature can generate significant land use change and demand for associated local infrastructure.

Where levy areas are established within a district by entities other than the territorial authority:

- The effects of levy imposition will be experienced by local property owners, some of whom may not directly benefit from, and may in some cases be adversely affected by, the infrastructure being funded.
- Councils are likely to be the primary point of contact for affected property owners and may be required to carry the costs of collecting and administering the levy, even where the infrastructure is not a council project.
- Elected members may bear reputational and accountability impacts, even where the council is not the infrastructure provider or principal decision-maker.

MDC considers it critical that levy proposals align with regional spatial planning instruments, Future Development Strategies under the NPS-UD, District Plans (or successor local plans under the Planning Act), Infrastructure Strategies and Long-Term Plans. Territorial authorities must retain a clearly defined statutory role within the levy proposal and endorsement process to ensure consistency with locally determined priorities, sequencing and community outcomes.

Decisions sought:

1. MDC recommends the Committee amend the Bill to:
 - a) Amend section 21 (as replaced by Clause 13) to require written agreement of each affected territorial authority before a levy proposal may be endorsed where the levy area falls within that authority's district, particularly where the territorial authority is expected to act as the RLA or undertake levy collection or administration functions.
 - b) Amend section 18 (as replaced by Clause 11) and section 21 (as replaced by Clause 13) to require levy proposals, including those led by NZTA/Waka Kotahi, KiwiRail or other central agencies, to demonstrate alignment with relevant regional and local planning instruments, including Regional Spatial Plans (or equivalent regional spatial strategies), Future Development Strategies under the NPS-UD, District Plans (or successor local plans under the Planning Act), Infrastructure Strategies, and Long-Term Plans.
 - c) Amend sections 18 and 32 (as replaced or amended by Clauses 11 and 22) to strengthen requirements for defining benefit, levy boundaries, and levy area rationale, to ensure transparent and defensible criteria for inclusion within levy areas.

Equity, Affordability and Benefit Testing

MDC supports the principle that those who benefit from infrastructure should contribute to its cost. However, certain infrastructure projects, particularly transport and freight projects, may generate wide network benefits while levies are applied to geographically bounded areas. Robust benefit testing and transparent boundary setting are therefore essential. MDC notes that levies are likely to be most equitable where the beneficiaries are clearly identifiable and directly connected to the infrastructure, for example, where land is physically serviced by new water or local transport infrastructure. Network-wide infrastructure may be more appropriately funded through alternative user-pays mechanisms.

MDC notes that the levy mechanisms enabled under the IFF framework (including those applied through SPVs or other infrastructure providers) may apply to both new development and existing property owners within a levy area. MDC also notes that property owners may be subject to multiple charges, including rates and targeted rates, development levies or contributions, water service charges, and IFF levies.

It is important that the interaction between these mechanisms is explicitly considered to avoid cumulative affordability impacts or unintended inequities, particularly where levies apply to existing property owners rather than only to the new development which generated the need for the new infrastructure.

MDC notes that the IFF reforms form part of a wider package of changes to growth funding, including the proposed development levies regime and expanded targeted rating tools. As these funding mechanisms may be used concurrently within the same geographic area, it is important that levy proposals clearly articulate how they interact with development levies, targeted rates and other growth charges to prevent double charging for the same infrastructure outcomes. Transparency in the allocation of costs is essential to maintain

public confidence and ensure that growth funding tools operate in a coherent and complementary manner.

The Bill's accelerated recovery mechanisms and levy ranking provisions also warrant careful consideration. Where development fails or land values decline, there is a risk that levy recovery processes could disproportionately affect long-standing property owners within a levy area. In addition, where SPV levies rank alongside rates in a rating sale, this may reduce the pool of funds available for councils to recover unpaid rates, creating financial exposure for territorial authorities.

Decisions sought:

2. MDC recommends the Committee amend the Bill to:
 - a) Amend section 18 (as replaced by Clause 11) to require levy proposals to clearly disclose how proposed IFF levies interact with development levies, targeted rates and other growth-related charges within the levy area, and to provide a plain-language public statement outlining who pays, what costs are being recovered, and the timing of those payments.
 - b) Amend section 21 (as replaced by Clause 13) and section 27 (as replaced by Clause 17) to require explicit consideration of affordability and cumulative charging impacts as part of levy endorsement and levy order recommendation processes, particularly where levies apply to existing property owners rather than solely to new development.
 - c) Amend section 76 (as replaced by Clause 42) to retain and strengthen levy remission and levy postponement mechanisms to ensure they are workable in practice and allow appropriate local discretion.
 - d) Amend sections 18, 21, 32 and 33 (as replaced or amended by Clauses 11, 13, 22 and 24) to provide clear statutory processes for review of levy boundary decisions and levy liability classifications, including clear requirements for transparency and accessible dispute resolution pathways.
 - e) Amend sections 80 and 82 (as replaced by Clauses 43 and 44), and the associated amendments to the Local Government (Rating) Act 2002 (Clauses 66–69, including new sections 75B and 75C), to clarify levy recovery and rating sale priority settings and ensure territorial authorities are not exposed to residual financial risk or reduced rates recovery where SPV levies rank alongside rates.

Council Resourcing, Cost Recovery and Risk Allocation

The Bill assumes that levy collection may be integrated into existing rating systems and expands the role of the RLA (including through new section 9A and related amendments). In practice, levy implementation can involve:

- system configuration and property flagging,
- boundary maintenance,
- customer enquiries and disputes,
- enforcement processes, and
- coordination with SPVs and other infrastructure providers.

For smaller councils, these administrative tasks represent a proportionately larger burden.

MDC considers it essential that the expansion of the IFF framework does not result in cost-shifting from central agencies or SPVs to territorial authorities. Councils should not be placed in the position of acting as unfunded collection agents or financial intermediaries for third-party infrastructure providers.

Similarly, councils should not carry residual financial risk where levy under-collection occurs, development fails to proceed, or land values fall short of expectations.

In addition, where a territorial authority administers or invoices a levy on behalf of an SPV or other infrastructure provider, billing documentation should clearly distinguish the levy from general rates and identify the entity that has imposed the levy. Transparency in rating and charging information is essential to ensure that levies imposed by third parties are not misconstrued as council-imposed rate increases. Clear separation of charges will support informed public understanding, reduce reputational risk to councils, and enhance accountability for the entity responsible for the infrastructure decision.

Decisions sought:

3. MDC recommends the Committee amend the Bill to:
 - a) Amend section 41 (as replaced by Clause 33) and related administrative provisions to require full cost recovery for territorial authorities undertaking levy administration and collection functions, including system configuration, ongoing administration, dispute resolution and enforcement costs.
 - b) Insert a new provision (following section 41 or within Part 3A of the Act) providing an express statutory protection or indemnity for territorial authorities acting as RLAs, clarifying that they do not carry financial or legal liability or residual risk for levy under-collection, non-payment, SPV insolvency, or development failure, except in cases of bad faith or negligence.
 - c) Amend sections 41, 80 and 82 (as replaced by Clauses 33, 43 and 44) to provide clear statutory direction on roles, responsibilities, information-sharing obligations and dispute escalation processes between SPVs, water service providers and territorial authorities.
 - d) Amend the administrative provisions of the Act (including sections 41, 42 and related levy assessment and invoicing provisions) to require that, where a territorial authority administers a levy on behalf of an SPV or other infrastructure provider, levy charges must be clearly and separately identified on rates assessments or invoices, including identification of the entity responsible for imposing the levy.

Treaty of Waitangi and Māori Land Considerations

MDC's district includes iwi and hapū at differing stages of Treaty settlement and includes Māori land and collectively-owned land holdings.

Long-term statutory levies applied to land may have material implications for Māori landowners and for land that may become part of future Treaty settlement redress. In

particular, levy liabilities that attach to land over extended periods may affect the value, development potential, or transfer of land subject to Treaty settlement processes.

While the Bill includes provisions relating to protected Māori land (including amendments to sections 11 and 24), MDC considers that additional clarity would assist in ensuring the IFF framework operates in a Treaty-consistent manner and avoids unintended consequences for settlement negotiations or collectively owned land.

MDC considers it important that levy proposals affecting Māori land are developed with early and meaningful engagement with affected iwi and hapū, and that the Bill provides clear guidance on how levy liabilities apply, transfer, and are enforced in practice.

Decisions sought:

4. MDC recommends the Committee amend the Bill to:
 - a) Amend section 24 (as amended by Clause 14) to strengthen requirements for early and meaningful engagement with affected iwi and hapū where levy areas include Māori land or land subject to Treaty settlement processes.
 - b) Amend sections 11 and 24 (as amended by Clauses 9 and 14), and section 18 (as replaced by Clause 11), to provide clearer statutory guidance on how levies apply to Māori freehold land and Treaty settlement assets, including how levy liabilities transfer with land and how enforcement mechanisms operate in practice.

Conclusion

MDC supports the objective of strengthening the IFF framework to enable timely delivery of infrastructure that supports growth and development.

However, for smaller rural and provincial councils, the SPV model is unlikely to be widely utilised due to scale and cost-effectiveness considerations. As the framework expands to include additional infrastructure providers, it is therefore essential that appropriate safeguards are in place to protect local democratic accountability, ensure fairness and affordability, provide full cost recovery, and clearly allocate financial risk.

MDC recommends that the Committee consider the amendments sought in this submission to ensure the IFF framework is workable, proportionate and durable for all communities, including rural-provincial districts such as the Manawatū District.

MDC does not wish to speak to this submission.

Yours sincerely



Michael Ford
Mayor



20 February 2026

Ministry of Housing and Urban Development

Department of Internal Affairs

Submitted via email: development.levies@dia.govt.nz

Tēnā koutou,

Submission of Manawatū District Council on the Development Levies Consultation Document and Exposure Draft of the Local Government (Infrastructure Funding) Amendment Bill

Manawatū District Council (MDC) thanks the Ministry of Housing and Urban Development and the Department of Internal Affairs for the opportunity to submit on the Development Levies Consultation Document and the associated Exposure Draft of the Local Government (Infrastructure Funding) Amendment Bill. MDC supports in principle the intent to replace the current development contributions regime with a new development levies system as part of the “Going for Housing Growth” reforms, and agrees that growth should pay for growth to the greatest extent practicable rather than imposing unfair burdens on existing ratepayers.

Manawatū District Council supports the Government’s broader “Going for Housing Growth” programme and agrees that councils need a more modern and sustainable toolkit to fund and finance the infrastructure required to enable housing supply. The Council considers reform of development contributions to be timely, particularly given the increasing cost of infrastructure delivery, the need to maintain resilience and levels of service, and the growing fiscal pressure on local government balance sheets. MDC supports the policy direction of shifting growth-related infrastructure costs away from existing ratepayers and onto new development, while noting that development levies will need to operate as part of an integrated funding and financing framework. In particular, the effectiveness of the proposed levy system will depend on workable regulations, realistic transitional arrangements, and alignment with council infrastructure strategies and long-term planning cycles.

This submission provides detailed feedback on the Bill’s provisions and responds to specific consultation questions. Our comments reflect Manawatū District Council’s previously established positions, including via its Development Contributions Policy and input via the Development Contributions Working Group (DCWG). We aim to assist in developing robust, workable legislation that achieves Government’s goals while ensuring

councils can sustainably fund infrastructure and implement the system without undue complexity or risk.

Summary of Key Recommendations

Support for Purpose and Principles: MDC supports the Bill's purpose and the inclusion of clear principles (necessity, sufficiency, proportionality, particularity, transparency, and economic efficiency). These principles appear to be logical extension and clarification of the existing principles in the Local Government Act and will improve interpretation and promote consistency. We recommend that the principles be maintained and possibly strengthened to emphasize full cost recovery for growth-attributable infrastructure and fairness between new and existing communities.

Development Levies Policy Requirements: MDC generally supports the proposed content requirements for development levies policies (ss 110A–110C, Sch 13B), including alignment with financial/infrastructure strategies and use of the special consultative procedure. We welcome the change allowing a draft policy to take effect from notification (to prevent a 'goldrush' of pre-adoption consents locking in old charges which then result in an under-recovery of infrastructure costs). However, care is needed to ensure the policy content requirements are not overly prescriptive or onerous to implement. We suggest providing updated guidance on fulfilling these requirements in practice.

Levy Areas and High-Cost Overlays: We support the ability for councils to define levy areas and high-cost overlays to reflect local infrastructure demand, design and cost variations. We note that the overlay will be particularly useful if the government adopts standardised calculations via regulations as proposed in the discussion document. MDC cautions that regulations tying levies strictly to short-to-medium term growth horizons (per Q2.1) may unduly constrain the use of high-cost overlays for larger, high-cost growth projects which may have to be anticipated and planned 10 or more years in advance (such as headworks infrastructure or strategic roading links). We recommend allowing some flexibility so that councils can recover costs for strategic long-term infrastructure in high-cost areas without breaching the intent of linking to foreseeable growth.

Establishment and Function of Levy Areas: MDC supports the proposed shift toward a levy area model, which replaces the rigid cost attribution requirements of the current development contributions framework with a more flexible and serviceable spatial unit for growth funding. This change is particularly welcome given the evolution of national urban policy since the 2012 changes to the Development Contributions regime.

Under the existing regime, councils are required to establish a direct causal nexus between individual developments and the specific infrastructure projects that serve them. While this approach was conceptually aligned with more tightly sequenced and spatially confined development patterns, it has become increasingly misaligned with the demands placed on councils under the National Policy Statement on Urban Development (NPS-UD). The NPS-UD now requires councils to plan for and enable a surplus of serviced land and to

accommodate development across a much wider range of locations — often beyond previously planned sequencing or growth areas.

MDC has had difficulty applying the causal nexus model in practice, particularly where infrastructure is shared across developments or where sequencing has shifted due to market demand. This creates legal, financial, and administrative uncertainty for both Council and developers, especially in areas of fragmented or out-of-sequence growth.

The proposed levy area model responds to this challenge by allowing councils to define coherent geographic areas within which growth-related infrastructure costs can be aggregated and recovered. This will improve funding transparency, simplify administrative processes, and align better with the realities of regional infrastructure delivery. In practice, the approach is also closer to how MDC has historically modelled and delivered growth infrastructure — i.e., at the scale of a whole urban area or growth corridor, rather than by isolated development site.

Council therefore supports the proposal in principle and considers that it will provide a more stable and adaptable foundation for infrastructure cost recovery under contemporary urban policy settings.

Calculation of Development Levies: We support establishing an improved standardized cost-allocation methodology (Schedule 13C) across all councils to improve consistency and confidence in the system. Regulations should prescribe how to apportion project costs to growth versus renewal or level-of-service, as proposed. We endorse setting clear parameters (e.g. a threshold for remaining asset life under which no cost is allocated to renewal) to prevent under-allocation of growth costs. At the same time, some local flexibility should remain to account for unique project circumstances.

Units of Demand and Standardisation: MDC conditionally supports efforts to standardise units of demand and development types nationally to improve clarity and comparability of levies (Q10.1). However, we have concerns that the draft approach may be too granular, risking disputes and gaming over categorizations. We recommend using broader development categories (fewer, more generalized types) with clear definitions (e.g. what constitutes a “bedroom”). Regulations should allow reasonable flexibility to reflect local conditions (Q10.2), such as variations in geography, or service usage, while avoiding a one-size-fits-all metric that could misprice demand (Q10.3).

Limitations on Requiring Levies: MDC supports the continuation, and further clarification of provisions to prevent double-charging and ensure fairness (ss 211N–211P). MDC strongly opposes any exemption for the Crown or central government projects from development levies – all development, public or private, should pay its fair share.

Use of Levy Funds: MDC supports the proposed provisions restricting the use of development levy revenue to growth-related purposes and within the benefiting levy area (ss 211Q–211S). Council agrees that transparency regarding how levy revenue is applied will be critical to maintaining confidence in the integrity of the system and demonstrating compliance with the principles of particularity and transparency.

However, MDC cautions against creating overly prescriptive or duplicative reporting requirements that increase compliance costs for councils. MDC recommends that any reporting obligations relating to the collection, allocation and expenditure of development levies be incorporated into existing annual reporting frameworks (for example through Annual Report disclosures), supported by nationally standardised templates prescribed through regulations.

MDC supports disclosure of material variances between forecast and actual expenditure, including where planned growth projects are materially deferred, cancelled, or substituted. This would provide appropriate accountability while avoiding unnecessary administrative burden and recognising that levy-funded infrastructure programmes often span multiple years.

Bespoke Levies: MDC supports the option of bespoke levy assessments for unique developments, provided strong safeguards are in place. Councils should retain full discretion to decline a requested bespoke assessment if it would jeopardize funding or if the development's impacts can be managed under the general policy. We also seek clear provisions for cross-boundary developments (developments spanning districts), acknowledging in such cases that a bespoke approach may be needed to avoid unfunded impacts on neighboring councils.

First-Mover Provisions: MDC acknowledges the inequity faced by “first mover” developers who install infrastructure that benefits later developments, and we support in principle the new ability to reimburse first movers via levy revenues (s 211T). However, we have significant concerns about implementation. Diverting levy revenue to private developers transfers financial ‘holding’ risk from developers to councils and could undermine council capital programmes. The mechanism would require councils to act as revenue intermediaries, collecting and managing levy income that may be contractually committed to third parties. This introduces additional administrative, collection and enforcement responsibilities, including managing payment timing risk, non-payment processes, and associated disputes. Without clear statutory safeguards, councils could face material compliance costs, reputational risk, and financial exposure if anticipated development does not proceed as forecast.

MDC recommends that first-mover reimbursement provisions be limited to significant, non-routine infrastructure that creates demonstrable network capacity for future development, and not apply to standard local infrastructure. The Bill should clarify that reimbursement is limited to the additional “upsizing” cost attributable to servicing future growth, rather than the full cost of the infrastructure. Councils should retain discretion to enter into reimbursement arrangements, set reasonable time limits, and recover reasonable administrative and compliance costs associated with establishing and managing first-mover agreements.

Objections and Review: MDC supports a robust objections and reconsideration process (ss 211ZI–211ZQ & Sch 13D) to safeguard developers’ rights and ensure fair application of levies. We recommend that the objections framework closely mirror the current

development contributions regime, with independent development levy commissioners appointed to hear and determine individual objections. Commissioners should be selected on the basis of demonstrated experience in local government law, planning and infrastructure funding, and should retain a strong understanding of local planning and financial contexts.

MDC considers that determination of individual levy objections should remain a locally grounded, quasi-judicial function. We would be concerned if this role were transferred to a centralised regulatory body without sufficient local government expertise. The purpose of objections should be confined to factual errors, misapplication of the adopted Development Levies Policy, or procedural defects. It is not appropriate for objections to relitigate the merits of a duly adopted policy or the underlying growth strategy once subject to special consultative process.

MDC also supports a formal reconsideration (internal review) step prior to objections to resolve straightforward matters efficiently and reduce unnecessary escalation.

Regulations and Implementation: MDC agrees that many detailed aspects of the development levies system should be set via regulations (211ZZO). We generally support the proposed regulation-making powers, including standardising units of demand, cost allocation methods, administration charges, information disclosure, and record-keeping. It is crucial that councils are closely involved in developing these regulations (Q17.1) to ensure they are workable. We recommend a collaborative approach, with opportunities to assess draft regulations on real-world scenarios before they are finalized. Additionally, any national templates for annual reporting or policy content should align with councils' existing financial systems to minimize administrative burden.

Independent Regulator: MDC conditionally supports the introduction of an independent regulator for development levies, provided its role is clearly defined and appropriately limited. The regulator should focus on system-level functions such as compliance assurance, guidance, data collection, benchmarking, and reviewing Development Levy Policies for consistency with legislative requirements and principles. This role should support transparency and consistency across councils without displacing locally accountable decision-making.

MDC does not support any role for the regulator in determining levy amounts, directing which projects councils must fund, or substituting its judgement for decisions made through Long-Term Plan processes and community consultation. The regulator's role should also be clearly distinct from the objections and reconsideration framework, with dispute resolution continuing to sit with independent development levy commissioners and local reconsideration processes.

If a central agency such as the Commerce Commission is appointed as the regulator, it will be essential that it is appropriately resourced and equipped with expertise in local government infrastructure planning, funding, and financing. Local government infrastructure delivery differs materially from other regulated utility sectors, and this capability should be explicitly embedded within the regulator's functions.

MDC also notes two practical system design considerations that will be important to ensure the regulator is accessible and efficient:

- Funding model: clarity is required on whether the regulator will operate on a user-pays basis or be funded through taxation or levies on developers and/or councils.
- Caseload management: safeguards should ensure the regulatory framework does not create unnecessary delay or administrative congestion, particularly for smaller councils or developments.

Transition Period: MDC supports a phased transition from development contributions (DCs) to development levies (DLs) over a suitable period. A three-year transition (2028–2030) aligned with Long-Term Plan cycles appears appropriate to allow councils and developers to adjust (Q8.1). During the phase-in, clear rules should prevent exploitation of the changeover. We support the proposal that consent applications lodged after the draft levies policy is notified will be subject to the new levies (preventing last-minute DC “lock-ins”). For consents already subject to requirements to pay development contributions, we support the provision that those charges will lapse if not paid within 3 years, after which a fresh levies assessment applies. This will curb land-banking under old rules. To manage impacts on developers (Q8.2), we suggest transparent communication of the new levies well in advance and consider allowing staged payments if needed. We also note that councils may face a temporary funding shortfall during the transition (DC revenue declining before levy revenue ramps up). Some flexibility or support (e.g. short-term financing mechanisms) may be needed to bridge this gap so that critical infrastructure investment is not delayed (Q8.3).

The sections below provide detailed comments and responses to consultation questions.

Question 1.2: Do you have any feedback on the overall approach for development levies?

MDC is cautiously optimistic about a standardised levy calculation as it could improve clarity and consistency. It would reduce the debate about the figures and methodologies councils use in calculating DCs. However, we note that standardised figures may represent averages that do not reflect differences in actual demand for services across districts, potentially resulting in over- or under-funding of infrastructure. The inclusion of principles such as the reserves cap and indexation is welcome, as they demonstrate an attempt to balance developer fairness with council funding sustainability.

In relation to the indexation of levies for inflation, MDC notes that the current Local Government Act does not specify which Producer Price Index (PPI) should be applied. Given that development levies are intended to fund the delivery of physical infrastructure, including construction of pipes, roads, and buildings, Council recommends that the Construction Cost Index (CCI) be used as the appropriate benchmark for indexation. This would ensure that levy adjustments more accurately reflect actual cost movements in the infrastructure delivery sector.

Regarding the rules for use of development levies, MDC supports the inclusion of clause 211S as a contingency mechanism for rare cases where local reserve land is deemed

adequate. We support the added flexibility introduced by proposed section 211S, which allows development levies for reserves to be used outside the immediate levy area in limited circumstances. This departs from the current position under section 203 of the Local Government Act 2002, which requires a direct geographic link between the development, the contribution collected, and the reserve works funded. The proposed provision appropriately recognises that, in some districts, it may be impracticable to acquire or develop additional reserve land locally, whether due to land constraints, market conditions, or because the level of provision already meets or exceeds expected demand.

The ability to apply levy revenues to recreational assets outside the immediate levy area, or to contribute to regionally significant facilities through inter-council arrangements (with ministerial consent), is a pragmatic response to how communities access and benefit from shared open space networks in practice. MDC supports the intent of recognising water-based recreational assets; however, many coastal and inland water environments are not owned or controlled by territorial authorities and often provide broad public benefit. Levy eligibility should therefore be confined to council-owned, growth-related access infrastructure where a clear benefiting levy area can be identified and the principles of particularity and proportionality can be satisfied.

Question 2: What do you think of the requirement to link future projects used in a levy calculation to growth expected in the short to medium term? How might this impact council's ability to set high-cost overlays?

In principle, MDC considers that linking levy-funded projects to reasonably anticipated growth is sensible, as it helps ensure levies are financing infrastructure that will be needed and used, improving accountability and reducing speculative cost recovery. However, the concept of “short to medium term” growth must be interpreted in a way that aligns with the broader planning framework. Under the proposed Planning legislation, regional spatial plans will identify land use and infrastructure requirements over 30 years or more. Major headworks infrastructure — such as trunk water, wastewater, and strategic transport assets — often needs to be planned and delivered well in advance of development uptake and may serve growth over several decades.

A rigid or narrow interpretation of “short to medium term” could therefore constrain councils’ ability to recover costs for lumpy, high-cost infrastructure that underpins spatially planned growth. This is particularly relevant to high-cost overlays, which are designed to reflect areas where infrastructure provision is materially more expensive.

MDC recommends that the legislation and regulations allow sufficient flexibility for councils to include appropriately apportioned costs of strategic, long-life infrastructure that supports spatially identified growth, even where full build-out extends beyond the immediate LTP period. A graduated or staged cost allocation approach may be appropriate, ensuring that levies remain linked to forecast growth while recognising the practical realities of infrastructure sequencing and investment. Without this flexibility, councils may face under-recovery of growth costs or be required to defer essential headworks infrastructure, which would undermine the intent of spatial planning reforms.

Question 3: Are there other ways that development agreements could be strengthened?

MDC supports the continued use of development agreements as a flexible tool for facilitating timely infrastructure delivery where the standard levy model does not align with the staging, complexity, or scale of a proposed development. The draft Bill's recognition of development agreements in bespoke levy settings and first-mover reimbursement arrangements is welcome. MDC suggests that development agreements must preserve council discretion over infrastructure sequencing. Agreements should not override the council's ability to delay or stage investment in line with funding capacity or coordinated growth priorities. This is especially important for infrastructure that connects to broader networks or where delivery timing may affect asset optimization. The legislation should provide for mechanisms to manage developments that span local authority boundaries. Development agreements should include provisions for inter-council cost sharing or coordination of infrastructure responsibilities to ensure equity and alignment where shared assets or catchments are involved. In a nutshell, the legislative framework must be sufficiently robust to ensure they are not used to bypass fair levy obligations, impose undue financial risk on councils, or distort infrastructure planning priorities.

Question 4: Are there other situations where bespoke levy assessments should be triggered?

MDC supports the inclusion of a bespoke levy assessment mechanism to ensure the levy system remains adaptable and equitable in practice. Bespoke assessments are essential where developments diverge significantly from the assumptions underpinning the standard levy model — particularly those based on Household Unit Equivalents (HUEs).

In particular, commercial and industrial developments often have highly variable infrastructure demands, especially in relation to water, wastewater, stormwater, and transport. These demand profiles are typically dependent on the specific use and operational intensity of the activity, which may only become clear at the time of consenting. In such cases, applying a standardised levy risks both over- and under-recovery, creating cost imbalances and undermining confidence in the system.

Bespoke assessments are also appropriate where a development exhibits significantly atypical demand characteristics within a levy area. Another relevant scenario is where a developer voluntarily builds significant infrastructure and no development agreement is in place — a bespoke assessment could ensure that developer is not effectively charged twice (once via works, and again via the levy).

However, Council cautions that bespoke assessments must not become a mechanism through which councils are compelled to commit to unplanned infrastructure investment. Put differently, bespoke assessments should enable tailored cost recovery for atypical developments — they should not override a council's infrastructure planning frameworks or investment priorities. If a bespoke assessment identifies infrastructure needs that are not included in Council's Long-Term Plan or capital works programme, those needs should be treated as developer-led, unless Council expressly agrees otherwise via a development agreement. In sum, bespoke assessments serve a vital purpose but must remain governed

by local planning discretion, cost recovery integrity, and voluntary agreement between parties.

Question 5: Are there other ways of ensuring fairness to first mover developments?

The proposed first mover reimbursement mechanism has the potential to encourage developers to invest in infrastructure that has surplus capacity. Under a reimbursement system, the council could collect levies from subsequent developments in that vicinity and reimburse the pioneer for the share of capacity those later users consume. Whilst this could be simulated through development agreements, having an explicit policy framework for it would make it clearer to all parties. MDC recommends that the new system define how long and under what conditions reimbursements occur (to manage expectations – e.g. first movers should not expect open-ended paybacks forever, perhaps a time limit or a capacity threshold can be set).

Key Concerns

The following points elaborate on the safeguards and clarifications required to give effect to the principles outlined above.

MDC considers that the mechanism proposed under section 211T raises several issues that require further legislative clarity and operational safeguards to ensure fairness, transparency, and financial stability.

The Bill should require clear definition of the benefiting area to ensure that only developments that genuinely benefit from the infrastructure contribute to reimbursement. Councils should retain full discretion to determine benefit areas, apply time limits, and document these parameters in any agreement to avoid disputes and over-recovery.

Robust cost verification provisions are essential. Councils must be able to require sufficient evidence of claimed costs (including scope, standards, procurement approach, and allocation of growth versus non-growth components) prior to entering into reimbursement arrangements, and retain discretion to reject or amend claims that are excessive or not growth-related. Councils should also be able to recover reasonable administrative and compliance costs associated with assessing and managing reimbursement arrangements.

The Bill does not currently address what happens if the first-mover developer encounters financial difficulty, becomes insolvent, or seeks early repayment due to private debt obligations. Council recommends that section 211T include provisions that clarify the treatment of liabilities in such scenarios, including whether rights to repayment can be assigned or inherited, and what protections exist to avoid levy-funded reimbursement being misused or misdirected.

MDC is also concerned that the proposed framework could shift financial and operational risk onto councils by requiring them to collect levy revenue and transfer it to private developers. Councils should not be expected to make reimbursement payments in advance of levy collection, and repayment should remain conditional on actual levy

revenue received. Clear statutory safeguards are required to manage cashflow risk and non-payment issues.

Given the public interest in the use of levy revenue, MDC recommends that first-mover reimbursement agreements be subject to appropriate transparency requirements, including publication of agreement terms, cost components, and repayment flows, in a form that is proportionate and administratively feasible.

Question 15: Most appropriate approaches for setting the administration fee

MDC supports the introduction of an allowance to impose an administration charge related to development levies. S.211ZZI (Currently a placeholder clause) appears to enable a charge to cover costs of processing levy assessments, particularly bespoke assessments. Currently, basic processing of DCs is just part of Council's overhead, but complex cases (especially objections or bespoke negotiations) incur significant staff and consultant time. Being able to recover these costs ensures that users (developers) and not general ratepayers bear the system's overhead.

In terms of a preferred structure of admin charge, MDC supports a hybrid model combining a fixed base fee with a variable component based on actual effort. This ensures small developments are not overcharged, while larger or bespoke developments contribute fairly to the additional administrative workload. This could look like:

- A standard base charge for straightforward levy assessments (e.g. \$200),
- Plus, hourly cost recovery for complex or bespoke assessments.

We consider this approach as equitable and aligns with how council recovers time in other processes and can be tailored locally within a nationally consistent framework.

Question 16.1: For councils – what types of intangible assets do you currently include when calculating development contributions?

MDC includes intangible assets in a limited way. Our DC calculations primarily cover physical capital works (pipes, roads, etc.), but when an intangible investment is clearly linked to growth infrastructure, we incorporate it. Some examples include: the design and consenting of infrastructure, while technically not “tangible infrastructure” themselves, are part of the capital project cost and we include them proportionally.

Question 17.1: Are there specific aspects of the levy regulations that you would like the opportunity to provide input on?

MDC welcomes the opportunity to engage in the development of regulations underpinning the new levy system, whether directly or through representative bodies such as LGNZ, Taituarā, or the Development Contributions Working Group. The success of this legislative reform will hinge heavily on the detail and workability of its regulatory instruments. We are particularly interested in contributing to several key areas.

Accordingly, MDC is keen to be involved in shaping the standard definitions of development types and units of demand. These classifications are foundational to the levy

system, and additional input can help ensure they are grounded in the realities of how developments are consented, assessed, and implemented at the local level. For example, the precise definition of terms such as “bedroom,” “dwelling,” or mixed-use categories can have significant implications for both equity and enforceability. Consistency is important, but the chosen metrics must also be measurable, unambiguous, and enforceable in practice.

We are also keen to engage with the proposed cost allocation methodologies — particularly the formulas used to distinguish growth-related costs from renewals or level-of-service enhancements. By testing proposed formulas against real project data from our district, we can identify where the theoretical approach may not yield fair or feasible outcomes and propose refinements accordingly.

Should the regulations introduce a standardised administration charge, MDC would like to ensure any set amount or formula reflects the actual cost of processing levy assessments. Our operational experience can help calibrate these figures to ensure councils are not under- or over-recovering. Likewise, we would welcome input into any proposed disclosure or reporting templates, including annual levy statements or forward work programmes. It is important that these are both transparent and deliverable within existing systems and we would be open to piloting or testing draft templates for practicality.

Transitional arrangements are another area where regulatory clarity and sector input will be crucial. The details of how development contributions will be phased out, and how levies are phased in, including treatment of legacy credits and existing development agreements, will significantly affect operational implementation. Council input can help ensure these rules are fair, technically sound, and do not inadvertently lead to either double charging or funding shortfalls.

Other Matters

Reductions for Non-Standard Infrastructure Designs (s 211ZB)

While the intent to promote innovative, demand-reducing design is understandable, MDC has serious reservations about making such levy reductions mandatory. As drafted, this could undermine the integrity and sufficiency of levy funding, introduce complexity in enforcement, and inadvertently shift costs to ratepayers over time. Non-standard features do not necessarily reduce network capital costs. Developers might propose various on-site solutions that theoretically reduce usage of council networks, but, in practice, these often do not allow council to avoid or downsize any planned capital infrastructure at scale. Unless a development is completely off grid for a service, Council typically still needs to provide capacity as if it will eventually use the network. If we grant levy reductions liberally, we risk not collecting funds needed to build infrastructure that might ultimately be required. This creates a system-wide under-recovery problem.

Development contributions are generally averaged across areas not tailored to each lot’s individual design features, except in broad categories. Introducing lot-by-lot design-based

adjustments complicates the administration and moves away from the simplicity of a standard charge. It could also lead to perceptions of unfairness and invites a lot of case-by-case negotiation or even disputes about the degree of demand reduction. The Council prefers that substantive departures be managed via the bespoke assessment process, not an automatic mandatory reduction.

There is an enforcement ambiguity and long-term risk that concerns Council particularly where a developer gets a levy reduction for a non-standard infrastructure design and years later that infrastructure fails or is modified and the development now puts load on council infrastructure. It raises the question of whether Council can then retrospectively charge a levy. Ultimately, ratepayers might end up covering that usage.

For the above reasons MDC supports the Development Contributions Working Group (DCWG) recommendation to remove s 211ZB entirely, or only allow reductions when there are demonstrable, network-scale capital expenditure savings as a result.

Conclusion

MDC appreciates the opportunity to provide feedback on this consultation. We are committed to working constructively to ensure the new development levies system is successful. In summary, the Council supports the overall direction of replacing development contributions with development levies, and we believe the proposed framework can be made to work with the refinements and clarifications discussed above. Our key focus is on maintaining a financially sustainable system where growth pays for growth, done in a fair, transparent, and administratively feasible manner. In implementing this legislation, we urge central government to keep in mind practical implementation timeframes, the need for training and possibly new systems at councils, and to consider providing guidance or transitional support.

MDC does not wish to speak to this submission.

Yours sincerely,



Michael Ford

Mayor

20/02/2026

Hon Chris Bishop, Minister responsible for RMA Reform, & Hon Simon Watts, Minister of Local Government

Department of Internal Affairs

Emailed to: simplifyinglocalgovernment@dia.govt.nz

Dear Ministers Bishop and Watts,

The Manawatū District Council (MDC) thanks the Department of Internal Affairs for the opportunity to provide feedback on government's Simplifying Local Government proposal. We understand that this feedback will inform the drafting of new legislation that will be introduced to the House in mid-2026. MDC supports the principle of simplification, but considers the proposed governance reorganisation is premature and should be paused until key reforms are settled.

Background – Manawatū District

The Manawatū District has a population of approximately 33,700 people and covers nearly 2,600 square kilometres. It incorporates the full or partial catchment of several rivers (the Manawatū, Rangitikei and Oroua) stretching from the boundary with Palmerston North City and the Ruahine Ranges in the east to twelve kilometres of Tasman Sea coastline in the west. Towards the coast, much of the District consists of flood plains and extensive areas of highly productive land. These characteristics mean MDC requires flexibility to respond to local conditions and community priorities.

MDC is located within the Manawatū-Whanganui Region. This region accounts for approximately 8% of New Zealand's total land area and has a total population of approximately 260,700 people (as of June 2025). As noted in Annex A of the "Simplifying Local Government" draft proposal document (November 2025), the Manawatū-Whanganui Region includes the Manawatū-Whanganui Regional Council (trading as "Horizons"), the Horowhenua, Manawatū, Rangitikei, Ruapehu, Tararua and Whanganui District Councils, and the Palmerston North City Council. The Horizons region also includes parts of the Stratford, Taupō and Waitomo Districts.

Consultation Questions

1. Do you agree there is a need to simplify local government?

MDC supports the following objectives of the Simplifying Local Government proposal:

- to reduce duplication and complexity
- improve clarity and accountability for regional decision-making
- enable more cost-effective and more aligned decision-making across councils in a region.

However, MDC is not convinced that forced regional reorganisation via regional reorganisation plans is necessary to improve efficiency and ‘fit’ of service delivery to local context. As illustrated in this submission, councils like MDC have already utilised shared service relationships and alternative approaches to delivering services that achieve the efficiency savings that central government is seeking through these reforms.

MDC agrees that there is potential for councils to reduce costs and duplication by local authorities within a region working more collaboratively. However, MDC does not support central prescription. Government’s reform agenda has tended towards increased centralisation and central direction, with implications for where decisions and delivery sit across tiers of government.¹

The regional government partnership (16 regional and unitary councils collectively known as Te Uru Kahika) commissioned Castalia to provide independent analysis of whether the eight functions currently delivered by regional and unitary councils are appropriately carried out by regional government, or should be assumed by a different level of government. Their key finding was that “*for most regional and unitary authority functions where national direction and funding signals are strong and spillovers are material, continued regional and unitary authority (RUA) delivery makes sense.*”¹ These findings reinforce the need for these reforms to be paused until such time as central government has completed its current review of regional council functions and roles are settled.

2. What do you think of the proposed approach overall?

Any structural reform must be locally-led

While the proposal is presented as a governance reform rather than an operational one, MDC recognises that, in practice, it may function as a pathway toward future structural change. Regional reorganisation plans provide a mechanism by which local authorities can work together to determine optimal delivery models for local authority functions. However, MDC is concerned that the combination of strong central oversight, commissioner powers, and Ministerial approval could undermine the extent to which outcomes are genuinely locally determined.

Governance reorganisation should be a public conversation and requires a clear democratic mandate

MDC considers that a proposal to fundamentally change the structure of local government should be subject to a comprehensive public conversation and a clear democratic mandate. The proposal would remove democratically elected regional councillors and replace them with a Combined Territorial Board model that was not part

¹ Functions of Regional and Unitary Authorities in New Zealand – Report to Te Uru Kahika (Castalia Limited, October 2025).

of the information available to voters at the time of the most recent local government elections.

MDC is concerned that there is currently limited public understanding of the governance changes proposed and their implications for regional representation. The proposal therefore risks weakening public confidence in local democracy by removing an entire tier of directly elected representation without clear evidence of community support.

MDC acknowledges that Government may consider that its wider reform agenda provides a mandate to pursue change. However, the removal of democratically elected regional councillors represents a significant shift in local democratic representation. MDC considers that communities should retain the ability to determine who represents them at the regional level, and that any reform of this nature should only proceed where there is clear public understanding and demonstrated community support.

The proposal raises concerns in relation to localism, democratic legitimacy, and sequencing risk

International experience suggests that large-scale local government restructuring is most successful when it is carefully sequenced and supported by adequate transition timeframes. For example, in England, recent moves to reorganise local government into single-tier unitary authorities have been progressed through multi-year processes with structured transition arrangements. Similarly, Denmark's 2007 municipal reform involved significant restructuring of councils and responsibilities, but was implemented following extensive preparation and legislative change. These examples reinforce MDC's view that structural reform in New Zealand should be staged and should not proceed until the replacement resource management system and the review of regional council functions are complete.

Decisions sought:

1. That Government not progress legislative change that removes democratically elected regional representation until there is clear public understanding of the proposal and demonstrated community mandate.

Impacts on Long-term Planning

The uncertainty and timing of this proposal complicates long-term planning

Regional councils and territorial authorities in the Horizons Region are commencing planning for their 2027 Long-term Plans. The uncertainty associated with this proposal significantly constrains the ability of councils in the region to plan effectively for the next 10 years. There is a lack of clarity around how long their elected officials will be in office and responsible for regional-council decision-making, and a lack of clarity around which activities they will remain responsible for following the formation of the Combined Territories Board (CTB) and how such activities will be planned for and funded. MDC considers this reinforces the need for Government to pause structural reform until the future legislative framework for resource management and regional functions is settled.

These uncertainties have direct implications for MDC's 2027-37 Long-term Plan, including in relation to:

- Planning assumptions and uncertainty – our LTP will need to include assumptions around potential structural and service delivery change within a 2-4 year horizon (depending on CTB establishment and plan timeframes). Planning under this level of uncertainty increases the risk of either overly conservative decision-making (resulting in higher costs for ratepayers) or incorrect assumptions that require rework and duplication of effort.
- Inter-council collaboration – the reorganisation plan may accelerate shared services or joint delivery arrangements that affect operating models, costs and delivery risk.
- Regional dependencies - Regional transport planning, resource management arrangements, and CDEM governance may shift, affecting MDC projects reliant on regional alignment.
- Governance disruption risk – uncertainty may reduce strategic focus and delay delivery of locally important projects and services.
- Consultation load - Overlap of engagement requirements (LTP consultation and reorganisation consultation processes) could strain capacity and require careful sequencing.

Overall, MDC considers that progressing governance reform in parallel with major legislative reform creates avoidable uncertainty, inefficiency, and cost for councils and ratepayers. MDC therefore reiterates its view that structural reform should be paused until the replacement resource management system and the review of regional council functions are complete.

3. Do you agree with replacing regional councillors with a CTB?

MDC acknowledges the issues identified in the proposal's 'need for change' section, including challenges attracting specialist staff, inefficiencies created by duplication of capability, and the complexity that can arise when projects require approvals or consents from more than one local authority.

MDC considers that a Combined Territorial Board (CTB) model may have merit as a means of improving regional coordination and accountability. If regional governance reform is to proceed, MDC considers a CTB comprised of elected local representatives is preferable to alternative models involving Crown Commissioners.

However, MDC considers that progressing governance reorganisation at this time is premature. Any future structural reform should be locally led, evidence-based, and developed in partnership with councils and communities. Significant uncertainty remains regarding the replacement resource management system and the Government's review of regional council roles and functions. MDC supports a staged approach that confirms the future role of regional government and key legislative settings before structural change is implemented.

MDC also notes that any reform that removes democratically elected regional councillors raises questions of democratic mandate, governance capability, and continuity of regional decision-making. MDC's specific concerns regarding the CTB model, including representation, voting, governance settings and Crown participation, are outlined further in responses to Questions 4 and 5.

4. What do you like or dislike about the proposal to replace regional councillors with a CTB?

The proposal does not adequately consider the impact of the changes to governance on local mayors

Under this proposal, the Mayor of the Manawatū District would be required to lead decision-making on local matters as well as to be a member of the CTB that makes decisions on regional matters. Current mayors were elected without the opportunity to consider this fundamental change to their workload and breadth of responsibilities. There is potential that the increased workload may necessitate additional resourcing at local authorities to support the mayor or may result in delays to local decision-making.

MDC also notes that the proposal does not clearly outline how CTB leadership would be determined (including who would chair the CTB), or how effective governance capability would be maintained. Clarity on leadership arrangements is important to ensure accountability, effective decision-making, and continuity of regional governance.

Voters elect district and regional representatives with different expectations about the roles they will perform and the issues they will prioritise. Replacing regional councillors with a CTB therefore raises concerns about whether representatives elected to focus on district-level priorities will consistently bring the same regional mandate and policy focus to decisions that have region-wide implications.

This concern is reinforced by the fact that mayors were elected on the basis of a clearly defined district or city governance role. The proposed expansion of that role to include regional representation was not part of the information available to voters at the time of the election, and it is therefore unclear whether the current electoral mandate extends to the additional responsibilities proposed under the CTB model.

Despite these concerns, MDC considers the CTB model is preferable to the proposed alternatives involving Crown Commissioners. MDC does not support the appointment of Crown Commissioners to replace democratically elected regional representatives, as this would further weaken local democratic accountability and public confidence in regional decision-making.

5. What level of Crown participation in regional decision-making do you prefer?

MDC opposes the appointment of Crown Commissioners to the CTB

MDC considers that a Combined Territorial Board comprised of elected mayors is preferable to alternative models involving the appointment of Crown Commissioners.

Consistent with MDC's localism position and commitment to democratic accountability, MDC's preference is that only elected representatives participate in regional governance decision-making.

If a Crown Commissioner must be appointed, MDC strongly opposes that Commissioner having any voting authority. Granting decision-making power to unelected Commissioners would weaken democratic legitimacy, reduce accountability to communities, and undermine public confidence in regional decision-making.

MDC does not support the replacement of regional councillors with Crown Commissioners, either as an interim measure or as an alternative governance model.

6. Do you agree that mayors on the CTB should have a proportional vote adjusted for effective representation?

Effective representation requires proportional voting

Yes. If the proposal to replace regional councillors with a CTB proceeds, MDC considers it is essential that voting arrangements reflect proportionality and ensure effective representation across all communities within a region.

As demonstrated in Annex B of the proposal document, voting models based solely on “one mayor, one vote” or “pure population” create risks of inequitable outcomes and loss of confidence in regional decision-making. In particular, poorly designed voting arrangements could enable domination by a single large authority, disadvantaging rural and provincial communities.

MDC therefore supports a proportional voting approach that balances population-based representation with adjustments to ensure smaller communities and communities of interest can participate meaningfully in regional decision-making.

7. What do you like or dislike about the voting proposal for the CTB?

Regions should determine their own voting methodology

MDC supports the proposal’s intent to balance democratic legitimacy with effective representation. However, MDC considers that voting arrangements should not be determined through a nationally prescribed formula. Regions vary significantly in geography, population distribution, infrastructure needs, and communities of interest.

MDC’s preference is that each region develop and agree its own voting methodology, guided by clear principles and objectives, including democratic legitimacy, effective representation, and effective governance. This would enable voting arrangements to reflect local context and build confidence that decision-making is fair and balanced across both urban and rural communities.

For the Manawatū-Whanganui Region, MDC considers a hybrid model that accounts for both population and land area is likely to provide a more appropriate balance. Land area is relevant because larger districts often carry greater infrastructure, environmental management and resilience responsibilities. Population remains relevant because larger communities require a greater scale of services.

A simple example of this for the Manawatū-Whanganui region is as follows:

TABLE 1

Territorial Authority	Land Area (km ²)	Population
Palmerston North City Council	395	90,500
Horowhenua District Council	1,064	38,400
Manawatū District Council	2,657	34,000

Rangitikei District Council	4,484	16,000
Whanganui District Council	2,373	49,200
Ruapehu District Council	6,734	13,450
Tararua District Council	4,365	18,950

TABLE 2

Land Area (km ²)	Vote proportion	Applicable TA's from the Manawatū-Whanganui Region
<1000	1	PNCC
>1000	2	HDC, WDC, MDC, TDC, RDC, RuaDC

TABLE 3

Population	Vote Proportion	Applicable TA's from the Manawatū-Whanganui Region
Up to 20,000	1	RuaDC, RDC, TDC
20,000 - <40,000	2	MDC, HDC
40,000 - <60,000	3	WDC
60,000 - <80,000	4	-
>80,000	5	PNCC

TABLE 4

Territorial Authority	Total Voting Proportion (Table 2 + 3)
PNCC	6 (21.4%)
WDC	5 (17.9%)
HDC and MDC	4 (14.3% each)
RDC, RuaDC, TDC	3 (10.7% each)

If land area is weighted as per Table 2 and population weighted as part Table 3, this gives a total voting proportion for the territorial authorities in the Manawatū Whanganui Region as outlined in Table 4. The advantage of this type of voting allocation is that a minimum of three mayors representing different communities must vote in favour of a motion for it be passed.

MDC appreciates that this model is simplified and that additional factors may need to be considered, including catchment complexity and regional infrastructure demands. MDC supports the principle that voting arrangements should be developed at a regional level, rather than imposed through a nationally prescribed formula, provided they meet the intent of democratic legitimacy, effective representation, and effective governance.

8. What do you think about the ways that communities crossing regional boundaries could be represented?

MDC notes that no changes are proposed to regional boundaries, even though, for example, the Manawatū-Whanganui Region includes parts of the Stratford, Taupō and

Waitomo Districts. Given that fewer than 250 people live in isolated communities located outside the Manawatū-Whanganui Region, MDC's preference is for these isolated communities to be adopted by the adjacent district. The mayor of the adopted district would then represent their interests on the CTB. The expense associated with having a local councillor attending the CTB to represent the needs of such small populations is unlikely to be cost-effective.

However, MDC notes that in some regions the number of people living in isolated communities is much higher. For example, approximately 3,900 people living in the Rotorua District are within the Waikato Region – these people make up just over 5% of the region's total population. In such regions, representation on all relevant CTBs and a voting share proportionate to the areas of their district that are part of that region may be the most appropriate option.

In the absence of a reorganisation of district boundaries to align with regional council boundaries, MDC supports the use of a threshold to determine which approach is applied. MDC considers a threshold of 1,000 people per isolated population is appropriate. Involvement of the Local Government Commission in determining which approach is best for each isolated population is not considered necessary.

Decision sought:

1. That a threshold of 1,000 people per isolated population is used to determine whether an isolated population is adopted by its adjacent district, or has a voting share proportionate to the area of their district that is within that region.

9. Do you support the proposal to require CTBs to develop regional reorganisation plans?

Manawatū District Council supports the intent of regional reorganisation plans as a mechanism for councils within a region to collaboratively consider how services and functions can be delivered more effectively and efficiently.

However, MDC considers that requiring CTBs to prepare and consult on regional reorganisation plans within two years is high risk given the scale, scope, and interdependence of local government reform currently underway. This proposal is being advanced alongside significant reforms that directly affect the roles, responsibilities, governance arrangements, and delivery models of local authorities, including (but not limited to):

- replacement of the Resource Management Act 1991 with a new planning system;
- reform of the Civil Defence Emergency Management Act 2002;
- amendments to the Local Government Act 2002;
- ongoing implementation of water services reform;
- proposed reform of waste and litter legislation; and
- related changes to planning, climate adaptation, and regulatory functions.

The draft proposal recognises that a Government review of regional council roles and functions will be undertaken prior to CTBs being established, and that the outcomes of this review must be taken into account when developing regional reorganisation plans. MDC considers this creates a significant sequencing risk, as CTBs would be required to

design future governance and service delivery arrangements while the statutory functions and responsibilities they are planning around remain subject to change.

In MDC's view, this increases the likelihood of premature or sub-optimal reorganisation decisions and creates uncertainty for councils and communities at a time when long-term planning and investment decisions must be made.

MDC therefore considers that structural reform should be paused until the replacement resource management system and the review of regional council functions are complete. If Government proceeds with the proposed approach, MDC is willing to work constructively within the two-year timeframe, provided councils retain the ability to develop locally appropriate solutions that reflect regional circumstances and community priorities.

Shared services arrangements and inter-council collaboration

MDC's existing approach demonstrates that locally-led collaboration is already delivering efficiencies

Since 2010 the councils of the Horizons Region (with the exception of Palmerston North City Council) have invested in and supported a shared services arrangement called Manawatū-Whanganui Local Authority Shared Services (MWLASS). This CCO was created to pursue service delivery efficiency, cost saving and commercial opportunities across common local government services. In addition to the benefits of joint procurement that comes with scale, MWLASS has two successful business units (Debt Management and Archives) that provide financial return to shareholders and ultimately ratepayers.

Manawatū District Council's experience demonstrates that effective shared services and inter-council collaboration can be achieved without enforced structural reorganisation or amalgamation. MDC has a long history of entering into voluntary, locally led shared service arrangements where there is a clear service delivery benefit.

Current shared services include:

- Animal control services delivered jointly with Rangitikei District Council.
- Building control services provided through a shared services arrangement with Palmerston North City Council.
- Fly-tipping investigation services provided by MDC to Palmerston North City Council under contract.

MDC has also previously delivered Environmental Health Services to Rangitikei District Council under a shared services arrangement, demonstrating that councils can successfully act as either service provider or service recipient depending on capability, scale, and local need.

These arrangements were established through practical collaboration, shared governance, and contractual agreements, rather than through mandated regional reorganisation. They demonstrate that councils are already capable of working together in flexible and targeted ways to improve efficiency, resilience, and service outcomes for their communities.

MDC's experience with shared regulatory services, particularly in building control, also highlights the importance of ensuring that central government regulatory and audit frameworks support rather than constrain collaborative delivery models. While strong assurance and accountability are essential, the cumulative impact of audit, accreditation, and compliance requirements can place pressure on shared services, particularly for smaller councils, reducing flexibility and limiting locally tailored solutions.

Overall, MDC considers that voluntary, locally driven collaboration, supported by enabling legislation and proportionate regulatory settings, provides a more effective and adaptable pathway than compulsory regional reorganisation. This approach preserves local democracy and accountability while still enabling councils to share services where it delivers clear community benefit.

In addition to these operational collaborations, Mayors, Horizons Chair and Chief Executives have come together with one voice under a Mayoral Forum to contribute constructively to the conversation on creating a simpler, more effective local government system. The Forum acknowledges the need for change and are open to exploring new ways of working that deliver better outcomes for communities.

Regional Governance and Partnership Arrangements

In addition to shared service delivery arrangements, MDC actively participates in regional governance and partnership forums that support coordinated planning and delivery across the Manawatū-Whanganui Region. Examples include:

- Participation in the Regional Transport Committee, supporting integrated regional transport planning and investment decision-making.
- Involvement in the Joint Action Climate Group, working collaboratively with councils and partners to coordinate regional climate change responses.
- Participation in Te Utanganui – the Central New Zealand Distribution Hub initiative, a collaborative partnership involving Manawatū District Council, Palmerston North City Council, Rangitāne o Manawatū, CEDA and other partners to advance coordinated regional freight, logistics and infrastructure planning and investment, enhancing resilience and economic outcomes across central New Zealand.
- Working alongside and in cooperation with Horizons and other councils (regionally and nationally) to support civil defence preparedness, resilience response and recovery activities. MDC also provides competent trained staff for CDEM Group initiatives, such as recent deployments to support the severe weather event affecting Gisborne and the Bay of Plenty.
- Participation in regional partnership accords, including the Ōroua River Declaration and the Manawatū River Leaders' Accord, which support coordinated catchment management and shared commitment to improving freshwater outcomes across council boundaries.
- Partnering with Horizons Regional Council via the Feilding Flood Resilience Governance Group to progress an integrated programme of work to reduce the risk and impact of flooding across Feilding.
- Membership in the Tangimoana Adaptation Working Group with the Tangimoana Community Committee, Horizons Regional Council and Massey University,

building on the Deep South-Horizons Project, working with the community to develop an adaptation plan and improve resilience to climate change impacts.

Collectively, these arrangements demonstrate that councils in the Manawatū-Whanganui Region are already working collaboratively to improve efficiency, resilience and service outcomes through locally-led partnerships. MDC considers this provides a strong foundation for ongoing improvement without the need for premature or centrally directed structural reorganisation.

10. What do you think about the criteria proposed for assessing regional reorganisation plans?

MDC supports the regional reorganisation plan criteria of:

- Big-picture fit;
- Affordable now and in the future;
- Better services;
- Clear leadership;
- Local say;
- Treaty arrangements; and
- Can it be done.

MDC agrees that the proposed criteria will assist CTBs in developing regional reorganisation plans. However, what may be in the best interests of one council may not be in the best interests of others in the region. The preferred delivery model for one activity may also not be appropriate for other activities. While different delivery arrangements may generate efficiencies for individual services, the administrative burden, loss of integration, and potential confusion for communities must also be considered.

Some of the examples given in the proposal document are not reflective of the Horizons region. For example, within the treaty arrangements section reference is made to arrangements for rivers as agreed in Treaty settlements. The majority of iwi/hapū in the Manawatū District are yet to settle.

MDC also notes that many of the outcomes sought through the criteria, particularly affordability and better services, can be achieved through targeted shared service arrangements and regional partnerships without requiring structural consolidation. MDC's existing shared service and regional collaboration arrangements (outlined above) demonstrate that locally-led approaches can deliver efficiency and service improvements while maintaining local accountability.

Combining smaller councils into one larger council does not always translate to cost savings. For example, when MDC was exploring options for the delivery of water services as part of the Local Water Done Well proposal, a regional options appraisal project looked at a multi-council Water Service Council Controlled Organisation. This project concluded that the seven council arrangement was not financially beneficial for Manawatū ratepayers, with Manawatū District Council providing cross-subsidisation to

most of the other councils within the region throughout the entirety of the 30 year period that was modelled. MDC adopted a stand-alone in-house model for the delivery of water services in the Manawatū District. This model was accepted by the Secretary of Local Government as being financially sustainable.

11. What do you think about how the proposal provides for iwi/Māori interests and Treaty arrangements

MDC supports existing arrangements for Māori engagement and participation currently available across local government, including:

- appointments to council committees;
- participation in joint committees;
- involvement in joint entities established through Treaty settlement arrangements; and
- membership of advisory groups.

MDC also supports the requirement for CTBs to comply with all existing provisions of the Local Government Act 2002, including establishing and maintaining processes for Māori to contribute to decision-making and ensuring opportunities for consultation with Māori. MDC notes that the proposal requires mandatory consultation with communities, iwi, hapū, Māori and stakeholders as part of the reorganisation planning process.

MDC's primary concern is the impact of the proposal on Māori representation and democratic legitimacy. The proposal would remove democratically elected regional councillors, including those elected through Māori constituencies in regions where these currently exist. MDC is concerned that a governance model comprised solely of mayors may not provide equivalent representation for Māori perspectives, including mātauranga Māori, and may not reflect the intent of existing Māori constituencies.

MDC notes that Horizons Regional Council currently has two Māori constituencies (Raki Māori and Tonga Māori), and that continuation of these constituencies has been confirmed through a binding referendum process. MDC is concerned that the proposed reform would effectively override this democratic outcome and remove Māori constituency representation at the regional level. Given the significance of this change, MDC considers that any reform should preserve democratic legitimacy and avoid undermining community confidence in local government decision-making processes.

If the CTB model proceeds, MDC considers Government should clarify how Treaty arrangements and Māori representation will be reflected in CTB governance arrangements. This may include options such as dedicated iwi/Māori representation at the CTB table and/or voting arrangements that ensure Māori perspectives are meaningfully embedded in regional decision-making.

Decision sought:

2. That any reform of regional governance ensure Māori representation is maintained through clear and effective mechanisms, and that where Māori constituencies currently exist, equivalent representation arrangements are provided within the CTB model to ensure continuity of Māori participation in regional decision-making.

If given the opportunity, the Manawatū District Council wishes to speak to this submission.

Yours sincerely



Michael Ford

Mayor

25 February 2026

Committee Secretariat
Governance and Administration Committee
Parliament Buildings
WELLINGTON 6143

Dear Sir/Madam

Submission from the Manawātū District Council on the Inquiry into the 2025 Local Elections – Terms of Reference

Thank you for the opportunity to make a submission on the Inquiry into the 2025 Local Elections.

Introduction

The Council supports the practice of undertaking a post-election inquiry and considers it an important mechanism for identifying system-wide improvements and strengthening public confidence in local democracy.

Our comments draw on our experience from the 2025 local elections, sector-level discussion at the post-election forum held 05 December 2025, and feedback received through Council-led engagement activities.

Matters Included in the Proposed Terms of Reference

Voting Processes

The Council supports the inclusion of voting processes within the Terms of Reference and agrees that these matters should be reviewed:

- **Removal of electors from the roll** – particularly where this occurs close to voting periods.
- **Disallowed special votes** – including the clarity of eligibility criteria.
- **Mailing of voting documents and orange bins** – noting that postal service variability and voter uncertainty about return options continue to pose risks to participation.
- **Telephone dictation voting** – including its accessibility, integrity, and public understanding.
- **The appropriateness of mobile voting booths** – particularly in terms of equity of access and Council capacity.

The Council considers that improvements in these areas would help reduce voter confusion, support participation, and enhance confidence in the electoral system.

Electoral Integrity – Disinformation and Misinformation

The Council supports the inclusion of electoral integrity within the Terms of Reference, particularly in relation to disinformation and misinformation.

Local elections are increasingly exposed to misleading information, and councils often have limited ability to correct misinformation once it is widely shared.

The Council considers that the Inquiry should explore:

- **The scale and impact of disinformation** – especially as it relates to electoral processes.
- **Response** – how the government, councils, and electoral providers can effectively correct information, in ways that maintain political neutrality.

Proactively addressing disinformation and misinformation would reduce harm to public confidence in local elections.

Voting Arrangements and Roles

The Council supports looking into:

- **The appropriate role of councils and staff in election delivery** – including boundaries between operational support, neutrality, and public information.
- **Relationships with electoral service providers** – including the consistency of practice and accountability mechanisms.

Clarifying these arrangements would assist councils to deliver elections consistently.

Additional Matters Recommended for Inclusion

Candidate Information and Availability

Candidate information is a significant factor influencing voter engagement and informed decision-making. Specific matters for consideration include:

- The length and format of candidate profile information.
- Low participation in candidate information platforms (e.g., only a minority of candidates providing information to Policy.nz).
- Whether councils can provide more direct, neutral support to candidates, to ensure voters have access to meaningful information.

Improving candidate information would support informed voting and potentially increase voter confidence and turnout.

Electronic Voting and Booth Voting Options

Electronic voting options are an opportunity to modernise New Zealand's local electoral system, massively improve participation, and meet voters where they already engage digitally:

- The feasibility, risks, and benefits of electronic voting.
- The potential role of in-person or booth-based voting, either as a supplement to postal voting or for specific voter groups.

While recognising the complexity and cost of such options, the Council considers that continued reliance on postal voting may limit future participation.

Uncontested Candidates in Candidate Profile Booklets

The Council recommends that the Inquiry examine the treatment of uncontested candidates within candidate profile booklets, including:

- Whether current practices support transparency and consistency for voters where candidates are elected unopposed.
- The extent to which voters expect to receive information about individuals running for election.
- Any impact on voter understanding and confidence.

From the Council's perspective, including uncontested candidates in candidate profile booklets would improve transparency by ensuring voters have access to information about all elected representatives.

The Inquiry may also wish to consider how the inclusion of uncontested candidates affects voter understanding, and whether it aligns with existing practices where voters already receive candidate information for positions outside their electorate.

Processes for Overseas Voters

Postal voting for overseas voters is hit or miss, with the feasibility of this depending on postal timeframes to the country in question (e.g., Australia is more feasible than the UK) and the willingness of voters to bear the cost of international postage. The Council recommends that the Inquiry examine the following processes:

- Timeliness of voting material.
- Accessibility of voting options.
- Public awareness of eligibility and deadlines.

Given increasing population mobility, improving overseas voting processes is necessary to ensure overseas voters have fair and equitable access to local elections.

Election Affordability

The Inquiry should consider election affordability, particularly in the context of:

- Rising costs of election delivery.
- Potential impacts of future local government and regional council reforms.
- The mandatory requirement to hold a bi-election if a vacancy is created more than 12 months prior to the next triennial election.

At a time of increasing rates, cost-of-living pressures, and a government policy focus on constraining council expenditure, it is important that election costs are examined to ensure they are fair and proportionate.

Council-Hosted Candidate Events

The Inquiry should consider the role of councils in hosting candidate events, including:

- Their effectiveness in supporting voter engagement.
- Equity of access for candidates.

- Appropriate safeguards to ensure political neutrality.
- Health and safety responsibilities and risk management, including how this compare with the risks and obligations present when candidate events are hosted by third-party organisations.

Clear guidance in this area would assist councils to support democratic participation while managing risk.

Conclusion

The Manawatū District Council supports the proposed Terms of Reference for the Inquiry into the 2025 Local Elections and considers that expanding them to include the additional matters outlined above would provide a more comprehensive review of the local electoral system.

Taken together, these issues affect voter participation, candidate experience, operational integrity, and public confidence. Addressing them at a national level would support continuous improvement and strengthen local democracy across New Zealand.

The Manawatū District Council does not wish to be heard in support of this submission.

Please feel free to contact our Governance and Assurance Manager (Ash.Garstang@mdc.govt.nz) if you have any questions or concerns about this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Ford', with a long, sweeping horizontal stroke extending to the right.

Michael Ford

Mayor

4 March 2026

Committee Secretariat
Environment Committee
Parliament Buildings
Wellington

Submitted via: en.legislation@parliament.govt.nz

Tēnā koutou,

Submission of Manawātū District Council on the Environment (Disestablishment of Ministry for the Environment) Amendment Bill.

Manawātū District Council (MDC) thanks the Environment Select Committee for the opportunity to submit on the Environment (Disestablishment of Ministry for the Environment) Amendment Bill.

MDC serves a predominantly rural district with significant agricultural activity, highly productive land, important river catchments, and culturally significant landscapes. Environmental stewardship and the sustainable management of land, water, and natural resources are central to our statutory responsibilities and to the health and wellbeing of our communities. Council acknowledges that the Bill is framed as a machinery of government measure. However, the legislative expression of environmental accountability at central government level carries practical and constitutional importance for local authorities and the communities we represent. Accordingly, Council wishes to raise the following concerns:

Clause 12 and section 32 of the Environment Act 1986

MDC's primary concern relates to clause 12 of the Bill, which amends section 32 of the Environment Act 1986.

Section 17 of the Environment Act sets out matters to which regard must be had, including (among other things) ecosystems, areas and landscapes of cultural and historical value, interests that are part of the heritage of tangata whenua and contribute to their well-being, and effects on communities.

Section 32 currently provides that, in conducting the Ministry's functions, every officer and employee of the Ministry must (as far as practicable) have regard to the matters in section 17(a)–(g).

Clause 12 proposes to replace the current formulation with one where, in conducting the Secretary's functions, the Secretary must (as far as practicable) have regard to the matters in section 17(a)–(g).

MDC acknowledges that chief executive accountability and internal delegation arrangements mean that, in practice, officials will undertake work under the Secretary's authority. However, the proposed amendment removes the Environment Act's express statement that the section 17 matters are to be had regard to across the work of officers and employees. Given the importance of the section 17 matters (including the explicit recognition of tangata whenua heritage interests and community effects), Council considers the proposed drafting reduces clarity and risks misunderstanding as to whether the statutory duty is intended to inform the development of advice and implementation work at officer level, as well as formal decision-making.

Council notes the Bill's clause-by-clause material states that clauses 11–13 transfer the duty on staff to have regard to section 17 matters to the Secretary. Council therefore submits that, if no narrowing is intended, section 32 should be drafted to make the breadth of the obligation explicit.

Proposed amendment

Council proposes that clause 12 be amended so that section 32 clearly applies across the work of officials conducting the Secretary's functions, while remaining consistent with the Bill's "Secretary-centered" accountability model (including proposed section 29(b), which requires the Secretary to ensure compliance with section 32).

Preservation of Section 17 Environmental Protections

MDC considers that the statutory framework established under section 17 of the Environment Act performs an important accountability function within New Zealand's environmental governance architecture. Any machinery of government change should not inadvertently weaken or obscure these obligations.

We request greater clarity, or confirmation and reassurances, with the proposed legislative amendments, that the current evidence-based analysis and checks and balances to ecosystem and biodiversity protections will not be compromised: Section 17 of the Environment Act 1986 mandates that (currently: the Parliamentary Commissioner for the Environment) must consider the "maintenance and restoration of important ecosystems, especially those that support rare, threatened or endangered species of flora and fauna".

With the current legislation, this ensures that ecosystem protection is currently integrated into environmental investigations, policy advice, and reporting, thereby aiming to sustainably protect local habitats and manage natural resources within our communities. This must be maintained within any replacement or amended legislation.

Consistency with the Natural Environment Bill and broader reform

MDC notes that the Natural Environment Bill (introduced on 9 December 2025 as part of replacing the Resource Management Act 1991) assigns certain monitoring responsibilities to the "chief executive of the Ministry for the Environment". Council submits that, if the Bill proceeds and terminological settings are amended for the Ministry for the Environment, there needs to be clear identification of how consequential amendments will be addressed for closely related reform legislation so that responsibilities remain coherent and

unambiguous (and so that the statutory “owner” of those responsibilities continues to be clear to local government, iwi/hapū, and the public).

Given the scale of concurrent system reform, Council submits that legislative clarity is particularly important and requests an explicit assurance from officials that the clause 12 amendment is not intended to narrow the practical application of section 17 matters (including tangata whenua heritage interests and community well-being considerations) in departmental advice and implementation practice.

Submissions timeframe

Council notes the timeframe for submissions on this Bill is limited and is concerned that a compressed submissions window risks limiting meaningful participation on a Bill that alters core statutory architecture for environmental governance (even if framed as machinery of government).

The Cabinet Manual records that select committee consideration enables MPs, interest groups and the public to examine and have input into bills before they pass into law, and that committees ordinarily have up to six months to report (unless the House sets another deadline). With a standard report-back timeframe indicated for this Bill, Council submits that extending the submissions period (or otherwise ensuring reasonable opportunity to be heard) would better support the constitutional purpose of the select committee stage and public confidence in the law-making process.

Conclusion

MDC appreciates the opportunity to provide feedback on this consultation. Council reiterates the necessity for an amendment to preserve the breadth and clarity of the existing obligation contained in section 32 of the Environment Act. Council also, seeks assurance that no narrowing of obligations is intended and that consequential consistency issues (including with the Natural Environment Bill) will be addressed.

MDC does not wish to speak to this submission.

Yours sincerely,



Michael Ford

Mayor