

17 March 2026

Committee Secretariat  
Education and Workforce Committee  
Parliament Buildings  
Wellington

Submitted via: [Health and Safety at Work Amendment Bill - New Zealand Parliament](#)

Dear Members of the Education and Workforce Committee

### **Submission from the Manawatū District Council on Health and Safety at Work Amendment Bill**

The Manawatū District Council (MDC) thanks the Education and Workforce Committee for the opportunity to provide feedback on the Health and Safety at Work Amendment Bill (“the Bill”). MDC strongly supports the intent of the Bill to improve clarity within the work health and safety system, reduce unnecessary compliance burden, and ensure that regulatory effort is directed toward preventing serious harm while maintaining effective management of workplace health and safety risks. However, MDC does have some concerns regarding how the proposed prioritisation of critical risks may operate in practice and seeks clarity regarding responsibility for recreational land use where permits are issued.

#### ***Introduction***

Manawatū District Council (MDC) is a territorial local authority employing more than 100 staff and managing a diverse portfolio of public assets, infrastructure, and community facilities. MDC operates across low, medium, and high-risk environments, including office-based work, aquatic facilities, wastewater treatment plants, road corridors, and public open space. We also regularly engage contractors, and issue permits for events and community activities on Council-owned land.

Council supports the overarching objectives of the Bill to improve clarity within the work health and safety system, reduce unnecessary compliance burden, and ensure regulatory effort is directed toward preventing serious harm. Our submission focuses on:

1. The proposed shift to a focus on critical risks
2. The proposed reforms clarifying duties relating to recreational use of land
3. Clarification of overlaps with other legislation
4. Strengthening of approved codes of practice (ACOPs)

#### ***Focusing the System on Critical Risks***

MDC is supportive of a clearer focus on risks that are capable of causing death, serious injury, serious illness, or notifiable events. Prioritising the prevention of serious harm is sensible and aligns with established risk management methodologies.

MDC uses a critical risk framework internally to identify and manage high-consequence hazards in areas such as confined spaces, heavy plant operation, wastewater treatment, and

traffic management. However, we have concerns about the potential unintended consequences of reframing the purpose of the Act and regulatory expectations around critical risks.

Many workplace injuries and illnesses that materially affect Council operations do not meet the threshold of likely death or notifiable injury but nonetheless have significant impact.

Examples include:

- Manual handling injuries;
- Musculoskeletal disorders arising from repetitive or awkward tasks;
- Slips, trips, and falls;
- Psychosocial risks and stress-related harm;
- Fatigue and cumulative exposure risks.

These risks may not involve immediate life-threatening consequences, but they can result in prolonged absences, long-term health impacts, significant ACC costs, productivity loss, and operational disruption. For a local authority delivering essential services, these impacts are material.

While the Bill maintains the obligation for larger PCBUs to manage all risks (while prioritising critical risks), small PCBUs will only be required to manage critical risks under their primary duties. Council is concerned that, in practice, the reforms could create a two-tier system where only critical risks receive attention, and non-critical but operationally significant harms are implicitly deprioritised.

This may not be the intent of the Bill, but it is a foreseeable behavioural outcome.

### **Decisions Sought**

Council asks the Committee to ensure that:

- The legislation or accompanying explanatory material clearly confirms that prioritising critical risks does not reduce expectations for managing other workplace health and safety risks.
- The focus on critical risks is not interpreted as diminishing the importance of managing chronic, cumulative, or psychosocial harm.

### **Recommendations**

To support effective implementation of the reforms, Council recommends that:

- Regulators provide clear guidance on how prioritisation of critical risks is intended to operate in practice without weakening preventative health and safety practices.
- Particular attention be given to sectors with high numbers of small operators to ensure long-term harm trends do not worsen.

The Manawatū District includes a large number of small businesses and farm owners that would meet the proposed definition of a small PCBU.

We support proportionate reforms that reduce compliance burden and administrative cost for these operators, recognising this as an important policy objective. However, in rural and small business contexts, cumulative and manual handling injuries, fatigue, and long-term

exposure risks are common and can have significant workforce and financial impacts. Council considers it important that the reforms do not unintentionally signal that these risks are of secondary importance simply because they do not meet the critical risk threshold.

### ***Clarifying Duties Relating to Recreational Use of Land***

MDC is supportive of the proposed clarification of duties for PCBUs who manage, or control open space used for recreational purposes. In principle, we welcome reforms that reduce unnecessary administrative burden and remove uncertainty where a landowner has no active involvement in, or control over, the recreational activity taking place.

As a significant landowner that administers permits for events and community activities across parks, reserves, sports fields, and walkways, Council has had concerns about the extent of its responsibility for the operational decisions and risk management of those given formal permission via the permit process to utilise these spaces.

Clarifying that landowners are not responsible for recreational users in circumstances where the activity is not connected to the PCBU's work, is a constructive reform. However, the Bill provides that the exemption does not apply where other work connected to the PCBU's business is being carried out "at the time in the open space near where the entry and use are taking place."

In large or complex public open spaces, this raises practical questions.

Council land frequently accommodates:

- Multiple concurrent activities;
- Routine maintenance work occurring in one area of a reserve;
- Permitted events or recreational use occurring elsewhere in the same reserve.

### **Decision Sought**

- Council seeks clarification that issuing a permit for an event or activity, in itself, does not constitute operational control of that activity for the purposes of the Health and Safety at Work Act.
- Council seeks clarification that the legislation, or Select Committee commentary, clearly articulate the boundary between passive land ownership and operational control where recreational activities occur on land owned or managed by a PCBU.

### **Recommendations**

To support consistent interpretation of reforms, MDC recommends that:

- Clear statutory guidance or regulatory commentary distinguish passive land ownership from active management or control.
- Guidance to clarify how the terms "near" and "at the time" are intended to apply in large, multi-use open space where multiple activities may occur simultaneously.
- Permit frameworks are able to allocate risk management responsibilities clearly to event organisers without creating unintended liability for the landowner.

The reform is welcome, but its practical effectiveness will depend on clarity of interpretation.

### ***Clarifying Overlaps with Other Legislation***

MDC supports the intent of the Bill to clarify overlaps between the HSW Act and other legislation, and to confirm that compliance with relevant requirements under another Act may satisfy corresponding duties under the HSW Act.

As a local authority operating within multiple regulatory frameworks, Council has experienced complexity where duties appear to overlap. Greater clarity that the HSW Act is not intended to function as a “backstop” for risks that are comprehensively managed under other systems is welcome.

#### *Recommendation*

MDC recommends that:

- Clear cross-regulator guidance be developed to ensure there are no unintended regulatory gaps where worker safety expectations differ across systems.
- Particular care be taken in areas such as seismic risk and building compliance to ensure that the interaction between the HSW Act and the Building Act 2004 remains coherent and does not create uncertainty for building owners, tenants, or regulators.
- Ongoing coordination between regulators be transparent and readily understood by those subject to the legislation.

Clarity should reduce duplication without inadvertently lowering safety standards or creating ambiguity about enforcement responsibility.

#### ***Strengthening Approved Codes of Practice***

Council notes the proposed changes to strengthen Approved Codes of Practice (ACOPs), including the introduction of safe harbour status whereby a person acting in accordance with an approved ACOP for a specific risk is deemed to have complied with their duty for managing that risk.

MDC supports efforts to provide greater certainty for duty holders. Clear, up-to-date, and practical codes of practice can assist PCBUs in understanding what is reasonably practicable in particular circumstances.

#### *Recommendations*

Given the elevated status ACOPs will hold under the proposed reforms, MDC recommends that:

- ACOPs are regularly reviewed and updated to reflect current technology, equipment, and industry practice.
- ACOPs do not become overly prescriptive in ways that undermine the performance-based nature of the HSW Act.
- Transparency is maintained where draft ACOPs are developed by external organisations and submitted to the regulator for approval.
- The development and revision of ACOPs include input from relevant industry sectors and practitioners to ensure that guidance is practical, technically accurate, and workable in real-world operating environments.

MDC has previously observed that some legacy ACOPs and guidance material have become outdated over time. If ACOPs are to carry safe harbour status, it becomes even more important that they are up to date, high quality, and developed with broad sector input.

## **Conclusion**

MDC supports the objectives of the Health and Safety at Work Amendment Bill and recognises the importance of reducing unnecessary compliance and burden while improving clarity.

MDC submits that the Bill would benefit from ensuring that:

- The focus on critical risks does not inadvertently diminish attention to cumulative and high-frequency harms;
- The recreational land reforms provide genuine clarity for significant public landowners;
- Legislative overlap provisions are supported by inter-agency coordination; and
- The strengthened status of ACOPs is matched by robust development and review of processes.

Manawatū District Council appreciates the opportunity to provide feedback on the Bill and thanks the Committee for its consideration of this submission.

Yours sincerely

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Michael Ford, JP  
**Mayor**



/03/2026

Total Mobility Consultation  
Ministry of Transport  
PO Box 3175  
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*Emailed to: [totalmobilityreview@transport.govt.nz](mailto:totalmobilityreview@transport.govt.nz)*

## **Submission from the Manawatū District Council on Proposals to Strengthen Total Mobility**

Dear Sir/Madam

The Manawatū District Council (MDC) thanks the Ministry of Transport for the opportunity to provide feedback on the proposals to strengthen Total Mobility.

### **General feedback:**

The Manawatū District has a population of approximately 34,000, with just under half living in rural areas across 16 villages and rural communities. In response to transport challenges, the Manawatū Rural Bus was established as a not-for-profit, on-demand service connecting rural communities across the district. However, it currently does not meet the criteria required to participate in the Total Mobility Scheme. In rural areas, the availability of registered taxi services is limited, which can restrict access to the scheme for these communities.

While the Manawatū District Council does not provide a public transport service directly, we have a representative on both the Regional Public Transport Committee and the Manawatū Public Transport Governance Group. As at March 2025 there were 580 people registered for Total Mobility in the Manawatū District.

Across the Manawatū-Whanganui Region, 84.7% of Total Mobility users are aged 61 and over. This aligns with the Manawatū District's demographic profile, which includes a higher proportion of residents aged 65 years and older. Council emphasises that many of these residents are living on fixed incomes and have experienced sustained cost-of-living pressures in recent years. Any increases in transport costs will disproportionately affect this already vulnerable group and may limit their ability to access essential services, social connections, and community participation.

Council is concerned that the cost of the Total Mobility scheme has increased without prior consultation, particularly given the significant impact on residents aged 65 and over. Meaningful engagement with affected communities should occur before implementing changes of this nature. Consultation is especially important where policy

changes directly affect older people and those with disabilities, who may have limited capacity to absorb additional financial burdens.

**Proposal 2: Make assessments fair and consistent:**

Council supports greater consistency in eligibility assessments across the region. However, this must be implemented in a way that is transparent, well-communicated, and easy to navigate. Clear guidance must be provided to both assessors and applicants to ensure equitable outcomes. Any new assessment framework should prioritise accessibility, fairness, and the dignity of applicants.

**Proposal 2A: Show evidence of your impairment:**

While Council acknowledges the need for appropriate evidence to support eligibility decisions, we strongly caution against introducing processes that create additional financial or administrative barriers. Many Total Mobility users are already on limited incomes. Requiring further documentation, medical verification, or reassessment processes may inadvertently increase costs for those the scheme is designed to support. The scheme must remain accessible and not impose additional hardship.

**Proposal 2B: Regular reassessments:**

Council is particularly concerned about the potential for unnecessary reassessments. For individuals with permanent or non-changing disabilities, repeated reassessment would be both burdensome and inequitable. Clear guidance is required regarding whether such individuals will be required to undergo reassessment, and at what frequency. There are also associated transport costs involved in attending assessments. Frequent reassessment risks creating a “catch-22” situation, where individuals incur additional transport costs simply to maintain access to subsidised transport.

Council suggests that eligibility confirmation could be simplified by allowing a person’s general practitioner to indicate whether a mobility impairment is permanent or temporary. Where a condition is permanent, reassessment should not be required. This would reduce administrative and financial barriers for applicants.

**Proposal 5: Allowing new providers:**

Council encourages the inclusion of additional transport providers within the scheme. In the Manawatū District, the Manawatū Rural Bus Service provides a critical and affordable transport option for residents in isolated rural communities travelling to Feilding and Palmerston North. While the service is not currently wheelchair accessible, it plays an essential role in supporting access to services at a significantly lower cost than private taxi services. Expanding the range of approved providers would improve affordability, enhance accessibility, and better reflect the transport realities of rural communities.

**Support for the Horizons Regional Council position**

Council notes and supports the submission provided by Horizons Regional Council on the Total Mobility review. As the regional authority responsible for administering the Total Mobility scheme and overseeing public transport services across the Manawatū–

Whanganui region, Horizons provides an important regional perspective on the operation, funding, and future development of the scheme. Council supports the key recommendations outlined in the Horizons submission, particularly those relating to improving consistency in assessments, avoiding unnecessary reassessments for people with permanent disabilities, enabling a broader range of transport providers, and ensuring that any policy changes maintain equitable access to transport for people with disabilities.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael Ford', written in a cursive style.

Michael Ford

**Mayor**

25 March 2026

NZ Transport Agency Waka Kotahi

Submitted via: [Consultation on lane use improvements | New Zealand Transport Agency Waka Kotahi](#)

Tēnā koutou

**Submission from the Manawatū District Council in response to the Consultation on lane use improvements**

The Manawatū District Council (MDC) thanks the New Zealand Transport Agency Waka Kotahi (NZTA) for the opportunity to submit on the land use improvements consultation. MDC generally supports the intent of the proposed changes, particularly where they improve safety, clarity, and consistency in how different road users interact.

**Proposal 1**

*Do you agree with allowing children aged 12 years and under to ride bikes on footpaths?*

Yes.

MDC supports the proposed change due to safety benefits for young cyclists, and benefits associated with increased uptake of active transport modes, particularly for transport to and from school.

*Are there any other impacts that need to be considered (such as safety, accessibility, and compliance) if the proposal is implemented?*

MDC is satisfied that the current provisions within the Road User Rule that require anyone using a path to be considerate of other users and to not use devices at hazardous speed is sufficient to appropriately manage the risks associated with this change.

**Proposal 2**

*Do you agree with introducing a minimum passing distance when drivers overtake other road users (such as cyclists, horse riders, and micro-mobility users)?*

Yes.

MDC supports the introduction of a minimum passing distance, as it provides greater clarity and consistency for all road users regarding what constitutes safe overtaking behaviour. The current requirement to pass safely is open to interpretation, which can lead to inconsistent behaviour and increased risk for vulnerable road users such as cyclists, horse riders, and micromobility users. Establishing a clear minimum distance sets a more predictable standard, which is expected to improve both actual and perceived safety. From a local government perspective, clearer rules also support

education and behaviour change initiatives, and align with broader safe system principles by reducing ambiguity and promoting safer interactions between different road users.

*Are there any other impacts that need to be considered (such as safety, accessibility, and compliance) if the proposal is implemented?*

MDC notes that there may be practical challenges associated with implementing and enforcing minimum passing distances, particularly on narrow rural roads, which are common throughout the Manawatū District. In these environments, road widths may make it difficult for drivers to consistently achieve the specified passing distances without crossing the centreline or significantly reducing speed. This can create uncertainty for drivers and present enforcement challenges, particularly where it is difficult to accurately assess or prove compliance with a specific passing distance.

MDC acknowledges that safe overtaking behaviour often relies on driver judgement and adapting to the conditions at the time, and that translating this into a fixed minimum distance is not always straightforward in practice. However, MDC considers that the proposed rule still provides value by establishing a clearer baseline expectation of safe behaviour. To support effective implementation, MDC recommends that consideration be given to how the rule will be applied in rural contexts, including the role of driver education, guidance, and enforcement discretion to ensure the rule is practical and proportionate.

MDC also notes that horses present a different risk profile to other road users due to their size and potential unpredictability. While the Road User Rule requires drivers to pass animals safely, it does not currently provide specific guidance on passing distances or speeds when overtaking horses. In rural areas such as the Manawatū District, where horse riding commonly occurs on high-speed roads, a minimum passing distance alone may not always be sufficient to ensure safety. MDC considers that overtaking a horse and rider often requires a greater level of care, including reducing speed and, where practicable, moving fully into the opposing lane. MDC recommends that consideration be given to whether additional guidance or requirements are needed when passing horses, to better reflect these risks.

### **Proposal 3**

*Do you agree with allowing e-scooters to be used in cycle lanes?*

Yes.

MDC evaluated the use of e-scooters on footpaths during the recent review of its Public Places Bylaw. As there are currently no commercial e-scooter operators within the Manawatū District, there are no known significant issues associated with e-scooter use that require active management. However, MDC is aware of issues experienced in larger urban centres with commercial operators, such as Palmerston North, and considers that these provide a useful indication of potential future impacts.

MDC agrees with the behavioural concerns outlined in the consultation document regarding e-scooter use on footpaths, particularly the potential for conflict with other users. Allowing e-scooters to operate in cycle lanes is likely to reduce these conflicts by providing a more appropriate operating environment.

*Are there any other impacts that need to be considered (such as safety, accessibility, and compliance) if the proposal is implemented?*

While outside the scope of this consultation, MDC recommends that future rule reform consider whether the existing classification framework remains fit for purpose for micromobility devices. Currently, e-scooters are classified as “wheeled recreational devices.” This classification does not align with their speed, function, or increasing use as a mode of transport within the network. As a result, inconsistencies arise in where they can operate, the safety expectations placed on riders, and how infrastructure is planned and managed. The need to introduce targeted rule changes (such as clarifying access to cycle lanes) suggests that the existing classification framework may no longer be fit for purpose.

The consultation document recognises that e-scooters travel at similar speeds and face similar risks to bicycle users. Under Rule 11.8 of the Land Transport (Road User) Rule 2004, cyclists are required to wear safety helmets. Given the comparable risk profile, MDC considers that there is a strong safety rationale for applying a similar requirement to e-scooter users, particularly where they are operating within the transport network alongside other vehicles and cyclists.

MDC also notes concerns regarding the obstruction of footpaths by e-scooters that are parked or left in inappropriate locations. While this issue is not directly addressed by this proposal, increased uptake of e-scooter use may exacerbate these effects. MDC recommends that NZTA consider potential controls or guidance to better manage parking behaviour, such as the provision of designated micromobility parking areas.

However, MDC requests that NZTA give consideration to the following:

1. That future rule reform consider whether the existing classification framework remains fit for purpose for micromobility devices.
2. That consideration be given to introducing a requirement for e-scooter users to wear helmets, reflecting their comparable speed and risk profile to cyclists.
3. That consideration be given to potential measures to manage the parking of e-scooters to minimise obstruction of footpaths and accessways.

#### **Proposal 4**

*Do you support requiring drivers to give way to buses leaving bus stops on roads with speed limits of 60 km/h or less?*

Yes.

MDC does not have direct responsibility for public transport. However, MDC has representation on the Regional Passenger Transport Committee (co-ordinated by Horizons Regional Council) and the Manawatū Public Transport Governance Group. MDC’s support for this proposal is out of recognition of the benefits of efficient and effective public transport for communities, including: improving access to education, healthcare and services, reducing transport disadvantage, and supporting mode shift away from private vehicles.

*Are there any other impacts that need to be considered (such as safety, accessibility, and compliance)?*

MDC has not identified any additional impacts beyond those outlined above.

**Proposal 5**

*Do you agree with the proposal to clarify that signage is not required for berm parking rules to be enforceable?*

Yes.

MDC supports the proposal to clarify that signage is not required for berm parking rules to be enforceable.

From an operational perspective, the current ambiguity regarding signage requirements has resulted in inconsistent approaches across road controlling authorities. Clarifying that signage is not mandatory will support a more consistent and efficient approach, reducing uncertainty for councils when determining whether signage is required.

The proposal also has the potential to reduce unnecessary costs associated with installing and maintaining signage, while still enabling councils to use signage where it is appropriate to support compliance in high-risk or high-demand locations.

MDC considers that the primary benefit of this proposal is the increased clarity it provides, allowing road controlling authorities to apply a more consistent and proportionate approach to managing berm parking.

*Are there any other impacts that need to be considered (such as safety, accessibility, and compliance) if the proposal is implemented?*

While MDC supports the proposed clarification, consideration should be given to how consistency in practice will be achieved across different road controlling authorities.

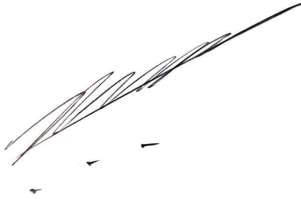
Without signage, there is potential for reduced awareness among road users regarding berm parking restrictions, particularly where practices vary between districts. This may create compliance challenges and require increased reliance on public education and communication.

MDC recommends that NZTA provide guidance to support consistent implementation of the rule change, including when signage is likely to be appropriate and how councils can effectively communicate berm parking restrictions to road users.

**MDC Submission on NZTA Lane Use Improvements Consultation**

Thank you again for the opportunity to provide feedback on NZTA's lane use improvements consultation.

Ngā mihi nui

A handwritten signature in black ink, appearing to read 'Michael Ford', written in a cursive style.

Michael Ford

**Mayor**

31 March 2026

New Zealand Transport Agency,  
Waka Kotahi,  
Private Bag 6995  
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Wellington 6141  
New Zealand

Submitted via: [procurement@nzta.govt.nz](mailto:procurement@nzta.govt.nz)

Tēnā koutou,

### **Submission of Manawātū District Council on the Amendment to the New Zealand Transport Agency (NZTA) Waka Kotahi Procurement Manual**

Manawātū District Council (MDC) thanks the NZTA Waka Kotahi for the opportunity to provide feedback on developing an updated, simplified Procurement Manual for Approved Organisations.

MDC manages a significant local roading network which constitutes core Council asset. Roading represents approximately 18% of Council's overall annual operating expenditure. The network includes over 85,500 individual asset components recorded in the RAMM (Road Assessment and Maintenance Management) database. A high proportion (over 91%) of the network's pavements and surfaces are considered to be in acceptable condition under the One Network Roading Classification (ONRC) framework.

### **Council's Approach to Procurement**

MDC operates as an approved organisation under the Land Transport Management Act 2003 (LTMA), receiving National Land Transport Fund (NLTF) assistance through the National Land Transport Programme (NLTP). Council has maintained an NZTA Waka Kotahi-endorsed roading procurement strategy covering the 2024–2027 period, which has provided clear guidance on procurement approaches aligned with local market conditions and supplier capability.

Council's existing procurement approach has centred on a consolidated road maintenance contract that bundles a range of maintenance and operational activities into a single contract. This model has served the district well in terms of administrative efficiency and market engagement. However, as outlined in this submission, Council is actively reviewing its strategy to align with emerging directions around multiple smaller contracts and enhanced in-house professional services delivery, consistent with the signals from Amendment 6 and Council's own Long-term Plan directions from 1 July 2027.

## **General Feedback**

MDC notes that the amendments in the current manual are relatively incremental in nature and do not represent a wholesale departure from existing frameworks. We consider the most significant changes to be:

1. Clarified and strengthened language around ‘best value for money’, introducing a definition that explicitly references cost, quality, benefit and risk — an approach that better reflects whole-of-life procurement thinking;
2. Signalling of earlier and more structured engagement with the supplier market during procurement phasing; and
3. A substantial body of amendments relating to public transport services procurement, including partnering delivery models, contract terms, and key performance indicators.

Council supports the simplified value for money approach and considers it a positive development. Our submission elaborates on specific areas of both support and concern and raises a number of matters that Council considers warrant further attention in the finalisation of Amendment 6.

## **Areas of Support**

### **Simplified and Clarified ‘Best Value for Money’ Definition**

MDC supports the amended definition of ‘best value for money’ in Chapter 3, which now reads as ‘the most effective combination of cost, quality, benefit and risk to meet a requirement.’ This is a clearer and more practically useful definition than previous formulations, and it appropriately acknowledges that lowest price is not synonymous with best outcome.

This framing aligns well with MDC’s own procurement experience. Our NZTA Waka Kotahi-endorsed procurement strategy is explicitly built around value for money principles that prioritise local market sustainability, whole-of-life asset cost, and supplier performance rather than simply price competition. The amended definition strengthens the policy basis for this approach and should provide approved organisations with greater confidence in pursuing quality-oriented procurement decisions.

Council would encourage NZTA Waka Kotahi to ensure that the guidance accompanying this definition makes clear that the four components — cost, quality, benefit and risk — should be assessed holistically and not in isolation. In particular, there is a risk that in practice, cost considerations dominate at the expense of quality and risk management, particularly in constrained funding environments.

### **Early Market Engagement**

Council supports the proposed emphasis on earlier engagement with the supplier market during procurement phasing. For a district of MDC’s size and geography, the local

contractor and professional services market is relatively limited. Engaging early with local suppliers allows Council to better understand capacity and capability constraints, plan procurement timing to smooth workload across the market, and signal forward pipeline to allow suppliers to resource appropriately. Council considers that early engagement guidance should be embedded as a standard expectation within the procurement strategy requirements, not treated as an optional best practice.

### **Alignment with Existing MDC Strategy**

The proposed amendments are broadly consistent with MDC's existing endorsed procurement strategy, which supports local market development, long-term supplier relationships, and a value-for-money orientation. Council has been implementing procurement procedures aligned with the manual for a number of years and has developed institutional knowledge and capability that supports ongoing compliance.

The signal from Amendment 6 toward multiple smaller contracts as opposed to a single large-bundled maintenance contract, is one that Council is independently considering as part of its forthcoming procurement strategy review. Council welcomes this directional alignment and considers that the amended manual provides a stronger policy foundation for that shift.

### **Areas of Concern**

#### ***Transition Support for Smaller Approved Organisations***

While Council is broadly supportive of the amended manual's directions, we wish to highlight the practical challenges for smaller approved organisations in transitioning to new procurement approaches, particularly the move toward multiple smaller contracts and enhanced in-house professional services delivery.

MDC's current road maintenance contract combines a wide range of activities into a single agreement. Moving to multiple smaller contracts would increase procurement complexity, require greater internal project management and contract oversight capability, and impose higher transaction costs on both Council and the supplier market. For a council with limited professional services staffing, this is not a trivial transition.

Council requests that NZTA Waka Kotahi:

1. Provide clear guidance on the circumstances under which a bundled single contract remains appropriate versus multiple smaller contracts, with explicit acknowledgement that the right approach will vary by district size, market conditions and organisational capability;
2. Develop transition support resources, including template documentation, capability-building guidance and examples of how peer councils have managed similar transitions; and
3. Consider a phased implementation expectation that provides smaller councils sufficient time to revise their procurement strategies and build internal capability before full alignment with any new directional signals is expected.

### ***In-House Professional Services – Practical Barriers***

Chapter 1.9 and Chapter 4.4 of the manual address in-house professional services (IHPS), noting that approved organisations must seek NZTA Waka Kotahi approval under section 26 of the LTMA to use IHPS, and that this should be reflected in their procurement strategy.

Council notes that for smaller councils, the practical barriers to expanded IHPS are significant. The cost of recruiting and retaining qualified transport engineers and planners in a competitive labour market is substantial, and the risk of under-utilisation during periods of lower activity makes permanent staffing difficult to justify on a value-for-money basis. Council is actively considering how to expand IHPS capability as part of its strategy review, but this will require investment and time.

Council requests that the amended manual and associated guidance provide more specific recognition of the challenges facing smaller councils in this area, and that the approval process for IHPS be as streamlined as possible to avoid creating an additional procedural barrier to councils seeking to make the transition.

### ***Contract Bundling Signals and Local Market Sustainability***

Amendment 6 signals a direction toward unbundling and multiple smaller contracts. While Council can see the rationale for this approach in terms of opening the market to a broader range of suppliers and encouraging competition, there are risks for local market sustainability in smaller districts that warrant careful consideration.

In rural districts like the Manawatū, the local contractor market is already limited. Unbundling contracts into smaller parcels may not increase competition if the result is that national contractors, who can compete on multiple small contracts simultaneously, displace local firms who lack the capacity to tender for many individual contracts. Conversely, for some categories of work, smaller contracts may suit local operators who cannot resource large-bundled contracts.

Council recommends that NZTA Waka Kotahi provide explicit guidance in the manual (or accompanying guidance notes) on how approved organisations should undertake market analysis to determine the appropriate level of bundling or disaggregation for their specific district context. The current manual discusses this in general terms but does not provide sufficient practical direction for smaller organisations.

### ***Broader Outcomes and Sustainability***

Council notes that the manual references Broader Outcomes (Government Procurement Rule 16) and the requirement for approved organisations to consider how procurement activities can contribute to the Government's priority outcomes. MDC is committed to sustainable procurement and to contributing to the district's economic, environmental and social outcomes through its procurement decisions.

However, Council notes that the manual's treatment of Broader Outcomes remains relatively high-level and does not provide detailed guidance on how approved organisations should operationalise these requirements in practice particularly in relation

to balancing Broader Outcomes considerations against cost and value-for-money obligations. For a small council with limited procurement resources, more practical guidance in this area would be welcomed.

Council would specifically welcome guidance on how to give weight to support for local and regional suppliers, a matter of importance to the Manawatū economy, within the constraints of the manual's non-discrimination requirements and the requirement to enable fair competition

### **Conclusion**

MDC is supportive of the general direction of Amendment 6 to the NZTA Waka Kotahi Procurement Manual. The strengthened value for money framework, the signal toward earlier market engagement, and the continued emphasis on strategic procurement planning are all consistent with MDC's own approach and priorities. Our submission has highlighted a number of areas where additional guidance, transition support or clarification would assist smaller approved organisations to implement the amended manual effectively.

MDC thanks NZTA Waka Kotahi for the opportunity to submit on Amendment 6 and looks forward to ongoing engagement on the finalisation of the amended manual.

MDC does not wish to speak to this submission.

Yours sincerely,

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Shayne Harris

**Chief Executive**

## **Manawatū District Council responses for questions relating to Statistics New Zealand Implementing an infringement scheme (use of fees and fines) to support their mandatory data requests consultation**

### **Question 1**

**Do you agree that the most appropriate use of infringement offences is when there is an ongoing issue with non-compliance and other tools have already been used? Why? Why not?**

Council supports the collection of high-quality statistical data and recognises its importance in informing decision-making at both local and national levels.

Council also acknowledges that the Data and Statistics Act 2022 establishes a clear legal obligation to provide requested data, and enforcement mechanisms have a role in upholding this requirement.

Council agrees with the consideration that infringement offences should be used as a last resort, where there is clear evidence of ongoing non-compliance and where other engagement tools have already been exhausted. A graduated approach supports fairness, encourages voluntary compliance, and helps maintain constructive relationships between agencies and respondents.

### **Question 2**

**Do you agree that infringement offences should apply to respondents who deliberately avoid their obligation to provide information? Why? Why not?**

Council acknowledges that where individuals or organisations deliberately avoid their obligations, the use of infringement offences may be appropriate.

However, Council emphasises that discretion should be applied, and infringement should not be used in cases where non-compliance is due to lack of understanding, capacity, or genuine barriers. Care should also be taken to avoid reinforcing mistrust in government agencies.

### **Question 3**

**Do you have other suggestions about how we can make sure infringement offences are used consistently across collections and cases of non-compliance?**

Council recommends the development of clear, transparent guidelines outlining when and how infringement offences will be applied. These guidelines should ensure consistency across collections and cases, and should be supported by a framework that considers the underlying reasons for non-compliance. Understanding barriers to compliance will be critical to ensuring appropriate and proportionate responses.

#### **Question 4**

**Do you have other suggestions about how we can make sure infringement offences are used fairly and equitably?**

Council supports the implementation of regular monitoring and reporting mechanisms to assess the application of infringement offences to ensure that particular regions, sectors, or communities, including vulnerable or marginalised groups, are not disproportionately impacted.

#### **Question 5**

**Given the offence involved, do you think the proposed fee and maximum fine amounts are reasonable? Why? Why not?**

Council considers that fee levels should be proportionate to the nature of the offence and sufficient to act as a meaningful deterrent.

While recognising the need to encourage compliance, Council emphasises that penalties should remain reasonable and be applied with discretion, particularly where there are barriers to compliance.

#### **Question 6**

**In your view, do the proposed fee and maximum fine amounts provide a credible deterrent? Why? Why not?**

In Council's view, fines are likely to act as a deterrent where there is deliberate or repeated non-compliance. However, they are less likely to be effective where non-compliance arises from privacy concerns, lack of understanding, or inability to provide the information.

#### **Question 7**

**What other costs or benefits do you think could result from introducing infringement offences?**

Council notes that potential benefits include increased compliance, improved data quality and stronger evidence to support decision making.

However, there may also be unintended costs, such as increased administrative burden, potential strain on relationships between agencies and respondents, and the risk of further disengagement from communities with existing mistrust of government.

#### **Question 8**

**Do you have any other feedback about how we propose to use infringement offences?**

Council recommends that clear processes and expectations be established in advance, including engagement with local government, to ensure transparency and avoid unintended consequences. This will be particularly important as data requirements evolve with the changing to an admin-first based census.

# Manawatu- Whanganui Intersection Speed Zones

NZ Transport Agency Waka Kotahi speed limit review

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## Your response and privacy:

The information you have provided in this form will be made publicly available (with the exception of any personal information that could be used to identify an individual person such as names, contact details and physical addresses) and will be used by NZ Transport Agency Waka Kotahi (we/us) to gain feedback, write our consultation report, and to meet the consultation requirements for Manawatū - Whanganui Region: Intersection Speed Zones (ISZs) as set out in the Land Transport Rule: Setting of Speed Limits 2024.

Any personal information you provide might legally need to be disclosed to third parties if subject to a request under the Official Information Act 1982 (or as otherwise required by law). If your feedback is commercially sensitive or you do not want it disclosed, please let us know. Under the Privacy Act 2020 you have the right to know what personal information we hold about you. You can read more about how we handle your information on our [website \(https://www.nzta.govt.nz/about-us/public-consultation-hub/how-we-protect-yourinformation/\)](https://www.nzta.govt.nz/about-us/public-consultation-hub/how-we-protect-yourinformation/) or contact us at [info@nzta.govt.nz \(mailto:info@nzta.govt.nz\)](mailto:info@nzta.govt.nz)

## Note on use of AI in analysing feedback

To help us analyse the feedback we receive through this consultation, we may use artificial intelligence (AI) tools. These tools can assist us in identifying common themes and summarising responses more efficiently. Any use of AI will follow our privacy and data protection standards, and your feedback will always be reviewed by our team to ensure fair and accurate reporting.

## Please tell us some information about you:

---

Your name Required

Shayne Harris

Your email Required

**Would you like to receive email updates on speed reviews and their outcomes (including these reviews)?**

- Yes
- No

**How did you hear about this speed review?**

- Radio advert
- Flyer was delivered to my mailbox
- Advert in the newspaper
- Online advert
- Other (please specify)

Website

**Which of the following state highway sections would you like to comment on? Required** We will then ask you to provide feedback on all of the sections you selected.

- SH1/Himatangi Beach Road ISZ - north of Foxton**
- SH1/Kakariki Road ISZ - south of Marton
- SH57 (Makerua Road)/SH56 (Opiki Road) ISZ - northeast of Shannon
- SH54 (Milson Line) /Newbury Line ISZ - northwest of Palmerston North**

ISZs slow traffic to 60km/h when vehicles approach an intersection. Approaching traffic is detected, and the electronic signage shows the temporarily lowered legal speed limit for the state highway, changing the normal speed limit of 100km/h (or 80km/h) to a temporary speed limit of 60km/h while the ISZ is operating (i.e. when traffic is approaching or at the intersection). ISZs make it safer for people to pull into or out of a side road onto a busy state highway, or turn from the busy highway onto a side road.

Your input will help inform the decision on whether to proceed with the ISZs at these intersections.

**SH1/Himatangi Beach Road ISZ**

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**SH1, either side of the intersection with Himatangi Beach Road**

**Approximate length: 0.32km**

**Current speed limit: 100km/h (70km/h existing ISZ)**

**Proposed new speed limit: 60km/h when ISZ is activated**

**What is your connection to this road? Required**

- I use this road to travel through, but I don't live locally
- I use this road mostly for local travel and I live, work or go to school in the area
- I am a professional driver using this road to transport passengers, goods or freight
- I'm authorised to represent an iwi, rū nanga, hapū , stakeholder organisation, council
- I use this road to access sites I have a whakapapa connection to (maunga, awa, marae, urupā or wā hi tapu)
- Other (please specify)

Local government

**Where do you live? Required**

- Himatangi Beach
- Foxton
- Sanson
- Horowhenua District
- Other (please specify)

**What do you think of the proposed intersection speed zone? Select one or both options Required**

- I can see benefits in the proposal
- I have concerns about the proposal

**Why do you think this? Please click all the options you think apply Required**

- People won't comply with the ISZ
- Will mean longer travel time
- Will give more time to make decisions
- Improved safety for everyone using the road
- Safer and easier to turn at the intersection
- Will result in fewer crashes with reduced injury severity and near misses

**Do you have any other comments about the proposal? Please tell us in your own words**

MDC raises no objection to the reduced speed limit and notes road users would not require a lot of adapting to these changes.

## SH54 (Milson Line) / Newbury Line ISZ

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**SH54, either side of the intersection with Newbury Line**

**Approximate length: 0.36km**

**Current speed limit: 100km/h**

**Proposed new speed limit: 60km/h when ISZ is activated**

**What is your connection to this road? Required**

- I use this road to travel through, but I don't live locally
- I use this road mostly for local travel and I live, work or go to school in the area
- I am a professional driver using this road to transport passengers, goods or freight
- I'm authorised to represent an iwi, rū nanga, hapū , stakeholder organisation, council
- I use this road to access sites I have a whakapapa connection to (maunga, awa, marae, urupā or wā hi tapu)
- Other (please specify)

Territorial Authority

**Where do you live? Required**

- Palmerston North
- Newbury
- Bunnythorpe
- Manawatū District**
- Other (please specify)

**What do you think of the proposed intersection speed zone? Select one or both options**  
Required

- I can see benefits in the proposal
- I have concerns about the proposal

**Why do you think this? Please click all the options you think apply** Required

- Will mean longer travel time
- People won't comply with the ISZ
- Will result in fewer crashes with reduced injury severity and near misses
- Will give more time to make decisions
- Improved safety for everyone using the road
- Safer and easier to turn at the intersection

Manawatū District Council (MDC) does not object to the proposal in principle. MDC notes that ISZs are already present at other intersections in the area, and the technology is therefore not an unfamiliar road safety intervention for users of this network. The activated speed reduction can reasonably be expected to be understood and observed by road users once the ISZ is operational.

MDC also observes that the SH54 / Newbury Line intersection does not lend itself to easy circumvention by road users seeking to avoid reduced travel speeds; suitable alternative routes are not readily available. Accordingly, MDC considers the risk of displacement traffic generating an unintended increase in crash frequency on the surrounding local or state highway road network to be low.

MDC wishes to draw Waka Kotahi's attention to a question of network consistency that it considers warrants further consideration. The proposed ISZ on SH54 / Newbury Line is set at an activated speed of 60 km/h. However, the existing ISZ at the nearby SH54 / SH3 / Kairanga Bunnythorpe Road intersection currently operates at 70 km/h. Both ISZs are

located on the same state highway corridor and serve the same functional purpose of managing conflict risk at rural intersections. Road users travelling along SH54 would therefore encounter two ISZs on the same route activating at materially different speed thresholds, with no apparent operational or safety rationale articulated in the consultation documentation to justify the differential. MDC submits that consistency in activated speed limits across proximate ISZs on the same corridor is an important principle, both for driver comprehension and for the credibility of the speed management regime. Inconsistency between activated speeds without clear and documented justification, risks undermining road user confidence in the system and may reduce voluntary compliance.

MDC respectfully requests that Waka Kotahi review whether the activated speed limit of the existing SH54 / SH3 / Kairanga Bunnythorpe Road ISZ should be aligned with the proposed 60 km/h, or alternatively, that the rationale for maintaining a differential be clearly documented and communicated. MDC's preference is that the chosen activated speed limit across both ISZs on this corridor be made consistent.

**Do you have any other comments about the proposal? Please tell us in your own words**

**Please ensure you've answered all sections of the survey before clicking submit (including the different road sections in the tick list above, if there is more than one). Clicking submit will end your survey.**

Submit

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9 April 2026

Dr Sara McFall  
Head of Systems, Strategy and Performance  
The Water Services Authority Taumata Arowai  
Level 2, 10 Brandon Street  
Wellington 6140

Lodged via email to: [stormwater\\_wastewater@taumataarowai.govt.nz](mailto:stormwater_wastewater@taumataarowai.govt.nz)

Dear Dr McFall,

The Manawatū District Council (MDC) thanks the Water Services Authority Taumata Arowai (the “Authority”) for the opportunity to provide feedback on targeted amendments to the wastewater environmental performance standards (the “standards”).

While MDC generally supports the recommended amendments to the regulations that are detailed in the correspondence from the Authority, these changes alone fail to address all the concerns that MDC has with the proposed standards. MDC’s feedback therefore includes some matters that may be considered “out of scope” for this current consultation. However, MDC would like to continue to work with the Authority to see these other matters addressed via future amendments to the standards.

### **Support for the proposed technical amendments**

#### **Amendments to regulation 48 – Calculation of dilution ratio classes**

MDC supports the proposed amendments to the 7MALF formula in regulation 48 (treatment requirements for discharges to water).

In addition, MDC recommends that the exact methodology for calculating the 7MALF be documented in the regulations following discussion with the SIG Hydrology group. MDC considers that without such guidance being published, there is potential for the formula to be inconsistently interpreted and/or applied.

To ensure consistency between hydrological monitoring and discharge monitoring, MDC also recommends that all data be linked to New Zealand Standard Time and the hydrological year (July – June).

**Recommendations:**

1. That the proposed amendments to the 7MALF formula in regulation 48 be retained.
2. That the Authority develop a clear methodology for calculating the 7MALF in consultation with the SIG Hydrology group, and that this methodology be published in guidance that sits alongside the regulations.
3. That all data used for hydrological and discharge monitoring be linked to New Zealand Standard Time and the hydrological year (July-June).

**Regulation 93 - Risk and Site Capability Assessments for discharge of treated wastewater to land**

MDC understands that the Authority is proposing to amend the discharge to land standards to provide that risk and site capability assessments relate to the time period when the discharge is occurring. MDC supports this change. However, MDC has some broader concerns with the overall approach taken in the standards to manage discharges to land.

Based on the initial consultation material, MDC understands that the intent was for the wastewater standards to facilitate or encourage the discharge of treated wastewater to land where possible, due to cultural and environmental benefits relative to direct river discharges. As the Authority is aware, MDC operates a dual discharge from its Manawatū Wastewater Treatment Plant in Feilding. While MDC is unable to discharge to land all year round, due to seasonal weather variations in rainfall and temperature and the impact on soil conditions, the irrigation season between November and March has significantly improved water quality and periphyton risk as low flow, high risk periods are avoided. MDC therefore agrees with the policy direction to enable land-based discharge of treated wastewater.

As land discharges are not common within New Zealand, MDC understands that there is limited information on which to base the regulations, especially in comparison to river discharges. MDC is concerned that as a result of limited information, the requirements that apply to land based disposal within the standard are overly conservative. Due to this conservatism, MDC is of the opinion that the intent of this policy direction will not be fully realised, and the uptake of land-based disposal options will be less than forecast. Council is aware that since the wastewater performance standards have been published, both the Palmerston North City Council and Rangitikei District Council have removed land disposal options from their consenting programs due to the perceived barriers / risk.

**Recommendations**

1. That future amendments to the regulations consider whether the standards are achieving their policy intent of encouraging land-based discharge over discharges to water.

AND

2. That the Authority work with MDC and the wider sector to amend the regulations to better facilitate land-based disposal and dual discharge systems.

**Regulation 93 Determination of site classification category: slow-infiltration discharge**

- (1) *The person carrying out a site assessment must determine the site classification category for a site with slow-infiltration discharge in accordance with this regulation.*

Regulation 93 requires a site to be classified based on six factors. These factors are assessed independently from one another. For example, five of the factors could result in site being classified as “category 1” but if one factor is classified as “category 5” the site is considered unsuitable for land disposal. Due to the array of factors there is a high probability that at least one factor will have a low grading. The matrix appears to be based around defining the optimal land disposal option. If the intent is to encourage wastewater operators to discharge to land, Council encourage the Water Service Authority to review this section to be more inclusive as ideal circumstances are not always feasible. As detailed above both Palmerston North and Rangitikei have excluded land discharge options from future plans due to the limitations imposed.

While the land that Manawatū District Council utilise for irrigation is not considered suitable under the standards matrix, wastewater has been successfully discharged to land for seven seasons. Both groundwater and surface water monitoring data has been independently reviewed to confirm that there is no evidence that the land disposal is having an adverse effect on the environment – in fact quite the opposite is true.

It is recommended that the Water Service Authority consider adding a clause similar to clause 92(8) to regulation 93. This would allow a more balanced assessment of the land suitability rather than discounting land disposal due to one factor.

In the event that the site is still classified as “Land Class 4” under table S91(2), the site should not be automatically excluded from the standards. It is recommended that a suitably qualified and experienced person (SQEP) should be required to determine the suitability of the land and recommend a suitable Land Class based on conditions of the site, discharge regime, additional mitigation and available evidence.

MDC remains committed to its dual discharge regime and has advocated for the standards to support such treatment regimes being constructed in other communities. However, we remain concerned that the current discharge to land requirements, including the risk and site capability assessment requirements, effectively encourage operators to discharge to water rather than land. For this reason, MDC encourages the Water Service Authority to review the land discharge section as a matter of urgency.

**Recommendation:**

1. That the Authority review the land discharge section of the regulations as a matter of urgency.

**Other Feedback on the Wastewater Performance Standards**

MDC requests that the Authority consider the following feedback that relates to other sections of the regulations. While potentially outside of the scope of the proposed technical amendments being consulted on currently, MDC recommends that this feedback be addressed through future amendments to the wastewater performance standards. MDC welcomes any further discussion with the Authority regarding these matters.

**Part 3 Discharge from Wastewater Treatment Plants into Water**

**S40 Application of this Part**

*S 40 (2) (2) However, the standards set out in this Part do not apply—*

- (a) to the discharge of treated wastewater if the wastewater is sourced only from producers of industrial and trade waste; or*

To improve treatment and management efficiencies, MDC is in the process of separating trade and industrial waster streams from domestic wastewater. Clarification is sought to determine if a domestic proportion needs to be mixed with the commercial waste stream for it to be covered under this standard. This appears to be an unintended consequence.

**Recommendation**

1. That the Authority clarify whether domestic wastewater must be mixed with industrial and trade waste for it to be covered under regulation 40.

**S 47 Classification of rivers into dilution ratio classes**

- (1) If an application under [regulation 46](#) is to discharge wastewater into a river, the application must specify the river's dilution ratio class.*
- (2) The dilution ratio class must be one of the following:*
  - (a) high dilution:*
  - (b) moderate dilution:*
  - (c) low dilution:*
  - (d) very low dilution.*

**Issue 1 - Step Change between dilution categories**

MDC is concerned about the significant differences/steps in the treatment requirements that apply across the different dilution categories. The current dilution thresholds mean that the same level of treatment quality applies to a discharge with a dilution ratio of 200,

as a discharge with a dilution ratio of 50. For reasons of affordability, Council requests that the Water Service Authority consider how the categories can be replaced with a linear formula.

The benefits of a linear relationship are as follows:

- It allows operators to set a balance between treatment requirements and dilution,
- Operators are encouraged to increase the dilution ratio when moving an entire dilution category is not possible
- A formulae drives transparency. This is currently missing as the limits for different dilution categories are inconsistent (see point 2).
- Simplifies the standards as there will be one category rather than four.
- Address the inconsistencies between dilution categories

This would increase transparency as it would link the quality standard to the target in river quality. This consistency and transparency is lost under the current wording of the performance standards due to the step changes.

**Recommendation**

1. That the Authority develop a linear formula for treatment requirements at different dilution thresholds.

Issue 2 - Inconsistency in effluent quality standards

With the exception of E.coli, the effluent quality standards are inconsistent. When you divide the standards by the minimum dilution requirements for the low, moderate and high dilution categories the results should be identical if the same outcome is intended. As shown in Table 1 below, in general, the level of treatment required increases as dilution increases. MDC encourages the Authority to implement a further review to create consistency between categories.

**TABLE 1: RECEIVING ENVIRONMENT CONCENTRATIONS AFTER COMPLETE MIXING**

Parameter	Stats	Low	Moderate	High
cBOD5	median	1	0.3	0.08
	90th	2	0.6	0.16
TSS	median	1	0.3	0.12
	90th	2	0.6	0.24
Ammonia	90th	0.1	0.06	0.1
T Nitrogen	median	0.5	0.2	0.14
T Phosphorous	median	0.1	0.1	0.04
E.coli	90th	65	65	65

If the concentrations for low dilution are considered appropriate then MDC suggests that those effective concentrations should also be deemed appropriate for moderate and high

dilution. For clarity, where there is a change, the actual limits have been included in brackets (See Table 2 for details). Given the inconsistencies, clarification is required.

**TABLE 2: ADOPTING A CONSISTENT APPROACH**

Parameter	Stats	Low	Moderate	High
cBOD5	median	10	50(15)	250(20)
	90th	20	100(30)	500(40)
TSS	median	10	50(15)	250(30)
	90th	20	100(30)	500(60)
Ammonia	90th	1	5(3)	25
T Nitrogen	median	5	25 (10)	125(35)
T Phosphorous	median	1	5	25(10)
E.coli	90th	650	3250	16250

As these effluent quality standards are used as part of the periphyton adjustment, the inconsistencies in quality for different dilution ratios are compounded when the limits are adjusted for periphyton risk. This is especially significant when looking at total phosphorous limits. For instance, the total phosphorous concentration after full mixing for “high dilution low risk” is lower than the “low dilution high risk.” Insufficient justification has been provided for these differences.

While Council concurs with the effective phosphorous concentration after full mixing reducing in relation to risk, the dilution category is irrelevant in relation to preventing periphyton growth (see Table 3 for details). MDC requests further clarification as to how the respective limits were derived, given the apparent inconsistencies in the approach.

**TABLE 3: PHOSPHOROUS CONCENTRATIONS AFTER FULL MIXING AND PERIPHYTON RISK GRADING APPLIED**

Total Phosphorous	Low risk	Medium Risk	High Risk	Very High Risk
Low	0.1	0.07	0.05	0.025
Moderate	0.06	0.02	0.01	0.005
High dilution	0.04	0.02	0.004	0.001

**S69 (3)(a) Periphyton risk assessment: mandatory considerations**

- (a) first, determining the overall risk of excess periphyton establishment and growth;  
and

If the intent of the wastewater Environmental Performance standards is to create consistency, a clear definition of what constitutes excess periphyton establishment and growth is required.

In addition to the defining what excess periphyton is, the assessment should assess the effect of the discharge and proposed discharge regime.

**Recommendations:**

1. That a definition of “excess periphyton establishment and growth” be added to the regulations.
2. That the Authority amend regulation 69(3)(a) as follows: (additions underlined)  
(a) first, determining the overall risk of the proposed discharge causing, or contributing to, excess periphyton establishment and growth;
3. That the periphyton risk assessment also considers the effect of the discharge and the proposed discharge regime.

**S70 Periphyton risk categories**

*The person or consent authority preparing the periphyton risk assessment must determine that the overall periphyton risk category is one of the following:*

- (a) low risk:  
(b) medium risk:  
(c) high risk:  
(d) very high risk.

In order to create consistency the low, medium, high and very high risks need to be defined. Without this clarification there will be an inconsistent approach in how periphyton risk is assessed. Ideally a SQEP should be involved with developing a consistent approach or methodology for periphyton risk assessments, and this approach specified in the standards, or associated guidance.

**Recommendation:**

1. That the Authority engage a suitably qualified and experienced person to develop an approach/methodology for determining overall periphyton risk and that this be documented in the standards or associated guidance.

### **S68 Application for resource consent must include periphyton risk assessment**

*(5) A consent authority that receives an application under subclause (1) must review the periphyton risk assessment as part of deciding whether to grant the resource consent.*

For every application to discharge into a hard bottomed waterway, **three** SQEP are required to review the risk assessment. If there is uncertainty regarding how risk is to be determined, there could be three different opinions. This will lead to significant costs to the applicant and delay decisions from occurring. Where there are disagreements of this nature, the consenting authority typically defers to their expert. Due to the wording of the standards consenting authorities may use this to significantly increase treatment requirements.

### **Periphyton Implementation Material**

While the performance standards are silent on the need for a multidisciplinary team to assess periphyton risk, there is reference to this in the implementation material. With wastewater treatment and cultural advisors being involved with the QMRAs it appears that the scope of periphyton risk assessment is being expanded. If the intent of the assessment is to determine the risk of excessive periphyton growth, MDC considers that the expertise and experience should be limited to this area of expertise. Clarification is required around the use of multidisciplinary team to complete the Periphyton assessment so as to ensure that the requirements are reasonable and do not add unnecessary cost.

### **Recommendation**

1. That each periphyton risk category is clearly defined in the standards or associated guidance.

AND

2. That the authority reconsider the need for a second SQEP to review the periphyton risk assessment, given that the regulations require that the consent authority completes their own risk assessment.

### **s71 Alternative nitrogen and phosphorus discharge concentration limits**

*(4) (a) (ii) If the river's dilution ratio class under [regulation 47](#) is moderate dilution, the discharge concentration limits are as follows:*

*(a) if the discharge is classified as low risk,—*

*(ii) the annual median concentration of total phosphorus must not exceed 3 milligrams per litre of wastewater:*

Under each dilution category, the TN and TP limits where the periphyton risk category is low are the same as the “default” limits set out in Regulation 49, with the exception of the TP limit in regulation 71(4)(a)(ii) for discharge in the moderate dilution category. This inconsistency seems to be in error and should be corrected to be consistent with S49(4)(g).

The original phosphorous limit for Total phosphorous in the consultation document was 3mg/l. However, through the consultation period this was increased to 5mg/l. It appears this amendment has not been carried through to the periphyton risk assessment.

Increasing the phosphorous limit to 5mg/l for low risk moderate dilution category is consistent with the “low dilution” limit of 1mg/l as it results in 0.1mg/l ( $5/50 = 0.1$ ) after complete mixing.

**Recommendation:**

1. That regulation 71(4)(a)(ii) be amended as follows:

“The annual median concentration of total phosphorus must not exceed ~~3~~**5** milligrams per litre of wastewater”

**S74 Application for resource consent**

- (1) *An application for a resource consent to discharge wastewater in the circumstances set out in [regulation 72](#) must—*
  - (a) *be for a consent under which the consent holder would be permitted to discharge wastewater into a river only during a time period specified in the consent, but at all other times would be required to discharge the wastewater to land, store the wastewater, or manage it in another way (a **time-based consent**); and...*

MDC currently irrigates treated wastewater from the Manawatū WWTP in Feilding to land between November and March inclusive. With the exception of storm events, this discharge regime limits the “time period” for the risk and site capability for discharge to land sites to April – October inclusive. MDC considers that the same rationale should be applied to the “relevant period” that the mixed discharge regime 7MALF is calculated based on. That is, MDC requests that the Authority clarify that if the same discharge regime is retained, the 7MALF is calculated based on the months of April to October. This will achieve the intent of defining the likely low flow conditions during the “time period”.

MDC recommends that the following definitions of “time period” and “exclusion period” be included in Section 42 (Interpretation)

- “Time period” – River discharge not restricted, 7MALF calculated based on this time period.
- “Exclusion period” - No river discharge occurs when river flows are below the amended 7MALF. Discharging during high flow events during this period are still permitted

In MDC’s opinion, the low flow conditions during the “exclusion period” are not relevant in relation to calculating the 7MALF, as a river discharge will be prevented during these conditions. During storm events however, river discharges should still be permitted during the exclusion period as these discharges will coincide with conditions where the flows are significantly above the “time period” 7MALF. Given the higher flows during

storm events, river discharges during this period will have no impact on the likely minimum dilution.

**Recommendations:**

1. That Section 42 be amended to include definitions of “time period” and “exclusion period.” Suggested wording for these definitions is above.
2. That the calculation of the 7MALF excludes that period of time when no river discharge occurs.

**S77 Sampling**

*A wastewater treatment plant must comply with the following sampling, testing, and record-keeping requirements:*

- (a) *if the plant is not a small wastewater treatment plant and it services a community of 10,000 or more people, it must implement a system to ensure that,—*
  - (i) *at least once each day, it samples the treated wastewater; and*

A community with 100,000+ people has significantly more resources than a community with 20,000. To reduce the monitoring burden and lower costs for moderate-sized communities, MDC recommends that additional sampling frequency categories be added to the standards (i.e. 10,000-25,000 & 25,000 – 50,000).

**Recommendation:**

1. That regulation 77 (Sampling) is amended as follows:
  - (a) *if the plant is not a small wastewater treatment plant and it services a community of 10,000 or more people, it must implement a system to ensure that it samples the treated wastewater at the following frequencies,—*
    - ~~(ii) — at least once each day, it samples the treated wastewater; and~~
    - (i) <10,000 every two weeks
    - (ii) 10,000 – 25,000 Once a week
    - (iii) 25,000 – 50,000 once each work day (Mon-Fri)
    - (iv) >50,000 Once each day

**s82 Reporting requirements: wastewater treatment plants**

- (5) *The consent holder must ensure that an annual report—*
  - (a) *is reviewed by an independent and suitably qualified person; and*
  - (b) *includes a statement from that person verifying the contents of the report.*

S82 (5) requires a independent suitably qualified person to review the annual report and verify its contents. As the contents in the annual report are “factual” and not ones “opinion” the need for this additional expenditure is questionable. There is limited value in requiring an independent SQEP to confirm that the required quality and discharge volume standards have been achieved when it is an achieved or not achieved scenario.

**Recommendation:**

1. That regulation 82 be amended to require an independent review of the annual report by an independent SQEP only if compliance has not been achieved.

AND

2. That any review be limited to the proposed amendments for the purpose of concluding if they are going to be sufficient to address the identified non-compliances.

**S89(3) Resource Consent Applications**

*The application may propose that the resource consent be granted subject to conditions that will alter the risk assessment or site classification undertaken for the purpose of the site assessment carried out under regulation 90*

To avoid potential conflicts, at the application stage, MDC seeks working examples of how specific conditions might change the risk assessment / site classification.

The Manawatū District Council again thanks the Water Service Authority Taumata Arowai for the opportunity to provide feedback on technical amendments to the wastewater performance standards. We welcome any further conversations with the Authority in relation to any of the matters raised in this feedback.

Yours sincerely,



Shayne Harris

**Chief Executive**



15/04/2026

Committee Secretariat  
Justice Committee  
Parliament Buildings  
Wellington

## **Submission from the Manawatū District Council on Data and Statistics (Census) Amendment Bill**

Dear Members of the Committee

Manawatū District Council (MDC) thanks the Justice Select Committee for the opportunity to submit on the Data and Statistics (Census) Amendment Bill.

MDC has concerns that a complete move towards an admin-first Census will mean that districts like ours may no longer have reliable data to inform significant planning and decision-making. MDC uses census population counts and demographic breakdowns to underpin our Long-Term Plan (LTP) and infrastructure strategies. MDC further relies on this data when applying for central government funding and when supporting community groups with funding applications. In addition, Stats NZ data is used in policy development—for example, when reviewing the smokefree policy, we analysed smoking rates across demographics to identify priority groups.

The admin-first Census approach assumes that people interact consistently with government systems. There is a significant risk that those experiencing digital exclusion will be left out of this approach. It will be important for government to actively support participation from individuals who have limited or no engagement with digital or administrative systems, and to ensure appropriate mechanisms are in place to enable their inclusion.

An admin-first Census is more reliable in countries that use a unique identifier that follows individuals across government agencies. New Zealand does not currently have such a system. MDC therefore has concerns about an increased risk of misidentification where names differ across organisations. Developing a secure national unique identifier before moving to an admin-first Census would help reduce this margin of error.

MDC 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 and changes to existing data collection practices. For example, MDC does not currently collect ethnicity data, as we rely on census data as best practice. If required to collect this information, issues may arise under the Privacy Act 2020 regarding what councils can collect to properly undertake their functions. There is

also a risk of eroding public trust if communities perceive MDC as sharing their data with central government.

MDC also notes that, since the COVID-19 pandemic, there appears to be a growing reluctance among some parts of the population to engage with government agencies, including local government.

There is a real risk that the expected savings from discontinuing a full Census will not materialise, particularly within the next 5–10 years, and MDC is not convinced that the necessary improvements can be achieved within the proposed timeframes. While the Census was historically a well-respected process with high participation rates, this is no longer consistently the case for all groups. MDC considers that effort should be directed toward rebuilding trust and improving participation, rather than removing the Census in its current form.

MDC has 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 2031, if at all. This could result in reduced funding for certain communities and a misunderstanding of the district’s demographic reality. MDC is particularly concerned that an admin-first model will disproportionately impact iwi, Māori, Pacific, disabled, rainbow, and other smaller or more mobile communities. These are the communities that most need high-quality data to identify and monitor inequities. Without a full Census, iwi affiliation data is likely to degrade quickly, with no alternative population-wide source currently available. We also note strong calls from Māori data experts for investment in iwi-led data systems and indigenous data sovereignty, rather than increased reliance on fragmented government administrative records.

MDC is unsure whether administrative data will produce accurate Māori descent counts and iwi affiliation. Individuals may be hesitant to share whakapapa information with agencies that do not clearly explain why it is required. Additionally, some government forms do not include comprehensive iwi options, which risks under-representation of smaller or less well-known iwi. Administrative data sources also have gaps for people born overseas.

This data is critical for:

- Determining Māori electoral populations and electorates
- Māori health and education planning
- Local partnership and relationship agreements
- Local service planning and investment

MDC also notes that the unhoused community often has a high level of reluctance to engage with government agencies. Relying on community services to provide this data to Statistics New Zealand may erode the trust these services have built. It is also important to recognise that many of these services have experienced recent reductions in central government funding.

To accurately understand the extent of homelessness, MDC considers that dedicated roles would need to be established to collect this data directly. These roles would need to build and maintain trust with the unhoused population over time.

MDC sees merit in retaining a full Census for at least one or two further cycles, alongside the development of administrative data methods. This would allow for benchmarking and validation of administrative data, identification of biases, and a smoother transition. It would also provide a crucial quality assurance mechanism and help maintain public trust in both the electoral system and the wider data system. MDC reiterates that a nationwide Census in 2028 remains the most reliable way to obtain essential population data in the short to medium term.

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**

17 April 2026

Rt Hon Christopher Luxon  
Minister for National Security and Intelligence  
Department of the Prime Minister and Cabinet  
Parliament Buildings  
Wellington 6160

Emailed to: [criticalinfrastructure@dpmc.govt.nz](mailto:criticalinfrastructure@dpmc.govt.nz)

Dear Prime Minister

The Manawatū District Council thanks the Minister for National Security and Intelligence for the opportunity to provide feedback on the discussion document titled “Enhancing the cyber security of New Zealand’s Critical Infrastructure System.”

MDC considers that drinking water and wastewater services are among the most critical infrastructure services, given their direct impact on public health, environmental protection, and the functioning of communities and local economies.

MDC generally supports the intent of the proposed measures to improve cyber resilience across critical infrastructure. However, MDC considers that their effectiveness will depend on being implemented in a risk-based and proportionate manner, with clear guidance, alignment to existing frameworks, and recognition of the capacity constraints facing smaller councils.

### **Introduction**

MDC’s critical infrastructure consists of extensive roading and three waters networks, which underpin essential service delivery across a largely rural district. The Council is responsible for approximately 1,368 kilometres of roads (including both sealed and unsealed), supported by associated assets such as bridges, culverts, and footpaths. Its water supply network extends over 326 kilometres of mains and includes multiple treatment plants, while wastewater services are delivered through a district-wide network of pipes and treatment facilities servicing key settlements. MDC is progressing a significant wastewater centralisation programme, which will consolidate treatment across the district into fewer, more efficient facilities, increasing reliance on interconnected digital and operational systems.

MDC’s infrastructure also supports regionally significant users, including RNZAF Base Ohakea, which relies on Council for water supply and discharges wastewater into the

centralised network, meaning disruption could have consequences beyond the district's resident population. These factors demonstrate that the scale of impact and level of risk associated with MDC's infrastructure are not adequately reflected by connection numbers alone, particularly where services are increasingly centralised and support critical regional assets.

MDC's critical infrastructure serves a population of approximately 34,000 residents (as at 30 June 2025). Approximately 52% of the population resides in Feilding, with the remaining 48% of the population living rurally or in our rural villages. MDC has elected to retain delivery of drinking water, wastewater, and stormwater services in-house as a dedicated water services business unit, reinforcing local control but also concentrating operational and cyber risk within Council-managed systems. Collectively, these roading and water services assets are fundamental to community outcomes, economic activity, and public health, and their scale, interdependence, concentration, and increasing digital integration highlight the importance of a risk-based approach to cyber security protections to ensure service continuity and resilience.

MDC notes the development of Te Utanganui inland port near the district boundary. While this infrastructure may be regionally significant, MDC's expectation is that cyber security responsibilities for such assets would appropriately sit with national operators (such as KiwiRail), rather than with territorial authorities.

### **Parts of Council infrastructure that could be affected by a cyber attack**

MDC's water and wastewater infrastructure relies on a range of interconnected operational and information systems to monitor, control, and maintain essential services. These systems are increasingly digitally enabled and remotely accessed, which improves efficiency but also expands the potential cyber attack surface. The most critical and vulnerable components are operational technology systems, particularly telemetry and control systems that directly manage the delivery and treatment of water and wastewater.

The following systems are understood to be within scope of potential cyber impact:

- **Operational control systems**, including SCADA, telemetry, PLCs, and other remote monitoring and control technologies
- **Water infrastructure controls**, including treatment plant systems, reservoir controls, and pump station operations
- **Wastewater infrastructure controls**, including treatment plants and pump stations
- **Communications and access pathways**, including networks and remote access used by staff, contractors, and service providers
- **Supporting systems**, such as asset management, GIS, maintenance, outage, and incident response platforms that enable service continuity

- **Backup and recovery systems**, which are critical for restoring services following a disruption

Of these, telemetry and operational control systems represent the most direct pathway for service disruption if compromised. Other systems, such as corporate or administrative platforms, are generally of secondary relevance unless they are required to support incident response, customer communication, or service restoration.

While MDC has not undertaken a detailed technical assessment in this context, common vulnerabilities for local government infrastructure of this nature are well understood. These typically include:

- **Legacy systems**, particularly older telemetry or SCADA components that may not support modern security controls
- **Remote access risks**, including access by operators, vendors, or third-party support providers
- **Constraints on patching and updates**, particularly for operational technology where uptime requirements limit maintenance windows
- **Single points of failure**, especially within communications networks or centralised systems
- **Reliance on third parties**, including for hosting, monitoring, maintenance, or system support
- **Gaps in asset visibility**, including incomplete records of critical systems and their interdependencies
- **Unproven recovery capability**, where backup, recovery, and restoration processes have not been fully tested under realistic conditions

Addressing these risks requires a layered and proportionate approach to cyber security. Key areas for strengthening resilience include access controls (such as multi-factor authentication and privileged access management), network separation between IT and operational systems, improved monitoring and logging, robust patching practices where feasible, secure and tested backup arrangements (including offline or immutable backups), incident response planning and regular testing, and stronger assurance of third-party providers through contractual and operational controls.

MDC considers that the depth of cyber security controls should be proportionate to the consequence of failure, with higher expectations applied to systems that are centralised, lack redundancy, or present significant public health or environmental risk.

### **Thresholds for Critical Infrastructure**

MDC's drinking water and wastewater networks do not meet the proposed threshold of at least 25,000 connections. However, this threshold does not adequately reflect the importance of networks that serve concentrated urban communities such as Feilding, where a service outage could have significant public health, environmental, and

community impacts. As wastewater services become increasingly centralised in Feilding, the consequences of a cyber security failure are amplified, with the potential to disrupt services across multiple communities.

MDC considers that consequence of failure, rather than network size alone, is a more appropriate basis for defining critical infrastructure. A simple national threshold based solely on connection numbers risks excluding infrastructure that is regionally significant, highly centralised, or associated with high-consequence failure. This includes infrastructure that, while smaller in scale, plays a critical role in maintaining essential services and supporting economic activity.

MDC's infrastructure also supports regionally significant users whose importance is not captured by a connection-based threshold. RNZAF Base Ohakea, for example, relies on Council for water supply and discharges wastewater into the Sanson Centralisation Line, which ultimately conveys flows to the Manawatū Wastewater Treatment Plant. Disruption to these services could therefore have impacts beyond the district's residential population, reinforcing the need for a broader, consequence-based assessment of criticality. On this basis, MDC considers that it may fall outside the proposed thresholds while still representing infrastructure with significant regional and national consequence risk.

MDC acknowledges that its infrastructure may be of greater significance than a simple connection-based threshold would suggest. However, MDC is concerned that classification as critical infrastructure could introduce significant cost, capability, and compliance requirements that may be disproportionate to the scale and resourcing of a rural territorial authority.

The proposal would benefit from greater clarity on how it intends to account for factors such as concentration risk, reliance on single treatment or conveyance systems, lack of redundancy, and the potential public health and environmental consequences of service failure.

MDC considers that recognising infrastructure as critical does not necessarily mean that all associated cyber security obligations should be placed at the level of individual councils, particularly where capability and control sit more appropriately with national or system-level providers.

***Decisions sought:***

1. That rather than relying solely on a connection threshold, that the definition of critical infrastructure be replaced with a risk-based framework that considers factors such as service criticality, degree of centralisation, interdependencies, consequence of failure, and the presence (or absence) of redundancy.
2. That where smaller councils are captured within a risk-based definition of critical infrastructure, implementation requirements are scaled appropriately and supported to ensure compliance is achievable without disproportionate cost or capability uplift.

## Information Sharing and Reporting

MDC supports improved information sharing and situational awareness across the critical infrastructure system. Should local authority networks such as water supply and wastewater networks be classified as critical (such as under a risk-based approach), this will have implications for how councils manage cyber risk, and is likely to introduce additional reporting requirements, including for third-party service providers. To support practical implementation, MDC recommends:

- Alignment with and use of existing regulatory and reporting frameworks, to avoid duplication and unnecessary compliance burden
- Clear guidance and expectations for territorial authorities, particularly where infrastructure is regionally significant but below national thresholds
- A phased implementation approach, allowing councils time to assess gaps, prioritise investment, and build capability
- Clarity on the role of third-party providers, including shared responsibilities
- A proportionate approach to compliance, reflecting the scale, resources, and risk profile of smaller councils

This would help ensure that any new requirements improve cyber resilience outcomes without imposing disproportionate costs or duplicative obligations on local government.

MDC notes the proposed requirements for reporting cyber incidents, including the expectation to provide early notification within 24 hours and a full report within 72 hours. While MDC supports timely reporting, the ability for smaller councils to meet these timeframes will depend on the scope and level of detail required, particularly where incidents involve third-party systems or where information is still being verified.

MDC seeks clarity on the expected standards and processes for handling sensitive cyber incident information, including secure transmission methods and confidentiality requirements to ensure consistent practice across the sector. It is important that reporting mechanisms provide assurance that sensitive information will be protected to minimise security risks and avoid unintended reputational impacts, particularly where incidents are still being assessed or managed.

To support effective implementation, MDC considers that clear, nationally consistent guidance and assessment frameworks would be beneficial. This could include a decision-making matrix to assist councils in determining the significance of incidents and whether reporting thresholds have been met, similar to existing tools used for assessing notifiable privacy breaches. Such tools would support more consistent and efficient reporting without requiring significant additional capability at the local level.

MDC also notes that the extent of reporting and compliance requirements, including system capability and assurance expectations, may create additional cost pressures for councils. It is therefore important that the framework is designed to ensure equitable and consistent application across the sector, supported by clear benchmarks or maturity

expectations to avoid variability or unintended double standards between organisations of different scale and capability.

***Decisions sought:***

1. That implementation of cyber security requirements is proportionate to risk and council capability, avoids duplication with existing regulatory frameworks, and is supported by clear guidance, consistent benchmarks, and phased timeframes to manage cost and resourcing impacts.
2. That incident reporting requirements are supported by clear guidance, confidentiality protections, and standardised assessment frameworks, to enable consistent and practical implementation without imposing unnecessary additional costs on councils.

**Capability, cost, and allocation of responsibility**

MDC considers that the proposed framework, as currently framed, appears to be oriented toward larger, nationally significant infrastructure providers and may not adequately reflect the scale, capability, and resourcing constraints of rural and provincial councils.

For councils such as MDC, implementing and maintaining the level of cyber security capability implied by the proposed measures would require significant investment in specialist skills, systems, and ongoing operational support. Given the current level of organisational maturity across the local government sector, achieving and sustaining compliance would likely involve material and ongoing cost increases, which would ultimately be borne by ratepayers.

MDC also considers that the proposed approach places a significant portion of responsibility on infrastructure owners and operators, rather than on the technology and service providers that design, supply, and maintain many of the core systems relied upon by councils. This includes systems such as SCADA platforms, telemetry systems, and enterprise software (e.g. ERP and SaaS platforms), where there are a limited number of providers operating nationally.

In MDC's view, there is a strong case for placing greater emphasis on provider-level obligations, where capability, scale, and technical expertise are more concentrated. For example, requiring system providers to meet defined cyber security standards, monitor threats, and report vulnerabilities could deliver more consistent and cost-effective outcomes than expecting each individual council to develop equivalent capability independently.

MDC is also concerned about the potential future introduction of audit or assurance requirements. While not proposed in the medium term, such requirements are signalled as a possible future step. If implemented, these could impose significant additional costs on councils, particularly where external assurance is required. In a local government

context, these costs would ultimately be borne by ratepayers, which raises affordability concerns.

MDC notes that the proposed framework enables the Minister to specify additional measures as part of an entity's risk management programme, including requirements to address single points of failure. While improving resilience is important, meeting such expectations may require increased staffing, duplication of roles, or access to scarce specialist expertise, all of which carry significant cost implications for smaller councils.

This reinforces MDC's view that requirements of this nature are more appropriately directed at national-level system and service providers, where capability and resources are more concentrated, rather than at individual councils with limited scale and capacity.

In addition, MDC notes that the proposed regime includes significant penalties for non-compliance, including for relatively minor breaches. This reinforces the need to ensure that obligations are aligned with the level of control and capability that councils can reasonably maintain, particularly where systems and risks are shared with third-party providers.

***Decisions sought:***

1. That the framework gives greater consideration to the role of technology and service providers in managing cyber risk, including the potential for provider-level obligations to deliver more efficient and consistent outcomes across the sector.
2. That any requirements placed on councils are aligned with their scale and capability, and that compliance expectations, including any future audit requirements, are proportionate and affordable.

**Third-party services and assurance requirements**

MDC relies on a range of third-party providers to support the delivery, operation, and maintenance of its water and wastewater systems, including for software, telemetry, hosting, and specialist operational support. While Councils retain overall accountability as asset owners, delivery of cyber security outcomes is often dependent on third-party systems and providers. As a result, cyber security risk is not solely within Council's direct control but is shared across the systems and services that Council depends on. This raises questions about liability where cyber incidents arise from systems or services managed by third parties.

The proposed framework would benefit from greater clarity on how responsibilities are allocated where critical systems or services are delivered or supported by third parties. In particular, it is important that expectations placed on councils are aligned with the level of control they can reasonably exercise over external providers.

MDC also notes that any audit or assurance requirements relating to third-party systems must be realistic, proportionate, and affordable, particularly for smaller councils. Requirements that rely on extensive third-party certification, auditing, or contractual

enforcement may create significant cost and administrative burden, without necessarily improving cyber resilience outcomes.

**Decision sought:**

1. That Government provides clear guidance on the allocation of cyber security responsibilities between councils and third-party providers, and that any associated audit or assurance requirements are proportionate, practical, and aligned with councils' ability to influence and manage vendor risk.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Ford', written in a cursive style.

Michael Ford

**Mayor**

22 April 2026

Committee Secretariat  
Justice Committee  
Parliament Buildings  
Wellington

Submitted via: [Policing Amendment Bill - New Zealand Parliament](#)

Dear Members of the Justice Committee,

### **Submission from the Manawatū District Council on the Policing Amendment Bill**

The Manawatū District Council (MDC) thanks the Justice Committee for the opportunity to provide feedback on the Policing Amendment Bill (“the Bill”).

MDC supports the intent of the Bill and welcomes the proposed amendments to the Policing Act 2008. Council considers the Bill provides practical benefits by clarifying Police powers following recent legal developments and strengthening the enforcement tools available in public spaces. However, MDC considers it important that the expanded powers are accompanied by clear guidance, appropriate safeguards, and alignment with local government functions to ensure they are applied proportionately and maintain public confidence.

#### **Introduction**

Local authorities frequently encounter challenges in managing behaviour in public spaces, particularly where limited enforcement tools exist or are reliant on Police support. Issues such as non-compliant freedom camping, antisocial behaviour, and misuse of public spaces can be difficult to address effectively without clear and enforceable powers.

Council is often aware of locations where problematic behaviours occur but lacks the enforcement tools to respond effectively, particularly where compliance relies on voluntary behaviour or where there is limited ability to compel individuals to leave an area.

In this context, MDC recognises the importance of ensuring that Police have the necessary legislative authority to support public safety, maintain order, and assist councils in enforcing bylaws where appropriate.

#### **Clarification of Police Powers to Record Images and Sounds**

MDC supports the Bill’s intent to clarify the Police’s authority to record images and sounds in public places and in private places where they are lawfully present.

Council recognises that the recent legal uncertainty following the *Tamiefuna* decision has created operational challenges for Police. Clarifying these powers is appropriate, and Council acknowledges that the ability to collect and use information is a critical component of effective policing, including for prevention, investigation, and intelligence purposes.

However, MDC notes that the proposed provisions are broad, particularly in enabling:

- Recording of any image or sound in public places

- Ongoing or continuous recording for lawful purposes

While this may not be the intent of the Bill, the breadth of these provisions creates a risk that recording powers could be applied inconsistently or more widely than anticipated in practice.

Given the scope of these powers, MDC considers it important that clear operational guidance, appropriate safeguards, and strong oversight mechanisms are in place to ensure these powers are applied proportionately and with due regard to privacy. The breadth of the proposed provisions has the potential to impact public perceptions of privacy if not carefully managed in practice. Maintaining public trust and confidence will be critical to the effective use of these powers.

#### *Decisions Sought*

1. That the Committee recommends that clear guidance and safeguards be developed to support the consistent and proportionate use of recording powers.
2. That the Committee recommends that:
  - Operational guidance on the use of recording powers is publicly available.
  - The application of continuous recording powers is clearly limited to appropriate circumstances.
  - Oversight and accountability mechanisms are clearly articulated.

#### **Expanded Temporary Closure Powers**

MDC strongly supports the expansion of temporary closure powers to include a broader range of accessible areas, including parks, reserves, and other public spaces accessible by vehicle.

From a local government perspective, these changes are particularly beneficial. Councils often face practical limitations in managing high-risk or non-compliant behaviour in public spaces, particularly in areas where reliance is placed on voluntary compliance or where there is limited ability to intervene directly. The ability for Police to close areas where there is disorder, danger, or anticipated offending, to direct individuals and vehicles to leave those areas, and to enforce those directions will significantly strengthen the overall effectiveness of managing such situations.

These powers are likely to be particularly useful in locations such as:

- Freedom camping spots
- Areas experiencing antisocial behaviour
- Places where public safety risks arise quickly and require immediate response

#### **Enforcement and Compliance**

MDC supports the introduction of new enforcement mechanisms, including:

- The power to stop vehicles and direct occupants to leave closed areas.
- Infringement offences for failing to comply with directions.
- Powers to obtain biographical details for enforcement purposes.

These provisions address a key gap in current enforcement frameworks, where non-compliance is difficult to manage in practice. The ability for Police to take direct enforcement action will improve both compliance and deterrence.

The introduction of infringement offences is a proportionate response that enables enforcement without unnecessarily burdening the courts, while still providing a meaningful deterrent.

From a practical perspective, MDC notes that the effectiveness of these powers will depend on Police resourcing and operational prioritisation. In many cases, the ability to respond in a timely manner will determine whether these powers can be meaningfully applied. Ensuring that Police are adequately resourced, particularly in rural areas and outside standard operating hours, will be important to achieving the intended outcomes of the Bill.

### **Interface with Local Government Functions**

MDC considers that, in practice, the effectiveness of these powers will depend on how they interface with local authority bylaws and enforcement activity.

Councils often rely on Police support to assist with enforcement in public places. Without clear alignment, there is a risk that expectations of enforcement may not be consistently met, and that responsibilities between Police and councils remain unclear in practice.

#### *Decisions Sought*

1. That the Committee recommends that guidance be developed that clarifies how Police powers under the Bill will operate alongside local authority bylaws
2. That clear expectations are established regarding when and how Police will support council-led enforcement activities.

Improved alignment will help ensure that the benefits of the Bill are realised in practice and that responsibilities between agencies are clearly understood.

### **Safeguards and Proportionality**

While MDC supports the Bill, we also wish to emphasise the importance of ensuring that the expanded powers are exercised proportionately and appropriately in practice.

Specifically, we consider that:

- The use of recording powers should be proportionate and necessary.
- The use of force and detention powers in closed areas should be carefully managed.
- Clear accountability mechanisms should be maintained.

Appropriate safeguards will be essential to maintaining public confidence and ensuring that the powers are used consistently and fairly.

### **Conclusion**

The Manawatū District Council supports the Policing Amendment Bill in principle.

The Bill provides important clarification of Police powers and introduces practical tools that will strengthen the ability to manage public safety issues in a range of settings. In particular, the expanded temporary closure and enforcement powers will provide meaningful benefits for councils and communities.

MDC considers the Bill would benefit from:

- Clear operational guidance and safeguards relating to recording powers.
- Greater clarity on how Police powers will interface with local government bylaws and enforcement activities.

MDC also notes that the practical effectiveness of the proposed powers will depend on proportional application, clear operational guidance, and sufficient Police resourcing.

With these considerations addressed, MDC considers the Bill will make a positive contribution to public safety and community wellbeing.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Ford, JP'. The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Michael Ford, JP  
**Mayor**

28 April 2026

P4509 Firefighting water supplies Technical Advisory Group

Standards New Zealand

PO Box 1473

Wellington 6140

Dear members of the Technical Advisory Group

### **Submission from the Manawatū District Council on DZ PAS 4509:202X Firefighting Water Supplies – Code of Practice**

The Manawatū District Council (MDC) thanks Standards New Zealand for the opportunity to provide feedback on DZ PAS 4509:202X – Firefighting Water Supplies – Code of Practice (the “draft COP”).

MDC generally supports the proposed Code of Practice as a necessary update to SNZ PAS 4509:2008 to reflect current legislation and Fire and Emergency New Zealand operational practice, and its role as a single framework applicable across both urban and rural contexts. MDC particularly supports the stronger planning focus of the draft and its recognition that firefighting water supply issues are best addressed early through subdivision, land use, and design processes. MDC also supports the Code’s move toward more risk-based hydrant testing and improved record-keeping expectations, while noting the need for these requirements to remain practical and proportionate for smaller councils.

However, MDC considers that the Code requires clearer direction on the treatment of legacy, constrained, and low-pressure water supply systems, and clearer distinction between the level of service reasonably expected from the public network and the mitigation that may be required for site-specific developments.

#### **Introduction**

Manawatū District Council provides drinking water services to a range of communities across the district through a mix of urban and rural reticulated schemes, alongside areas that rely on private or self-supplied water sources. Council-operated supplies service the main communities of Feilding, Himatangi Beach, Rongotea, Sanson/Ōhakea, Stanway-Halcombe, and Waituna West, each with differing source water characteristics, treatment processes, storage capacity, and levels of resilience. A significant proportion of the district’s rural population also relies on private supplies, including roof water and shallow bores, where levels of service, reliability, and water quality can vary.

Larger urban systems, such as Feilding, benefit from multiple sources, substantial storage, and on-demand reticulation networks. In contrast, smaller and rural schemes, including Sanson/Ōhakea, Stanway-Halcombe, and Waituna West, operate as restricted or constant flow systems that supply water to onsite storage tanks at individual properties. These systems are designed to provide a reliable potable water supply, rather than high instantaneous flows.

As a result, while most communities receive a sufficient and generally safe supply of drinking water, not all schemes are configured to provide firefighting water supply through the network. In particular, restricted and rural systems may be unlikely to meet firefighting water supply requirements without significant modification.

### **General Feedback**

While MDC supports the intent of the proposed Code of Practice (COP), we are concerned about potential implications for small and restricted water supply schemes such as Sanson and Ōhakea. MDC understands that the COP is expected to act as a benchmark for assessing the adequacy of firefighting water supply and could influence planning, consenting, and infrastructure decision-making over time. While non-mandatory, there is a risk the COP may be applied as a de facto standard through these processes.

MDC therefore requests that the Code be amended to clarify that it does not create an obligation on water service providers to upgrade existing public water supply networks where firefighting capacity was not part of the original network design. MDC further requests that the Code clearly confirm that compliance can be achieved through alternative site-level or non-reticulated solutions where network capacity is limited. This reflects the need to clearly distinguish between public network service obligations and development-specific mitigation, and to address these matters separately through planning and consenting processes.

MDC notes that, read together, the foreword and clause 1.2 may create uncertainty in practice. The foreword indicates that the Code is not intended to provide specifications for individual fire protection systems, while clause 1.2 places responsibility on the building owner where public supply is insufficient. MDC considers that the relationship between these statements, and the Code's intended use in planning and consenting frameworks, should be clarified.

It is also unclear how the COP is intended to be applied in practice alongside broader council decision-making processes, including consideration of cost, proportionality, and local context, particularly for small or rural schemes.

MDC also seeks clearer direction in the Code on the treatment of legacy or constrained water supply systems that do not meet all performance requirements, including minimum pressure. This should include how such constraints are to be identified, mapped, classified, disclosed, and managed through planning and consenting processes, LIMs, customer communication, and long-term asset planning.

Consideration should also be given to how such systems are described or classified, as broad categorisation as “non-compliant” may not accurately reflect operational capability and could create unintended consequences, including misinterpretation of

risk by property owners, insurers, and the wider community and reduced confidence in water services.

In particular, the Code should confirm that acknowledging an existing network constraint does not make that supply compliant, but instead provides a transparent basis for recording deficiencies, informing affected parties, managing risk, and prioritising upgrade or mitigation over time. The final Code should also provide practical guidance on how these supplies are to be managed without creating an unintended expectation that all existing networks must be upgraded to full Code performance. Clear direction on this issue is particularly important for smaller and mixed rural-urban districts, where historic infrastructure limitations may persist for some time.

MDC recommends supplementing the Code with additional guidance and worked examples that reflect a broader range of real-world scenarios, particularly those involving small, rural, or restricted water supply schemes.

This could include a simple and standardised set of minimum requirements for alternative firefighting water supplies, such as storage volume, fittings and couplings, signage, access, hardstands, refill arrangements, and ongoing maintenance responsibilities, to support consistent application and reduce interpretation disputes.

Expanding the examples to demonstrate how compliance can be achieved through a combination of reticulated and non-reticulated solutions, staged development, or site-specific mitigation measures would improve clarity and support more consistent application across different contexts. This could also include a concise implementation checklist or clear minimum information requirements for subdivision, resource consent, and building consent processes to support consistent application.

MDC supports the inclusion of flexible, site-specific solutions for achieving firefighting water supply outcomes, particularly in rural and non-reticulated areas. In many parts of the Manawatū District, practical approaches such as on-site storage tanks, shared community supply points, or other non-reticulated sources will be more feasible and proportionate than upgrading reticulated networks. The Code should more explicitly recognise and enable these approaches as valid means of achieving compliance, where they deliver an appropriate level of risk management.

MDC also considers it important that the Code more clearly acknowledges the need to balance firefighting water supply expectations with broader water service obligations, including the provision of safe drinking water and the management of emergency events such as drought or contamination. In practice, water service providers may be required to prioritise public health and continuity of supply, which can constrain the availability of water for firefighting purposes. Recognising these constraints would support a more realistic and integrated approach to water management.

Addressing these matters would improve the clarity and usability of the Code, particularly for councils managing diverse and resource-constrained water supply systems.

**Decisions sought:**

1. That the Code be amended to explicitly confirm that it does not create an obligation on water service providers to upgrade existing public water supply networks to meet firefighting requirements, and that compliance can be achieved through non-reticulated and site-level solutions where network capacity is limited.
2. That the Code provide clearer guidance that any solutions to firefighting water supply should be proportionate, taking into account cost, scale, and local context, particularly for small or rural communities.
3. That the Code be amended to include additional guidance and worked examples that reflect a wider range of real-world scenarios, including small, rural, and restricted water supply schemes.
4. That the Code be amended to include clear guidance on the treatment of legacy or constrained water supply systems that do not meet all performance requirements, including how such constraints are to be identified, recorded, disclosed, and managed through planning, consenting, and long-term asset planning processes, and to confirm that acknowledging a constraint does not make a supply compliant.
5. That the Code include practical implementation guidance, including minimum information requirements for subdivision, resource consent, and building consent processes.

MDC appreciates the opportunity to provide feedback and would welcome further engagement as the Code is finalised.

Yours sincerely



Shayne Harris  
**Chief Executive**

14 May 2026

Committee Secretariat  
Justice Committee  
Parliament Buildings  
Wellington

Submitted via: [Sale and Supply of Alcohol \(Improving Alcohol Regulation\) Amendment Bill - New Zealand Parliament](#)

Dear Members of the Justice Committee,

**Re: Submission from the Manawatū District Council on the Sale and Supply of Alcohol (Improving Alcohol Regulation) Amendment Bill**

The Manawatū District Council (MDC) thanks the Justice Committee for the opportunity to provide feedback on the Sale and Supply of Alcohol (Improving Alcohol Regulation) Amendment Bill (“the Bill”).

MDC supports the intent of the Bill and acknowledges the objective of improving alcohol regulation while reducing unnecessary regulatory burden and supporting economic growth. From an operational perspective, Council sees clear benefits in terms of efficiency, clarity, and alignment with current industry practice.

Council recognises that a well-functioning licensing system is important for community wellbeing and economic activity. However, MDC considers it important that the proposed changes are implemented in a way that maintains the primary objective of minimising alcohol-related harm, while supporting effective local decision-making and providing clarity for licensing authorities.

**Introduction**

Territorial authorities play a key role in the alcohol licensing system through District Licensing Committees (DLCs), enforcement functions, and the development of Local Alcohol Policies (LAPs). Councils are also directly impacted by the social, environmental, and community effects of alcohol-related harm.

From a local government perspective, it is important that any changes to the regulatory framework are practical to implement, clearly understood, and able to support effective decision-making at a local level.

**Overview of Supported Amendments**

MDC supports a number of the amendments proposed in the Bill, particularly those that:

- Improve the efficiency and clarity of licensing processes;
- Reflect modern business models and practices, including provisions for dual licences and producer tasting rooms;

- Clarify responsibilities for rapid delivery services to reduce the risk of supply to minors and intoxicated persons;
- Enable the promotion and availability of zero-alcohol products; and
- Provide a low-risk exemption for hairdressers and barbers under defined conditions.

These changes represent practical improvements and align with harm minimisation objectives.

## **Considerations**

### *Balance and Proportionality*

MDC considers that the overall effectiveness of the Bill will depend on how well it maintains an appropriate balance between improving efficiency and minimising alcohol-related harm.

While many of the proposed changes are individually reasonable, their cumulative effect has the potential to increase alcohol availability and shift how decision-making is undertaken across the licensing system. Council notes that while some amendments, such as the restriction on objections, strengthen the role of local communities, other changes move key aspects of the framework into regulations or reduce the influence of local tools such as Local Alcohol Policies.

Council considers that the overall impact of these combined changes is as important as the individual amendments, and that careful consideration should be given to how they interact in practice.

### *Changes to Licensing Processes*

MDC supports the aspects of the Bill that aim to improve efficiency and clarity of licensing processes, including providing applicants with a right of reply to objections and clarifying procedural requirements.

MDC also supports the proposal to limit objections to persons who reside or have a business within the district or in close proximity to the premises. Council considers that licensing decisions should be informed by those communities most directly affected by the operation of a premises.

Focusing objections on local perspectives is likely to improve the relevance and quality of information presented to District Licensing Committees and contribute to more efficient and targeted decision-making processes.

MDC notes that, while this approach appropriately prioritises local input, it will be important to ensure that licensing committees retain access to relevant expertise and evidence where appropriate.

### *Special Licensing Framework*

MDC acknowledges the intent to streamline special licensing and introduce a risk-based framework.

However, Council notes that key criteria and conditions for special licences are proposed to be set out in regulations rather than in the Act. At present, the detail of this framework is not available.

From a local government perspective, this creates uncertainty for licensing committees responsible for applying the framework in practice. It also reduces transparency and may limit local discretion in decision-making.

MDC recommends that sufficient clarity and guidance are provided, and that territorial authorities are appropriately involved in the development of this framework to ensure it is workable and consistently applied.

There is a risk that, without sufficient detail in primary legislation, the framework could be applied inconsistently across districts, reducing predictability for applicants and undermining confidence in the licensing system.

#### *Increased Availability and New Licensing Pathways*

The Bill introduces a number of changes that expand the ways in which alcohol can be sold and supplied, including:

- Allowing certain premises to hold both on- and off- licences;
- Expanding producer tasting rooms;
- Enabling restaurants to obtain off-licences in additional circumstances; and
- Allowing extended trading for significant events.

MDC recognises that these changes reflect modern business models and may provide economic and operational benefits.

At the same time, Council notes that collectively these changes may increase the availability of alcohol. It will be important that this is carefully managed to ensure alignment with the objective of minimising alcohol-related harm.

#### *Local Alcohol Policies and Local Decision-Making*

MDC notes that the Bill reduces the influence of Local Alcohol Policies (LAPs) on certain licensing decisions, including renewals.

LAPs are an important tool for territorial authorities to reflect community views and respond to local conditions over time. While MDC does not currently have a LAP in place, Council recognises the importance of maintaining the effectiveness of these tools across the sector. It is important that the interaction between LAPs and the proposed changes is clearly understood, and that their role in supporting local decision-making is not unintentionally weakened.

#### *Implementation and Local Government Interface*

MDC considers that the practical effectiveness of the proposed changes will depend on how they are implemented and how they interface with local government responsibilities.

The Bill introduces new processes and requirements that will impact DLCs and council staff. This includes changes to licensing procedures, new regulatory frameworks, and transitional arrangements where different rules apply at different times.

Effective implementation will also rely on enforcement and regulatory agencies having sufficient capacity and resourcing to respond to increased licensing activity and compliance requirements.

From a local government perspective, it will be important that:

- Clear guidance is provided to support consistent decision-making.
- Implementation is supported with appropriate resources and information.
- The interaction between national regulations and local decision-making is well understood.

Without this clarity, there is a risk of inconsistency, increased administrative complexity, and uncertainty for applicants and communities.

### **Recommendations**

MDC recommends that:

- Clear guidance is developed to support the consistent and practical implementation of the new licensing framework, particularly for District Licensing Committees.
- Further detail is provided on the proposed risk-based framework for special licences before it is implemented.
- Territorial authorities are appropriately consulted on regulatory changes affecting licensing processes.
- The interaction between Local Alcohol Policies and the proposed changes is clarified.
- The impacts of increased alcohol availability resulting from the Bill are actively monitored and reviewed.

### **Conclusion**

The Manawātū District Council supports the Sale and Supply of Alcohol (Improving Alcohol Regulation) Amendment Bill in principle.

The Bill introduces a range of practical changes that aim to improve the efficiency and clarity of the licensing system and better reflect current practices.

However, MDC notes that the Bill would benefit from greater clarity in key areas, particularly in relation to the special licensing framework, local decision-making, and implementation at a local government level.

With this clarity, the Bill has the potential to improve the effectiveness of the alcohol licensing system while maintaining appropriate safeguards to minimise alcohol-related harm.

Yours sincerely



Michael Ford, JP  
**Mayor**