



# Council Agenda

Thursday 24 July 2025, 8:30 am

The meeting will be held at Hato Hone St Johns,  
35 Bowen Street, Feilding, and a video recording  
made available on [www.mdc.govt.nz](http://www.mdc.govt.nz).

**[www.mdc.govt.nz](http://www.mdc.govt.nz)**

## **MEMBERSHIP**

### **Chairperson**

Her Worship the Mayor, Helen Worboys

### **Deputy Chairperson**

Councillor Michael Ford

### **Members**

Councillor Bridget Bell  
Councillor Steve Bielski  
Councillor Lara Blackmore  
Councillor Stuart Campbell  
Councillor Grant Hadfield  
Councillor Colin McFadzean  
Councillor Andrew Quarrie  
Councillor Kerry Quigley  
Councillor Alison Short  
Councillor Fiona Underwood

A handwritten signature in dark ink, appearing to read 'Shayne Harris', with a stylized flourish at the end.

Shayne Harris  
**Chief Executive**

# ORDER OF BUSINESS

PAGE

**1. MEETING OPENING**

Cr Stuart Campbell will open the meeting.

**2. APOLOGIES**

**3. CONFIRMATION OF MINUTES**

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***Recommendation***

*That the minutes of the Council meeting held 19 June 2025 be adopted as a true and correct record.*

**4. DECLARATIONS OF INTEREST**

Notification from elected members of:

- 4.1 Any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting; and
- 4.2 Any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968

**5. PUBLIC FORUM**

There are no public forum speakers scheduled for this meeting.

**6. PRESENTATIONS**

There are no presentations scheduled for this meeting.

**7. NOTIFICATION OF LATE ITEMS**

Where an item is not on the agenda for a meeting, that item may be dealt with at that meeting if:

- 7.1 The Council by resolution so decides; and
- 7.2 The Chairperson explains at the meeting at a time when it is open to the public the reason why the item is not on the agenda, and the reason why the discussion of the item cannot be delayed until a subsequent meeting.

**8. RECOMMENDATIONS FROM COMMITTEES**

There are no recommendations from committees.

**9. NON-COUNCIL MEETINGS – FOR INFORMATION**

**9.1 COMMITTEE AND GROUP MEETINGS – FOR INFORMATION**

Minutes of the following Council Committees, Community Committees and Youth Council meetings are uploaded to the Council's website, as they become available.

Liaison councillors will have the opportunity to provide a verbal update.

The below meetings took place from 19 June to 23 July 2025:

<b>COMMUNITY COMMITTEE MEETINGS</b>	
Colyton Community Committee	<ul style="list-style-type: none"> <li>• 19 June 2025</li> <li>• 17 July 2025</li> </ul>
Halcombe Community Committee	<ul style="list-style-type: none"> <li>• 7 July 2025</li> </ul>
Himatangi Beach Community Committee	<ul style="list-style-type: none"> <li>• 26 June 2025</li> </ul>
Hiwinui Community Committee	<ul style="list-style-type: none"> <li>• 15 July 2025</li> </ul>
Rongotea Community Committee	<ul style="list-style-type: none"> <li>• 7 July 2025</li> </ul>
Sanson Community Committee	<ul style="list-style-type: none"> <li>• 10 July 2025</li> </ul>
<a href="https://www.mdc.govt.nz/about-council/committees-and-organisations/community-committees-and-plans">https://www.mdc.govt.nz/about-council/committees-and-organisations/community-committees-and-plans</a>	

<b>YOUTH COUNCIL MEETINGS</b>	
Meeting	<ul style="list-style-type: none"> <li>• 21 July 2025</li> </ul>
<a href="https://www.mdc.govt.nz/about-council/committees-and-organisations/mdc-youth-council/youth-council-meeting-minutes">https://www.mdc.govt.nz/about-council/committees-and-organisations/mdc-youth-council/youth-council-meeting-minutes</a>	

## 9.2 MARAE LIAISON COUNCILLORS

Councillors have the opportunity to update council about their marae committee.

## 10. OFFICER REPORTS

<b>10.1</b>	<b>ADOPTION - SMOKEFREE AND VAPEFREE POLICY</b>	<b>23</b>
	Report of the General Manager – People and Corporate.	
<b>10.2</b>	<b>APPROVAL TO PUBLICLY NOTIFY THE CONSULTATION OF THE PUBLIC PLACES BYLAW</b>	<b>36</b>
	Report of the General Manager – People and Corporate.	
<b>10.3</b>	<b>DELEGATIONS MANUAL - RESOURCE MANAGEMENT ACT 1991 (DESIGNATIONS AND NOTICE OF REQUIREMENTS)</b>	<b>85</b>
	Report of the Chief Executive.	
<b>10.4</b>	<b>SUBMISSIONS LODGED ON BEHALF OF COUNCIL FROM 4 APRIL 2025 TO 24 JUNE 2025</b>	<b>89</b>
	Report of the General Manager – People and Corporate.	
<b>10.5</b>	<b>TARGA RALLY 2025 ROAD CLOSURE REQUEST</b>	<b>187</b>
	Report of the General Manager – Infrastructure.	



## 10.6 MEMORANDUM OF ARRANGEMENT WITH COVA-LIMA (SUAI), TIMOR-LESTE

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Report of the General Manager – People and Corporate.

### 11. CONSIDERATION OF LATE ITEMS

### 12. PUBLIC EXCLUDED BUSINESS

COUNCIL TO RESOLVE:

That the public be excluded from the following parts of the proceedings of this meeting, namely:

1. Feilding Civic Centre Trustee Recruitment direction
2. NZMCA Campground Lease at Mt Lees Reserve
3. Award of Contract – Enterprise Resource Planning (ERP) System

That the general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds under Section 48(1) for the passing of this resolution
13.1 Feilding Civic Centre Trustee Recruitment Direction	7(2)(a) – privacy <i>The report may discuss the private details of individuals who may or may not be appointed to the Trust</i>	s48(1)(a)
13.2 NZMCA Campground Lease at Mt Lees Reserve	7(2)(i) – commercial negotiations <i>The report discusses possible annual rents and other commercially sensitive information</i>	s48(1)(a)
13.3 Award of Contract – Enterprise Resource Planning (ERP) System	7(2)(i) – commercial negotiations <i>The report addresses confidential contract costs and other key contractual matters</i>	s48(1)(a)

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interests protected by Section 6 or Section 7 of the Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public as specified above.

### 14. MEETING CLOSURE

MEETING MINUTES	
COUNCIL	TIME
THURSDAY 19 JUNE 2025	8:33 AM

Minutes of a meeting of the Council held on Thursday 19 June 2025, which commenced at 8.33 am at Hato Hone St Johns, 35 Bowen Street, Feilding.

**PRESENT:**

Mayor Helen Worboys	Chairperson
Cr Bridget Bell	Via Zoom
Cr Steve Bielski	
Cr Lara Blackmore	
Cr Stuart Campbell	
Cr Michael Ford	
Cr Grant Hadfield	
Cr Colin McFadzean	
Cr Kerry Quigley	
Cr Alison Short	
Cr Fiona Underwood	

**APOLOGIES:** Cr Andrew Quarrie

**IN ATTENDANCE:**

Shayne Harris	Chief Executive
Hamish Waugh	General Manager – Infrastructure
Frances Smorti	General Manager – People and Corporate (Via Zoom)
Lyn Daly	General Manager – Community
Amanda Calman	Chief Financial Officer
Ash Garstang	Governance and Assurance Manager
Jeena Baines	Data Insights and Research Analyst (Via Zoom)
Ross Patching	Development Navigator
Lisa Thomas	Strategy Manager
Axel Malecki	Policy Adviser
Jason Rosenbrock	Regulatory Services Manager

MDC 22-25/1189

#### MEETING OPENING

Cr Lara Blackmore opened the meeting.

MDC 22-25/1190

#### APOLOGIES

Cr Andrew Quarrie was on a pre-approved leave of absence. Cr Kerry Quigley was an apology for lateness and joined the meeting at 9.12 am.

MDC 22-25/1191

#### CONFIRMATION OF MINUTES

#### RESOLVED

**That the minutes of the Council meeting held 05 June 2025 be adopted as a true and correct record.**

**Moved by:** Cr Michael Ford

MEETING MINUTES		
COUNCIL		TIME
THURSDAY 19 JUNE 2025		8:33 AM

**Seconded by: Cr Lara Blackmore**

**CARRIED (10-0)**

MDC 22-25/1192

#### DECLARATIONS OF INTEREST

There were no declarations of interest.

MDC 22-25/1193

#### PUBLIC FORUM

There were no requests for public forum.

MDC 22-25/1194

#### FEILDING AND DISTRICT PROMOTION 6 MONTHLY REPORT TO 31 DECEMBER 2024

Report of the General Manager – Community for Council to receive the six-month report to 31 December 2024 from Feilding and District Promotion Inc who are required to report against the agreed performance measurements in the priority services contract between Feilding and District Promotion Inc and Council that ends on 30 June 2025.

#### RESOLVED

**That the Council receive the six-month report from Feilding and District Promotion Inc for the period ending 31 December 2024.**

**Moved by: Cr Michael Ford**

**Seconded by: Cr Alison Short**

**CARRIED (10-0)**

MDC 22-25/1195

#### CENTRAL ECONOMIC DEVELOPMENT AGENCY FINAL STATEMENT OF INTENT 2025 – 2026

Report of the General Manager – Community presenting the Central Economic Development Agency (CEDA) final Statement of Intent for 2025 to 2026.

Jerry Shearman, Katie Brosnahan and Janet Reynolds spoke to the Council.

#### RESOLVED

**That Council agrees with the final Statement of Intent 2024 to 2025 submitted by the Central Economic Development Agency (Attachment 1).**

**Moved by: Cr Michael Ford**

MEETING MINUTES	
<b>COUNCIL</b>	TIME
<b>THURSDAY 19 JUNE 2025</b>	<b>8:33 AM</b>

**Seconded by: Mayor Helen Worboys**

**CARRIED (10-0)**

MDC 22-25/1196

#### PRESENTATION – RESIDENTS SATISFACTION SURVEY QUARTER 3

Jeena Baines, Data Insights and Research Analyst from Manawatu District Council will be presenting the latest survey results.

- Improvement on the results from this time last year. Concerns continue around increasing rates, the difference between urban and rural ratepayers, and a desire for Council to focus on core services.
- 8 of the 11 measures are above the benchmark. Enquiry handling is still below the benchmark but has been improving.
- The largest increases in positive responses were around the libraries, public toilets and the 'Taste of the Water.'
- The largest decreases are around customer service, community funding and development services, and ease of access to Council funding for events.

*Cr Kerry Quigley joined the meeting at 9.12 am.*

MDC 22-25/1197

#### AUDIT AND RISK COMMITTEE RE: QUARTERLY PERFORMANCE REPORT TO 31 MARCH 2025

##### **RESOLVED**

**That the Council:**

1. **Notes the recommendation from the Audit and Risk Committee at its meeting 12 June 2025 (ARC 22-25/216), regarding the receipt of this report; and**
2. **Receives the Quarterly Performance Report and Treasury Report to 31 March 2025.**

**Moved by: Cr Stuart Campbell**

**Seconded by: Cr Colin McFadzean**

**CARRIED (11-0)**

MDC 22-25/1198

#### COMMITTEE AND GROUP MEETINGS – FOR INFORMATION

The following Council Committees, Community Committees and Youth Council meetings were notified for information.

MEETING MINUTES		
COUNCIL		TIME
THURSDAY 19 JUNE 2025		8:33 AM

COMMUNITY COMMITTEES	
Āpiti Community Committee	• 12 June 2025
Bainesse-Rangiotu Community Committee	• 18 June 2025
Glen Oroua-Taikorea Community Committee	• 10 June 2025
Halcombe Community Committee	• 16 June 2025
Hiwinui Community Committee	• 17 June 2025
Kimbolton Community Committee	• 9 June 2025
Kiwitea Community Committee	• 18 June 2025
Pohangina Valley Community Committee	• 11 June 2025
Sanson Community Committee	• 12 June 2025
Tangimoana Community Committee	• 16 June 2025

YOUTH COUNCIL	
Meeting	• 9 June 2025
Meeting	• 16 June 2025

Liaison Councillors provided brief updates on their respective Committees.

- Āpiti Community Committee – Cr Bielski. The Committee had a small attendance and did not have enough for quorum.
- Bainesse-Rangiotu Community Committee, Sanson Community Committee, Tangimoana Community Committee – Cr Short. These groups have mostly been focused on how they are going to use the last of their funding.
- Glen Oroua-Taikorea – Cr Hadfield. The Committee talked about the community pathway to the hall.
- Halcombe Community Committee – Cr McFadzean. They reviewed their community plan and iwi members attended.
- Kimbolton Community Committee – Cr McFadzean. They have spent a lot of money doing up the Hall but are struggling to get people to use it and pay the nominal charges.
- Hiwinui Community Committee – Cr Underwood. The Committee are concentrating on extending their walkway programme. They have a total of 400m in three directions to complete Stage One. They hope that with additional funding, they will finish this stage by the end of the year.
- Kiwitea Community Committee – Cr Ford. The Chair has stood down. There is a quiz night on the 26 July. The Committee are also working on heat pumps and bathroom upgrade. The Community plan is nearly finalised.
- Youth Council – Cr Blackmore. Very focused on the Youth Market on the 19<sup>th</sup> of July. One youth member has been accepted into the Inspiring Leader's forum, and two are funded to attend Outward Bound.

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COUNCIL	TIME
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MDC 22-25/1199

#### MARAE LIAISON COUNCILLORS

Councillors provided a verbal update on their attendance at marae meetings.

- Taumata o Te Rā Marae – Cr McFadzean advised that his meetings with the marae are going well.

MDC 22-25/1200

#### DECISION ON THE FREEDOM CAMPING BYLAW

Report of the General Manager – People and Corporate presenting to Council the proposed Freedom Camping Bylaw (Annex A) for final decisions.

And

To present the updated Site Assessment (Annex B) for approval to upload this to Council's website to support the amended Freedom Camping Bylaw. NOTE: Attachments Annex A and B were tabled after the agenda was published.

#### RESOLVED

1. That, in accordance with section 11(2) of the Freedom Camping Act 2011, the Council determines that the Freedom Camping Bylaw (Annex A) is:
  - a. necessary for one or more of the following purposes:
    - i. To protect the area;
    - ii. To protect the health and safety of people who may visit the area
    - iii. To protect access to the area; and
  - b. is the most appropriate and proportionate way of addressing the perceived problem in relation to that area; and
  - c. is not inconsistent with the New Zealand Bill of Rights Act 1990.
2. That, in accordance with section 11B(3), the Council adopt the proposed Freedom Camping Bylaw made under sections 11 and 11A of the Freedom Camping Act 2011 (Annex A).

AND

3. That the Council approves the updated Site Assessment (Annex B) to be published on Council's website in support of the amended Freedom Camping Bylaw.

AND

4. That the Council gives delegation to the Chief Executive to make any final edits to the Freedom Camping Bylaw or the updated Site Assessment before publication.

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COUNCIL	TIME
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**Moved by: Cr Alison Short**

**Seconded by: Cr Colin McFadzean**

**CARRIED (11-0)**

MDC 22-25/1201

#### **PUBLIC PLACES BYLAW S155 ASSESSMENT**

Report of the General Manager – People and Corporate presenting to Council the findings of the s155 Assessment of the Local Government Act 2002 to determine in whether Council is satisfied that:

- (a) The bylaw is necessary for 1 or more of the following purposes:
  - i. Protecting the public from nuisance.
  - ii. Protecting, promoting, and maintaining public health and safety.
  - iii. Minimising the potential for offensive behaviour in public places.
- (b) The bylaw is the most appropriate and proportionate way of addressing the perceived problems identified, and
- (c) The bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

And,

To confirm that the best approach is to complete a statutory review of the Manawātū District Council's Public Places Bylaw, and to consult in accordance with the special consultative procedure.

#### **RESOLVED**

1. **That Council endorse the s155 Assessment (Annex 1) determining that a bylaw is the most appropriate tool to address the identified issues.**
2. **That Council determines, pursuant to section 155 of the Local Government Act 2002, that:**
  - a. **A bylaw is the most appropriate way of addressing issues associated with the management of public places in the Manawātū District.**
  - b. **A Public Places Bylaw is necessary for those purposes set out in section 145 of the Local Government Act.**
  - c. **The proposed Public Places Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.**

**Moved by: Cr Michael Ford**

**Seconded by: Cr Kerry Quigley**



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**CARRIED (11-0)**

*The meeting was adjourned at 10.02 am and reconvened at 10.24 am.*

MDC 22-25/1202

**ADOPTION OF THE ANNUAL PLAN 2025-26**

Report of the Chief Financial Officer presenting to Council the Annual Plan 2025/26 to Council for adoption.

**RESOLVED**

1. That in accordance with Section 95 of the Local Government Act 2002, the Council adopts the Annual Plan 2025/26.
2. That the Chief Executive be authorised to approve any final edits required to the Annual Plan 2025/26 in order to finalise the document.

Moved by: Mayor Helen Worboys

Seconded by: Cr Michael Ford

**CARRIED (11-0)**

MDC 22-25/1203

**ADOPTION OF RATES RESOLUTION 2025-26**

Report of the Chief Financial Officer seeking Council approval to set rates, due dates, and penalties for unpaid rates, for the financial year ending 30 June 2026 as required by the Local Government (Rating) Act 2002.

**RESOLVED**

**That the Manawātū District Council, in pursuance of the exercise of powers conferred on it by the Local Government (Rating) Act 2002 and any other empowering provisions, resolves to set the following rates on rating units in the district for the financial year commencing 1 July 2025 and ending 30 June 2026:**

**All rates and amounts expressed are inclusive of goods and services tax.**

**A. General Rates**

**Under section 13(2)(b) and 14 of the Local Government (Rating) Act 2002, a general rate on every rating unit, assessed on capital value and on a differential basis.**

Differential Category	Differential	Rate in the \$ of CV
1. Feilding Residential	1.00	0.00105
2. Feilding Rural	0.50	0.00053
3. Feilding CBD	2.25	0.00237
4. Rural	0.40	0.00042

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5. Industrial and Commercial	1.60	0.00168
6. Utilities	1.60	0.00168
7. Defence	0.40	0.00042

#### B. Uniform Annual General Charge

Under section 15(2)(b) of the Local Government (Rating) Act 2002, a uniform annual general charge of \$595 on every separately used or inhabited part of a rating unit.

#### C. Parks, Reserves and Sports Grounds Targeted Rate

Under section 16 of the Local Government (Rating) Act 2002, a targeted rate on every rating unit, assessed on capital value and on a differential basis.

Differential Category	Differential	Rate in the \$ of CV
1. Feilding Residential	1.00	0.00055
2. Feilding Rural	0.30	0.00016
3. Feilding CBD	2.75	0.00151
4. Rural	0.30	0.00016
5. Industrial and Commercial	1.50	0.00082
6. Utilities	1.75	0.00096
7. Defence	0.30	0.00016

#### D. Parks, Reserves and Sports Grounds Uniform Targeted Rate

A targeted rate for parks, reserves, and sports grounds, set under section 16 of the Local Government (Rating) Act 2002 on every rating unit in the district, of \$25.00 per separately used or inhabited part of a rating unit.

#### E. Rooding Targeted Rate

Under section 16 of the Local Government (Rating) Act 2002, a targeted rate on every rating unit, assessed on capital value and on a differential basis.

Differential Category	Differential	Rate in the \$ of CV
1. Feilding Residential	1.00	0.00088
2. Feilding Rural	0.88	0.00078
3. Feilding CBD	1.58	0.00139
4. Rural	0.88	0.00078
5. Industrial and Commercial	1.17	0.00103
6. Utilities	1.25	0.00110
7. Defence	0.88	0.00078

#### F. Rooding Uniform Targeted Rate

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A targeted rate for roading, set under section 16 of the Local Government (Rating) Act 2002 on every rating unit, of \$100.00 per separately used or inhabited part of a rating unit.

**G. Makino Aquatic Centre Targeted Rate**

A targeted rate for the Makino Aquatic Centre set under section 16 of the Local Government (Rating) Act 2002 on every separately used or inhabited part of a rating unit, assessed on a differential basis described below:

- Within Feilding Differential Rating Area \$ 247.00
- Outside the Feilding Differential Rating Area \$ 172.00

**H. Library Targeted Rate**

A targeted rate for the library set under section 16 of the Local Government (Rating) Act 2002 on every separately used or inhabited part of a rating unit, assessed on a differential basis described below:

- Within Feilding Differential Rating Area \$ 217.00
- Outside the Feilding Differential Rating Area \$ 151.00

**I. Kerbside Recycling Targeted Rate**

A targeted rate for the kerbside recycling collection service, set under section 16 of the Local Government (Rating) Act 2002, of:

- \$128.00 per separately used or inhabited part of a rating unit to which the kerbside recycling collection service is available, excluding vacant land.

**J. Feilding CBD Parking Enforcement Targeted Rate**

A targeted rate for the Feilding Central Business District (CBD) Parking Enforcement set under section 16 of the Local Government (Rating) Act 2002, of:

- \$0.00051 in the dollar of capital value on all rating units situated within differential category 3 (Feilding CBD).

**K. Feilding CBD Security Targeted Rate**

A targeted rate for Feilding CBD security, set under section 16 of the Local Government (Rating) Act 2002, of:

- \$312.00 per separately used or inhabited part of a rating unit situated within differential category 3 (Feilding CBD).

**L. Ultra-Fast Broadband Infrastructure Targeted Rate**

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A targeted rate for the ultra-fast broadband infrastructure in the Kawakawa Road/Darragh Road industrial area, set under section 16 of the Local Government (Rating) Act 2002, of:

- \$768.00 per separately used or inhabited part of a rating unit that is within 10 meters of the Ultra-Fast Broadband infrastructure.

#### M. Stormwater Targeted Rate

A targeted rate on each rating unit in the areas that are located in: Feilding Differential and all rating units zoned as 'village' in the District Plan located in Rongotea, Sanson, Himatangi Beach, Tangimoana, Halcombe and Cheltenham.

This rate is a fixed amount of \$191.00 per rating unit that are connected directly or indirectly to a stormwater network set under section 16 of the Local Government (Rating) Act 2002.

#### N. Rural Land Drainage Targeted Rates

Targeted rates, based on land value (LV), for rating units that are part of one of the schemes listed below, for the maintenance and development of land drainage schemes, set under section 16 of the Local Government (Rating) Act 2002, of:

Category	Rate in \$ of LV
<b>Bainesse drainage district</b>	
Bainesse Class A	0.000860
Bainesse Class B	0.000420
Bainesse Class C	0.000330
<b>Makowhai drainage district</b>	
Makowhai Class A	0.000120
Makowhai Class B	0.000100
Makowhai Class C	0.000020
<b>Maire drainage district</b>	
Maire Class A	0.000240
Maire Class B	0.000080
Maire Class C	0.000130
Maire Class D	0.000120
<b>Oroua Downs drainage district</b>	
Oroua Downs Class A	0.000680
Oroua Downs Class B	0.000350
Oroua Downs Class C	0.000200

#### O. Water Supply Targeted Rate – Urban

A targeted rate applied on a differentiated basis of provision or availability of service for the reticulation and treatment of potable water through Council's water network (excluding those properties connected to a rural water supply scheme), set under section 16 of the Local Government (Rating) Act 2002, of:

Water Supply - Connected	\$400.00 per SUIP
Water Supply - Available	\$200.00 per rating unit

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**Water Supply - Restricted**

**\$320.00 per SUIP**

**P. Volumetric Water Charges**

For rating units that have opted for water volumetric charging and extraordinary users of the water scheme under Council's bylaw, a differential targeted rate based on the level of service provision (connection size and number of connections) to the rating unit (as set out in the table below):

Connection size	Charge per connection
15 mm to 50 mm	\$789.91
80 mm to 150 mm	\$804.54

A water consumption charge set under section 19 of the Local Government (Rating) Act 2002 for consumption in excess of 380 cubic meters within the rating year of \$2.20 per cubic meter of water supplied.

**Q. Wastewater Disposal Targeted rates**

A targeted rate applied on a differentiated basis of provision or availability of service for the reticulation, treatment and disposal of sewage and trade effluent, (to properties that are not subject to volumetric trade wastewater charges) set under section 16 of the Local Government (Rating) Act 2002,

Wastewater disposal - Connected	\$1,051.00 per toilet or urinal
Wastewater disposal - Available	\$525.50 per rating unit
Wastewater disposal - Restricted	\$741.00 per toilet or urinal

**R. Water Supply Targeted Rates – Rural**

Targeted rates, set under section 19 of the Local Government (Rating) Act 2002, for the rural water supply treatment, reticulation, and supply of water per unit allocated or supplied to each participating rating unit in the following schemes.

- Stanway/Halcombe Rural Water Scheme – per unit allocated \$508.00
- Waituna West Rural Water Scheme – per unit allocated \$531.00
- Ohakea Rural Water Scheme – per unit allocated \$390.82
- Kiwitea Rural Water Scheme – per unit allocated \$281.75
- Kiwitea Rural Water Scheme – per additional unit used but not allocated \$281.75

**S. Capital Contribution Targeted Rate**

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Where a ratepayer has signed an agreement to pay their capital contribution over a set term, for the Himatangi Beach wastewater scheme or the Rongotea water scheme capital contribution, a targeted rate is set under section 16 of the Local Government (Rating) Act 2002. Each of the rates is a fixed amount per rating unit, as set out in the table below.

Capital Contribution Targeted Rate	Targeted Rate Amount
Himatangi beach wastewater scheme - twenty-year term, 1 July 2013 to 30 June 2033	\$923
Rongotea water scheme - twenty-year term, 1 July 2015 to 30 June 2035	\$374

#### T. Rates invoice and penalty dates

Rates are set for the year commencing 1 July 2025 and ending 30 June 2026.

Rates will be payable in four equal instalments (except for volumetric water rates) and must be paid by the due date. Payment can be made using online banking, direct debit, credit card through internet or at the Council Office situated at 135 Manchester Street, Feilding between the hours of 8.00am and 5.00pm, Monday, Tuesday, Thursday, and Friday – 9.00am and 5.00pm Wednesday.

If the total annual rates (not including volumetric water rates) are paid in full by 28 November 2025, any penalties added for instalment one will be remitted.

	Instalment One	Instalment Two	Instalment Three	Instalment Four
Invoice Date	1 August 2025	1 November 2025	1 February 2026	1 May 2026
Payment Due Date	29 August 2025	28 November 2025	27 February 2026	29 May 2026
Penalty Date	4 September 2025	4 December 2025	5 March 2026	4 June 2026

Volumetric Water charges will be invoiced at the end of each quarter and are due for payment on the last working day of the following month (as set out in the table below).

	Quarter One	Quarter Two	Quarter Three	Quarter Four
Invoice Date	30 September 2025	31 December 2025	31 March 2026	30 June 2026
Payment Due Date	31 October 2025	30 January 2026	30 April 2026	31 July 2026

#### U. Instalment Penalty

Under section 57 and 58(1)(a) of the Local Government (Rating) Act 2002, a 10% penalty will be added to any portion of the current instalment (not including volumetric water rates) that remains unpaid after the due date. The penalty will be added on the date set out in the table above in the "Penalty Date" row.

#### V. Additional Arrears Penalty

MEETING MINUTES	
COUNCIL	TIME
THURSDAY 19 JUNE 2025	8:33 AM

A 10% penalty will be added on 4 July 2025 to any unpaid rates from previous financial years that remains unpaid on 3 July 2025. Another 10% will be added on 16 January 2026 to any unpaid rates from previous financial years that remain unpaid on 15 January 2026.

Moved by: Cr Grant Hadfield

Seconded by: Cr Michael Ford

**CARRIED (11-0)**

MDC 22-25/1204

#### ADOPTION OF BORROWING RESOLUTION 2025-26

Report of the Chief Financial Officer seeking Council authorisation for the Chief Executive to borrow when necessary to fund the programmes identified in the Annual Plan 2025-26.

#### RESOLVED

1. That the Council authorises the Chief Executive to borrow new loans up to \$13,457,000 to fund the capital projects identified in the Annual Plan 2025-26.
2. That the Council authorises the Chief Executive to borrow to refinance existing loan facilities as they fall due. Loans can only be refinanced within the terms of the original loan approval as outlined in the financial strategy.
3. That the Council authorises the Chief Executive to negotiate and agree the terms, interest rate payable, type of loan facilities or issues of stock and/or swaps that make up the borrowing and to execute any agreements, documents, and certificates in respect of such loans, facilities, or stock on behalf of the Council.
4. That the borrowing be secured by a Debenture Trust Deed over all rates made from time to time by Council under the Local Government (Rating) Act 2002.

Moved by: Cr Colin McFadzean

Seconded by: Cr Michael Ford

**CARRIED (11-0)**

MDC 22-25/1205

#### FEES AND CHARGES 2025/26: ADOPTION OF PLANNING, HEALTH ACT AND DEVELOPMENT CONTRIBUTION FEES AND CHARGES

Report of the General Manager – People and Corporate seeking Council approval to set by resolution the Planning Service Fees and Charges, Environmental Health Fees and Charges, and Development Contribution Fees for the period 01 July 2025 to 30 June 2026.

#### RESOLVED

**That the Council adopt the Planning Service Fees and Charges, Environmental Health Fees and Charges, and Development Contribution Fees for the 2025/26 financial year**



MEETING MINUTES	
COUNCIL	TIME
THURSDAY 19 JUNE 2025	8:33 AM

commencing 01 July 2025 and ending 30 June 2026, as detailed in the attachment to this report.

Moved by: Cr Lara Blackmore

Seconded by: Cr Alison Short

**CARRIED (11-0)**

MDC 22-25/1206

#### FEES AND CHARGES: ADOPTION OF FEES AND CHARGES FOR 2025/26

Report of the General Manager – People and Corporate seeking Council approval to set by resolution fees and charges for the period 01 July 2025 to 30 June 2026.

#### RESOLVED

**That the Council approve the activity fees and charges for the financial year commencing 01 July 2025 and ending 30 June 2026, as detailed in the attachment to this report.**

***Note: Fees and charges for the activity areas of Animal Control, Planning, Environmental Health, and Development Contributions, have been or will be adopted separately to this report.***

Moved by: Cr Lara Blackmore

Seconded by: Cr Michael Ford

**CARRIED (11-0)**

MDC 22-25/1207

#### ADOPTION OF THE SIGNIFICANCE AND ENGAGEMENT POLICY

Report of the General Manager – People and Corporate presenting to Council the final draft of the Significance & Engagement Policy for adoption, incorporating changes made following Council deliberations on submissions received through public consultation.

#### RESOLVED

**That the Council:**

- Adopts the Significance & Engagement Policy (Attachment 1), without further amendments.**

**AND**

- Notes that the next review of the Policy is scheduled to occur in 2029, prior to the development of the Long-term Plan 2030-40, and that future review dates may be adjusted if necessary to align with the three-year Long-term Planning cycle.**

Moved by: Cr Lara Blackmore

MEETING MINUTES	
<b>COUNCIL</b>	TIME
<b>THURSDAY 19 JUNE 2025</b>	<b>8:33 AM</b>

Seconded by: Cr Alison Short

**CARRIED (11-0)**

MDC 22-25/1208

#### CONSIDERATION OF LATE ITEMS

There were no late items notified for consideration.

MDC 22-25/1209

#### PUBLIC EXCLUDED BUSINESS

#### RESOLVED

That the public be excluded from the following parts of the proceedings of this meeting, namely:

##### 1. Confirmation of Minutes

That the general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds under Section 48(1) for the passing of this resolution
13. Confirmation of Minutes; 05 June 2025	<i>To consider the accuracy of the minutes of the public excluded Council meeting on 05 June 2025.</i>  <i>Any changes to previous minutes may require members to discuss the content of the public excluded session.</i>	s48(1)(a)

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interests protected by Section 6 or Section 7 of the Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public as specified above.

Moved by: Mayor Helen Worboys

Seconded by: Cr Lara Blackmore

**CARRIED (11-0)**

MEETING MINUTES	
COUNCIL	TIME
THURSDAY 19 JUNE 2025	8:33 AM

*The meeting went into public excluded session at 11.10 am. For items MDC 22-25/1210 to MDC 22-25/1212 refer to public excluded proceedings. The meeting returned to open session at 11.13 am.*

MDC 22-25/1213

## CONFIRMATION OF PUBLIC EXCLUDED RESOLUTIONS IN OPEN SESSION

MDC 22-25/1158 – MDC1470-1 Feilding And Food Waste Collection – Bin Supply, Distribution and Ongoing Collection (15 May 2025)

### RESOLVED

1. *That the Council award Contract MDC1470-1 Feilding Food Waste Collection - Bin Supply, Distribution and Ongoing Collection to Northland Waste Limited (trading as Low Cost Bins) for a one-off Capital sum of two hundred and fifty two thousand, three hundred and three dollars and seventy four cents (\$252,303.74) plus GST.*
2. *That Council approve a contingency value of twenty five thousand, two hundred and thirty dollars and thirty seven cents (\$25,230.37) plus GST for the Capital value of the contract to be spent only on written approval from the Engineer to Contract.*
3. *That the Council award Contract MDC1470-1 Feilding Food Waste Collection - Bin Supply, Distribution and Ongoing Collection to Northland Waste Limited (trading as Low Cost Bins) for an annual Operational sum of two hundred and twenty five thousand, thirty six dollars and one cent (\$225,036.01) plus GST which is subject to an agreed annual inflationary adjustment for the initial contract term of five (5) years, with one (1) right of renewal for an additional five (5) years.*

*Note: The required Capital and Operational budget for this contract award is already available in the Long Term Plan 2024 – 2034 and is full funded by Waste Levy income, reserves and a grant received by the Ministry for the Environment.*

*Note: The total estimated Operational value of the Contract for the total possible contract term of ten (10) years is \$2,250,360.10 (exclusive GST). This excludes application of the agreed annual inflationary adjustment formula.*

*Note: It is estimated that the date of contract commencement will be 1 July 2025, and the date of expiry of the total possible contract term will be 30 June 2035*

Moved by: Cr Michael Ford

Seconded by: Cr Kerry Quigley

CARRIED (12-0)

MEETING MINUTES	
<b>COUNCIL</b>	TIME
<b>THURSDAY 19 JUNE 2025</b>	<b>8:33 AM</b>

MDC 22-25/1214

#### MEETING CLOSURE

The meeting was declared closed at 11.13 am.

#### Meeting Video

<https://www.mdc.govt.nz/about-council/meetings-agendas-and-minutes/videos-of-council-and-committee-meetings/manawatu-district-council-meeting-videos>

## Council

Meeting of 24 July 2025

Business Unit: People and Corporate

Date Created: 03 June 2025

## Adoption- Smokefree and Vapefree Policy

### Purpose Te Aronga o te Pūrongo

The purpose of this report is to present the draft Smoke and Vape free Policy 2025 to Council for adoption.

### Recommendations Ngā Tūtohunga

1. That the Council adopts the Smoke and Vape Free Policy 2025 as set out in Appendix 1 of this report.

OR

2. That the Council adopts the Smoke and Vape Free Policy 2025 as set out in Appendix 1 of this report, subject to minor amendments detailed in the minutes of this meeting.

AND

3. That the Council gives delegation to the Chief Executive to approve any final edits to the Smoke Free and Vape Free Policy 2025, before publication.

Report prepared by:

Kemi Hughes

Senior Adviser – Environmental Policy

Approved for submission by:

Frances Smorti

General Manager - People and Corporate

## 1 Background Ngā Kōrero o Muri

- 1.1 In March 2011, responding to the select committee's recommendations, the New Zealand Government adopted the ambitious Smokefree Aotearoa 2025 goal, aiming to reduce smoking prevalence to less than 5% across all population groups by 2025.
- 1.2 The Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act came into force on 1 January 2023, introducing additional measures as part of the final push toward achieving the 2025 goal.
- 1.3 The Local Government Act 2002 states that local government's purpose is to promote the social, economic, environmental and cultural well-being of the community, both current and future. The Health Act 1956 further establishes that councils have a duty to improve, promote and protect public health.
- 1.4 Council first adopted its Smokefree Policy on 7 July 2022.
- 1.5 The current revision of the Smokefree and Vapefree Policy responds to evolving community expectations, increased visibility of vaping among youth, and national health sector guidance.

## 2 Strategic Fit Te Tautika ki te Rautaki

- 2.1 This policy aligns with Council's strategic priority of **"an environment to be proud of"** as it promotes cleaner, healthier and more attractive public spaces. It contributes to public well-being by reducing exposure to second-hand smoke and vape emissions, creating safer and more welcoming spaces for residents and visitors.
- 2.2 This policy aligns with Council's strategic priority of **"a Place to belong and grow"** by fostering inclusive, supportive, and health-enhancing public spaces. The policy reinforces the message that community well-being is a shared responsibility and encourages behaviour that support collective health.
- 2.3 This policy aligns with Council's strategic priority of **"a future planned together"** by supporting long-term, community-led outcomes that promote health, equity, and environmental sustainability. It reflects a proactive approach to shaping the district's future through collective responsibility and shared decision-making. By contributing to national goals like Smokefree Aotearoa 2025 and engaging local stakeholders in the creation of healthier public spaces, the policy helps ensure that the Manawātū District evolves in line with community aspirations.
- 2.4 This policy aligns with Council's strategic priority of **"Value for money and excellence in local government"** by delivering public health and environmental benefits through a low-cost, education-focused approach. Rather than relying on enforcement, the policy uses signage, awareness, and partnerships to encourage behaviour change—making it a cost-effective strategy with broad community impact.

## 3 Discussion and Options Considered Ngā Matapakinga me ngā Kōwhiringa i Wānangahia

- 3.1 The existing Smokefree Policy does not explicitly or consistently address vaping, despite its rising prevalence and public health concern in New Zealand.

- 3.2 The Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020 legally distinguishes vaping from smoking but enables regulatory parity in designated spaces. However, public awareness and voluntary compliance remain inconsistent.
- 3.3 Council lacks legislative authority to enforce penalties for non-compliance, making encouragement, education, and visibility (e.g. signage) critical to policy effectiveness. Where Council has the opportunity to advocate to central government — particularly regarding tighter controls on retail locations — it will take the opportunity to do so in support of the policy’s intent.
- 3.4 The options available to Council for consideration are as follows:
- a) **Retain the current policy as is**, maintaining a general smokefree stance but without specifically addressing vaping in all relevant contexts. The risk is it does not respond to the growing prevalence and normalisation of vaping, particularly among young people.
  - b) **Adopt the revised proposed policy (Appendix 1)** that incorporates the following changes that were supported at the Council workshop on April 3, 2025:
    - Including vaping in signage,
    - Including vaping clauses in lease agreements,
    - Promote Council events as vape free.

The benefit of this is it improves clarity and consistency, reinforces Council's health-promoting role, and better aligns with national legislation and public expectations.

#### 4 Risk Assessment Te Arotake Tūrarū

- 4.1 The strategic risk in adopting an education-based smoke and vape free policy is that its effectiveness relies on voluntary compliance. The policy still positions Council as proactively doing its part within the scope of its powers and any limitation in immediate impact is mitigated by the expectation that broader regulatory and societal efforts will work in tandem with local policy.
- 4.2 There is a minor reputational risk that a small segment of the public (such as dedicated vaping advocates or individuals who oppose any government role in lifestyle choices) might criticize the Council for “overreach” or view the inclusion of vaping as unnecessary. Overall, however, the reputational outlook of adopting the policy is strongly positive, positioning the Council as a visible leader in community wellbeing and aligning its image with the Smokefree Aotearoa 2025 vision.
- 4.3 The financial risks and implications of expanding the policy to include vaping are relatively minimal. Implementation would require some modest expenditure on replacing or updating signage to add “Vapefree” messaging and on public education materials (posters, brochures, digital content) to inform residents of the change.
- 4.4 Like the strategic risk, the operational risk would be non/low compliance. There is also a risk of low awareness which can be mitigated by ensuring that a good communication plan is followed to ensure that changes are communicated properly.



## 5 Engagement Te Whakapānga

### Significance of Decision

5.1 The decision discussed in this report is considered to be of limited significance on the basis of the following criteria from section 5 of the Significance and Engagement Policy 2025:

- I. Importance to the district
- II. Disproportionate impacts on select parts of the community.

5.2 In accordance with the Significance and Engagement Policy (June 2025), the significance of the issues is limited to the interest of select people or groups and therefore does not require Council to carry-out community-wide consultation using the Special Consultative Procedure outlined in section 83 of the Local Government Act 2002. Council has consulted with interested and affected parties in accordance with the principles of consultation outlined in section 82 of the Local Government Act 2002 (refer to paragraph 5.4).

### Māori and Cultural Engagement

5.3 There are no known cultural considerations associated with the matters addressed in this report. No specific engagement with Māori or other ethnicity groups is necessary.

### Community Engagement

5.4 Council engaged with external stakeholders, including Feilding High School, Hato Pāora College, and the Manawatū Youth Council, to gather insights and feedback on the draft Smokefree and Vapefree Policy. Feedback was received from Feilding High School and the Youth Council. Hato Pāora College was invited to participate but did not provide a response within the engagement period.

## 6 Operational Implications Ngā Pānga Whakahaere

6.1 The proposed changes to the policy—particularly the expanded scope to include vape-free messaging and updates to signage—will have minor operational impacts. These include staff time for updating and installing revised signage across Council-managed spaces, and coordinating any necessary updates to communications materials or event guidelines. As the policy continues to rely on an educational rather than enforcement-based approach, there are no implications for compliance monitoring or enforcement capacity. The changes are expected to be manageable within existing resources and operational capability.

## 7 Financial Implications Ngā Pānga Ahumoni

7.1 The financial impact of the proposed changes to the Smokefree and Vapefree Policy is expected to be minimal and can be accommodated within existing Council budgets. No additional expenditure is anticipated for enforcement or staffing, as the policy continues to rely on education and voluntary compliance rather than regulatory mechanisms

7.2 Te Whatu Ora has offered to supply smokefree and vapefree signage and stickers to be installed at key locations across the district at no cost to Council. This external support significantly reduces the cost burden associated with implementing the updated policy.

- 7.3 The remaining cost relates to the installation of the signage across the district, which is estimated at approximately \$2,000. This work could be potentially undertaken by Council's contractor, Green by Nature, and may be phased in alongside routine asset maintenance or renewal schedules to minimise budget impact.

## 8 Statutory Requirements *Ngā Here ā-Ture*

- 8.1 There are no statutory requirements for this policy review.

## 9 Next Steps *Te Kokenga*

- 9.1 The revised Smokefree and Vapefree Policy will be added to Council's Policy Register and published on the Council website.
- 9.2 Council will provide copies of the Policy on request .
- 9.3 Internal operational documents and signage will be updated to reflect the revised policy.

## 10 Attachments *Ngā Āpitihanga*

- Proposed Smokefree and Vapefree Policy
- Table of Proposed Changes



# Smokefree and Vapefree Policy

Adopted/Confirmed:	<a href="#">7 July 2022/7</a>
Review Frequency:	<a href="#">3 yearly</a>
Date last reviewed / Reconfirmed:	<a href="#">7 July 2022</a>
Next review due:	<a href="#">7 July 2025</a>
Policy type:	Governance
Reviewer	GM Community
Policy version	P283

## Contents

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## 1 Purpose

- 1.1 The purpose of this policy is to promote a smokefree and vapefree environment for all residents and visitors in the Manawatu district
- 1.2 To protect public (residents and visitors) health by eliminating exposure to second-hand smoke and vaping in our community spaces, promoting a safer and healthier environment for all.
- ~~1.1 To set out Council's actions to support the New Zealand Government's goal of Smokefree Aotearoa 2025.~~
- 1.2.3 To encourage the community to refrain from smoking and vaping in public spaces, Council facilities and public outdoor areas.

## 2 Background

- 2.1 The Smokefree Environments Act 1990 prohibits smoking in workplaces, education and childcare centres, public transport, passenger services, and certain other public areas, and restricts smoking in restaurants, cafes and casinos.
- 2.2 The Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020 added references to vaping to the above Act. Vaping is disallowed or restricted in the locations described in 2.1. ~~The Act allows some use of vapes in approved vaping premises.~~

- 2.3 In March 2011 the government adopted the Smokefree Aotearoa 2025 goal. The government aims to have less than 5% of New Zealanders smoking by 2025.
- 2.4 The Local Government Act 2002 states that local government's purpose is to promote the social, economic, environmental and cultural well-being of the community, both current and future. The Health Act 1956 states that it is the duty of every council to improve, promote and protect public health.
- 2.5 The policy aligns with ~~two~~three of the Council's community outcomes defined under the 2021-31 Long Term Plan:
- a place to belong and grow; ~~and~~
  - a future planned together;
  - an environment to be proud of.
- 2.6 This policy also contributes to the goals of Council's Community Development Strategy by supporting physical well-being (Te Taha Tinana), under the Te Whare Tapa Whā model of health.
- 2.7 Council already has smokefree or smoke and vape-free provisions in place in the following locations:
- inside halls (Halls Terms and Conditions); and
  - at the Library and Makino Aquatic Centre (Conditions of Entry).

### 3 Policy Statement

- 3.1 Manawatū District Council endorses the goal of Smokefree Aotearoa 2025.
- 3.2 Council will work with stakeholders towards reaching the Government's stated goal of a Smokefree Aotearoa by 2025.
- 3.3 Through signage and the provision of educational material where appropriate, Council will encourage the public to refrain from smoking and vaping in the following Council controlled public areas:
- Playgrounds
  - Sportsgrounds
  - Leisure and recreation facilities
  - Bus shelters (Owned by Horizons Regional Council)
  - Council facilities and ~~their surrounds~~ areas within a 4 metre radius, including halls, libraries and the Makino Aquatic Centre
  - Other council-owned public places including parks and reserves.
  - Public areas where Council hosts events
- 3.4 Council will consider applying smoke and vape free clauses to new or renewed leases of Council property.
- 3.5 Council will work with Council Controlled Organisations involved in the management of public places to consider whether a smokefree policy is appropriate for their location/s.
- 3.6 Smokefree and Vapefree signage may be displayed where it is determined to be most effective to discourage smoking and vaping in these areas.

- 3.7 Council-run or supported events will be run and promoted as Smokefree and Vapefree events.
- 3.8 Events run or funded by Council will be required to meet Smokefree and Vapefree criteria in funding applications before funding will be granted.
- 3.9 Council may establish Designated Smoking Areas (DSAs) at specific outdoor locations within Council-managed properties or public spaces, including but not limited to, parks, sports grounds, and event venues. These areas will be clearly identified by appropriate signage.
- 3.10 Where there is a DSA established, smoking and vaping will be permitted only within the designated smoking areas (DSAs).
- 3.11 Each DSA will be equipped with waste disposal bins to ensure the proper disposal of cigarette butts and related waste.
- 3.12 DSAs will be located at least 10 meters from building entrances, playgrounds, and areas frequently used by children or vulnerable groups, in line with the Manawatu District's commitment to public health.
- ~~3.83.13~~ The number and location of DSAs will be determined by the Council based on accessibility, safety, and the need to minimize exposure to second-hand smoke for the general public.
- 3.14 Council will take an educational rather than enforcement approach to this policy.

## **4 Outcomes**

- 4.1 This Smokefree Policy aims to achieve the following outcomes:
- 4.1.1 A measurable decrease in the prevalence of smoking and vaping in public spaces, particularly in areas frequented by children, families, and vulnerable groups.
- 4.1.2 A reduction in health risks associated with exposure to second-hand smoke and vapour, leading to better overall community health and well-being.
- 4.1.3 Enhanced cleanliness and safety in public areas, with fewer discarded cigarette butts and vaping-related waste, contributing to more pleasant and hygienic environments.
- ~~3.9~~ —

## Table of Proposed Changes Smokefree and Vapefree Policy 2025

	Clause	Original	Proposed Change	Comments
	Title	Smokefree Policy	Smokefree and Vapefree Policy	
	Clause 1.1 (purpose)	To set out Council's actions to support the New Zealand Government's goal of Smokefree Aotearoa 2025.	The purpose of this policy is to promote a smokefree and vapefree environment for all residents and visitors in the Manawatu district	Strengthen the purpose. Consider removing purpose 1 or moving it to 2.
	Clause 1.2	To encourage the community to refrain from smoking in public spaces, Council facilities and public outdoor areas.	To encourage the community to refrain from smoking <b>and vaping</b> in public spaces, Council facilities and public outdoor areas.	
	Clause 2.2	The Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020  added references to vaping to the above Act. Vaping is	The Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020  added references to vaping to the above Act. Vaping is	Delete " The Act allows some use of vapes in approved vaping Premises"

		disallowed or restricted in the  locations described in 2.1. The Act allows some use of vapes in approved vaping premises	disallowed or restricted in the  locations described in 2.1.	
	Clause 2.5	The policy aligns with two of the Council's community outcomes defined under the 2021-31 Long Term Plan:  • a place to belong and grow; and  • a future planned together	The policy aligns with three of the Council's community outcomes defined under the 2021-31 Long Term Plan:  • a place to belong and grow; and  • a future planned together  • <b>an environment to be proud of</b>	The smokefree policy directly supports the council's priority of fostering "an environment to be proud of" by promoting public health, enhancing the aesthetic appeal of our community spaces, and ensuring a cleaner, safer environment for all residents and visitors.
	Clause 3.3	Through signage and the provision of educational material where appropriate,  Council will encourage the public to refrain from	Through signage and the provision of educational material where appropriate,  Council will encourage the public to refrain from	



		<p>smoking in the following Council</p> <p>controlled public areas:</p> <ul style="list-style-type: none"> <li>• Playgrounds</li> <li>• Sportsgrounds</li> <li>• Leisure and recreation facilities</li> <li>• Bus shelters (Owned by Horizons Regional Council)</li> <li>• Council facilities and their surrounds, including halls, libraries and the Makino Aquatic Centre</li> <li>• Other council-owned public places including parks and reserves</li> </ul>	<p>smoking <b>and vaping</b> in the following Council</p> <p>controlled public areas:</p> <ul style="list-style-type: none"> <li>• Playgrounds</li> <li>• Sportsgrounds</li> <li>• Leisure and recreation facilities</li> <li>• Bus shelters (Owned by Horizons Regional Council)</li> <li>• Council facilities and their surrounds, including halls, libraries and the Makino Aquatic Centre</li> <li>• Other council-owned public places including parks and reserves</li> </ul>	
	Clause 3.3	Council facilities and <b>their surrounds</b> , including halls, libraries and the Makino Aquatic Centre	Council facilities and <b>areas within a 4 metre radius</b> , including halls, libraries and the Makino Aquatic Centre.	The term 'surrounds' is open to interpretation.
	Clause 3.6	Smokefree signage may be displayed where it is	Smokefree <b>and Vapefree</b> signage may be displayed	

		determined to be most effective to discourage smoking in these areas.	where it is determined to be most effective to discourage smoking <b>and vaping</b> in these areas.	
	Clause 3.7	Council-run or supported events will be run and promoted as Smokefree events.	Council-run or supported events will be run and promoted as Smokefree <b>and Vapefree</b> events.	
	Clause 3.8	Events run or funded by Council will be required to meet Smokefree criteria in funding applications before funding will be granted.	Events run or funded by Council will be required to meet <b>Smokefree and Vapefree</b> criteria in funding applications before funding will be granted.	
	Insert Outcomes clause		This Smokefree Policy aims to achieve the following outcomes:  <b>Reduced Smoking and Vaping Rates:</b> A decrease in the prevalence of smoking and vaping in public spaces, particularly in areas frequented by children, families, and vulnerable groups.	The previous policy did not have an 'outcomes clause'. An outcomes clause defines or curtails expectations by clearly specifying the achievable results of a policy, ensuring realistic goals, focused implementation, and aligned stakeholder understanding.

			<b>Cleaner and Safer Public Spaces:</b> Enhanced cleanliness and safety in public areas, with fewer discarded cigarette butts and vaping-related waste, contributing to more pleasant and hygienic environments.	
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## Council

Meeting of 24 July 2025

Business Unit: People and Corporate  
Date Created: 17 July 2025

## Approval to Publicly notify the Consultation of the Public Places Bylaw

### Purpose Te Aranga o te Pūrongo

To present the Statement of Proposal relating to the Public Places Bylaw for adoption. The adoption of these documents is necessary to enable Council to consult on the draft Public Places Bylaw in accordance with section 83 of the Local Government Act 2002.

### Recommendations Ngā Tūtohunga

1. That Council adopts the Statement of Proposal (Annex A) for public consultation in accordance with sections 83 and 86 of the Local Government Act 2002, including the following attachments to this report:
  - a. Draft Public Places Bylaw (Attachment 1);
  - b. Submission Form (Attachment 2)

**OR**

2. That Council authorises the Chief Executive to make minor amendments to the Statement of Proposal (Annex A) prior to public consultation commencing. Any amendments will be recorded in the minutes of this meeting.

Report prepared by:  
Axel Malecki  
Policy Adviser

Approved for submission by:  
Frances Smorti  
General Manager - People and Corporate

## 1 Background Ngā Kōrero o Muri

- 1.1 The Local Government Act 2002 (LGA 2002) empowers Council to make bylaws for the purpose of protecting the public from nuisance, protecting public health and safety, and regulating public places. The process for reviewing bylaws made under the Local Government Act 2002 is set out in section 160 of the LGA, henceforth the Act.
- 1.2 The Public Places Bylaw 2020 was adopted on 2 July 2020. The statutory review deadline for the bylaw was 2 July 2025. This obligation was met when Council endorsed the section 155 assessment at its meeting on 19 June 2025. The information provided in the review documents presented at that meeting was sufficient to satisfy Council that the bylaw aligns with the purposes set out in section 145 of the Act and that:
  - (i) The Bylaw is necessary for one or more of the purposes set out in section 145 of the Act;
  - (ii) The bylaw is the most appropriate and proportionate way of addressing the perceived problems; the Bylaw is necessary for one or more of the purposes set out in section 145 of the Act;
  - (iii) the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.
- 1.3 Section 156(1) of the Act requires that Council follows the special consultative procedure when making amendments to a bylaw if the matter is identified as being significant under our Significance and Engagement Policy, or if Council considers that the proposed amendments have, or are likely to have, a significant impact on the public.
- 1.4 Section 83(1)(a) of the Act states that when required to use the special consultative procedure, a local authority must prepare and adopt:
  - (i) A statement of proposal.
- 1.5 Section 83(1)(b) of the Act compels Council to ensure that the following is publicly available:
  - (i) the statement of proposal; and
  - (ii) a description of how the local authority will provide persons interested in the proposal with an opportunity to present their views to the local authority in accordance with section 82(1)(d); and
  - (iii) a statement of the period within which views on the proposal may be provided to the local authority (the period being not less than 1 month from the date the statement is issued).
- 1.6 The statement of proposal attached as Annex A to this report has been prepared in accordance with the requirements of s83 and s86 of the Act. A track changes version of the draft bylaw is attached as Attachment 1 to the Statement of Proposal. The reasons for the proposed changes are summarised within the statement of proposal. Also within the statement of proposal are links to the Agenda and Council minutes from the 19 June Council meeting where determinations relevant to the review of the Public Places Bylaw were passed.

## 2 Strategic Fit Te Tautika ki te Rautaki

- 2.1 This review aligns with Council's obligation to ensure that public places are safe, accessible, and vibrant for residents, businesses, and visitor. In particular, the review contributes to the following four strategic priorities.
- 2.2 The review of the Public Places Bylaw aligns with Council's strategic priority, **A place to belong and grow**, as it enables Council to gather insights from the community to ensure that public places support community wellbeing and are safe and enjoyable for all.
- 2.3 The review of the Public Places Bylaw supports Council's strategic priority, **A future planned together** by enabling collaborative engagement with the community to identify how public spaces are used, managed, and protected—ensuring they meet current needs and future expectations for the benefit of all.
- 2.4 The strategic priority **An environment to be proud of** is supported through the review of the Public Places Bylaw, which enables Council to manage activities that may pose environmental risks—such as vehicle repairs in public spaces that can lead to contaminant discharge. Working in conjunction with the Trade Waste Bylaw, the Public Places Bylaw helps to protect water quality and urban amenity by placing appropriate controls on behaviours that could result in pollution or environmental degradation.
- 2.5 The review of the Public Places Bylaw contributes to supporting **A prosperous, resilient economy** by helping ensure that public spaces are safe, accessible, and welcoming. The bylaw is also conducive to maintaining clean, safe, and well-managed public areas, and therefore supports positive visitor experience, encouraging return tourism, readiness for events and activities that bring economic benefit to local businesses and the community as a whole.

## 3 Discussion and Options Considered Ngā Matapakinga me ngā Kōwhiringa i Wānangahia

- 3.1 The draft Public Places Bylaw is largely a continuation of the 2020 Bylaw. The proposed changes and the rationale for these minor amendments are outlined in more detail in the Statement of Proposal (Annex 1). The proposed changes themselves are also highlighted in the tracked-changes version of the draft Bylaw (Attachment 1).
- 3.2 The key differences between the draft Bylaw and the 2020 Public Places Bylaw are as follows:
  - (a) Change in terminology resulting from updates to the National Planning Standards
  - (b) New definitions have been added to improve clarity and reduce ambiguity
  - (c) Change in existing terminology to increase clarity and more clearly state the intent of the bylaw
  - (d) Administrative changes
- 3.3 The initial review, presented at the 19 June Council meeting as part of the section 155 assessment has identified three key issues:
  - (a) Abandonment of vehicles in public places
  - (b) Obstruction caused by mobility vehicles
  - (c) Reckless and dangerous driving in parks and recreational areas.

- 3.4 To ensure proportionality and avoid duplication with existing regulatory tools, officers recommend that these issues continue to be managed under the current Bylaw. Further detail on the rationale for this recommendation is provided in Annex B of the report.
- 3.5 The options available to Council today are as follows:
- (a) Adopt the Statement of Proposal for the Public Places Bylaw as outlined in recommendation 1 of this report.
  - (b) Request amendments to the Statement of Proposal prior to consultation commencing. Any requested changes to these documents will be agreed at this meeting and detailed in the minutes. Recommendation 2 of this report delegates authority to the Chief Executive to make the agreed amendments to these documents.
- 3.6 If Council chooses option 1, this means that public consultation on the draft bylaw can commence, as scheduled, on 28 July 2025. However, if the requested changes are more significant and require a more comprehensive degree of rework, it may be necessary to delay the start of consultation.

## 4 Risk Assessment Te Arotake Tūraru

- 4.1 As noted in the Council report accompanying the section 155 assessment for the Public Places Bylaw review, presented at the Council meeting on 19 June, bylaws generally come with a range of risks that are intrinsic to the nature of legal and regulatory tools. Council currently maintains an averse-to-minimalist approach to legal compliance risk, reflecting a clear preference to avoid such risk wherever possible. As a result, legal risk is only accepted when it is essential to advancing Council's core objectives and priorities.
- 4.2 Section 160A of the Local Government Act 2002 provides that if a bylaw review is not completed within two years of its statutory review date, the bylaw is automatically revoked. While Council has already passed several resolutions under section 155, such as an assessment against the New Zealand Bill of Rights, some of these were initial steps in the review process. As such, there remains a risk that failing to complete the review within the required timeframe could result in revocation of the bylaw. Should this occur, Council would lose the ability to enforce the provisions currently regulated under the Public Places Bylaw 2020.
- 4.3 The Statement of Proposal (Annex A) has been carefully drafted to ensure it meets the requirements of section 83 and section 86 of the Act. This includes the preparation of a Statement of Proposal that outlines the proposed changes to the Public Places Bylaw 2020, provides information on the consultation process and timeline, and sets out how submitters may present their views to Council.

## 5 Engagement Te Whakapānga

### Significance of Decision

- 5.1 The decision discussed in this report is considered to be significant on the basis of the following criteria from section 5 of the Significance and Engagement Policy 2025:
- (i) Importance to the District

- 5.2 As expressed in s156 of the Local Government Act, when making, amending, or revoking a bylaw, Council must either use the special consultative procedure if the bylaw is of significant public interest or impact, or otherwise consult in a way that meets the requirements of section 82 of the Local Government Act.

#### Māori and Cultural Engagement

- 5.3 There are no known cultural considerations associated with the matters addressed in this report. No specific engagement with Māori or other ethnicity groups is necessary.

#### Community Engagement

- 5.4 As outlined in the Council report presented at the Council meeting on 19 June, Council gathered information through targeted preliminary engagement with key external stakeholders including the Police, Green by Nature, and Feilding District Promotion, as well as with internal stakeholders such as Council's enforcement and compliance officers.
- 5.5 Council will consult on the draft Public Places Bylaw using the special consultative procedure, as set out in section 83 of the Local Government Act 2003. This will include the following steps:
- A public notice will be published on Councils' website and in the Feilding-Rangitikei Herald on Thursday 31 August 2025, commencing the public consultation period. The submissions period will run from 9am Thursday 28 July until 5pm Friday 29 August 2025.
  - Council's "Make your Mark on the Manawatū" engagement site will be live for the duration of the public consultation period. This site will include a link to the Statement of Proposal (including the tracked changes version of the draft bylaw, a table that describes the changes and the reasons for the changes, and the submission form) and a link to the online submission form.
  - An email will be sent out to all key stakeholders at the start of the consultation period inviting them to make a submission. A reminder email will be sent to these stakeholders one week prior to the close of submissions.
  - Information on the bylaw review will be made available at the Manawatū District Council's stall at the Feilding Farmers Market on the 15<sup>th</sup> August of 2025.



## 6 Operational Implications Ngā Pānga Whakahaere

6.1 There are no operational implications with this report.

## 7 Financial Implications Ngā Pānga Ahumoni

7.1 There are no financial implications with this report.

## 8 Statutory Requirements Ngā Here ā-Ture

8.1 The statutory obligations are as stated within the relevant sections of this report.

## 9 Next Steps Te Kokenga

9.1 If the Statement of Proposal (Annex A) is finalised and adopted on time, public consultation on the draft Public Places Bylaw will be from 28 July until 29 August 2025.

9.2 Following the close of submissions, a Hearing will be held on 18 September 2025 for those submitters who have indicated that they wish to speak.

9.3 Deliberations on all submissions received is scheduled for the Council Meeting on 2 October 2025. However, if no submitters request to speak to Council, the Hearing and Deliberations may be combined into a single Council meeting on 18 September 2025.

9.4 If Hearing and Deliberations are held during a single Council meeting on 18 September, the adoption of the Public Places Bylaw may take place on 2 October 2025.

9.5 If any submitters wish to speak to their submission, the hearings meeting will be held on 18 September. Deliberations will take place on 2 October, and the adoption of the Public Places Bylaw may follow on either 30 October or 6 November 2025, after the induction of the new Council.

## 10 Attachments Ngā Āpitihanga

### Annex A

- Statement of Proposal
- Tracked changed version of the draft Public Places Bylaw
- Submission Form

### Annex B

- Supplementary Information in support of officer's recommendation

# **Draft Public Places Bylaw 2025:**

## **Statement of Proposal**

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## 1. Introduction

- 1.1. The purpose of this Statement of Proposal is to inform the Manawatū District Community of the proposed changes to the Manawatū District Council's Public Places Bylaw to enable public participation and democratic decision-making.
- 1.2. Council Bylaws are a set of rules that are created to control specific activities within the Manawatū District. Bylaws are a way the Council can address nuisances and health and safety concerns, and they focus on the issues that Council has determined can be dealt with appropriately using regulatory enforcement.
- 1.3. The Public Places Bylaw 2020 is made under the Local Government Act 2002 ("the Act") and sets out rules for the Manawatū District. In particular, the bylaw seeks to regulate how people use shared public spaces such as parks and footpaths, by imposing controls and restrictions on people's behaviour. The bylaw seeks to ensure that public places are used in a manner that will not cause any nuisance, offence, obstruction, or damage to public or private property.
- 1.4. Other areas of regulation include issuing permits for organised events, street trading, and certain drone operations. For example, drones are allowed in most areas of the district if used responsibly, but banned in sensitive sites, with permits required for use at events or in controlled airspace. Likewise, the Council issues permits to food truck vendors wishing to sell their goods at the two designated sites in Feilding.
- 1.5. The Public Places bylaw also regulates and controls the content of signs that are visible in or from public places. Offensive signage is not permitted, and advertising for commercial sexual services is restricted to business zones. While the Police are empowered to enforce this bylaw, the Council's compliance officers also hold enforcement powers and typically adopt an 'education-first' approach.
- 1.6. The Public Places Bylaw 2020 has been reviewed and forms the basis for Council's draft Public Places Bylaw 2025 that Council is now consulting on. This Statement of Proposal outlines the changes Council is proposing to make to the 2020 version of the Public Places Bylaw and the reasons for these changes.
- 1.7. This statement of proposal is prepared under sections 83 and 86 of the Local Government Act 2002 (LGA). Included with this Statement of Proposal are the following documents:
  - Council's Draft Public Places Bylaw 2025.
  - A table supporting the decision-making process for the s155 assessment.
  - Submission form.
- 1.8. Council welcomes feedback on the draft Public Places Bylaw 2025. The closing date for feedback is **5pm on 29 August 2025**.
- 1.9. Supporting documents can be found on Council's "Have Your Say" webpage, including a copy of the s155(1) assessment that evaluates whether a bylaw is the most appropriate way to address the perceived problems identified in relation to the draft Public Places Bylaw 2025.

## 2. Main Differences between the draft 2025 Bylaw and the 2020 Bylaw

2.1. The draft Public Places Bylaw is largely a continuation of the 2020 Public Places Bylaw. The key differences between the draft Bylaw and the 2020 Bylaw are as follows.

- Change in terminology resulting from updates to the National Planning Standards
- New definitions have been added to improve clarity and reduce ambiguity
- Change in existing terminology to increase clarity and intent of the bylaw
- Administrative changes

## 3. Statutory Requirements

3.1. Section 145 of the Act gives Council the power to make bylaws for one or more of the following purposes:

- (a) Protecting the public from nuisance;
- (b) Protecting, promoting, and maintaining public health and safety;
- (c) Minimising the potential for offensive behaviour in public places.

4.2 Council is required by section 158 of the Act to review a bylaw no later than five years after it is made. Council's 2020 Public Places Bylaw came into force on 2 July 2020.

4.3 Some of the provisions relating to Street User Activities and Alcohol Control Areas (liquor bans) were amended on 3 March 2022 and came into force on 11 March 2022. However, these amendments did not alter the deadline for the statutory review of this Bylaw.

4.4 The Act sets out the required procedure for making bylaws, including consultation requirements.

4.5 Section 156(1) of the Act requires that Council follows the special consultative procedure when making amendments to a bylaw if the matter is identified as being significant under our Significance and Engagement Policy, or if Council considers that the proposed amendments have, or are likely to have, a significant impact on the public.

4.6 Section 156(2) of the Act states that:

*Despite subsection (1), a local authority may, by resolution publicly notified, -*

- a. Make minor changes to, or correct errors in, a bylaw, but only if the changes or corrections do not affect –*
  - i. An existing right, interest, title, immunity, or duty of any person to whom the bylaw applies; or*
  - ii. An existing status or capacity of any person to whom the bylaw applies*

4.7 The amendments in Table 1 in Appendix 1 are considered to be minor changes and in accordance with section 156(2). Because the Public Places Bylaw addresses a

wide range of issues related to the use of shared spaces, many of which are of significance to the District as a whole, Council is consulting with the community in accordance with its Significance and Engagement Policy.

## 5. Determining the need for a Bylaw

- 5.1 According to Section 155(1) of the Act, Council must, before commencing the process for making or amending a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problems.
- 5.2 The findings of the s155 assessment, including the identified issues and a preliminary assessment against the New Zealand Bill of Rights Act, were presented at the 19 June Council meeting ([see link to the agenda from the 19 June meeting](#)).

### **Section 155(1) assessment for the Draft Public Places Bylaw 2025**

- 5.3 The purpose of the bylaw can be divided into three broad categories: safety, usability, and the environment. The bylaw prohibits and restricts a specified list of activities in order to promote amenity and safety in public places. It provides a basis for police to issue enforcement action against users of public spaces who are engaging in potentially harmful behaviour. It can also be used as a reference in signage that attempts to prohibit violation of a bylaw. The problem the bylaw seeks to address needs to be defined before determining whether a bylaw is the most appropriate method of addressing the perceived problem. The purpose of this bylaw is to protect, promote and maintain health and safety and the public enjoyment of public places within the District by ensuring that public places are used in a manner that will not cause any obstruction, nuisance or damage, or endanger the public. The current provisions of the Public Places Bylaw seek to manage the following perceived problems:
  - Obstruction of, or damage to, public places.
  - The need to control cycles, skating devices and mobility devices in public places to maintain public health and safety.
  - Managing organised games, activities and events in public places to minimise the potential for uncontrolled or offensive behaviour, and to manage litter and recycling.
  - Control where unmanned aerial vehicles can operate to maintain public amenity and minimise potential nuisance and privacy concerns.
  - Management of street user activities to minimise impacts on public amenity and impacts on existing businesses in the Feilding Central Business District.
  - The ability for Council to control access to parks and reserves, including to minimise the potential for the improper use of vehicles causing damage to grounds and facilities.

- The need for Council to control beach access by people, vehicles and horses to minimise damage to sand dunes and vegetation.
- Property addressing.
- Controlling the repairing of vehicles in public places to minimise the potential for discharges or spills to occur.
- The leaving of vehicles in public places that can cause obstruction and impact on amenity.
- Lack of consistency and maintenance of under-veranda lighting, resulting in sub-standard lighting in the town centre, including in carparking areas, which is detrimental to public safety.
- Offensive behaviour from the consumption of alcohol in public places.
- The need for Council to be able to control and remove signage that is visible from a public place or neighbouring property that is offensive, threatening, insulting, discriminatory, or incites or consents any person to commit an offence. Council is particularly concerned about ensuring that advertising signs associated with commercial sexual premises do not cause a nuisance or serious offence to members of the public.
- The need to control signage to maintain amenity standards and road safety.

5.4 The Public Places Bylaw 2020 has been evaluated as being largely successful in managing the perceived problems identified above. Early engagement suggests that the following are ongoing perceived problems:

- a) Abandoning vehicles in public places.
- b) Obstruction through mobility vehicles.
- c) Reckless and dangerous driving in parks and areas of recreation.

5.5 While the three issues identified in paragraph 5.3 above are what Council considers to be the primary concerns currently, this Statement of Proposal also invites feedback on all other matters the bylaw seeks to address, for example, the use of micromobility devices, the operation of drones in public places and our approach towards providing space for street users and food trucks.

## 6. Determining the appropriate form of the Bylaw

- 6.1 Section 155(2)(a) of the Act requires that before adopting a bylaw, Council determines whether the proposed bylaw is *“the most appropriate form of the bylaw”*.
- 6.2 Council will make a formal determination on whether Council’s proposed Public Places Bylaw is the most appropriate form of the bylaw after considering submissions on the draft Bylaw. However, it is also worthwhile to consider the form of the bylaw at the drafting stage of the process.

- 6.3 The draft bylaw is the most appropriate form of bylaw. It places clear controls and restrictions on the use of public places to reduce the potential for nuisance or harm to others, allows for exceptions and special circumstances, is consistent with Council document standards, is enforceable, and has been written in plain English so far as possible.
- 6.4 The draft bylaw works in conjunction with, and complements, other regulatory tools such as the Manawātū District Plan, the Traffic Safety and Road Use Bylaw, the Land Transport Act, and the Reserves Act 1977 (please refer to the Draft Public Places bylaw for a comprehensive overview of other relevant legislation).
- 6.5 The draft has been reviewed with technical input from those Council Officers that use the bylaws most frequently. The draft bylaw is considered to be sufficiently clear and certain so that those who refer to it will understand its effect.
- 6.6 In relation to the three identified issues, officers have considered a range of options and reasonable alternatives. It is recommended that these issues continue to be managed under the draft Bylaw, on the grounds of proportionality and for the following reasons:
- (i) officers considered introducing designated parking spaces for mobility devices to *address obstruction through mobility* vehicles but decided not to pursue this option on the grounds of proportionality.
  - (ii) Similarly, the number of *abandoned vehicles* has remained relatively stable compared to the last review of the Public Places Bylaw in 2020. This trend should be considered in the context of new vehicle registrations, which increased significantly across the district in 2022 and 2023 (reaching up to 1,000 per month), but have since fallen to around 694 registrations per month as of March 2025. Meanwhile, the total number of registered vehicles has continued to grow between 2020 and 2023 (data for 2024 and 2025 are not yet available through the Ministry of Transport's open data tool).
  - (iii) With regard to the third issue, *reckless or dangerous driving in public places*, the current bylaw already contains provisions that enable enforcement in situations where behaviour creates a safety risk to others or causes a nuisance. These provisions, when read in conjunction with national legislation such as the section 7 of the Land Transport Act 1998, provide a sufficient legal framework for addressing these behaviours. Additionally, enforcement of this type of conduct often falls within the purview of the New Zealand Police, who retain primary responsibility for addressing dangerous driving offences.
- 6.7 Council proposes to retain the bylaw largely as it is and is confident that the three key issues identified in this review are recurring in nature and can be managed under the current bylaw, rather than being the result of an enforcement gap.

## 7. Preliminary Assessment against the Bill for Rights Act 1990

- 7.1 Section 155(2)(b) of the Act requires that before adopting a bylaw, Council determines whether the proposed bylaw will give rise to any implications under the New Zealand Bill of Rights Act 1990.
- 7.2 An assessment of whether the proposed Public Places Bylaw 2025 gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA) cannot be fully considered until after Council has deliberated on submissions on the draft Bylaw and the proposed Bylaw has been finalised for consideration by Council. However, a preliminary assessment can be made as to whether the draft bylaw may give rise to any implications under the NZBORA.
- 7.3 The NZBORA sets out specific rights and freedoms which are protected by legislation. The NZBORA states that the rights and freedoms covered by the Act *“may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.”*
- 7.4 It is not expected that a Public Places Bylaw to address the perceived problems identified would give rise to any implications against the NZBORA.
- 7.5 As the proposed bylaw and bylaw amendments do not infringe on any rights in the New Zealand Bill of Rights Act 1990, there is no inconsistency. However, a further assessment against the NZBORA will be undertaken prior to Council passing a resolution to adopt Council’s Public Places Bylaw 2025.

## 8. Consultation Process

- 8.1 Anyone can make a submission about Council’s draft Public Places Bylaw 2025 as described in this Statement of Proposal. Submissions can be made electronically through the Council’s “Have Your Say” webpage (<https://www.mdc.govt.nz/Contact-Us/Have-Your-Say>). Alternatively, a submission form can be downloaded from Council’s “Have Your Say” webpage or detached from the back of this document and emailed to [submissions@mdc.govt.nz](mailto:submissions@mdc.govt.nz) (subject heading “Draft Public Places Bylaw”), hand delivered to the Council office at 135 Manchester Street, Feilding, or posted to:

Manawatū District Council  
Private Bag 10001  
Feilding 4743  
New Zealand

- 8.2 Submissions close at **5pm on 29 August 2025.**
- 8.3 Any written form of submission will be received and considered.
- 8.4 Submitters should note that their submission will be copied and made available to the public after the submission period closes. You may opt to have your personal contact details kept confidential.
- 8.5 Please state in your submission whether or not you wish to present your submission in person at a hearing.



## 9. Proposed Timeline

### 9.1 18 September 2025 Hearings

A hearing will be held for those who wish to present their submission to council in person. Each submitter who wishes to speak at the hearing will be contacted in September 2025 and assigned a speaking time.

### 9.2 2 October 2025 - Deliberations

Council will deliberate on all written and oral submissions. However, if no submitters request to speak to Council, the Hearing and Deliberations may be combined into a single Council meeting on 18 September 2025.

### 9.3 30 October or 6 November 2025 - Adoption

Following the consideration of submissions on the draft Bylaw, the proposed Manawatū District Council Public Places Bylaw 2025 will be considered for adoption by Council.

## Appendix 1 – Key differences between the 2020 Bylaw and the draft Bylaw 2025

Proposed Change	Reasons for Change
Inclusion of 'Authorised Officer' in the bylaw.	The term 'Authorised Officer' has been included in order to capture that some aspects of the Bylaw require a degree of shared enforcement that is not covered by terms such as 'Enforcement Officer' or Council Officer.
Inclusion of 'Micromobility Devices'	The term 'Micromobility Devices' means any device whether motorised or not that is designed for the primary purpose of enabling a user to be more mobile, including but not limited to mobility scooters, power chairs, and wheelchairs. The term has been included in recognition of the fact that the design and specification of micromobility devices such as e-scooters e-accessible devices continues to mature.
Reference to 'person' in Clause 7 has been replaced by reference to 'vehicle'.	The word 'person' has been replaced by the word 'vehicle' to give better effect to the intent of this clause around managing vehicular access.
Inclusion of the terms Commercial Zone, Mixed Use Zone and Town Centre Zone	Instead of making reference to Business Zone, the draft bylaw makes reference to Commercial Zone, The Town Centre and Mixed Use Zones. The changes are the result of changes to the National Planning Standards.
Corrections to clause 24.1 that relates to signs for commercial sexual services.	These changes are necessary to achieve the original intent of the clause: to restrict the location of signs to premises operating in what were previously referred to as 'Business Zones'—now the Commercial, Mixed Use, and Town Centre Zones—and to ensure that signs are not visible from outside these zones.
Updates to the Repeals, Savings and Transitional Provisions	Updates to ensure that these provisions refer to the most recent version of the Bylaw, being the Manawātū District Council Public Places Bylaw 2020. The term "consent" has been replaced by "permission" to avoid potential confusion with consents issued under the Building Act 2004, Resource Management Act 1991, or any other legislation.
Administrational changes and typos	Some minor typos and administrative changes are required to ensure internal consistency with other Council documents and external consistency with relevant legislation and terminology.



# Public Places

## Bylaw 2020

Adopted: 2 July 2020  
Commences: 2 July 2020  
Amendments commenced: 11 March 2022  
and 22 September 2022  
Review Date: 2 July 2025

[www.mdc.govt.nz](http://www.mdc.govt.nz)

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## 1 Preliminary Provisions

- 1.1 This Bylaw is the Public Places Bylaw 202~~50~~.
- 1.2 This Bylaw is made under the Local Government Act 2002 (the “Act”), the Prostitution Reform Act 2003 and every other power vested in the Council to make Bylaws and regulate activities in Public Places.
- 1.3 Nothing in this Bylaw derogates from any duty, power or responsibility arising from any other Act, regulations, Bylaw or rule.

*Explanatory note: the Council also has powers under the Sale and Supply of Alcohol Act 2012, Prostitution Reform Act 2003, Reserves Act 1977, Land Transport Act 1998, Health Act 1956, Litter Act 1979, and other legislation concerning activities in Public Places. The powers within these Acts and Regulations are not necessarily repeated in this Bylaw.*

## 2 Purpose

- 2.1 The purpose of this Bylaw is:
- (a) To protect, maintain and promote public health and safety, maintain amenity standards and to protect the general public from Nuisances.
  - (b) To ensure that Public Places are used in a manner that will not cause any obstruction, Nuisance or damage, or endanger public health and safety.
  - (c) To minimise the potential for offensive behaviour in Public Places.
  - (d) To manage, regulate against, or protect from, damage, misuse, or loss or for preventing the use of, the land, Structures, or infrastructure associated with Reserves, recreation grounds or other land under the control of the Council.
  - (e) To reduce the potential for public Nuisance, offensive behaviour, and potential for damage to public and private property caused by excessive or inappropriate consumption of Alcohol in a Public Place, by regulating or otherwise controlling:
    - (i) The consumption of Alcohol in a Public Place;
    - (ii) The bringing of Alcohol into a Public Place; and
    - (iii) The possession of Alcohol in a Public Place.
  - (f) To regulate, control or prohibit Signs in Public Places, or ~~S~~signs that are visible from a public place, including Signs advertising Commercial Sexual Services.
  - ~~(g)~~ — To regulate the activities (including the sale of goods and services) of Street Users in Public Places.

~~(g)~~

## 3 Commencement

~~3.1~~ This Bylaw ~~comesame~~ into force on ~~XXX2 July 2020~~

~~3.13.2~~ This Bylaw applies to all of the Manawātū District.

~~3.23.3~~ This Bylaw was amended on 3 March 2022, and those amendments came into effect on 11 March 2022.

*Explanatory note: The amendments referred to in clause 3.2 include changes to the definitions of Feilding CBD and Public Place (clause 4 and Schedule 2), Street User Activities (clause 10 and Schedule 3), Alcohol Control provisions (clauses 19-21 and Schedule 5), and Offences and Breaches (clause 26).*

## 4 Interpretation and Definitions

4.1 The provisions of the Manawātū District Explanatory Bylaw 2022 and its amendments are implied into and form part of this Bylaw.

~~4.1~~ *Explanatory Note: Capitalisation is used in the Public Places Bylaw to denote defined terms.*

4.2 In this Bylaw, unless the context requires otherwise:

**Act** means the Local Government Act 2002 and any subsequent amendments.

**Alcohol** has the same meaning as under the Sale and Supply of Alcohol Act 2012.

**Alcohol Control Area** means a public place specified in Schedule 5 of this Bylaw, and any other area that the Council resolves to designate as an Alcohol Control Area in accordance with clause 21.1, and in respect of which the prohibitions and controls in this Bylaw will apply at any period but does not include:

- (a) Any part of an area or Premises for which a liquor licence has been issued under the Sale and Supply of Alcohol Act 2012;
- (b) Any part of an area or Premises for which a special licence has been granted pursuant to Section 227 of the Sale and Supply of Alcohol Act 2012.

**Authorised Officer** means any person appointed or authorised by the Council to act on its behalf and with its authority in relation to this Bylaw, and includes a parking warden appointed by Council under section 128D of the Land Transport Act 1998 or any sworn member of the New Zealand Police.

**Beach** means the foreshore (including the intertidal zone above the mean low water spring) and any area above mean high water springs that can reasonably be considered the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation typically found in a marine environment.

**Busker** means any person(s) who plays, acts, sings, dances or otherwise performs or entertains in a Public Place for free or for reward or other and “Busking” has a corresponding meaning.

**Commercial Sexual Services** has the same meaning as set out in section 4 of the Prostitution Reform Act 2003.

**Commercial Sexual Premises** means any Premises used for the purposes of providing Commercial Sexual Services.

**Cycle** means a Vehicle having at least one wheel and that is designed primarily to be propelled by the muscular energy of the rider and includes a power-assisted cycle. Children’s cycles having wheels less than 355 mm diameter are excluded. BMX cycles are included no matter the diameter of the wheels.

**Discriminating** or **Discrimination** refers to one or more of the prohibited grounds of discrimination set out in the Human Rights Act 1993.

**Feilding CBD** means the area identified on the map in Schedule 2 of this Bylaw.

**Food Control Plan** means a plan designed for a particular food business (in accordance with Section 36 of the Food Act 2014) to identify, control, manage, and eliminate or minimise food hazards or other relevant factors for the purpose of achieving safe and suitable food, taking into account –



- (a) each type of food that the food business trades in; and
- (b) each type of process or operation that is applied to the food; and
- (c) each place in which the food business trades in food.

**Hawker** means any person who sells goods or services or displays or offers goods or services for sale in a Public Place, or who carries or talks about goods from door to door.

**Horse** includes any ass or mule.

**Keeper** in relation to any Mobile Shop, or Street Stall means the person by whom or on whose behalf business is carried on by means of that Mobile Shop or Street Stall.

**Micromobility Device** Micromobility Device means transportation using small, lightweight vehicles such as bicycles, skateboards or scooters (but does not include a mobility device, which has the same meaning as section 2 of the Land Transport Act 1998).

**Mobile Shop** means a Vehicle from which goods or services are sold or offered for sale in a Public Place.

**Mobility Device** has the same meaning as under the Land Transport Act 1998.

**Organised Game, Activity or Event** means any game, activity or event that requires sole use of a Public Place, including any Event as defined in the Solid Waste Bylaw 2019.

**Park** includes any open space, plantation, garden or ground set apart for public recreation or enjoyment that is under Council management or control.

**Property Number** means any number assigned by Council under AS/NZS 4819:2011 Rural and Urban Addressing.

**Public Place:**

- (a) in the definition of “Alcohol Control Area” and clauses 19 to 22 of the Bylaw, has the same meaning as under section 147(1) of the Act; and
- (b) in all other instances includes every Road, Beach, Reserve, Footpath, accessway or thoroughfare open to or used by the public as of right; and every place to which the public has access.

**Reserve** includes any open space, plantation, park, garden, or ground set apart for public recreation or enjoyment that is under Council control.

**Road** or **Roadway** means every Road, street or public highway under Council’s control, including the road reserve from property boundary to property boundary.

**Sand Dune Area** means the area above the last high tide, except on any defined Vehicle beach access-way or any area which is set aside by Council for that purpose.

**Sign** and **Signage** means any display or device whether or not placed on land, affixed to a building, stationary Vehicle or object, in the air, or a projection of light to create a word or pictorial image, intended to attract attention for the purposes of directing, identifying, informing or advertising and which is visible from a Public Place. This includes all parts, portions, units and materials composing the same, together with the frame, background, Structure and support anchorage (including sandwich board type Signs placed on the ground). A bunting that has symbols or messages on it shall also be considered a Sign for the purposes of this part of the Bylaw.

~~**Skating Device** means a wheeled device controlled or propelled by gravity or by the energy of the rider, including skateboards, roller skates, scooters, rollerblades, in-line skates, and~~

~~wheeled recreation devices that have motors with a maximum output of 300W. It does not include cycles, wheelchairs, baby or invalid carriages.~~

**Street Stall** includes any Structure, stand or table capable of being moved on or from which goods and services are sold, or goods and services are displayed for sale.

**Street Use** and **Street User** means:

- (a) the use of any Street Stall or Mobile Shop;
- (b) engaging in any Hawking, street appeal, solicitation of donations, or parade; or
- (c) acting as a Busker, pamphlet distributor or undertaking any other similar activity in a Public Place.

**Unmanned Aerial Vehicle (UAV)** means an aircraft that is remotely controlled or can fly autonomously through software-controlled flight plans in their embedded systems working in conjunction with GPS.

- 4.3 Reference should be made to clause 2 of the Manawatū District Explanatory Bylaw 2022 for any other definitions not included in clause 4.2.
- 4.4 Any explanatory notes are for information purposes only. They do not form part of this Bylaw, and may be made, amended, revoked or replaced by the Council at any time.
- 4.5 In addition, this Bylaw should be read in conjunction with, but not in replacement of, other Bylaws or Council policies that may be applicable, including the Dog Control Bylaw 2019, the Animal Bylaw 2019 and the Dog Control Policy 2019.

## **5 Obstruction of or Damage to Public Places**

- 5.1 A person must not cause damage or deface or interfere with any Council property in a Public Place.
- 5.2 A person must not, without prior consent from the Council, or as expressly allowed by this Bylaw:
  - (a) Place or leave any Vehicle, container, package, Sign, or any other encumbrance that obstructs any Public Place;
  - (b) Carry out any activity where a Sign indicates that the activity is prohibited or is otherwise regulated;
  - (c) Erect any stall, tent or Structure of any kind on any Road, accessway or thoroughfare in any Public Place;
  - (d) Do anything, on or adjacent to any Public Place, which may cause people to congregate in a manner which may impede traffic, cause an obstruction or impede or annoy passers-by;
  - ~~(e) Operate any Vehicle or Cycle in any Public Place without due care and attention, or without due consideration for the safety of other people;~~
  - ~~(f) Allow any Animal, excluding dogs, in their custody to wander or be at large without proper control in any Public Place;~~

~~Explanatory Note: Wandering dogs are managed under Council's Dog Control Policy 2019 and the Impounding Act 1955~~

- ~~(g) Allow any Animal, excluding dogs, in their custody to cause a Nuisance, inconvenience or danger;~~



(e)

*Explanatory Note: Any Animal or pet within a Local Authority Area must be Kept in accordance with the Dog Control Bylaw 2019, the Animal Bylaw 2019, or any other enactment, including being under control so as to minimize danger, distress, and Nuisance to the community, including other animals and wildlife. controls over dogs in public places are contained in the Dog Control Bylaw 2019.*

~~(h)~~(f) Discharge any effluent containing human waste or Animal waste, or waste of any kind, from any stationary Vehicle in a Public Place;

~~(i)~~(g) Deposit, discharge or leave any offensive, inflammable, hazardous or dangerous substance (including fireworks) in or about a Public Place.

*Explanatory Note: Wandering dogs are managed under Council's Dog Control Policy 2019 and the Impounding Act 1955. The Council may, from time-to-time, by resolution, designate a specific Road or part of a Road or Public Place where all activities or any specified category of activity are prohibited to ensure public safety, prevent Nuisance and minimise obstructions or misuse of a Public Place.*

## 6 **Control ~~of of Cycles, Skating Devices and Mobility Devices~~ Micromobility Devices**

6.1 A person must not use or ride a ~~Cycle, Skating Device or Mobility Device~~ Micromobility Devices in any Public Place in a manner as to be, in the opinion of an Enforcement Officer:

- (a) Intimidating; or
- (b) Dangerous; or
- (c) A Nuisance; or
- (d) Likely to cause damage to property.

*Explanatory Notes: Part 11 of the Land Transport (Road User) Rule 2004 sets out the requirements for pedestrians, riders of Mobility Devices, and wheeled recreational devices (including Skating Devices). Compliance with the Road Rules is enforced by the New Zealand Police.*

*Any Enforcement Officer may impound any property being used in breach of this Bylaw.*

*Prior to seizing and impounding property, the Enforcement Officer will:*

- (i) Direct (orally or in writing) the person committing the offence to stop committing the offence; and
- (ii) Advise (orally or in writing) the person committing the offence that, if he or she does not stop committing the offence, the Enforcement Officer has power to seize and impound the property; and
- (iii) Provide the person with a reasonable opportunity to stop committing the offence.

6.2 Any impounded property may be reclaimed from Council's offices upon payment of the fee prescribed in Council's Schedule of Fees and Charges.

## 7 **Activities in Public Places**

- 7.1 A person must only undertake any Organised Game, Activity or Event, operate any Vehicle or drive, ride, or lead any Animal in any Public Place:

- (a) On areas set aside especially for those purposes; or
- (b) With an approved activity and event on Council land/roads application from Council.

*Explanatory Note: Refer to the Manawātū District Council's Animal Bylaw 2019, Dog Control Bylaw 2019 and Reserve Management Plans for rules relating to dogs and other animals in Public Places, including Parks and Reserves.*

- 7.2 Every person must, on the request of an Enforcement Officer, immediately cease playing or taking part in any Organised Game, Activity or Event, or any other game or activity on or in any Public Place which in the Enforcement Officer's opinion:

- (a) Is dangerous;
- (b) Is likely to damage the Public Place or anything in it;

(c) Is causing a Nuisance.

~~(e)~~ Explanatory Note: Casual games or activities, such as a neighbourhood game of cricket in a local park, are not covered by this clause but may be directed to be stopped by Council if there is danger, damage or nuisance.

## **8 Booking Applications for an Organised Game, Activity or Event in a Public Place**

- 8.1 The organiser of an Organised Game, Activity or Event must lodge a booking application for an activity or event on Council land/roads with Council at least one calendar month prior to undertaking any Organised Game, Activity or Event in a Public Place, including any Park or Reserve.

*Explanatory Note: Additional permits, consents, Approvals or authorisations from Council may be required in addition to the booking application for an activity or event on Council land/roads. These applications will be subject to separate statutory timeframes which should be taken into consideration by the organiser when lodging their booking application.*

*A separate permit is required under clause 9.3 of this Bylaw for the operation of a UAV in association with an Organised Game, Activity or Event.*

- 8.2 Any booking application for an activity or event on Council land/roads must be made in writing on the form prescribed by Council from time to time and accompanied by the fee prescribed in Council's Schedule of Fees and Charges.

*Explanatory Note: If the venue is not available Council will refund the application fee.*

- 8.3 Within 5 Working Days the Council must acknowledge receipt of the booking application for an activity or event on Council land/roads and confirm venue availability.

- 8.4 Within 20 Working Days of receiving a booking application for an activity or event on Council land/roads, Council will either:

- (a) Approve the booking application for an activity or event on Council land/roads; or
- (b) Refuse the booking application for an activity or event on Council land/roads and give reasons to the organiser for the refusal.

- 8.5 The organiser must undertake the Organised Game, Activity or Event as submitted under clause 8.2 in accordance with any terms and conditions specified by the Council.
- 8.6 The Council may at any time, by notice in writing delivered to the organiser, revoke or amend an approved activity and event on Council land/roads application, having regard to the purpose and terms of this Bylaw.

*Explanatory Note: The Solid Waste Bylaw 2019 contains requirements relating to the submission of a Litter and Recycling Plan by the organiser of an Event.*

## **9 Operating an Unmanned Aerial Vehicle (UAV)**

- 9.1 A person must not fly a UAV in a Prohibited UAV Flying Zone listed in Schedule 1.
- 9.2 A permit is not required to fly a UAV over Council owned land or facilities, outside of the Prohibited UAV Flying Zones listed in Schedule 1, providing the following conditions are met:
- (a) The operator of a UAV must be considerate of other Park or Reserve users;
  - (b) A UAV must not be operated over a sports field if it is in use;
  - ~~(c)~~ Any person operating a UAV must cease operation if requested by a Council Officer or emergency services.

(c)

*Explanatory notes:*

*Any UAV operation must be carried out in accordance with the Civil Aviation Authority (CAA) Part 101 rules and regulations for UAVs in New Zealand (<https://www.aviation.govt.nz/drones/>). The CAA rules and regulations include, but are not limited to, a requirement that those operating UAVs obtain consent from anyone they want to fly above, and from the property Owner or person in charge of the area they want to fly above.*

*Operators who cannot comply with Part 101 of the CAA rules and regulations require an aircraft operator certificate under Part 102. For example, owing to the additional risk to public safety, certification under Part 102 is required to fly a UAV above or in proximity to people at sporting events or other events involving large or dense crowds of people.*

*The Manawātū District Council is only able to issue a permit for the operation of a UAV above Council-owned land, Parks or facilities. All flights within controlled airspace require permission from air traffic control.*

*Part of the Manawātū District sits within controlled Airspace. Clearance from the aerodrome operator is required prior to operating within 4km of all airports and helipads. Air traffic control clearance from Airways is required prior to operating a UAV in controlled Air Space. Permission is required from the administering authority prior to operating a UAV in special use airspace (e.g. military operating areas). Clearance and permission from the relevant authorities can be sought at the time flights are logged through AirShare (<https://www.airshare.co.nz/>) using the My Flights tool. Outside of controlled airspace, flight(s) can be made known to other manned and unmanned aircraft by registering to use Flight Advisor and submitting an Advisory. Doing so provides other aviators notification of flight(s). It also sends notification (SMS or email) of any other traffic that may be*

in the area. Registration is free but a form of identification will be required depending on the level of access applied for.

- 9.3 A permit is required to operate a UAV in association with any Organised Game, Activity or Event, or for any UAV operation that does not meet the conditions of clause 9.2.
- 9.4 Prior to lodging any permit application under clause 9.3, clearance or a shielded operation exemption must be obtained from air traffic control.
- 9.5 Any permit application under clause 9.3 must be made by the UAV operator or the organiser of the Organised Game, Activity or Event who must be at least 16 years of age and must be received by Council at least 14 days prior to the date on which the UAV is to be operated.

*Explanatory Note: Someone 16 years or over may also apply for a permit on the basis that they will be supervising someone under the age of 16 operating a UAV.*

- 9.6 Any permit application under clause 9.3 must be in the form prescribed by Council from time to time and accompanied by the fee prescribed in Council's Schedule of Fees and Charges.
- 9.7 On receipt of all necessary information, the Council Officer must either:
- (i) Approve the permit and impose any terms and conditions deemed necessary when having regard to the purpose and terms of this Bylaw, including, but not limited to: Compliance with the Civil Aviation Authority (CAA) rules when operating or supervising the operation of the UAV;
  - (ii) The time, date and approximate flight area;
  - (iii) Proximity of the flight area to moving Vehicles, people and public events including organised sports;
  - (iv) Potential for wildlife conflict; and
  - (v) Whether Council has already granted Approval for the same space to another person.

Or

- (b) Refuse the permit application and give reasons to the organiser for the refusal.

*Explanatory Note: Flight paths that fly over people are deemed to be high risk by the CAA and require certification under Part 102 of the CAA rules and regulations.*

- 9.8 The permit holder must comply with any conditions of the permit imposed by Council under clause 9.7.
- 9.9 A permit is personal to the permit holder and is not transferable.
- 9.10 The Council may at any time, by notice in writing delivered to the permit holder, revoke or amend a permit issued under clause 9.7, if an Enforcement Officer considers the UAV is being operated in a way that breaches one or more conditions of the permit, or any other terms and conditions of the Bylaw, or any other Act or regulation.

## **10 Street User Activities**

- 10.1 A person must obtain a permit from Council prior to carrying out any Street Use activity, and must carry out any Street Use activity in accordance with the terms and conditions of

that permit.

- 10.2 Within the Feilding CBD, permits for Hawkers, Mobile Shops or Street Stalls will be granted only for the locations specified in Schedule 3 of this Bylaw. For each of these locations, permits cannot be issued if it would result in more than two Street Users using the location at any one time. Permits will be issued on a first-come-first-served basis.
- 10.3 Despite Clauses 10.1 and 10.2, Hawkers, Mobile Shops and Street Stalls may operate anywhere within the District, including within the Feilding CBD, without a permit when taking part in an Organised Game, Activity, or Event in a Public Place that has been approved by the Council under clause 8.4(a) of this Bylaw.
- 10.4 Any application under clause 10.1 must be made at least 14 days prior to the date on which it is desired to commence the Street Use. The application must be in the form prescribed by the Council from time to time and be accompanied by any fee prescribed in-Council's Schedule of Fees and Charges.

*Explanatory note: This clause should be read in conjunction with clause 5 of the Manawatu District Explanatory Bylaw 2022.*

- 10.5 In deciding whether to grant a permit for a Street Use under clause 10.1 the Council will consider, without limitation:
- (a) the nature of the Street Use including the location and duration of the Street Use;
  - (b) The degree to which public use of the street or Public Place will be maintained;
  - (c) whether any Vehicle to be used in connection with selling or storing food is suitable for the purpose; has registered a Food Control Plan with Council, if required by the Food Act 2014; or is registered with the Ministry of Primary Industries under a national programme;
  - (d) whether any Mobile Shop or Street Stall selling or supplying Alcohol has the appropriate licence under the Sale and Supply of Alcohol Act 2012;
  - (e) whether a Nuisance is likely to be created; and
  - (f) if the granting of the permit is consistent with the aims and purposes of this Bylaw.
- 10.6 On receipt of all necessary information, the Council Officer will either:
- (a) Approve the permit application and impose any terms and conditions deemed necessary by Council when having regard to the purpose and terms of this Bylaw, including the days and hours of operation; or
  - (b) Refuse the permit application and give reasons to the applicant for the refusal.
- 10.7 Street User Permits for Hawkers, Mobile Shops or Street Stalls will be issued under Clause 10.8(a) for a period of up to two weeks, unless otherwise agreed by Council in writing.
- 10.8 A permit is personal to the applicant and is not transferable.
- 10.9 A permit holder must provide a copy of their permit when requested by an Enforcement Officer.
- 10.10 If, in the opinion of an Enforcement Officer, a permit holder is operating in breach of any terms or conditions of their permit, or this Bylaw, they may at any time, by notice in writing delivered to the permit holder, revoke or amend the permit and require the Street Use to cease immediately.

## 11 General Provisions for Street Use

- 11.1 Every Street User must ensure that their activity does not endanger the health and safety of the public which are in, at, or around the Street Use activity.
- 11.2 No Street Use may be situated on:
- (a) A Grass Verge where damage to the Grass Verge may result;
  - (b) sites where insufficient hardstanding is available for customers to Park clear of the Road; or
  - (c) sites that may lead to an adverse impact on traffic or public safety.
- 11.3 Every Vehicle used in conjunction with a Street Use must display a current warrant and licence.
- 11.4 Every Street User must maintain the immediate area around their operation, and every Vehicle or container used in connection with the Street Use, in a clean and sanitary condition both during operation and prior to leaving that area.

## 12 Opening and Closing Parks and Reserves

- 12.1 The Council may prescribe opening times for any Park or Reserve, and no ~~person-vehicle~~ may enter or be in such Park or Reserve at any other time without prior consent from the Council.
- 12.2 The Council may at any time, by Public Notice or by notice displayed on the entrances to any Park or Reserve, declare that Park or Reserve to be closed.

## 13 Beaches

- 13.1 Any person wishing to gain access to a Beach must use the designated access routes (where available).
- 13.2 A person must not drive any Vehicle on any Beach except on any area which is set aside by Council for that purpose by resolution from time-to-time as stated in clause 13.4.
- 13.3 A person must not, without prior consent from the Council:
- (a) Allow any Horse to be within the Horse control area as shown in schedule 4 to this Bylaw, except that a Horse may be ridden or otherwise led in a direct route through the Horse control area to a part of the foreshore outside of the control area; or
  - (b) Walk through, drive or ride any Vehicle, Horse, or other Animals within any Sand Dune Area, except on any defined vehicle beach accessway or any area which is set aside by Council for that purpose.
- 13.4 The Council may from time-to-time by resolution amend or revoke the areas set aside by Council for the purpose of driving a Vehicle on the beach, or the areas shown in Schedule 4 of this Bylaw.

*Explanatory Note: Refer to Council's Traffic Safety and Road Use Bylaw for provisions around prohibiting or restricting the use of Vehicles of a specified class or description, on beaches.*

## **1514 Fences**

~~15.1~~14.1 A person must not erect or permit to be erected any barbed wire or electrified wire along, or within one (1) metre of, any boundary which adjoins any Public Place, unless such wire:

- (a) is at least two (2) metres above the ground level of the Public Place; and
- (b) forms part of an existing fence.

~~15.2~~14.2 Any electrified wire on a fence must be identified as such by appropriate ~~s~~Signage.

~~15.3~~14.3 Clauses 14.1 and 14.2 do not apply within any area Zoned "Rural" or "Flood Channel" or "Rural Lifestyle" under the Manawatū District Plan except when the fence adjoins a Footpath.

*Explanatory Note: Any fence must also comply with all applicable requirements of the Manawatū District Plan.*

## **1615 Property Addressing**

~~16.1~~15.1 Every Owner or Occupier of an occupied site must at all times display a Property Number allocated to that site by Council. This applies to all urban, rural, commercial, Central Business District and industrial sites.

~~16.2~~15.2 The Owner or Occupier of an occupied site must display their allocated Property Number in accordance with Council's Property Addressing Policy 2020.

## **1716 Repairing Vehicles**

~~17.1~~16.1 A person must not repair any Vehicle in any Public Place, except in the case of an accident or breakdown and where repairs are necessary to allow the Vehicle to be removed.

~~17.2~~16.2 Repairs permitted by clause 16.1 must be completed within 24 hours of the accident or breakdown occurring.

~~17.3~~16.3 A person must not allow any discharge or spillage of any contaminant into a Public Place from any Vehicle undergoing repairs permitted under clause 16.1.

~~17.4~~16.4 Where any discharge or spillage has occurred in contravention of clause 16.3 a Council Officer may require that the owner of a Vehicle or person using a Vehicle take steps to remove the discharge or spillage.

## **1817 Leaving Vehicles in Public Places**

~~18.1~~17.1 A person must not, without prior consent of the Council, leave a vehicle, caravan, horse float or trailer in any Public Place for a period exceeding seven days.

## **1918 Under-Veranda Lighting in Public Places**

~~19.1~~18.1 Building Owners of Premises within the ~~Business Zone~~Commercial Zone, Mixed Use Zone and Town Centre Zone that require veranda lighting in accordance with the Manawatū District Plan and the Feilding Town Centre Design Guidelines, Appendix 10a, Section 04 facades are responsible for maintaining the lighting in working order at all times and operating under the Hours of Darkness.<sup>63</sup>



## **2019 Control of Alcohol in the Alcohol Control Areas**

**20.119.1** A person must not, within the Manawātū District:

- (a) Bring Alcohol into any Alcohol Control Area;
- (b) Consume Alcohol in any Alcohol Control Area or in a Vehicle within an Alcohol Control Area; or
- (c) Possess Alcohol in any Alcohol Control Area, including without limitation;
  - (i) Alcohol in a container such as a bag, parcel or package; or
  - (ii) Alcohol in or on a Vehicle.

Unless an exception applies.

**20.219.2** The Feilding CBD Alcohol Control Area identified in Schedule 5 of this Bylaw, will be an Alcohol Control Area, for the purposes of Clause 19.1, at all times on all seven days of the week.

**20.319.3** The Timona Park Alcohol Control Area, Kōwhai Park Alcohol Control Area and Highfield Hill Lookout Alcohol Control Area identified in Schedule 5 of this Bylaw will each be an Alcohol Control Area, for the purposes of Clause 19.1, between the hours of 9pm and 6am the following day on all seven days of the week.

**20.419.4** Any other area that the Council resolves to designate as an Alcohol Control Area in accordance with clause 21.1 of the Bylaw will be an Alcohol Control Area for the purpose of Clause 19.1, between the hours specified by Council in the resolution.

## **2120 Exceptions to Restrictions**

**21.120.1** This Bylaw does not prohibit, regulate, or control, in the case of Alcohol in an unopened container:

- (a) The transport of the Alcohol from licensed Premises next to a Public Place, if—
  - (i) It was lawfully bought on those Premises for consumption off those Premises; and
  - (ii) It is promptly removed from the Public Place; or
- (b) The transport of the Alcohol from outside a Public Place for delivery to licensed Premises next to the Public Place; or
- (c) The transport of the Alcohol from outside a Public Place to Premises next to a Public Place by, or for delivery to, a resident of the Premises or his or her bona fide visitors; or
- (d) The transport of the Alcohol from Premises next to a Public Place to a place outside the Public Place if—
  - (i) The transport is undertaken by a resident of those Premises; and
  - (ii) The Alcohol is promptly removed from the Public Place.

**21.220.2** Clause 19.1 does not apply to the possession or consumption of Alcohol at any Premises or Public Place within an Alcohol Control Area operating in compliance with a licence issued under the Sale and Supply of Alcohol Act 2012, including Footpath areas that are licensed as part of those Premises and are clearly defined by the placement of tables and chairs outside those Premises.



## **2221 Designation of new Alcohol Control Areas**

**22.121.1** For the purpose of this Bylaw, additional areas may be designated by the Council from time to time as an Alcohol Control Area with either:

- (a) A general prohibition on the possession or consumption of Alcohol; or
- (b) A prohibition on the possession or consumption of Alcohol for specified events or specified times of the year.

**22.221.2** In designating any such additional areas under Clause 21.1, Council may provide that the prohibition applies at all times, or only during certain days and times.

**22.321.3** Council will declare any such additional areas by resolution as provided for in Section 151(2) of the Act.

## **2322 Powers of Police**

**23.122.1** As provided in Section 169 of the Act, a police constable is empowered to enforce this Bylaw, and is authorised to:

- (a) Search a container in the possession of a person who is in, or entering, an Alcohol Control Area for the purpose of ascertaining whether Alcohol is present
- (b) Search a Vehicle that is in, or is entering, any Alcohol Control Area for the purpose of ascertaining whether Alcohol is present;
- (c) Seize and remove any Alcohol and its container if the Alcohol is in any Alcohol Control Area in breach of the Bylaw;
- (d) Arrest any person whom the police constable finds committing an offence; or
- (e) Arrest any person who has been asked and refused to either leave the Alcohol Control Area or to surrender to a police constable any Alcohol that is in that person's possession in breach of the Bylaw.

*Explanatory note: No warrant is required for the Police to conduct a search to ascertain whether Alcohol is present in a container or Vehicle that is in or entering the Public Place.*

*In addition to their general powers under Sections 169 and 170 of the Local Government Act 2002, any member of the New Zealand Police may exercise the power under Section 170(2) of that Act (to search a container or Vehicle without further notice) in an Alcohol Control Area on such specified dates as may be notified by the Council from time to time. Further such powers are prescribed in Sections 95-97 of the Sale and Supply of Alcohol Act 2012.*

## **2423 Control of Objectionable Signs**

**24.123.1** A person must not display, erect, place or allow to remain in place, any Sign which is visible from a Public Place or neighbouring property, and which, in the opinion of an Enforcement Officer, explicitly or implicitly:

- (a) Is objectionable within the meaning of the Films, Videos and Publications Classifications Act 1993;
- (b) is offensive, threatening or insulting;
- (c) is Discriminating or advocates Discrimination;
- (d) incites or consents any person to commit any offence; or

- (e) otherwise fails to comply with this Bylaw, except where an exemption to this clause has been granted by the Council.

~~24.223.2~~ Where any of the grounds in clause 23.1 are met, an Enforcement Officer may issue a notice to the Owner or Occupier of the land, specifying:

- (a) the action to be taken by the Owner or Occupier to remedy the situation including to alter, repair or remove the Sign in question; and
- (b) when the action required by the notice must be complied with.

~~24.323.3~~ An Owner or Occupier must comply with any notice served on him or her under clause 23.2.

*Explanatory Note: Any sign must also comply with the requirements of the Manawātū District Plan.*

## **~~25~~24 Commercial Sexual Premises**

~~25.124.1~~ A person must not display or permit or allow the display of a Sign for any Commercial Sexual Services in any part of the District, except in accordance with (a) and (b):

- (a) The Sign must be located on the Premises in which the Commercial Sexual Services are provided, within any Industrial Zone as well as Commercial and Mixed Use Zone~~Business Zone~~ as defined in the Manawātū District Plan; and
- (b) which are not visible from land outside of ~~the Business Zone~~Industrial Zones as well as Commercial and Mixed Use Zones.

*Explanatory Note: Any Sign must also comply with the requirements of the Manawātū District Plan.*

## **~~26~~25 Exemptions to Clauses 23 and 24**

~~26.125.1~~ An exemption from the requirements of clauses 23 and 24 of this Bylaw may be granted if the Council is satisfied that compliance with this Bylaw would be unreasonable or impracticable, having regard to the circumstances of the case.

~~26.225.2~~ An application for exemption under clause 25.1 must be made in writing to the Council and be accompanied by any fee prescribed in Council's Schedule of Fees and Charges.

~~26.325.3~~ Any exemption may be granted in whole or in part, and may include such conditions as the Council deems appropriate in the circumstances. The holder of an exemption must comply with any conditions imposed by the Council under this clause.


## **~~27~~26 Offences and Breaches**

~~27.126.1~~ Every person who commits a breach of this Bylaw, or any terms and conditions on any permit issued under this Bylaw, commits an offence and is liable to pay:

- (a) The maximum fine set out in the Act;
- (b) The maximum fine set out in the Land Transport Act 1956, the Health Act 1956 and the Litter Act 1979; and
- (c) Any other penalty specified in another Act for the breach of the Bylaw.
- (d) In the event of breach of this Bylaw, the Council may take enforcement action as provided for under legislation, including the Act, the Land Transport Act 1998, the Health Act 1956, the Litter Act 1979, <sup>66</sup>and/or the Reserves Act 1977.

Sealed with the Common Seal  
of the MANAWATU DISTRICT COUNCIL  
in the presence of:



  
Mayor  
  
Chief Executive

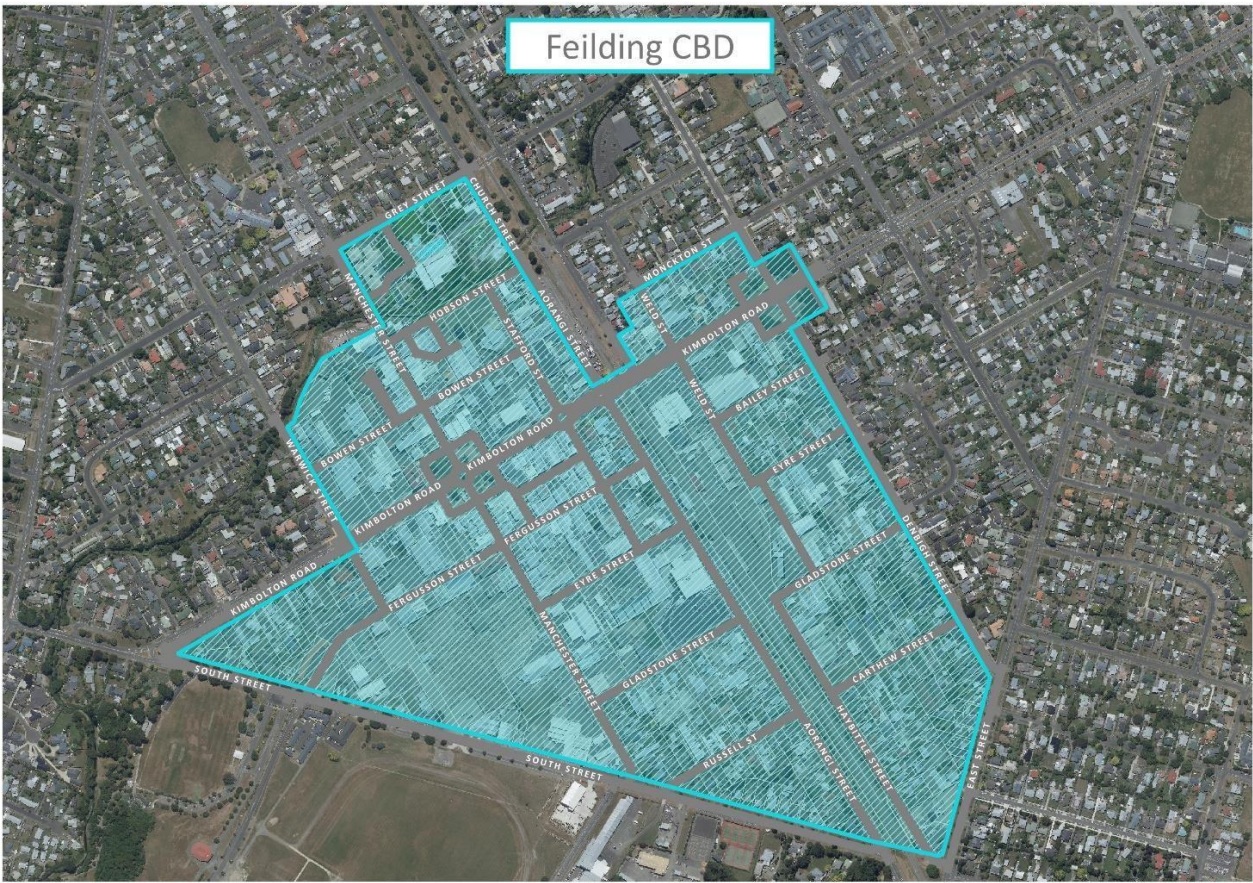
## **Schedule 1 – Prohibited UAV Flying Zones**

Council Approval will not be given to operate a UAV in the following Prohibited UAV Flying Zones:

- Council Offices, Libraries and Swimming Pools
- Council's Water Treatment Plants
- Council's Wastewater Treatment Plants
- Council's Resource Recovery Centre
- Council's Dog Pound
- Council Cemeteries
- Within the Road corridor
- Any Council land or property that is leased to another party

This Schedule does not apply to any UAV being operated on behalf of the Manawātū District Council, emergency services, or Network Utility Operators.

Schedule 2 – Feilding CBD





Schedule 3 – Street User Areas in Feilding







Schedule 4 – Horse Control Areas

Himatangi Beach





Tangimoana Beach





Schedule 5 – Alcohol Control Areas



Feilding CBD Alcohol Control Area





Timona Park Alcohol Control Area





Kōwhai Park Alcohol Control Area





Highfield Hill Lookout Alcohol Control Area

## Submission Form

# Have your say on the Public Places Bylaw



A digital version of this form  
is available online. To access  
scan the QR code or visit:

[www.mdc.govt.nz/publicplacesbylaw](http://www.mdc.govt.nz/publicplacesbylaw)

### 1. Submitter Details *Please fill in all fields with \**

\*First and Last Name:

\*Phone (day):  Mobile:

\*Email:

\*Postal Address:

Postcode:

### 2. Age Group:

We are asking the age of submitters as this is a decision that will impact our District for decades.  
Different age groups may have different opinions.

☐ Under 18 ☐ 18 - 29 ☐ 30 - 39 ☐ 40 - 59 ☐ 60 - 79 ☐ 80 plus

### 3. Do you think that the Public Places Bylaw is addressing the issues it seeks to address?

☐ Yes ☐ No

If not, what changes are needed to the bylaw to make it more effective?

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### 4. What parts of the draft Public Places Bylaw do you agree with and why?

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## Submission Form

# Have your say on the Public Places Bylaw

### 5. What parts of the draft Public Places Bylaw do you disagree with and why?

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### 6. Do you have any general comments or concerns about the proposed Public Places Bylaw?

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### Privacy Statement



I wish to request that my name and contact details be withheld from general publication by ticking this box.

Please note that if you wish to speak to your submission at the hearing your name (but not your contact details) will be published within the Council Agenda.

### Please return your Submission form to:

#### Post:

Manawātū District Council,  
Submissions  
135 Manchester Street  
Private Bag 10 001  
Feilding 4743

#### Drop off:

MDC Customer Service team  
135 Manchester Street  
Feilding 4743

Email your submission to:  
submissions@mdc.govt.nz

Please provide your feedback by  
**5pm, Friday 29 August 2025**



A digital version of this form is available online. To access scan the QR code or visit:

**[mdc.govt.nz/publicplacesbylaw](https://mdc.govt.nz/publicplacesbylaw)**

# Annex B: Supplementary documentation to support the recommendation of the officers in relation to the Public Places Bylaw review

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## Purpose

This document seeks to provide supplementary information to support Officers' recommendations in relation to the three particular, albeit recurring, issues identified in the review of the Public Places Bylaw 2020.

## Issue 1: Abandoned vehicles

### Recommendation

The Officers recommend continuing to manage this issue under the current bylaw by relying on the provisions in Clause 17 of the Public Places Bylaw, alongside relevant sections of the Land Transport Act (section 128E) and section 356 of the Local Government Act 1974 relating to abandoned vehicles.

### Rationale

The issue of abandoned vehicles is ongoing and affects a number of councils across New Zealand. The rationale for officers' recommendation not to amend the bylaw in relation to abandoned vehicles is based on the principle of proportionality and confidence in the current bylaw's ability to manage the issue effectively. Over the past 5 years, the number of abandoned vehicles has remained relatively stable compared to the last review of the Public Places Bylaw in 2020. This trend should be considered in the context of new vehicle registrations, which increased significantly across the district in 2022 and 2023 (reaching up to 1,000 per month), but have since fallen to around 694 registrations per month as of March 2025. Meanwhile, the total number of registered vehicles has continued to grow between 2020 and 2023 (district specific of data of total registrations for 2024 and 2025 are not yet available through the Ministry of Transport's open data tool).

Given that the Manawatū District is centrally located and borders Palmerston North, Rangitikei District, Horowhenua District, Tararua District, and a small part of Central Hawke's Bay, it is useful to consider the relationship between abandoned vehicles in our district and vehicle registration numbers across the wider region. While we do not have data to confirm where abandoned vehicles in the Manawatū were originally registered, it is reasonable to assume that some may have been registered in neighbouring districts. Again, as shown in Table 1 below, the total number of vehicle registrations in the region



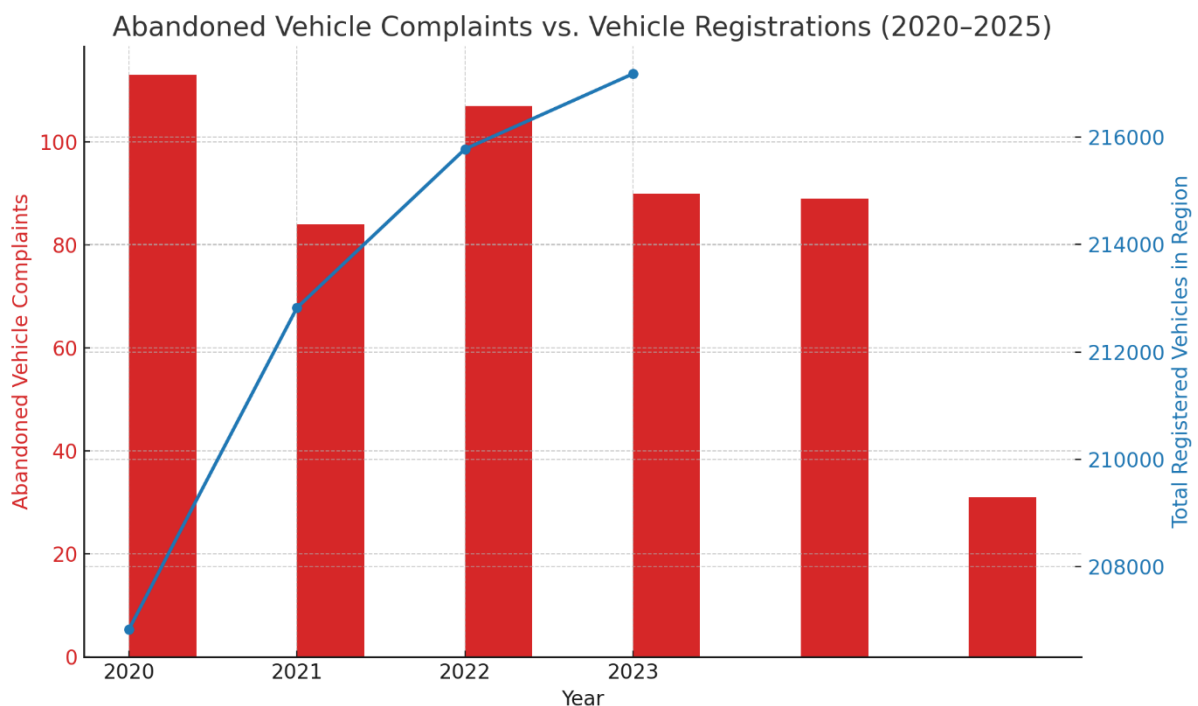
has increased each year since the last review in 2020, while the number of complaints has remained relatively steady at around 90 per year, with the exception of a spike in 2022.

*Table 1 Number of complaints in relation to total number of vehicle registrations*

Year	Number of complaints	Total number of registrations
2020	113	206,839
2021	84	212,822
2022	107	215,775
2023	90	217,175
2024	89	Not available
2025	31 (to date)	Not available

Overall then, as illustrated in Figure 1 below, relative to the growth in vehicle registrations, the rate of abandonment in the district has decreased, and therefore supports the view that the issue is becoming proportionally less significant.

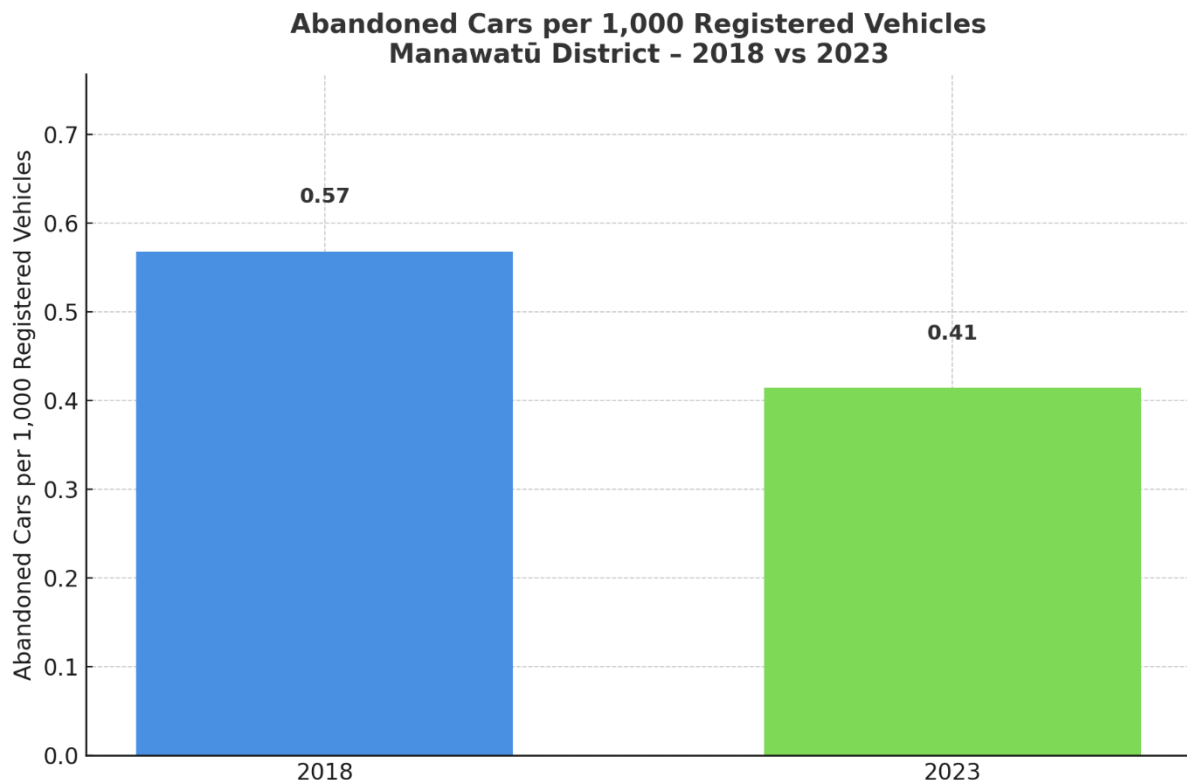
*Figure 1 Relationship between complaints and vehicle registration*



Likewise, as shown in Figure 2 below, a five-year trend analysis between 2018, the year used in the previous bylaw review, and 2023 suggests that while the number of registered

vehicles has increased, the number of abandoned vehicles relative to registrations has decreased.

Figure 2 Abandoned cars per 1000 registered vehicles



Additionally, Palmerston North City Council reports approximately 20 abandoned vehicles per month, equating to around 240 per year, a number that is steadily increasing. By contrast then, despite steady growth in vehicle registrations between 2018 and 2023, the rate of abandoned vehicles per 1,000 registered vehicles has actually decreased. This suggests that, in relative terms, the issue of vehicle abandonment in the Manawatū has become less prevalent and may not warrant additional regulatory intervention at this time.

## Issue 2: Obstruction through mobility vehicles

### Recommendation

The recommendation of officers is to continue managing this issue with the current bylaw including relevant provisions in Clause 5.2 and Clause 6.1 of the Public Places Bylaw 2020.

### Rationale

Interventions such as designated parking for mobility vehicles are unlikely to reliably resolve the issue and may result in unintended and consequential side effects.

While Council has received complaints about mobility devices obstructing footpaths, it has not always been clear whether the nature of the obstruction was reasonable or unreasonable. In some cases, mobility devices may be parked in a way that constitutes a reasonable obstruction. This may include situations where the obstruction is temporary and serves a legitimate purpose, such as brief stops for access to shops.

A reasonable obstruction is typically one that has minimal impact on public access or safety, occurs in a manner proportionate to the user's needs, and is positioned so it can be anticipated and safely navigated around by others, for example, a mobility scooter parked neatly to one side of a footpath.

Importantly, providing designated parking spaces for mobility devices may run counter to the purpose of these aids. Mobility devices are intended to support people who experience difficulty moving around by enabling greater freedom and independence. Requiring users to park in marked spaces, particularly if those spaces are not located close to shop entrances, could inadvertently reinforce the very barriers that mobility devices are meant to overcome. If Council were to invest in designated parking, careful consideration would be needed to ensure such spaces genuinely enhance accessibility rather than limit it.

## Issue 3: Reckless driving in parks and areas of recreation

### Recommendation

The recommendation of officers is to continue managing this issue with the current bylaw including relevant provisions in Clause 5(e) of the Public Places Bylaw 2020.

### Rationale

The current Public Places Bylaw already contains provisions that enable Council to respond to behaviours in public spaces that pose a risk to safety or result in nuisance. These provisions allow for enforcement action in a proportionate and legally defensible manner where individual conduct creates unreasonable disruption, nuisance, or danger to others using the space.

When these bylaw provisions are read alongside existing national legislation, such as section 7 of the Land Transport Act 1998 (LTA), which addresses careless and dangerous driving, they provide a comprehensive regulatory framework for addressing problematic behaviours in public places. In particular, section 7 of the LTA makes it an offence to operate a vehicle in a manner that may be considered dangerous, reckless, or inconsiderate, which reinforces the intent and application of the bylaw when addressing such conduct.

Furthermore, behaviours that involve dangerous or unlawful use of vehicles typically fall within the enforcement jurisdiction of the New Zealand Police. The Police are best placed to respond to such incidents, particularly where there is an immediate threat to public safety or where criminal offences are suspected. The bylaw is not intended to duplicate police powers but rather to complement them by enabling Council officers to manage localised issues of nuisance or disorder that fall below the threshold of criminal behaviour but still warrant intervention.

Given this existing legal framework and the division of enforcement responsibilities, it is the view of officers that the current bylaw remains an appropriate and effective tool for managing these issues. There is no clear need to develop additional regulation or seek further legislative powers at this time. Retaining the current approach avoids regulatory duplication, ensures efficient use of enforcement resources, and maintains clarity for the public regarding expected standards of behaviour in public places.

## Council

Meeting of 24 July 2025

Business Unit: Chief Executive's Office

Date Created: 02 July 2025

## Delegations Manual – RMA 1991 Amendments (Designations and Notice of Requirements)

### Purpose Te Aronga o te Pūrongo

To make amendments to Section 8.2 (Resource Management Act 1991) of the Delegations Manual, specifically with regards to delegation changes for designations and notice of requirements.

### Recommendations Ngā Tūtohunga

That the Council approves the below delegation changes to Section 8.2 (Resource Management Act 1991) of the Delegations Manual, adjusting several provisions regarding designations and notice of requirements:

- Section 168, 168A and 181 – Authority to issue a notice of requirement or alter a designation:
  - Update the list of sections to include a reference to section 182 (Removal of designation) of the RMA 1991
  - Update heading of delegation to: “Authority for Council as applicant (requiring authority) to:”
  - Make “issue a notice of requirement” subparagraph ‘(a)’
  - Add the following subparagraphs: ‘(b) confirm the requirement; (c) modify the requirement; (d) withdraw the requirement; (e) alter the designation; (f) remove the designation’
  - Add ‘General Manager – Community’ and ‘Infrastructure Planning and Compliance Manager’ to ‘General Manager – Infrastructure’
- Section 168A – Authority to determine: (a) confirm a requirements; (b) modify a requirement; (c) impose conditions; (d) withdraw a requirement:
  - Update heading of delegation to: “Authority for Council as regulator to notify a Council notice of requirement”
  - Replace “General Manager – Infrastructure” with ‘Compliance and Planning Manager, Planning Contractor, Principal Policy Planner and Senior Policy Planner’

- Section 169 – Decide to notify a requirement in accordance with Sections 95-95G:
  - Add section 171 (Recommendation by territorial authority) of the RMA 1991
  - Update heading of delegation to: ‘Authority for Council **as regulator to decide** whether (a) Further information is required; (b) To notify a requirement in accordance with Sections 95-95G; (c) To hold hearings; and authority for Council as regulator **to recommend** the requiring authority: (a) Confirm the requirement; (b) Modify the requirement; (c) Impose conditions; (d) withdraw the requirement)
  - Add ‘Planning Contractor’

Report prepared by:  
Ash Garstang  
Governance and Assurance Manager

Approved for submission by:  
Shayne Harris  
Chief Executive

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## 1 Background Ngā Kōrero o Muri

- 1.1 The Council’s Delegations Manual records the authority delegated by Council to the Chief Executive and Council officers, and the delegations then made by the Chief Executive to officers to ensure the effective conduct of business. Amendments to delegations under the Resource Management Act 1991 require Council approval, in accordance with Section 34A of the Act.

## 2 Strategic Fit Te Tautika ki te Rautaki

- 2.1 This matter is administrative in nature and does not directly relate to strategic priorities. However, the decision supports Council’s commitment to efficient internal processes and effective service delivery.

## 3 Discussion and Options Considered Ngā Matapakinga me ngā Kōwhiringa i Wānangahia

- 3.1 The reason for the requested changes is to more clearly distinguish between Council in its role as a **Regulator** and Council in its role as a **Requiring Authority**.
- 3.2 The proposed changes are listed in Table 1 below, with the existing delegations showing below that in Table 2 for reference:

**Table 1 – Proposed changes to RMA 1991**

Section 168, Section 168A, Section 181, or 182	<p>Authority for Council <b>as applicant (requiring authority) to:</b></p> <ul style="list-style-type: none"> <li>(a) Issue a notice of requirement</li> <li>(b) Confirm the requirement</li> <li>(c) Modify a requirement</li> <li>(d) Withdraw the requirement</li> <li>(e) Alter a designation</li> <li>(f) Remove the designation</li> </ul>	<ul style="list-style-type: none"> <li>• General Manager – Infrastructure</li> <li>• General Manager – Community</li> <li>• Infrastructure Planning and Compliance Manager</li> </ul>
Section 168A	<p>Authority for Council <b>as regulator to:</b> notify a notice of requirement.</p>	<ul style="list-style-type: none"> <li>• Compliance and Planning Manager</li> <li>• Planning contractor</li> <li>• Principal Policy Planner</li> <li>• Senior Policy Planner</li> </ul>
Section 169 and Section 171	<p>Authority for Council <b>as regulator to decide whether:</b></p> <ul style="list-style-type: none"> <li>(a) Further information is required</li> <li>(b) To notify a requirement in accordance with Sections 95-95G</li> <li>(c) To hold hearings</li> </ul> <p>and authority for Council <b>as regulator to</b> recommend to the requiring authority to:</p> <ul style="list-style-type: none"> <li>(a) Confirm the requirement</li> <li>(b) Modify the requirement</li> <li>(c) Impose conditions</li> <li>(d) Withdraw the requirement</li> </ul>	<ul style="list-style-type: none"> <li>• Compliance and Planning Manager</li> <li>• Planning contractor</li> <li>• Principal Policy Planner</li> <li>• Senior Policy Planner</li> </ul>

**Table 2 – Existing delegations**

Section 168, 168A and 181	<p>Authority to issue a notice of requirement or alter a designation</p>	<ul style="list-style-type: none"> <li>• General Manager - Infrastructure</li> <li>• Compliance and Planning Manager</li> <li>• Principal Policy Planner</li> <li>• Senior Policy Planner</li> </ul>
Section 168A	<p>Authority to determine to:</p> <ul style="list-style-type: none"> <li>(a) confirm a requirements;</li> <li>(b) modify a requirement;</li> <li>(c) impose conditions;</li> <li>(d) withdraw a requirement</li> </ul>	<ul style="list-style-type: none"> <li>• General Manager - Infrastructure</li> </ul>
Section 169	<p>Decide whether to notify a requirement in accordance with Sections 95-95G</p>	<ul style="list-style-type: none"> <li>• Compliance and Planning Manager</li> <li>• Principal Policy Planner</li> <li>• Senior Policy Planner</li> </ul>
Section 171	<p>Authority to make a recommendation on a requirement for designation or heritage order</p>	<ul style="list-style-type: none"> <li>• Hearings Commissioner</li> <li>• Compliance and Planning Manager</li> <li>• Principal Policy Planner</li> <li>• Senior Policy Planner</li> <li>• Senior Consents Planner</li> <li>• Intermediate Planner</li> </ul>

## 4 Risk Assessment Te Arotake Tūraru

- 4.1 There are no risks associated with the proposed amendments. Updating delegations ensures legal compliance and reduces the risk of operational delays or decisions made without appropriate authority.

## 5 Engagement Te Whakapānga

### Significance of Decision

- 5.1 The Council's Significance and Engagement Policy is not triggered by matters discussed in this report. No stakeholder engagement is required.

### Māori and Cultural Engagement

- 5.2 There are no known cultural considerations associated with the matters addressed in this report. No specific engagement with Māori or other ethnicity groups is necessary.

### Community Engagement

- 5.3 No community engagement is required.

## 6 Operational Implications Ngā Pānga Whakahaere

- 6.1 There are no operational implications resulting from these changes. Delegation amendments will support operational efficiency.

## 7 Financial Implications Ngā Pānga Ahumoni

- 7.1 There are no financial implications.

## 8 Statutory Requirements Ngā Here ā-Ture

- 8.1 In accordance with the Local Government Act 2002 (Schedule 7, Clause 32), Council may delegate functions to officers. The Council can also delegate "the power to delegate" to the Chief Executive – allowing the Chief Executive to subdelegate powers to officers, to ensure operational efficiency.
- 8.2 However, the Resource Management Act 1991 (Section 34A(1)(b)) is an exception to this rule and the Council must approve delegations to officers directly – the Chief Executive cannot subdelegate.

## 9 Next Steps Te Kokenga

- 9.1 If approved, the Delegations Manual will be updated and warrant of authority cards will be issued to relevant officers.

## 10 Attachments Ngā Āpitihanga

- Nil



## Council

Meeting of 24 July 2025

Business Unit: People and Corporate

Date Created: 10 June 2025

## Submissions Lodged on behalf of Council from 04 April 2025 to 23 June 2025

### Purpose Te Aronga o te Pūrongo

To present to Council for information, copies of recent submissions lodged on behalf of the Manawātū District Council.

### Recommendations Ngā Tūtohunga

That the Council receives and notes the listed submissions, lodged on behalf of the Manawātū District Council between 4 April and 23 June 2025.

Report prepared by:

Steph Skinner

Governance and Strategy Officer

Approved for submission by:

Frances Smorti

General Manager - People and Corporate

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## 1 Background Ngā Kōrero o Muri

- 1.1 The Council established the Submissions Assessment Panel as a subordinate decision-making body of Council, on 16 June 2022. This was to address timing issues for making submissions within the often-limited submission response timeframes.
- 1.2 The Panel is delegated the authority to consider and approve submissions on regional or national policy consultations, for submitting either under the signature of the Mayor, or under the signature of the Chief Executive.
- 1.3 The Council agreed that to ensure transparency of process, completed submissions would be reported to the next scheduled Council meeting for receipt and noting.

## 2 Strategic Fit Te Tautika ki te Rautaki

- 2.1 Not applicable as this is an operational item.

## 3 Discussion and Options Considered Ngā Matapakinga me ngā Kōwhiringa i Wānangahia

- 3.1 The following is a list of submissions that have been lodged on behalf of Council since the last report to Council at the 07 April 2025 meeting.

Attach #	Submission topic:	Date lodged:
1	Help Shape New Zealand's Wastewater System	22 April 2025
2	Local Electoral Reform draft position paper	28 April 2025
3	Horizons Consultation on the Long-term Plan amendment and Annual Plan	1 May 2025
4	Emergency Management Bill – Discussion document	22 May 2025
5	Sale and Supply of Alcohol (Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day) Amendment Bill	22 May 2025
6	Proposed amendments to the Waste Minimisation and Management Act and the Litter Act	15 May 2025
7	Proposed product stewardship regulations for agrichemicals, their containers and farm plastics	5 May 2025
8	Draft Building Product Specifications - MBIE	23 June 2025
9	Regulatory Standards Bill	17 June 2025
10	Building and Construction (Small Stand-Alone Dwellings) Amendment Bill	23 June 2025

## 4 Risk Assessment Te Arotake Tūraru

- 4.1 Submissions are prepared on behalf of the Manawātū District Council and, depending on the nature of the topic, are intended to reflect the views and needs of the wider Manawātū Community. The primary risk that has been identified in relation to submissions prepared on behalf of Council to national and regional consultations is reputational risk. That is, if

individuals or the community at large disagree with the views raised in submission prepared on behalf of the Council and the Manawatū Community, this could be damaging for the reputation of the Council. Council adopts a cautious approach with respect to reputational risk.

- 4.2 Reputational risk is managed via an informed and collaborative approach to preparing submissions. Officers draft submissions using the best available information, including input from technical experts from across the organisation. Officers also consider submissions prepared by local government sector organisations including Taituarā and Local Government New Zealand, where available. Any submissions that involve potentially controversial topics are reviewed by the Executive Leadership Team prior to being shared with the members of the Submissions Assessment Panel.
- 4.3 The submissions assessment panel is made up of elected members, who are democratically elected to represent the views of the Manawatū Community, and members of the executive leadership team. Feedback from the submissions assessment panel members is considered and incorporated where appropriate prior to the final submission being approved by Mayor Helen for lodgement. This collaborative approach to submission drafting ensures that submissions are reflective of the collective views of the Council, rather than individual views.
- 4.4 Where submissions relate to matters of broad Council interest, officers will involve all elected members, not just those on the submissions assessment panel. Where time allows, officers will hold educational workshop sessions and invite feedback on the draft submission prior to it being finalised. This ensures that submissions are representative of the collective views of Council.

## 5 Engagement Te Whakapānga

### Significance of Decision

- 5.1 The Council's Significance and Engagement Policy is not triggered by matters discussed in this report. No stakeholder engagement is required.

### Māori and Cultural Engagement

- 5.2 There are no known cultural considerations associated with the matters addressed in this report. No specific engagement with Māori or other ethnicity groups is necessary.

### Community Engagement

- 5.3 The Submissions Assessment Panel is delegated authority to approve submissions for lodging on behalf of the Manawatū District Council. A copy of submissions lodged are required to be reported to Council's next scheduled meeting following lodgement.

## 6 Operational Implications Ngā Pānga Whakahaere

- 6.1 Due to often limited timelines to consider a Council response to regional and national matters, the Submissions Assessment Panel was delegated authority to consider and approve submissions for lodgement on behalf of the Manawatū District Council. This enables Council to contribute to consultations on national and regional policy matters, that often have short timeframes in which to make a submission.

6.2 Copies of submissions lodged under delegated authority are reported to Council for noting and receipt.

## 7 Financial Implications Ngā Pānga Ahumoni

7.1 There are no financial implications.

## 8 Statutory Requirements Ngā Here ā-Ture

8.1 There are no statutory requirements.

## 9 Next Steps Te Kokenga

9.1 There are no next steps required.

## 10 Attachments Ngā Āpitihanga

- Lodged submissions, attachment as follows:

ITEM	NAME
1	Help Shape New Zealand's Wastewater System
2	Local Electoral Reform draft position paper
3	Horizons Consultation on the Long-term Plan amendment and Annual Plan
4	Emergency Management Bill – Discussion document
5	Sale and Supply of Alcohol (Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day) Amendment Bill
6	Proposed amendments to the Waste Minimisation and Management Act and the Litter Act
7	Proposed product stewardship regulations for agrichemicals, their containers and farm plastics
8	Draft Building Product Specifications - MBIE
9	Regulatory Standards Bill
10	Building and Construction (Small Stand-Alone Dwellings) Amendment Bill

22 April 2025

Water Services Authority – Taumata Arowai  
Level 2, 10 Brandon Street  
PO Box 628  
Wellington 6140

Emailed to: [korero@taumataarowai.govt.nz](mailto:korero@taumataarowai.govt.nz)

Tēnā koutou katoa,

**Submission from the Manawatū District Council on the proposed wastewater environmental performance standards**

The Manawatū District Council (MDC) thanks the Water Services Authority – Taumata Arowai (the Authority) for the opportunity to provide feedback on the proposed wastewater environmental performance standards ('wastewater standards') under section 138 of the Water Services Act 2021.

Overall, MDC is very supportive of the proposed wastewater environmental performance standards. The proposed standards will increase certainty, significantly reduce consenting costs, speed up the re-consenting process, and improve effluent quality. As a result, council spending will be redirected to improving environmental outcomes. In addition to these benefits, creating consistency, benchmarking, and simplifying conditions will significantly that will provide certainty and consistency across New Zealand.

Our primary concern with the current drafting of the standards is, that by dealing with land and water discharges separately, the proposals do not fit well with a dual discharge regime like MDC operates at the Manawatū Wastewater Treatment Plant. MDC is concerned that if the standards are not amended to provide greater clarity and certainty for dual discharge regimes, MDC may be forced down an RMA reconsenting process rather than benefiting from the proposed standards.

MDC has successfully operated a dual discharge regime at the Manawatū Wastewater Treatment Plant since 2018. MDC has the knowledge and expertise to assist the Water Services Authority to ensure that the standards enable dual discharge out of recognition of the associated cultural and environmental benefits. Our submission provides an alternative methodology for calculating the dilution ratio, that is based on real data rather than assumptions and forecasts for future discharges.

Our other key concern is the exclusions that relate to nitrogen and phosphorus when discharging to a hard bottomed waterway. As outlined below, when periphyton levels are not exceeding the national guidelines, we do not believe there is benefit in excluding these discharges as this runs contrary to the intent of achieving national consistency.

## Introduction

The Manawātū District Council (MDC) collects, treats and disposes of wastewater, including domestic, commercial and industrial waste. Council maintains reticulated wastewater systems in Feilding, Awahuri, Cheltenham, Halcombe, Kimbolton, Rongotea, Sanson and Hīmatangi Beach.

The Manawātū Wastewater Treatment Plant in Feilding ('Manawātū WWTP') is dual discharge system. Our 10-year resource consent to discharge treated wastewater from the Manawātū WWTP to the Ōroua River expires in November 2026. For the Manawātū District Council (MDC) to be able to lawfully continue the current discharge in accordance with section 124 of the Resource Management Act 1991 (RMA) it will need to either:

1. Lodge its consent application for the proposal by 24 May 2026 (and have the application accepted as complete by Horizons); or
2. Make its application by 24 August 2026 (and have it accepted as complete) if it obtains the approval of Horizons to continue to operate.

The Wastewater Centralisation Project transports wastewater from the villages of Sanson (including the Royal New Zealand Airforce Base Ohakea), Rongotea and Halcombe to the Manawātū WWTP through a network of pipes and pump stations. Once completed, this project will result in over 100km of waterways being free of any treated wastewater discharge, and enables MDC to treat that wastewater to a higher quality than could be achieved in smaller wastewater treatment plants across the District.

Except for the Awahuri Wastewater Treatment Plant, all other small wastewater treatment plants are operating on existing use rights.

## Current issues with Horizons One Plan

The 'One Plan' is the Regional Policy Statement, Regional Plan and Coastal Plan for the Horizons Region.

Policy LF-FW-P14 (sewage discharges) of the Regional Policy Statement states that:

- (1) before entering a surface water body all new discharges of treated sewage must:*
  - i. be applied onto or into land, or*
  - ii. flow overland, or*
  - iii. pass through an alternative system that mitigates the adverse effects on the mauri of the receiving water body, and*
- (2) all existing direct discharges of treated sewage into a surface water body must change to a treatment system described under (1) by the year 2020 or on renewal of an existing consent, whichever is the earlier date.*

The discharge of treated wastewater from the Manawātū WWTP to land, or flow overland is therefore required by LF-FW-P14. However, there is no consenting pathway in the One Plan for municipal wastewater treatment plant discharges. Discharges of contaminants to land or water are therefore currently assessed by the One Plan as a discretionary activity in accordance with default discharge rule LF-LW-R38. There is also a gap in that the intensive farming provisions in the One Plan do not capture activities where treated human wastewater is being irrigated to land. MDC also considers that the One Plan policies and rules do not give

adequate recognition to the benefits that the irrigation of treated wastewater to land makes to surface water quality.

### **Complexity and issues with current consent conditions**

Operation and discharges from the Manawatū WWTP are authorised by discharge permits 106948 (now ATH-2013015214.01) and 106950, which commenced on 24 November 2016 and expire in November 2026 and 2051 respectively. Conditions 4 and 35 of discharge permit ATH-2013015214.01 require the establishment of an independent expert Panel ('the Panel') to review data, assess the effects of the Manawatū WWTP on the Ōroua River and provide recommendations relating to monitoring and discharge regime management. In addition, the Panel was tasked with providing an assessment of current attribute state against National Objectives Framework (NOF) attributes in the National Policy Statement – Freshwater Management 2020 ('NPS-FM'). The Stage 2 report from the Panel was issued on 20 December 2024.

With respect to the discharge regime, the Panel agreed that *"the implementation of the land irrigation component has had a significant positive effect on reducing in-river nutrient loads and concentrations and the risk of excessive periphyton growth during the irrigation season."* The Panel recommended (Management recommendation 3) a simplification of the consent conditions, stating that:

*"Assessment of compliance with conditions is rendered particularly complex due to the complexity and interaction of various consent conditions. Consideration should be given to a simpler condition framework, although the Panel notes this recommendation may only be able to be considered at the time of re-consenting of the Manawatū WWTP. Examples include Condition 21 (which sets different effluent quality standards depending on annual median discharge flow thresholds) and Condition 9 (which sets minimum dilution ratios under various combinations of river flow and effluent storage conditions)."*

MDC views the proposed wastewater performance standards as an opportunity to simplify the re-consenting of the Manawatū WWTP. Providing MDC can demonstrate that discharges will fit within the parameters of the standards, we expect that we will be able to obtain a 35-year consent (an improvement on our current 10-year discharge to water consent), with conditions and reporting requirements that are clear and consistent with other wastewater treatment plants of a similar size and complexity.

### **General feedback**

MDC is generally supportive of the proposed wastewater performance standards. In particular, we support:

- 'End of pipe' monitoring;
- Preventing decision-makers from specifying more stringent limits than those contained in the standards;
- Having limits reflective of receiving environment dilution potential;
- The intent to streamline the consenting process by classifying certain activities, such as bypasses and pump station overflows, as controlled activities;

- The idea of limiting existing use rights to two years, subject to improvements outlined in our submission below;
- 35-year resource consents;
- Use of standards conditions to increase consistency and enable better comparisons to be made across wastewater treatment plants; and
- Grading of biosolids, with corresponding consenting pathways.

Overall, we consider the standards will lead to cost savings by minimising those matters that are subject to regional council discretion. The standards also give wastewater treatment plant operators more clarity and certainty around what treatment standard are required and how performance will be monitored.

However, MDC is concerned that the wastewater performance standards, as currently drafted, will not achieve the level of national consistency nor the projected cost savings and efficiency gains sought.

The rest of this letter focusses on MDC's primary concerns with the proposed standards. Additional matters are included in the attachments to this submission.

### **Unintended consequences of the periphyton exclusion**

Horizons Regional Council has 42 wastewater discharges across the region. Of these, 29 are reliant on discharging to a river (69%). Based on the current wording 100% of these river discharges would be excluded from the proposed standards, for the following reasons:

- 18 excluded due to periphyton exclusion for hard-bottomed waterways as nitrogen and phosphorous are priority contaminants in wastewater discharge consenting.
- 10 excluded due to no current flow site (Nine of these would have a population of 500 or less so considered small)
- 1 excluded as it discharges to an ephemeral waterway (Marton)

MDC estimates that based on the current wording of the standards, 72% of all discharges (including discharges to river) in the Horizons Region will be excluded. If the standards were amended to remove the periphyton exclusion, MDC anticipates that this exclusion would reduce to 16%. The remaining 16% of the sites relate to small discharges from schemes that have less than 500 people and are likely to be captured by the small plant standards. If the proposed standards intend to create consistency the exclusion of hard bottomed or rocky rivers need to be removed. MDC does not support the setting of treatment requirements on the basis of a site-specific risk assessment will mean greater variability in requirements and conditions.

Due to the high percentage of sites that will be excluded under the current wording of the standards, the approach to wastewater consenting will continue to be inconsistent. Given that the standards are intended to create consistency, improved ability to benchmark, and reduce consent processing costs, this is a fundamental flaw in the proposed standards.

### ***Decisions sought:***

1. MDC recommends that if a discharge to a hard bottomed or rocky waterways is not causing that waterway to drop below the national bottom line for chlorophyll a, then those plants should be included in the discharge to water standard.



## Concerns with how the dilution ratio is calculated

***Rather than having a dilution ratio based on predicated discharges, plant operators should be able to specify the ratio they will operate under, focussing the standards on actual effects.***

The proposed methodology to calculate the dilution ratio does not work well for discharges from small wastewater treatment plants or for dual discharge systems. The proposed methodology for calculating the dilution ratio that is outlined in the discussion document is as follows:

Predicted median discharge rate in 35 years (l/s) = D

Current 7MALF (l/s) = R

Dilution Ratio = (D + R) / D

The seven day mean annual low flow (7MALF) is calculated by having a rolling average over the average daily flow and selecting the lowest value for each year. Once this is calculated the average is taken across all years to determine the 7MALF. Based on an internal assessment for the Oroua River flows are expected to be above the 7MALF 98% of the time. This methodology bases treatment requirements on the worst case scenario and is therefore unnecessarily conservative (lowest likely flow vs future predicted discharge).

Multiple assumptions are required to determine the predicted median discharge volume in 35 years' time and then this assumed value is compared against the calculated 7MALF. This will not create a consistent approach as every operator will make different assumptions. In preparation for future consenting for the Manawatū WWTP MDC has predicted what the likely median discharge volume could be in 35 years under different scenarios. As a result of these assessments, there is a 111% variation between the different scenarios. This level of variation will create unnecessary debate with Regional Council experts and consequently increased costs to the ratepayers of the Manawatu district.

Notwithstanding the need to make assumptions to determine the dilution ratio this methodology does not account for dual discharges where river discharges can be avoided during low flow conditions.

***Linking the dilution ratio to the 7MALF will result in the exclusion of approximately 34.5% of river discharges from treatment plants (and 24% of all discharges) in the Horizons region due to a lack of river monitoring data***

There is a lack of detail around how the small wastewater discharges will be managed via the standards. Flow monitoring sites are primarily installed for flood monitoring purposes, and so are generally located on main channels of rivers and streams. As the majority of discharges from small (village) wastewater treatment plants are into tributaries without flow monitoring data, the 7-day MALF cannot be calculated for these receiving environments.

The Manawatū WWTP in Feilding is the only treatment plant in the Manawatū District where the 7-day MALF can be calculated. For other treatment plants to be captured by the wastewater performance standards, they would have to be piped to another receiving environment.

MDC is concerned that unless an alternative methodology for calculating the dilution ratio is developed that does not rely on the 7MALF, the lack of river monitoring data may result in

the exclusion of the majority of discharges from small wastewater treatment plants. This will lead to increased cost and reduced consistency.

***The methodology for calculating the dilution ratio assumes that there are no alternative discharge methods and does not take into account the benefits of a dual discharge regime on the receiving environment***

MDC has calculated what the maximum predicted median discharge volume for the Manawatū WWTP in Feilding might be in 35 years times based on different scenarios. As there are multiple variables that can influence river discharge volumes there is a degree of conservativeness and uncertainty around these outputs. Notwithstanding this level of uncertainty, the calculated dilution ratio can be within or below the low dilution ratio limits purely based on which modelled output is adopted.

The standards need to be flexible enough to enable treatment plants to operate a dual discharge regime that minimises discharges to water during low-flow periods. If MDC excludes the low flow data for that period of time when discharges from the plant are to land (i.e. over summer), this increases the dilution ratio to fit well within the “low” dilution ratio. This would be to MDC’s advantage, as well as resulting in improved environmental and cultural outcomes through encouraging dual discharge regimes and preventing river discharges where possible.

Given the uncertainty around predicting discharge volumes in the future, it is recommended that operators should have to specify the dilution ratio that they are going to operate under and demonstrate that 90% of the days over a five year period are within that range. This would shift the standards to focus on actual effects rather than predicted effects. The significant associated costs of improving effluent quality will motivate operators to stay within the specified dilution ratio, which should prevent the need for compliance intervention.

***The standards, as drafted, do not adequately recognise the fact that plant operators have access to continuous data that enables real-time adjustments to be made to the discharge regime***

Real-time adjustments to the discharge regime can ensure that a particular dilution ratio is achieved. Adjustments may involve utilising storage and/or alternative discharge options, such as discharges to land.

Enabling Councils to exclude flow data from periods where they are not discharging to water will by default encourage them to go to land where possible, and better acknowledges that discharges to water will coincide with times when river flows will be naturally higher.

***MDC wishes to table two alternatives to the calculation of the dilution ratio that are preferred to the current methodology for calculating the dilution ratio for dual discharge systems***

*Option 1 – live tracking of the dilution ratio (our preferred option)*

Plant operators would track achievement of the dilution ratio by undertaking live daily ratio assessments. The methodology for calculating the dilution ratio using the average discharge rate over the day (rather than the predicted median discharge in 35 years) and the average actual flow rate in the receiving environment (rather than the 7MALF). This would give a daily dilution ratio. Given that the proposed standard uses the median predicted volume to predict the dilution ratio, there is an expectation that the dilution ratio might not be achieved all of the time. In line with this, MDC recommends that there should be an exceedance allowance,

ie the 10<sup>th</sup> percentile over a five year rolling period shall exceed the specified dilution ratio that the operators have specified.

The benefits of this option include:

- Dilution ratio specified
- Control discharge to achieve specified ratio based on flow data.
- Assumptions are not required
- Caters for cyclic weather patterns.
- Encourages operators to prevent or reduce river discharges during low flow conditions to achieve the standard.
- Does not require a 7MALF or an adjusted 7MALF to be calculated.
- Aligns with the current methodology by requiring the specified dilution ratio to be achieved majority of the time (90%)
- Assessment against dilution requirements can be close to continuous as additional calculation are not required.

#### *Option 2 – Calculating the Dilution Ratio using actual data*

Proposed alternative methodology for calculating the dilution ratio:

*Actual median discharge rate over five years* = D1

*Current 7MALF (excluding low flow periods when not discharging)* = R1

*Dilution Ratio* = (D1 + R1) / D1

The benefits of this alternative methodology are as follows:

- Accounts for seasonality (basing median on five years of actual data)
- Basis dilution ratio on actual data not predicted or historical data sets
- Adjusts the 7MALF to when an actual discharge is occurring,
- Encourages operators to avoid discharging to waterways during low flow conditions
- Removes uncertainty around predicting median discharge volumes in the future
- Consistent approach as the calculation is not based on assumptions

Regional Councils can publish 7MALF data for specific flow sites but operators would need to calculate the adjusted 7MALF when a dual discharge is used. To prevent this number changing constantly the 7MALF should be re-set every five years.

#### ***Decisions sought:***

2. That the Authority clarify how small wastewater discharges are to be managed via the standards.
3. That the Authority amend the standards to include one or both of the proposed alternative methodologies (live tracking of the dilution ration and/or calculating the dilution ratio using actual data) for the calculation of the dilution ratio.

## **Centralised processing**

MDC recommends that the Authority consider processing those consents subject to the wastewater performance standards at a national level. This would increase consistency and reduce costs. Given the complexities with wastewater consents, regional councils generally rely on consultants with the appropriate expertise when processing these applications. This adds significantly to the cost and time of processing these applications. If a dedicated national team was established with the necessary in-house expertise, this would reduce the need to involve consultants, with significant time and cost savings. Regional councils could still have an opportunity to provide feedback on applications to the centralised processing team.

For clarity, MDC also recommends that the Authority publish a list of those matters that regional councils have discretion over, with corresponding limits for the different receiving environments. This should be a live list that is updated over time as new information and standards become available. This would enable consistency and clarity on requirements that apply across different receiving environments (i.e. low, moderate and high dilution).

MDC also asks that a standard set of conditions be developed, both for consents issued in accordance with the standards, and for those matters that fall within the remit of regional council discretion. Publishing a set of standard conditions would enable national consistency and direct comparisons to be made.

### ***Decision sought:***

1. To create consistency and remove the need to duplicate expertise across multiple councils, that wastewater consents be processed by a national team.
2. That the Authority publish standard conditions that must be used on consents issued in accordance with the standards.
3. That the Authority limit the additional controls that a regional council may place on discharges by publishing a list of additional parameters (such as metals) in a table (like that on page 23 of the discussion document).

## **Attachments**

There are three attachments to this submission. Table 1 sets out MDC's submission points and decisions sought. Attachment 2 sets out MDC's responses to the questions contained in the discussion document. The third attachment outlines how MDC is currently operating its dual discharge to minimise discharges to the Ōroua River during low flow periods. The outcome of which is to manage periphyton growth and effects on the aquatic environment downstream of the Manawātū Wastewater Treatment Plant river discharge, to achieve the NPS-Freshwater chlorophyll a requirements.

MDC welcomes further discussions with the Water Services Authority – Taumata Arowai with respect to our submission. In particular, we are keen to share our knowledge and expertise in relation to dual discharge regimes, and work with the Authority in developing robust standards that create consistency and are in line with cultural and environmental outcomes.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Helen Worboys', with a large, stylized loop at the end.

Helen Worboys, JP

**Mayor**

Section	Submission point summary statement	Discussion	Decision sought
<b>General feedback about how the wastewater standards will be implemented</b>			
2-year existing use rights	Granting an automatic two-year extension to consents that expire within two years of the wastewater standards coming into effect will create a bottleneck that will result in processing delays. The extension should be two years from the expiry date of the consent.	<p>MDC notes that given that many Councils have wastewater treatment plant consents that will expire in the first two years following implementation of the wastewater standards, the Local Government (Water Services) Bill proposes an automatic two-year extension of these consents. An extension to consent expiry dates is sensible to allow Councils time to demonstrate that they are in line with the proposed standards. However, MDC is concerned that if this two year extension applies from when the Bill commences it will create a bottle neck, with multiple applications being lodged with regional councils at the same time. This could result in resourcing issues at regional councils and potential delays in processing.</p> <p>For example, MDC is preparing to lodge its application to re-consent discharges from the Manawatū Wastewater Treatment Plant in March 2026 (ahead of a November 2026 expiry). This is only approximately 4 months after the standards are scheduled to be confirmed. MDC recommends that to avoid bottlenecks, the expiry date for our consent be extended to November 2028, rather than November 2027.</p>	<ul style="list-style-type: none"> <li>That the Authority recommend to the Finance and Expenditure Select Committee who are considering submissions on the Local Government (Water Services) Bill (Government Bill) that the expiry date for wastewater treatment plant consents be staggered by adding two years to their current expiry date, rather than two years from the commencement of the Bill.</li> </ul>
	A two-year limit on existing use rights will not be sufficient if an application is notified and/or subject to appeals	MDC is also concerned that the two year extension to expiry dates will be insufficient in the event that an application is publicly notified and subject to appeals. MDC therefore recommends that any application that complies with the standard should be treated as a non-notified, controlled activity. This controlled activity status should also be extended to those matters relating to the discharge that sit outside of the standards.	<ul style="list-style-type: none"> <li>That any consent application that meets the standards be treated as a non-notified controlled activity. This status should extend to those matters relating to the discharge that sit outside of the standards.</li> </ul>
	Specifying cultural requirements for wastewater treatment plant discharges to water will help to streamline the consenting process	MDC recommends that consideration be given to specifying cultural requirements, for wastewater treatment plant discharges to water, to assist with streamline the consenting process. There should be a consenting pathway for those applications that meet these cultural requirements, to expedite processing. This should not take away the requirement to undertake genuine engagement with iwi and hapū. However, there needs to be flexibility in what form 'approval' from iwi and hapū can take, to avoid substantial delays in processing.	<ul style="list-style-type: none"> <li>That the Authority specify cultural requirements for wastewater treatment plant discharges to water, to assist in streamlining consenting requirements.</li> </ul>
Benchmarking	Existing discharge consents that comply with the standards should be replaced with the standard conditions for their remaining life.	There are some existing resource consents that have 20+ years before expiry. MDC recommends that where those discharges meet the required standard, the existing consent conditions should be replaced with the standard conditions for consents issued under the standards, without the need to reapply. MDC estimates that if this benchmarking does not occur, the	<ul style="list-style-type: none"> <li>That existing discharge consents that comply with the standards have their conditions replaced by the standard conditions, without the need to reapply.</li> </ul>

Section	Submission point summary statement	Discussion	Decision sought
		standards will apply to less than 21% of wastewater treatment plants, given the number of treatment plants with expired consents that are automatically excluded from the standards. If this change is not made, there will be considerable delays before the standards will apply to all treatment plant discharges. This will impact on the ability to benchmark effectively.	
Calculating the Median Discharge Volume for 35-year consents	Median discharge volumes should be averaged over a period of five to ten years to enable buffering of climate variations between years	The proposal for 35-year resource consents is supported and considered appropriate given the level of investment required. However, MDC considers that the median discharge volume should not be based on a single year, given natural climatic variations between years. For example, discharge volumes vary considerably between in el niño and la niña cycles. MDC is concerned that having one particularly wet year could impact on how our plant fits in the standards. MDC recommends that the median discharge volume be averaged over a period of five to ten years to enable buffering of climate variations between years.	<ul style="list-style-type: none"> <li>That median discharge volumes for 35 year consents be averaged over a period of five to ten years to enable buffering of climate variations between years</li> </ul>
	The median discharge volume for the consent should be the actual five or ten year median, reviewed and adjusted ten-yearly as need arises	Multiple variables are involved in calculating potential discharge volumes at the end of the consent (i.e. in 35-years time). Rather than basing the consent of forecast median discharge volumes, MDC suggests that the median be based on the actual five or ten year median. A ten year review could be required by conditions of consent that enable the median discharge volumes provided for to be adjusted over time as need arises.	<ul style="list-style-type: none"> <li>That rather than forecasting the median discharge volume expected at the end of the consent term, the median discharge volume for consents be based on the actual discharge volume, averaged over a period of five or ten years, and adjusted ten-yearly via a review clause in the consent.</li> </ul>
How factors such as climate change should be addressed when considering a 35-year consent term	<p>Factors that have a high level of uncertainty, such as population growth and the impacts of climate change should be managed through review conditions within 35-year consents</p> <p>Forecasting may lead to underdeveloped systems with pressure on capital.</p>	<p>There is too much uncertainty around the effects of climate change due to the multiple variables involved, and the effects will differ in different parts of the country. Rather than taking a conservative approach that tries to anticipate climate change impacts, MDC considers it preferable to work with real data and to use review conditions to make adjustments to the consent, if required. Similarly, there are many factors that contribute to changes in population, which makes forecasting this change over a 35-year period uncertain.</p> <p>MDC recommends that discharge consents specify the maximum median discharge volume that can be managed by the wastewater treatment plant, or the minimum dilution requirement. As wastewater volumes are continually monitored, this provides greater certainty for plant operators as incentivising the work of plant operators to reduce wastewater</p>	<ul style="list-style-type: none"> <li>That 35-year consents include review conditions to enable them to be responsive to uncertainty, such as the impacts of climate change.</li> </ul>

Section	Submission point summary statement	Discussion	Decision sought
		volumes through I&I reduction and network maintenance to stay within the standards.	
Community Preferences in consenting arrangements for wastewater treatment plants	It should not be mandatory for community feedback to be reflected in the final design of a wastewater treatment plant.	Applicants should consider the preferences of the community when designing and consenting wastewater treatment plants and networks. However, given that different communities of interest have different preferences that may not align, it is unlikely to be possible to develop a final option that is preferred by all. Therefore, it should not be mandatory for the application to be reflective of all community preferences.	<ul style="list-style-type: none"> <li>That community preference be a relevant factor to consider when an application is made for a new wastewater treatment plant and the re consenting of an existing WWTP, but that is not mandatory for these preferences to be reflected in the final design.</li> </ul>
<b>Proposed approach for the discharge to water environmental performance standards</b>			
Calculating the Dilution Ratio	Rather than the calculation of the dilution ratio being based on volume, it should be based on the discharge rate and flow, with the units changed to litres per second (l/s or m <sup>3</sup> /s))	<p>MDC understand that the proposal is to specify seven categories of receiving environment in the standard, based on dilution and type of receiving environment. In calculating the dilution ratio, the volume is the largest predicted annual median for discharge volume, across the duration of the consent (m<sup>3</sup>/day) and the flow is the average of the lowest 7 days average flow across a year (m<sup>3</sup>/day).</p> <p>Flow and discharge in the river is typically described as a rate not a volume. Consider changing the wording to (discharge rate + flow) /discharge rate and changing the units to a rate (l/s) if the intent is to calculate how much water is available to dilute a resultant discharge.</p> <p>Rather than an instantaneous dilution calculation the calculation should be based on average values as flow sites are not typically adjacent to discharge points and therefore there is a separation between data points.</p>	<ul style="list-style-type: none"> <li>That references to “volume” in the calculation of the dilution ratio be replaced with the discharge rate (expressed in terms of litres per second (l/s)).</li> <li>The dilution calculation is based on average daily discharge rate and average daily river flow rate</li> </ul>
	If the 7MALF is to be retained (note MDC preference is to use actual data to remove inconsistencies) Regional Councils should be required to publish the 7 day mean annual low flow data every five to ten years to give operators more certainty	Regional Councils hold flow information for those waterways that they monitor. MDC is concerned that if operators have to review the dilution ratio every year, this creates a moving target. This is especially relevant where there is a small data set and for those treatment plants with dilution ratios that sit very close to threshold values. Regional councils should be required to publish the 7MALF values every five to ten years to ensure there is a level of confidence for operators.	<ul style="list-style-type: none"> <li>That regional councils be required to publish the 7MALF values every five to ten years to provide certainty for wastewater treatment plant operators.</li> </ul>
Parameters covered by the discharge to water standards	MDC supports ‘end of pipe’ monitoring for all contaminants covered in the proposed standard as this removes doubt and will simplify enforcement	Council is in general support of the end of pipe effluent standards as they provide greater certainty to operators as the monitoring point is within their realm of control. MDC considers that ‘end of pipe’ monitoring is a step in the right direction to create consistency, transparency and minimise re-consenting costs.	<ul style="list-style-type: none"> <li>That all parameters covered by the proposed standards involve ‘at the pipe’ monitoring, including any future parameters.</li> </ul>



Section	Submission point summary statement	Discussion	Decision sought
		Any parameters added to the proposed standards in the future should also relate to end of pipe standards for consistency with current limits.	
	Pre-wetlands sampling points must be specified so that samples are not affected by E.coli from other natural sources, such as birdlife and wildlife, that enter the discharge from within the wetland	<p>Natural wetlands attract birdlife and wildlife and contribute to biodiversity and environmental objectives. In addition, discharges to wetlands are generally preferred over direct discharges to water from a cultural perspective.</p> <p>The presence of birdlife and wildlife within wetland systems can result in increased E.coli levels. My measuring E.coli levels pre-wetland, the standards will not be penalising plant operators for any E.coli that is introduced from within wetland environments by natural sources.</p>	<ul style="list-style-type: none"> <li>Where wetlands are incorporated into a discharge regime, the effluent sampling should be from the inlet and outlet of the wetland so any spikes in E.coli due to natural sources can be excluded.</li> </ul>
Contaminants not covered by the proposed discharge to water standard	A separate table should be developed that sets out those parameters that regional councils are able to consider when evaluating those matters that sit outside of the discharge to water standards. These parameters should use the 90% or median trigger threshold, with the dilution approach used to specify end of pipe standards.	<p>MDC recommends having a table that sits outside the proposed standards to get consistency for different discharge options. If the effluent standards are based on the ANZECC guidelines the 90% or 95% threshold should be used to develop an appropriate effluent standard for the different dilution scenarios, The dilution approach should be used to specify end of pipe standards (i.e. if a limit for aluminium is specified for a low dilution environment, the end of pipe limit should be 0.55g/m<sup>3</sup> (55mg/m<sup>3</sup> x 10).</p> <p>This would create a consistent approach by:</p> <ul style="list-style-type: none"> <li>identifying the potential additional parameters; and</li> <li>ensuring if those additional controls are utilised there is consistency in relation to the specified limits.</li> </ul> <p>If this does not occur there will be a wide range of limits both at the end of pipe and in the receiving environment and as a result it will be difficult to make comparisons.</p>	<ul style="list-style-type: none"> <li>That a second table is developed that sits outside parameters that are in the standards. The second table is to create consistency if additional controls are deemed appropriate.</li> <li>The second table should provide some guidance for when the additional parameters should be specified.</li> </ul>
	The reference to “cumulative effects of contaminants from other sources” within the list of standards that are not covered by the standards appears to contradict the requirement that conditions not require a higher level of treatment than the standards specify	On one hand the standards state that conditions can't require a higher level of treatment for the key parameters but then excludes cumulative effects. Clarity needs to be provided around when this is applicable.	<ul style="list-style-type: none"> <li>That the Authority clarify whether the consideration of cumulative effects is relevant to all contaminants, or only those that sit outside the standards.</li> </ul>
	A definition is needed for what is meant by “naturally high concentrations” in relation to waterbodies that have naturally high levels of a particular parameter	If the standards do not include a definition of what is meant by “naturally high concentrations” for any particular parameter this term will be interpreted differently by each regional	<ul style="list-style-type: none"> <li>That a definition of “naturally high concentrations” be included in the standard that references class D (national bottom line).</li> </ul>

Section	Submission point summary statement	Discussion	Decision sought
		council. MDC suggests that a suitable solution may be to reference class D (national bottom line).	
	Parameters that are controlled outside of the standard should be referenced via standards for consistency	MDC recommends that a reference table be developed that prescribes where associated standards for those parameters not covered by the standard are derived from. For example, reference could be made to the ANZECC table 3.4.1.	<ul style="list-style-type: none"> <li>That a reference table be developed that specifies what standards apply to those parameters that are not controlled via the wastewater performance standard.</li> </ul>
Continuous Monitoring	Continuous monitoring for large wastewater treatment plants is supported, but some clarification is needed to ensure consistency	<p>MDC generally supports the proposal to require continuous monitoring for wastewater treatment plants serving populations greater than 10,000 people. Continuous monitoring helps to demonstrate that a treatment plant is on track to achieve compliance. However, some greater specificity is required to ensure consistency. For example, for statistical purposes, the frequency of analysis will need to be specified (i.e. hourly data sets might be required over a 24 hour period). This can then be used to complete the median and 90th percentile assessments.</p> <p>The conditions on page 23 refer to an annual 90<sup>th</sup> percentile of an annual median. For clarity, this should specify if this relates to a calendar year or a financial year. As the standards are linked to flow, it makes more sense in our opinion to follow the hydrological calendar year, which aligns with the financial year.</p> <p>Clarification on these monitoring requirements should be added to the table to ensure consistency in how regional councils apply the standards.</p> <p>While continuous monitoring is achievable for Nitrogen, ammonia and phosphorous it is not currently possible for cBOD5 and E.coli. Clarification is sought as to what constitutes 'continuous monitoring' for such parameters (e.g. grab samples required at an agreed frequency). In addition, in the event of equipment failure, there needs to be a mechanism to retain compliance while continuous monitoring can be reinstated.</p>	<ul style="list-style-type: none"> <li>That the Authority provide greater specificity as to what constitutes 'continuous monitoring' for the different parameters in the standard via commentary added to the table.</li> <li>To calculate the 90<sup>th</sup> percentile of an annual median, the standards will need to specify the frequency of analysis as well as that the reference to 'annual' means a financial year (rather than a calendar year).</li> <li>That the 'continuous monitoring' requirements in the standards include a mechanism to retain compliance in the event of equipment failure which continuous monitoring is being reinstated.</li> </ul>
	A central interfacing portal should be developed to proactively share monitoring results	MDC recommends the development of a central interfacing portal where monitoring results and flow information is uploaded automatically. This portal would enable plant operators to notify the regional council of any non-compliances as they arise. While compliance is assessed annually, continuous monitoring increases transparency and allows for live monitoring of risk, removing surprises at the end of the year. Sharing monitoring results via a central interfacing portal will	<ul style="list-style-type: none"> <li>That the Authority develop a central interfacing portal that will enable the proactive sharing of information that is relevant to consents.</li> </ul>

Section	Submission point summary statement	Discussion	Decision sought
		<p>also provide Taumata Arowai with assurance that the correct people are being notified as soon as reasonably practicable.</p> <p>A five or ten-yearly review condition within the consent that is tied to the publishing of the 7 day MALF data would provide an opportunity for plant operators and regional councils to confirm whether discharges still fit within the proposed standards, or have shifted outside the specified categories. If impacts of factors such as population growth or climate change mean that the five/ten year rolling median exceeds the specified median for that discharge option, then the conditions of the consent should be amended to reflect the new discharge class, or a new consent is required. Instead of triggering an enforcement pathway, non-compliance with the median maximum limit would trigger a re-consenting pathway.</p>	
Audit of Compliance by a Third Party	The requirement to engage a third party annually to verify compliance adds unnecessary cost	Given that treatment plant operators have to upload data to demonstrate compliance, it should be possible to automate performance against the standards. The need to demonstrate compliance via an annual audit by a third party adds unnecessary cost given the standards remove uncertainty.	<ul style="list-style-type: none"> <li>That the standards be amended to remove the need for an annual audit of compliance by a third party</li> </ul>
Discharge to water standards for small wastewater treatment plants	Desludging of oxidation ponds should be required when sludge exceeds a specific ratio of sludge depth to pond depth	Page 25 of the discussion document states that “operational requirements such as regular desludging of oxidation ponds...would be included in the consent for the plant.” MDC suggests that standard conditions could be prepared for the desludging of oxidation ponds at small wastewater treatment plants that is based on a certain ratio of sludge depth to pond depth. This will help to standardise this requirement.	<ul style="list-style-type: none"> <li>That a standard condition be developed for the desludging of oxidation ponds at small wastewater treatment plants that is based on specific ratio of sludge depth to pond depth</li> </ul>
<b>Discharge to Land Environmental Performance Standard</b>			
Rapid Infiltration Basins	Rapid infiltration basins should not be excluded from the standards but be required to meet the river discharge standards as a minimum	MDC recommends that the standards be amended to include provision for rapid infiltration basins. Rapid infiltration is preferable to a direct discharge to a waterway as the treated wastewater passes through soil prior to entering a waterway. Rather than excluding rapid infiltration basins from the standard, the river discharge standards could be used as a minimum requirement for these discharges.	<ul style="list-style-type: none"> <li>That rapid infiltration basins be provided for in the standards, with requirements equivalent to the discharge to water requirements.</li> </ul>
Use of wetlands / Papatunuku passage	Where wetlands are part of a river discharge system to address cultural concerns, the land based discharge loading rates should apply.	Including nitrogen and phosphorus loading rates might discourage operators from putting cultural mitigation in.	<ul style="list-style-type: none"> <li>That the nitrogen and phosphorus loading rates do not apply where wetlands are used as part of a river discharge to address cultural concerns</li> </ul>
	Pre-wetlands sampling points must be specified so that samples are not affected by E.coli from other natural sources such as birds and wildlife that enter the discharge from within the wetland	MDC is concerned that the E.coli limits specified in the standard may discourage use of land passage systems (e.g. wetlands) where E.coli limits are exceeded by bird faeces. MDC recommends that a pre-wetlands sampling point be specified	<ul style="list-style-type: none"> <li>That sampling points for E.coli be located at the entry point to land application areas, particularly where this is a wetland, not at the outlet.</li> </ul>

Section	Submission point summary statement	Discussion	Decision sought
		so that samples are not affected by E.coli from other sources that enter the discharge from within the wetland.	
Hydraulic loading rate for discharges to land	The hydraulic loading of 5mm/hr or 15mm/hr application event for irrigation should provide flexibility to apply to wetland cells	MDC supports the hydraulic loading of 5mm/hr or 15mm/application event for irrigation. As there is an applied preference to discharge to land rather than water the hydraulic loading should provide flexibility to apply to wetland cells. This might remove the 5mm/hr limit. There is a range between river discharges and irrigation, to extend the season in which treated wastewater is being applied to land the standards need to encourage multiple land discharge options.	<ul style="list-style-type: none"> <li>That the hydraulic loading rate for discharges to land should remain flexible to encourage multiple land discharge options.</li> </ul>
Soil Sampling	A balanced approach to soil sampling is necessary to control costs	<p>In most cases treated wastewater is irrigated on land that is owned by the operator. Therefore, changes in soil condition will not impact the general public.</p> <p>MDC recommends that the standard specify the number of soil samples required per hectare, to ensure consistency in approach, rather than the per hectare rate being determined by a “Suitably Qualified Experienced Practitioner, considering the treatment level, plant size and soil capacity.” As the soil sampling is repeated every five years, the purpose of this testing is to track general trends. MDC does not consider that the level of confidence for soil sampling justifies the cost that would be incurred in having to commission a “Suitably Qualified Experienced Practitioner” in developing the Management and Operation Plan.</p>	<ul style="list-style-type: none"> <li>That the standards specify a per hectare rate for soil monitoring, rather than requiring this rate to be determined by a “Suitably Qualified Experienced Practitioner.”</li> </ul>
Land discharge monitoring parameters	The E.coli limits for land discharges need to specify a maximum percentile	The table at the bottom of page 29 of the consultation document provides E. coli limits. However, clarification needs to be provided if this is a maximum limit, or a percentile limit. MDC preference is that this is a 90 <sup>th</sup> percentile limit to prevent outliers that are not representative from affecting compliance.	<ul style="list-style-type: none"> <li>That the Authority makes the E. coli limits for land classes (table at the bottom of page 29) a 90<sup>th</sup> percentile limit.</li> </ul>
Groundwater monitoring parameters	Groundwater samples should be analysed for total phosphorus not dissolved reactive phosphorus for consistency with the proposed standards	Parameters measured in groundwater samples should correspond to an actual limit that sits within the standards. As the limit in the standard is for total Phosphorus, this is what groundwater samples should be analysed for, rather than dissolved reactive phosphorus, for which there is no specified limit to check against.	<ul style="list-style-type: none"> <li>That the monitoring requirements for groundwater samples that are necessary to monitor the impact of discharges to land be amended to refer to total phosphorus as opposed to dissolved reactive phosphorus.</li> </ul>
Risk screening to assess suitability of specific types of land for land application	Where there is already a land discharge occurring, actual data should be used rather than relying on a risk-based framework tool for assessing land suitability	Council currently irrigate to land at the Manawatū Wastewater Treatment Plant during the summer months. On average approximately 8,000m <sup>3</sup> is applied per day. Some of the qualitative risk assessment tools out there would predict adverse effects on the receiving environment. However in reality this regime	<ul style="list-style-type: none"> <li>That actual monitoring data be relied on for determining land suitability, where such data is available.</li> </ul>

Section	Submission point summary statement	Discussion	Decision sought
		has made a significant improvement on the receiving environment.	
<b>The Beneficial Reuse of Biosolids Environmental Performance Standard</b>			
Biosolid Classification	The classification of biosolids into grades and the establishment of consenting pathways based on these grades is supported	MDC supports the proposal of having permitted, controlled and restricted discretionary controls to reflect the different grading.	<ul style="list-style-type: none"> <li>That the proposed grading of biosolids and the establishment of consenting pathways based on these grades be retained as proposed.</li> </ul>
Controls on restricted discretionary activities	Controls on restricted discretionary activities should be limited to: setbacks, application methods, stabilisation requirements, odour, and sludge moisture levels	Controls on restricted discretionary activities should be limited to setbacks, application methods, stabilisation requirements, odour, and sludge moisture levels	<ul style="list-style-type: none"> <li>That councils discretion on applications for restricted discretionary consents for the reuse of biosolids be limited to: setbacks, application methods, stabilisation requirements, odour, and sludge moisture levels.</li> </ul>
Nitrogen Loading	The 200kg/ha limit should be based on a three year release cycle	<p>To reflect that nitrogen from biosolids is released over time the 200kg/ha should be based on three year release cycle. As a result the application could be 600kg/ha if no additional material is applied to that area.</p> <p>The nitrogen limit specified for biosolids in the standards should be consistent with the limits specified in the <i>Guidelines for the safe application of biosolids to land in New Zealand</i>.</p>	<ul style="list-style-type: none"> <li>That the nitrogen loading for biosolids be consistent with what is specified in the <i>Guidelines for the safe application of biosolids to land in New Zealand</i>. This includes nitrogen loading limits that are based on a three year cycle. A maximum application of 600kg/ha would therefore be allowed if no additional material is applied to that area.</li> </ul>
<b>Management of Overflows and Bypasses</b>			
Monitoring of Overflows	<p>Clarification is needed in relation to telemetry installed to monitor overflows, including in relation to timeframes for installation and how often sensors need to be calibrated.</p> <p>The risk assessment should determine the level of monitoring that is required.</p>	These requirements should be standardised for consistency.	<ul style="list-style-type: none"> <li>That the standards be amended to provide greater specificity around the requirements that apply to the installation of telemetry units. In particular, the standards should specify how soon telemetry units must be installed at high risk sites and how often the sensors on telemetry units must be calibrated.</li> <li>The monitoring requirements should be relative to the level of risk associated with the overflow.</li> </ul>
Demonstrating engagement has occurred	Operators should not be punished for the unwillingness of a third party to engage	Getting written feedback from some groups can be challenging. While there should be a requirement to take reasonable steps to engage, the approval of the Wastewater Risk Management Plan should not be subject to a third party and demonstrating that the engagement has occurred.	<ul style="list-style-type: none"> <li>A lack of third party engagement should not be grounds for a Wastewater Risk Management Plan not being approved.</li> </ul>
	Controlled Activity Standards 1 – 4 from the Auckland Unitary Plan for network	MDC is of the opinion that controlled activity standards 1 – 4 from the Auckland Unitary Plan (refer to page 38 of the	<ul style="list-style-type: none"> <li>That controlled activity standards 1 – 4 from the Auckland Unitary Plan be</li> </ul>

Section	Submission point summary statement	Discussion	Decision sought
Examples of Controlled Activity Standards from the Auckland Unitary Plan	overflows are generally appropriate for inclusion in the standards	discussion document) are appropriate to duplicate within the standards for the management of overflows and bypasses. However, MDC considers that the reference to “average” in condition 1 needs greater specificity (e.g. by referring to the rolling five year average).	replicated in the Controlled Activity Standards for network overflows, except that the reference to “average” in condition 1 needs greater specificity (e.g. rolling five year average).
	Controlled Activity Standard 5 from the Auckland Unitary Plan for network overflows should be amended to remove reference to the prevention of dry weather overflows.	The controlled activity standards should not require the wastewater network to be operated in a way that prevents dry weather overflows during normal operation of the network. Providing appropriate controls are in place to minimise overflows, an unforeseen overflow should not result in consent non-compliance.	<ul style="list-style-type: none"> <li>That controlled activity standard 5 from the Auckland Unitary Plan be incorporated into the standards, but only after being amended to say: “The network operator must have an operational and maintenance programme in place that minimises unforeseen dry weather overflows to the environment.”</li> </ul>
Matters of Control	A standard set of conditions for the management of overflows and bypasses should be developed.	<p>The development of a standard set of conditions for the management of overflows and bypasses is necessary to ensure consistency.</p> <p>These conditions should relate to 35 year consents.</p>	<ul style="list-style-type: none"> <li>That the Authority publish standard conditions for the management of overflows and bypasses and that these conditions enable 35 year consents to be issued.</li> </ul>
Categorising Risk	A matrix should be developed to help determine the appropriate risk level for the management of overflows and bypasses.	This will enable monitoring requirements to be reflective of the level of risk associated.	<ul style="list-style-type: none"> <li>That a matrix be developed to categorise the risk associated with overflows and bypasses and that monitoring requirements imposed through conditions on the consent be reflective of this level of risk.</li> </ul>
Consistency	Given the importance of creating consistency and the potential limitations of processing a sudden influx in applications, the Water Authority - Taumata Arowai should consider automatically issuing every scheme a network discharge and bypass consent with specified timelines.	This will mean every network operator in New Zealand is working to the same timelines and every network will have identical conditions. This would also address the issue that some regions don’t currently authorise these activities to occur.	<ul style="list-style-type: none"> <li>Every network should have identical conditions and reporting requirements (including networks that already hold consents)</li> <li>Reduce time and cost by automatically issuing consents for each network</li> <li>Create national consistency, not just regional consistency.</li> </ul>
Publicly accessible website		A central portal would keep everything in one location and simplify auditing and benchmarking performance. All reporting and notifications can be done through the portal and the portal can automatically send out notifications / alerts	<ul style="list-style-type: none"> <li>Create a central national portal for reporting and notifications</li> </ul>
Staggering Monitoring	Support the proposal to stagger monitoring due to financial limitations		<ul style="list-style-type: none"> <li>Stagger monitoring requirements based on risk</li> </ul>
Notification Requirements	Depending on the detail required, in some instances providing a notification with two hours will be difficult	Typically spills occur during adverse conditions and therefore written notification may not be possible. If notification is automated for high risk sites, operators can focus on	<ul style="list-style-type: none"> <li>Rather than require high risk notification to be submitted within two hours, all high risk overflow points should have a telemetered</li> </ul>

Section	Submission point summary statement	Discussion	Decision sought
		minimising the extent of the event and then provide a written response once the event is under control.	<p>sensor to automatically send out notifications when a spill occurs.</p> <ul style="list-style-type: none"> <li>• The automated notification should be to a central portal to prevent the need for multiple notifications.</li> </ul>



## Key Consultation Document Questions

### General

- *Do you agree with the areas the first set of standards are proposed to cover?*

Yes

- *What areas should we prioritise to introduce wastewater standards in future?*

MDC recommends that priority be given to how the standards might better encourage and facilitate (such as by creating permissive consenting pathways) the land-based discharge of treated wastewater. We understand that land discharges are more culturally acceptable than direct discharges to waterways.

As outlined in Table 1, MDC requests that the current exclusion of rapid infiltration basins be removed from the standards by incorporating them into the river discharge standards, where the indirect discharge is likely to enter waterways.

MDC also recommends that a secondary standards table be created to enable a consistent approach to managing those parameters that sit outside of the primary standards, with clear identification of where those secondary standards are derived from.

- *What topics should we cover in the guidance material to support implementation of the standards?*

MDC requests the development of guidelines for monitoring. For example, the guidelines should clearly define where 'end of pipe' monitoring is to be monitored from, particularly in the instance of a wetland, where disinfected wastewater can get contaminated with E.coli from birds and fish.

Guidance material should be developed for regional councils, including defining when it is appropriate to include additional control measures. If entirely left to the discretion of regional councils, there is likely to be inconsistency in the additional controls that might be imposed on discharge consents.

It is critical that Taumata Arowai work with consent authorities to develop a set of standard conditions that are to be used for consents that comply with the standards, and for those additional matters that sit outside of the standards (where possible). Consistency in consent conditions is essential to enable performance benchmarking.

- *Are there particular groups we should work with to develop guidance and if so, who?*

Input from environmental scientists is necessary to allow monitoring, management, and control of emerging contaminants. For instance an emerging contaminant may bio-accumulate and the best form of control could be the

restriction or banning of use of that contaminant which is outside of current scope and control of wastewater operators.

Input is also needed from network operators to understand financial and resource constraints and how current practices fit in with future requirements.

- *How should factors such as climate change, population growth, or consumer complaints be addressed when considering a 35-year consent term?*

The effects of climate change will differ depending on your location, and therefore a blanket approach is not considered appropriate. As climate has a cyclic pattern, calculations of median discharge volumes should not be based on a single year, but should be averaged over a period of five to ten years to enable buffering between years.

While applications should provide an indication of forecast volumes over the life of the consent, controls should be based on key parameters such as minimum dilution ratios, loading rates etc.

MDC considers that regular reviews (e.g. 10-yearly) should be built into consent conditions to enable the reassessment of the suitability of the discharge conditions, if the receiving environment has changed (as a result of climate change or other factors), or where consumer feedback. Indicates that changes are needed. The review should include consideration of the likelihood and risk of becoming non-compliant with conditions as a result of climate change, population growth, or other unknowns.

It is recommended that the assessment is ideally based on a ten year cycle with re-assessments required every ten years. Yes applications should provide an indication of what volumes are expected but the controls should be based on key parameters ie minimum dilution ratios, loading rates etc.

## Discharge to Water

- *How should we consider checks and balances to protect against situations where the degree of microbial contamination may change throughout the duration of a consent.*

A multi barrier approach might be necessary, such as treatment plus disinfection, to minimise this risk. MDC recommends that for larger plants (greater than 10,00 population) disinfection should be mandatory, as this will minimise risks to public health. In addition, for these larger plants, UVT, UVI turbidity, and flow need to be continuously monitored to ensure the UV units are operating within their certified range (i.e. 90th percentile).

Trend analysis should be required as part of the annual reporting of performance. Corrective actions, if required, should be based on trends and not one-off results.

- *Are the areas for exceptions appropriate to manage the impacts of discharges and do you anticipate implementation challenges?*

MDC is of the opinion that the standards do not cover dual discharges (i.e. discharges to land and water) and the use of wetlands and land passages very well. Amendments are needed to the standards to better recognise the benefits of a dual discharge regime on the receiving environment, including through developing more enabling consenting pathways.

MDC is concerned about the number of current exclusions from the standard. Guidance is needed to better ensure consistency in how regional councils are to assess the need for additional control measures, to enable comparisons to be made. Guidance is also needed to assist regional councils and RMA commissioners in determining whether a proposed outcome will meet the intent of the standards.

As outlined in Table 1, rather than wastewater consents being processed by individual regional councils, MDC encourages the Authority to establish a national team of dedicated processors. An appropriately resourced, centralised processing team will increase consistency, speed up processing times and reduce consenting costs through reduced reliance on consultancy expertise.

- *How should the exceptions be further defined to ensure there are no unintended consequences?*

In the first instance, some hypothetical 'case studies' could be provided, and updated as the consent processes are completed.

A list of potential exception controls should be provided with appropriate effluent limits and guidance of when these additional measures are appropriate. This list could be updated over time mitigation should be focused on effluent quality not receiving environment.

- *Are the treatment limits, and monitoring and reporting requirements proportionate to the potential impacts of the different discharge scenarios?*

MDC considers that the proposed treatment limits are appropriate. If the limits associated with the different dilution scenarios are achieved, MDC expects there to be improvements in environmental outcomes, given the limits are more stringent than is currently required.

However, MDC recommends that more thought be given as to how real-time data might be used to enable greater flexibility in discharges to achieve dilution ratios. Continuous monitoring enables real-time tracking of risk. As outlined in our submission, if this monitoring data is uploaded to a central interfacing portal, this will increase transparency and enable corrective action to be taken quickly in the

event of a non-compliance. Annual reporting would then be just a summary of performance and any proposed changes.

MDC is concerned that some receiving environments can have 7-day low flows that are significantly less than the average flow. This would necessitate a high degree of treatment for short periods of the year. Similarly, wastewater treatment processes will still need to run, even when dilution factor exceeds the limits published. In the case of MDC, we have zero discharge to the receiving environment at the times when low flow occurs, therefore the impact is nil during this time.

- *What benefits and challenges do you anticipate in implementing the proposed approach? Are there particular matters that could be addressed through guidance material?*

For discharges that enter a wetland post UV treatment, it may be beneficial to undertake E.coli sampling pre and post point of entry and to analyse these samples to determine the origin (i.e. human sourced or other). Given the cost involved, this sampling, if required, should be low frequency (e.g. quarterly).

- *How should we define small plants and what changes to the default standards should apply to them?*

Small plants should be defined based on loading rates and the dilution ratio of the receiving environment. However, MDC is concerned that a large proportion of the “small” plants discharge into waterways that do not have a flow site. This makes calculating a dilution ratio, in accordance with the standards, difficult.

- *What feedback do you have for managing periphyton in hard bottomed or rocky streams or rivers?*

Refer to our draft submission. In summary, approximately 65% of river discharges in the Horizons region are to waterways that would be considered to have a hard bottom. Rather than excluding discharges to hard bottomed or rocky waterways from the nutrient limits in the standards, MDC recommends that an assessment be undertaken as part of the consent application process to determine if the discharge is causing periphyton levels to increase. If this assessment shows that the discharge is causing the periphyton levels to increase so it is class C or lower then the application should be required to have a management strategy to control periphyton. This might be a dual discharge to avoid discharging at certain times of the year. If the assessment shows that the periphyton is below class D (national bottom line) then that should be excluded. In most cases, MDC considers that the standards will be sufficient to manage excessive periphyton growth.

- *What detail should be covered in guidance to support implementing this approach for managing periphyton?*

MDC recommends that the guidance include a matrix that can be used when assessing periphyton growth to determine what class applies (i.e. national bottom line classes A to D).

Standard inspection procedures or tests would be beneficial.

### Discharge to Land

- *Are the proposed parameters appropriate to manage the impact of wastewater discharges to land?*

MDC thinks the proposed parameters are appropriate. Ongoing monitoring of bores within land application areas should assist in evaluating the risk of contamination and should be prioritised over modelled outputs.

- *What benefits and challenges do you anticipate in implementing the proposed approach? Are there other particular matters that could be addressed through guidance material?*

Providing the majority of wastewater treatment plants are captured by the standards, the standards will enable a more consistent approach.

Standard monitoring procedures will be useful to minimise the risk of contamination of groundwater. Challenges will relate to long-term soil health. As well as monitoring requirements, there should be a trigger for when additional mitigation may be required.

A further challenge will be ensuring all regional plans are updated in a timely manner to reflect the changes. To accelerate this process standardised rules need to be drafted and Regional Councils required to amend their plans to reflect the rules prior to a specified date.

- *Are the monitoring and reporting requirements proportionate to the potential impacts of the different discharge scenarios?*

Where there are monitoring requirements, there should be a corresponding limit/trigger to undertake further action. If this is not the case the monitoring has limited relevance and enforcing change becomes difficult.

Groundwater and aquifers should be monitored for nutrients.

### Beneficial Reuse of Biosolids

- *What matters of control or restricted discretion should sit with consenting authorities to manage the reuse of biosolids?*

A register of sites where biosolids has been deposited needs to be maintained. Additional control should only apply for restricted discretionary activities.

- *What should the permitted activity standards include?*

Requirements around keeping records. Notification requirements to demonstrate biosolid classification

- How should contaminants of emerging concern in biosolids be addressed in the short-term?

One option is to provide guidance to support implementation of the standards, including advice on contaminants of potential concern – such as organic contaminants like microplastics or PFAS. These areas could be brought into the standard over time, as research continues and there is greater capacity in the New Zealand market to test for contaminants of emerging concern.

MDC has sought price information for the contaminants included in the proposed biosolid standards, including emerging contaminants of concern. The following contaminants are able to be tested in NZ for a reasonable cost:

- E. coli
- Campylobacter
- Salmonella
- human adenovirus
- helminth ova
- VAR
- Arsenic
- Cadmium
- Chromium
- Copper
- Lead
- Mercury
- Nickel
- Zinc

The following tests are able to be completed in NZ, but come at the significant cost:

- Musks – Tonalide
- Musks – Galaxolid
- PFOS+PFHxS (µg/kg)<sup>6</sup>

- PFOA (µg/kg)<sup>6</sup>

For the full suite of NZ based tests, the price for one off testing was \$4051.45 (exclusive GST).

Testing capacity and capability must become available in NZ before the standards will achieve their identified benefits.

The following tests are only able to be taken in Belgium:

- Nonylphenol and ethoxylates (NP/NPE)
- Phthalate (DEHP)
- Linear alkylbenzene sulphonates (LAS).

It would not be reasonable to include these thresholds in AA standards unless testing becomes readily available in NZ.

The cost to dispose of sludge to landfill is likely to be greater than the cost of verification testing, providing the frequency of testing is not too high (e.g. every five years). Testing is worthwhile to ensure the discharge does not result in any long-term environmental damage to the receiving environment.

## Overflows and Bypasses

- Is the current definition of overflow fit-for-purpose, and if not, what changes do you suggest?

Yes, the current definition is fit-for-purpose.

- Does the proposed definition of bypasses adequately cover these situations, and if not, what changes do you suggest?

MDC agrees that the proposed definition is adequate.

- *How should Wastewater Risk Management Plans relate to existing risk management planning tools, and if the Local Government (Water Services) Bill proceeds, stormwater risk management plans?*

As far as MDC is aware, there is little or no evidence that quantifies the environmental impacts of overflows and bypasses. In wet weather events the discharged wastewater is generally diluted by a factor of 4 or more, and discharged when high dilution is available in receiving waters. This has the cumulative effect of minimising risk. However a dry weather overflow or bypass will pose a significantly higher risk.

This is a opportunity to create consistency by providing detailed templates and clear expectations for each section. While there is some overlap between water, stormwater and wastewater the management plans should be kept separate.



- *What should be covered in guidance to support developing wastewater risk management plans?*

MDC recommends that the guidance include:

- Minimum storage requirements to minimise overflows and bypasses. If these are not provided the risk of an unauthorised discharge occurring will decrease significantly.
  - Detail around what is required in each chapter, similar to the water safety plans
  - A standardised risk identification checklist to identifier the multiple barriers to reduce risk (Swiss Cheese model)
- *We understand wastewater risk management plans are already required in some regions – what approaches have worked well and where is there room for improvement?*

The intent of the Manawatū WWTP river and land discharge consents was that the land discharge should be prioritised over a river discharge to mitigate cultural and environmental concerns. Unintentionally however, the complexity of the land discharge requirements as set out in our resource consent, prioritise the river discharge. This significantly reduces the potential irrigation season. The unintentional outcome has arisen as the individual discharges have been assessed in isolation, rather than through the lens of a dual system. For example ponding and soil moisture restrictions limit Councils ability to irrigate, especially during the cooler months of the year. These limits were to prevent seepage from the site. However, any seepage would be negligible in comparison to the alternative of discharging directly to the river. For this reason, Council encourages the Water Services Authority – Taumata Arowai to keep the standards simple and focus on key points of concern and consider the alternatives in relation to the overarching objective.

As the Land Application Management Plan (LAMP) was developed on the back of the authorisation it is far more complex than required. Keeping LAMPs simple, puts a focus on the key mitigating factors and ensures these matters are not lost in the noise and reduce the risk of unintentional conflicting the overarching objective.

- *How should Wastewater Risk Management Plans interact with the proposed consenting pathways for overflows and bypasses?*

Consenting is all about minimising environmental risk. Therefore, if there is a minimum storage requirement, the Risk Management Plan will include this (and other methods) to demonstrate clearly how the risk of overflows is to be managed.

Wastewater Risk Management Plans will help to demonstrate that appropriate steps are in place to minimise risk.

MDC notes that most regional Councils do not have sufficient in-house expertise to approve these plans. Therefore, we recommend that they be approved by a specialised technical team.

- *Do you support setting all wastewater network overflows as controlled activity?*

Yes. This triggers reporting and transparency. Part of this is becoming aware of what is happening so plans can be put in place to reduce risk.

- *What matters of control should remain with consenting authorities to reduce the impact and frequency of overflows and bypasses?*

This is a major issue across the country and therefore it is important that standardisation occurs. Required information should be uploaded to a central portal. This allows national decisions to be made and blanket approaches to be rolled out. If Regional Councils are responsible for managing overflows every Council will have a different approach. The consenting authority should be notified so the clean up can be independently assessed but the management and approval of plans should be done on a national scale.

- *Are there examples of existing approaches to managing overflows that would work well as matters of control?*

Where sufficient storage, preventive maintenance, inspection and timely capital investments have been made, the amount and effects of overflows and bypasses are greatly reduced. The management of overflows requires a proper auditing system to ensure alarms and stand by pumps are working at the designed set points.

- *What other factors need to be considered when making overflows and bypasses a controlled activity? What matters would be helpful to address through guidance?*

Record keeping and the need to have a detailed incident report so that the cause of the incident can be clearly identified.

- *What transition arrangements should apply for scenarios where Regional Councils already have consenting pathways for overflows?*

Regional Councils have contrasting approaches, from controlled to prohibited. To create a consistent approach regional Councils should be provided six months to replace their current wastewater rules and policies with a standardised set.

While this is occurring, operators should be required to prepare their wastewater management plans. The Operational Management Plans will identify each point where overflows /bypasses can occur. This information will be used to generate unique codes so records for each site can be maintained.

Aspirational targets like in the Auckland case should be left at 2040, and the management plans outline how this target will be achieved

- *What matters should be covered in guidance material to support monitoring and reporting requirements?*

MDC recommends that the Authority develop best practice guidance material. This should include a standard decision making process, to determine that the optimal solution to minimising overflows and bypasses can be achieved.

- *Do you support establishing a framework that determines how overflows are managed based on risk?*

Yes

### **Arrangements for wastewater treatment plants operating on section 124, Resource Management Act 1991**

- *How long should wastewater treatment plants be able to operate under section 124 of the RMA once wastewater standards have been set?*

The duration in which a plant can operate under s124 is dependent on whether the consent is required to be notified, whether decisions are appealed, and if applications are going to be assessed at a regional level, or as part of a National specialised unit. Due to limited resources and expertise at a regional level, wastewater discharge consents are drawn out, costly exercises, as multiple consultants are required on both sides.

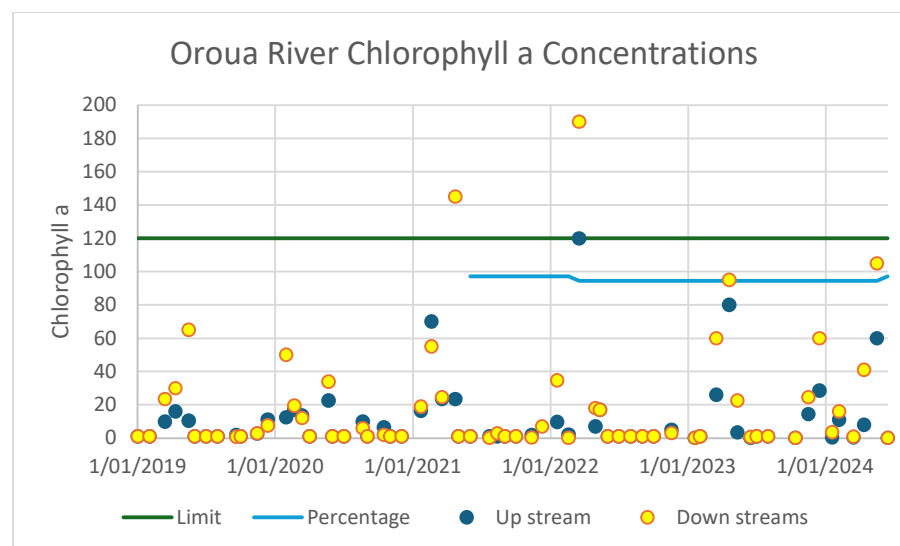
The proposal to extend expiry dates from two years from when the standards become operative needs to be reconsidered. If this occurs, this will likely result in a bottle-neck. MDC's submission suggests that the extension to existing use rights, for those consents that expire within two years of the standards becoming operational, should be added to the current consent expiry date, to enable processing of these consents to be more staggered.

Consideration should also be given to including a transitional period between when a consent is granted, to when the new conditions must be met (e.g. five years).

### Attachment 3 – the Manawātū District Council’s Management of Periphyton Risk

Manawātū District Council have successfully managed the periphyton risk downstream of the discharge through utilising alternative discharge methods during high risk periods (Jan – March inclusive). Despite two outliers, the maximum percentage of samples exceeding the Class B standards was 6%. None of the concentrations exceeded the national bottom line. Given that the national bottom line is an approved standard the exclusion should only apply to sites that can’t demonstrate they can achieve this requirement.

Since irrigation commenced, the majority of the elevated Chlorophyll a concentrations occur during April and May when restrictions on land irrigation forced Council to discharge to the Ōroua River while the river flows are still low. If these restrictions were removed, periphyton water class downstream of the Manawatu WWTP would be expected to increase to Class A as the discharge to land would be prioritised where possible.



# LOCAL ELECTORAL REFORM POSITION PAPER: FEEDBACK FORM

For copies of the position paper, please visit

<https://www.lgnz.co.nz/policy-advocacy/key-issues-for-councils/local-electoral-reform/>

Please email this completed form to [electoralreform@lgnz.co.nz](mailto:electoralreform@lgnz.co.nz) by **9am Monday 28 April 2025**

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## Submitter details

Name:

Email:

Who are you making this submission on behalf of:

Myself

An organisation - please state

## **ISSUE 1/ The public's understanding of local government and why it's important**

ON A SCALE FROM 1 (STRONGLY SUPPORT) TO 5 (STRONGLY OPPOSE) HOW WOULD YOU RATE THE DRAFT POSITION FOR ISSUE 1?

WHY DID YOU GIVE THIS SCORE? WHAT DO YOU SUPPORT, AND WHAT, IF ANY, CHANGES WOULD YOU MAKE TO THE POSITION?

## **ISSUE 2/ Understanding candidates and their policies**

ON A SCALE FROM 1 (STRONGLY SUPPORT) TO 5 (STRONGLY OPPOSE) HOW WOULD YOU RATE THE DRAFT POSITION FOR ISSUE 2?

WHY DID YOU GIVE THIS SCORE? WHAT DO YOU SUPPORT, AND WHAT, IF ANY, CHANGES WOULD YOU MAKE TO THE POSITION?



## ISSUE 3/ Voting methods

ON A SCALE FROM 1 (STRONGLY SUPPORT) TO 5 (STRONGLY OPPOSE) HOW WOULD YOU RATE THE DRAFT POSITION FOR ISSUE 3?

WHY DID YOU GIVE THIS SCORE? WHAT DO YOU SUPPORT, AND WHAT, IF ANY, CHANGES WOULD YOU MAKE TO THE POSITION?

## **ISSUE 4/ Administration and promotion of elections**

ON A SCALE FROM 1 (STRONGLY SUPPORT) TO 5 (STRONGLY OPPOSE) HOW WOULD YOU RATE THE DRAFT POSITION FOR ISSUE 4?

WHY DID YOU GIVE THIS SCORE? WHAT DO YOU SUPPORT, AND WHAT, IF ANY, CHANGES WOULD YOU MAKE TO THE POSITION?

## **ISSUE 5/ Four-year terms (including transition and implementation)**

ON A SCALE FROM 1 (STRONGLY SUPPORT) TO 5 (STRONGLY OPPOSE) HOW WOULD YOU RATE THE DRAFT POSITION FOR ISSUE 5?

WHY DID YOU GIVE THIS SCORE? WHAT DO YOU SUPPORT, AND WHAT, IF ANY, CHANGES WOULD YOU MAKE TO THE POSITION?

## **Additional feedback/**

ARE THERE ANY ADDITIONAL COMMENTS YOU WOULD LIKE TO MAKE ON THE DRAFT POSITION PAPER?

30 April 2025

The Chair,  
Horizons Regional Council,  
15 Victoria Avenue,  
Palmerston North 4410.

Submitted via: [haveyoursay@horizons.govt.nz](mailto:haveyoursay@horizons.govt.nz)

Tēnā koe,

**Submission from the Manawātū District Council on the Horizons Long Term Plan Amendment and Annual Plan**

The Manawātū District Council (MDC) thanks Horizons Regional Council for the opportunity to submit on the proposed amendments to Horizons Regional Council's Long-Term Plan and Annual Plan. MDC recognizes the critical role that Horizons plays in advancing integrated transport systems, supporting regional economic development, and ensuring long-term financial sustainability. Improved transport services are vital for reducing emissions, enhancing connectivity, and fostering resilience across our communities, and MDC supports initiatives that align with these objectives.

As a territorial authority within Horizons' jurisdiction, MDC is committed to collaborating on strategic decisions that impact our region. While we acknowledge the importance of the issues raised in this consultation, MDC has specific concerns regarding the proposed sale of CentrePort shareholding and funding arrangements for the Capital Connection passenger rail service. These matters have significant implications for regional economic development, equity in cost distribution, and ratepayer impacts.

**CentrePort Shareholding and Reinvestment**

MDC acknowledges Horizons' position that a potential sale aligns with its investment strategy, however, MDC questions whether the loss of this strategic asset- tied to logistics and infrastructure aligns with broader economic development goals for the Manawatu. MDC questions how Horizons plans to mitigate risks associated with managed funds, for example, market downturns affecting returns. MDC recommends that Horizons publish a detailed cost-benefit analysis comparing retaining CentrePort shares versus managed fund performance under various economic scenarios.

The consultation document notes that Centreport shareholding has a history of providing regular annual dividends with the capital value of the port growing over time and dividends increasing in the future. MDC seeks clarification on whether Horizons has considered potential future increases to capital value and dividends arising from the full development of the Te Utanganui project. As Te Utanganui project is strategically important to the Manawatu Whanganui region as a key distribution hub for the central North Island, MDC sees a loss of strategic influence in the port's operations and direction if a sale occurs.

Given these considerations, MDC supports further investigations into the sale of CentrePort shareholding under Option 1. Future communications from Horizons should include:

- Detailed projections of the expected returns compared to historical dividends from CentrePort.
- A side-by-side comparison of risks associated with retaining versus selling CentrePort shares, including financial, strategic, and regional development risks.
- Justification for why increased liquidity is necessary at this time and how it aligns with Horizons' long-term financial strategy.

### **Capital Connection**

MDC acknowledges the importance of maintaining and improving passenger rail services such as the Capital Connection to enhance regional connectivity and reduce emissions. However, MDC remains concerned about the disproportionate ratepayer impact on Manawātū District residents arising from Horizons' funding methodology.

The consultation document notes that contributions toward running the Capital Connection will impact rates in Manawātū but does not specify what these amounts will be raised to. Last year, MDC submitted concerns regarding inequities in indicative costs per \$100K of capital value for properties in Manawātū (\$2.80) compared to Palmerston North (\$1.25) and Horowhenua (\$2.83). This disparity is particularly concerning given that Manawātū District residents do not have direct access to train services (i.e., no train stops within the district). MDC reiterates its position that ratepayer contributions should align with actual benefits received, such as proximity to train stations and usage patterns. This position is reinforced given the intention of Waka Kotahi to reduce its funding towards the running of the Capital Connection, creating a shortfall that may fall on councils to pick up.

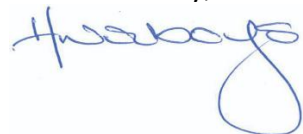
While changes to Capital Connection funding are not a primary focus of this consultation, MDC requests Horizons provide clarity ahead of the 2027/37 Long Term Plan Consultation on:

- How ratepayer contributions for Capital Connection improvements will be calculated.
- Any adjustments made since the 2024-34 Long Term Plan consultation.
- Plans to reconsider funding methodologies to ensure costs are distributed equitably among districts based on actual benefits received.

Additionally, MDC urges Horizons to explore alternative funding mechanisms to reduce reliance on targeted rates for Manawātū residents. This includes advocating for reinstatement of central government funding or pursuing private sector partnerships.

MDC supports initiatives that enable prudent investment decisions, enhance regional transport systems, and improve connectivity across communities but seeks assurances that strategic decisions are made transparently and equitably. We look forward to continued engagement with Horizons Regional Council on these matters to achieve equitable and transparent outcomes for our communities.

Yours sincerely,



Helen Worboys, JP  
**Mayor**

# Submission template: Strengthening New Zealand's emergency management legislation

The National Emergency Management Agency (NEMA) is seeking feedback on options to strengthen New Zealand's emergency management legislation.

The deadline for submissions is **5pm, 13 May 2025**.

You can find the full discussion document and more information about the legislative reform process on NEMA's website. Your feedback will inform decisions about the proposals. We appreciate your time and effort to respond to this consultation.

[Emergency Management Bill consultation](#)

## How to make a submission

To make a submission, you will need to:

1. Fill out your name, email address and organisation on the next page. If you are submitting on behalf of an organisation, please ensure you have the authority to represent its views.
2. Fill out your responses to the questions in this document. You can choose to answer some or all of the questions. Where possible, please provide evidence to support your views. For example, references to independent research, facts and figures, or your experiences.
3. If your submission has any confidential information:
  - a. Please state this in the email accompanying your submission, setting out clearly which parts you consider should be withheld, and the grounds under the Official Information Act 1982 (Official Information Act) that you believe apply. NEMA will take this into account and will consult with submitters when responding to requests under the Official Information Act.
  - b. Indicate this in your submission. Any confidential information should be clearly marked within the text of your submission (preferably as Microsoft Word comments).
  - c. Note that submissions are subject to the Official Information Act and may, therefore, need to be released in full or in part. The Privacy Act 2020 also applies.
4. Once you have completed this form, you can send it by:
  - a. email (as a Microsoft Word document) to [EmergencyManagementBill@nema.govt.nz](mailto:EmergencyManagementBill@nema.govt.nz)

**OR**

  - b. post to:

Policy Unit  
National Emergency Management Agency  
PO Box 5010, Wellington 6140



## Submitter information

Any information you provide will be stored securely.

### Your name, email address, and organisation

Name: Helen Worboys, Mayor

Email address: Helen.Worboys@mdc.govt.nz

Organisation:  
(if applicable) Manawatū District Council

- ☐ The Privacy Act 2020 applies to submissions. Please tick the box if you **do not** want your name or other personal information to be included in any information about submissions that NEMA may publish.
- ☐ NEMA may publish submissions or a summary of submissions to its website, [civildefence.govt.nz](https://civildefence.govt.nz). If you **do not** want your submission or a summary of your submission to be published, please tick the box and type an explanation below:

I do not want my submission published on NEMA's website because...

### Does your submission contain confidential information?

- ☐ I would like my submission (or parts of my submission) to be kept confidential and have stated my reasons and the grounds under section 9 of the Official Information Act that I believe apply, for consideration by NEMA.

I would like my submission (or parts of my submission) to be kept confidential because...

### Use of information

Submissions will be used to inform NEMA's policy development process and will inform advice to Ministers. Your submission (including identifying information) may also be shared with other government agencies working on policies related to emergency management. NEMA may contact submitters directly if we need clarification on their submission or would like further information from them.

# Consultation questions

These questions relate to the issues and options raised in the discussion document *Strengthening New Zealand's emergency management legislation*. You can find the full discussion document on [NEMA's website](#).

**You do not need to answer all questions.**

## Objectives for reform

The Government's proposed objectives for reform are to:

- strengthen community and iwi Māori participation in emergency management
- provide for clear responsibilities and accountabilities at the national, regional, and local levels
- enable a higher minimum standard of emergency management
- minimise disruption to essential services
- ensure agencies have the right powers available when an emergency happens.

*Refer to pages 8–9 of the discussion document to answer the question in this section.*

### 1. Have we identified the right objectives for reform?

☒ Yes      ☐ No      ☐ Not sure / no preference

Please explain your views.

The Manawātū District Council (MDC) generally supports the Government's proposed objectives for the reform of the CDEM Act. However we agree with the submission by Taituarā that careful consideration needs to be given as to whether a legislative fix is needed in every instance, to achieve these outcomes, or if the desired outcomes are able to be achieved through other means, such as guidance, templates, strengthening relationships, and identifying and sharing best practice.

## Objective 1: Strengthening community and iwi Māori participation

### Issue 1: Meeting the diverse needs of people and communities

We have identified options to ensure the emergency management system better meets the diverse needs of communities, with a particular focus on those who may be disproportionately affected during an emergency.

*Refer to pages 10–13 of the discussion document to answer the questions in this section.*

### 2. Do you agree with how we have described this problem?

☒ Yes      ☐ No      ☐ Not sure / no preference

Please explain your views.

MDC agrees that some people and groups are disproportionately affected by emergencies and have different needs that cannot be met through a “one size fits all” approach. For example, the percentage of Māori land within the Manawātū District is around 1%. 84% of this land is next to waterways such as the Manawātū, Rangitikei and Ōroua Rivers and their tributaries that have a long history of flooding.

Council works with Community Committees and relevant community organisations to promote emergency management in neighbourhoods and the wider community. Council also engage with and supports iwi driven initiatives within the Manawātū District to support vulnerable community members in emergency events.

People’s actions (or inaction) can increase their vulnerability to natural hazards. Local authorities have a role in ensuring that communities have access to the best information available and how they can self-prepare for an emergency event.

MDC supports option 2 – the development of national level guidance tailored for the diverse needs of people and communities. MDC is part of the Manawātū-Whanganui Civil Defence Group. We already engage with local iwi and community and tailor our Group Plan to the needs of these groups. However, MDC does not support these requirements being legislated (options 3 and 4) as this could result in these requirements being dictated to us in a way that does not best meet the needs of these communities and iwi/Māori. A prescribed approach may also lead to challenges of discrimination against certain groups. Legislative requirements could also open Council up to greater liability.

Option 4 – requiring the Director to consult with disproportionately affected communities to inform the development of the National CDEM Plan and the National CDEM Strategy is supported in principle. However, MDC questions how effective national-level engagement could practically address the needs of specific communities. MDC considers that local authorities and CDEM Groups are best placed to understand their communities’ diverse needs.

### **3. Are there other reasons that may cause some people and groups to be disproportionately affected by emergencies?**

Please explain your views.

Effective engagement is dependent on effective relationships between Councils and iwi Māori. Where relationships are strained, this can impact on the effectiveness of hazard planning and preparedness.

Remote communities that rely on one or two key transport routes may be disproportionately affected by emergencies (e.g. Tangimoana and Āpiti in the Manawātū District).

Some of our rural communities have limited internet access. There are also parts of our District, such as Rongotea, that have no mobile phone coverage. This makes information sharing difficult on a good day, and virtually impossible during emergency events.

Some people are more vulnerable by virtue of being less willing or able to engage or have an increased level of mistrust.

**4. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?**

Please explain your views.

Preferred option is option 2. MDC would not support any increase in legislative requirements unless this is accompanied by central government funding to cover the increased cost burden.

**5. What would planning look like (at the local and national levels) if it was better informed by the needs of groups that may be disproportionately affected by emergencies?**

Please explain your views.

Improved outcomes as barriers are reduced.

**6. Are there any other options that should be considered?**

Please explain your views.

Insert response

## **Issue 2: Strengthening and enabling iwi Māori participation in emergency management**

We have identified options to recognise the contributions made by iwi Māori in emergency management, to the benefit of all people in New Zealand.

*Refer to pages 13–16 of the discussion document to answer the questions in this section.*

**7. Do you agree with how we have described this problem?**

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

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

However, in MDC's experience, the representative needs to be carefully chosen to ensure that they have the right local knowledge and are cognisant of the needs of the communities they serve.

**8. Have we accurately captured the roles that iwi Māori play before, during and after emergencies?**

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

In particular, MDC recognises the importance of having local Māori representation in caring for their communities through response and recovery from an emergency event.

**9. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?**

Please explain your views.

MDC has mixed views on the proposal for the mandatory (legislative) inclusion of Māori members on Emergency Management Committees and Emergency Management Coordinating Executives. If Māori representation is to be required by legislation, central government will need to resource these members sufficiently to enable them to participate fully in the emergency management system.

**10. How should iwi Māori be recognised in the emergency management system?**

Please explain your views.

As iwi Māori are disproportionately affected by natural hazards, the inclusion of Māori members on Emergency Management Committees and Emergency Management Coordinating Executives would help ensure that the needs of Māori are given adequate consideration at all levels and across governance, planning, and operational activities.

MDC seeks clarification on how iwi Māori members are currently appointed to Emergency Management Committees and Coordinating Executives and the criteria/skills that are considered. The appointment of the right person is critically important to outcomes.

**11. What should be the relationship between Civil Defence Emergency Management (CDEM) Groups and iwi Māori?**

Please explain your views.

CDEM Groups should engage with and support iwi-driven initiatives to support vulnerable community members in emergency events. CDEM Groups promote emergency management in neighbourhoods and the wider community. Iwi Māori help to inform planning for hazards and help coordinate response, recovery, and welfare of their communities during an emergency event.

**12. What should be the relationship between Coordinating Executive Groups and iwi Māori?**

Please explain your views.

MDC recognises that there would be benefit from having iwi Māori representation on Coordinating Executive Groups. However, the legislation needs to provide for direct reimbursement of costs to Māori by central government. Also, there needs to be selection criteria to ensure the appointed representatives have on-the-ground local knowledge, local relationships and expertise to be successful in their role.

**13. What would be the most effective way for iwi Māori experiences and mātauranga in emergency management to be provided to the Director?**

Please explain your views.

The legislation should provide flexibility for iwi Māori to develop their own local approaches to sharing experiences and mātauranga in emergency management to the Director. The approach should not be prescribed in regulation/legislation.

#### 14. Are there any other options that should be considered?

Please explain your views.

Insert response

### Issue 3: Strengthening and enabling community participation in emergency management

We have identified options to improve communities' ability to participate in emergency management. This includes making it easier for individuals, businesses, and other community organisations to offer resources to the "official" emergency response.

*Refer to pages 16–18 of the discussion document to answer the questions in this section.*

#### 15. Do you agree with how we have described this problem?

☐ Yes

☒ No

☐ Not sure / no preference

Please explain your views.

MDC agrees that communities have a role to play in managing their own risks and helping families, neighbours, and people in their own networks. However, the discussion document does not give adequate recognition to the health and safety responsibilities/obligations on local authorities in an emergency management event where volunteer groups may self-organise and involve themselves in the response.

MDC understand that WorkSafe has recently prepared guidance that clarifies health and safety obligations of local authorities under the Health and Safety at Work Act 2015 with respect to casual volunteers ([Keeping volunteers healthy and safe | WorkSafe](#)). As this guidance is designed for "business as usual" activities, it would be helpful for additional guidance to be developed that is specific to civil defence emergencies.

Concerns over health and safety liability may hinder local authorities willingness to accept offers of resource from the public and local organisations during and after an emergency event.

MDC is working with community groups such as Central District 4 x 4 club and have supported them through gaining recognised qualifications and courses such as psychological first aid and police checks so that Council is satisfied that we have made reasonable efforts that they are suitable, reasonable and qualified to assist in an emergency event. Our concerns are more with groups that self-organise who may put themselves at risk without Council's direction.

#### 16. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

MDC supports option 2 (non-legislative) – being to develop and update guidance and strengthen public education. However, MDC is concerned that such guidance might set expectations of reimbursement of costs incurred by voluntary groups who self-organise without being authorised by Council.

Any guidance developed for the health, safety and wellbeing of volunteers should align with the guidance released by WorkSafe. For example, the obligations in that guidance

with respect to casual volunteers (i.e. those not authorised by the controller) compared to those for volunteer workers should be consistent.

## 17. Are there any other options that should be considered?

Please explain your views.

MDC requests that additional or updated guidance be developed by central government to support local authorities in understanding their roles and liabilities with respect to community groups and volunteers who self-organise during an emergency management event. The current guidance 'Volunteer Coordination in CDEM' references the Health and Safety in Employment Act 1992, which has been repealed and replaced with the Health and Safety at Work Act 2015.

## Issue 4: Recognising that people, businesses and communities are often the first to respond in an emergency

We have identified options to address barriers that may stop people, businesses, and communities from acting during an emergency.

*Refer to pages 18–19 of the discussion document to answer the questions in this section.*

## 18. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

While we agree with the issues raised in the Discussion Document, we do not consider that the concerns around civil liability are a significant deterrent to people taking immediate action in a Civil Defence emergency due to protections such as ACC.

## 19. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

MDC agrees that during an emergency event it is the reality that people, businesses and communities often need to take immediate action to protect life or property during an emergency. For this reason, MDC supports option 2 (legislative protection from civil liability). However, it may be difficult for people to provide sufficient evidence that they were undertaking reasonable and significant emergency management actions in good faith, and in circumstances where they were unable to seek or be given direction by a Controller or constable.

MDC is very concerned by the suggestion in option 3 that enables compensation for labour costs. As outlined in the table, the risk of this option is unpredictable costs on the Government and local government, including administration costs. MDC agrees that such an approach might incentivise people to carry out unsafe or unnecessary actions for financial gain.

MDC would only support the proposal for labour costs to be recovered if the private individual/companies are instructed by the Director to undertake works, and these costs are able to be recovered (and auditable) through the normal cost recovery process.

**20. Are there any other options that should be considered?**

Please explain your views.

Insert response

**Other problems relating to this objective**

**21. Should we consider any other problems relating to community and iwi Māori participation?**

Please explain your views.

Insert response



## Objective 2: Providing for clear responsibilities and accountabilities at the national, regional, and local levels

### Issue 5: Clearer direction and control during an emergency

We have identified options to make it clearer who is in charge of the operational response to an emergency.

*Refer to pages 20–25 of the discussion document to answer the questions in this section.*

#### 22. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

#### 23. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

MDC agrees in principle with submission by Taituarā that option 3 is the most straightforward option. The most critical factor is that responses are led locally where possible. Autonomy is needed for local authorities to decide how best to respond to local issues/events.

#### 24. Are there any other options that should be considered?

Please explain your views.

Insert response

#### 25. Do you think more fundamental changes are needed to the way direction and control works during the response to an emergency? If so, why?

☐ Yes ☒ No ☐ Not sure / no preference

Please explain your views.

It is a well-known, agreed structure, that staff have been trained in for years.

### Issue 6: Strengthening the regional tier of emergency management

#### Issue 6.1: Resolving overlapping CDEM Group and local authority roles and responsibilities

We have identified options to ensure it is clear what CDEM Groups and each of their local authority members are responsible for.

*Refer to pages 26–28 of the discussion document to answer the questions in this section.*

#### 26. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Local authority boundaries do not align with boundaries of partner agencies such as the NZ Police, FENZ, Health NZ and iwi. This complicates the response.

**27. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?**

Please explain your views.

MDC agrees with the Taituarā submission that providing distinct responsibilities for CDEM groups and their local authority members in legislation (option 2) should reduce duplication and ambiguity of roles and help in delivery.

MDC opposes Option 3. We do not support the proposal to require CDEM Group Plans to state how each member will fund and deliver on functions and decisions. Legislating such a requirement is unnecessary and reduces flexibility.

**28. Are there any other options that should be considered?**

Please explain your views.

Insert response

**29. Do you think more fundamental changes are needed to the way emergency management is delivered at the local government level (for example, the CDEM Group-based model)? If so, why?**

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

There needs to be consistency across the groups, both in funding, capacity and staffing. Inconsistent management of CDEM Groups impacts on their effectiveness and cohesiveness, and the division of labour.

**Issue 6.2: Providing for clear and consistent organisation and accountability for emergency management**

We have identified options to ensure CDEM Groups are organised effectively, with clearer lines of accountability.

*Refer to pages 28–31 of the discussion document to answer the questions in this section.*

**30. Do you agree with how we have described this problem?**

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Refer to our response to question 29.

**31. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?**

Please explain your views.

MDC supports option 3. There needs to be consistency in the way that CDEM Groups are responsible for organising emergency management.

MDC agrees with the issues raised in the Taituarā submission with respect to Option 4. The Chief Executive of each local authority should not be required to hold the role of Controller and Recovery Manager. The Chief Executive should not carry a designated role as they need to be the conduit between elected members, Central Government and response staff.

**32. Are there any other options that should be considered?**

Please explain your views.

Insert response

**Issue 6.3: Strengthening the performance of Coordinating Executive Groups**

We have identified options to strengthen how Coordinating Executive Groups provide advice to and implement the decisions of their CDEM Groups.

*Refer to pages 31–32 of the discussion document to answer the questions in this section.*

**33. Do you agree with how we have described this problem?**

☐ Yes ☒ No ☐ Not sure / no preference

Please explain your views.

We agree in part with the description of the problem being issues with engagement in Coordinating Executive Groups. However, a key problem not mentioned in the discussion document is that there is not rigid adherence to the requirement for membership to be at the Chief Executive Level.

Representatives 'around the table' need to have the delegations and authority to speak on behalf of the organisations that they represent, and to be able to commit to actions. As attendance is not compulsory, competing priorities means that attendance and membership at Coordinating Executive Groups is haphazard. We agree that this impacts on approval of items, delays in decision-making, budget decisions etc.

**34. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?**

Please explain your views.

MDC supports the submission by Taituarā. MDC is not convinced that a legislative solution is required. Like Taituarā, MDC supports option 2. We also support Option 4 as this would support consistency, relationship building, and ensuring that the people in the room have the authority to make decisions on behalf of the organisations that they represent.

### 35. Are there any other options that should be considered?

Please explain your views.

Insert response

## Issue 7: Keeping emergency management plans up to date

We have identified options to make it easier to update the National CDEM Plan and CDEM Group plans, reflecting changes to roles and responsibilities.

*Refer to pages 33–34 of the discussion document to answer the questions in this section.*

### 36. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Competing timeframes caused by Parliamentary processes and legislative requirements result in delays in adopting or amending new CDEM Group Plans and the National CDEM Plan.

### 37. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

MDC supports option 2 and 3 for the reasons outlined in the submission by Taituarā. It is important that Councils can make changes to emergency management plans in a timely way that is not administratively cumbersome. It would be beneficial for Councils to be able to add new hazards or change risk profiles without requiring a full review. Simplifying the process for developing and amending the National CDEM plan while maintaining its legislative status will offer more flexibility.

### 38. Are there any other options that should be considered?

Please explain your views.

Insert response

## Other problems relating to this objective

### 39. Should we consider any other problems relating to responsibilities and accountabilities at the national, regional, and local levels?

Please explain your views.

Insert response

## Objective 3: Enabling a higher minimum standard of emergency management

### Issue 8: Stronger national direction and assurance

#### Issue 8.1: Strengthening the Director's mandate to set expectations and monitor performance

We have identified options to enable a wider range of mandatory standards to be set, and strengthen the Director's ability to provide assurance about the performance of the emergency management system.

*Refer to pages 36–37 of the discussion document to answer the questions in this section.*

#### 40. Do you agree with how we have described this problem?

☐ Yes ☒ No ☐ Not sure / no preference

Please explain your views.

The problem definition does not adequately recognise that emergency management officers are not members of a nationally consistent government department – there is no direct line of responsibility from staff level to the regional or national level. NEMA and the Director do not have any oversight or influence on the performance of staff working in emergency management as their responsibilities are to their own local authorities.

The system is very fractured currently. We do not even have nationally consistent training.

#### 41. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

MDC supports options 2 and 3. The development of any guidance in option 2 or rules through secondary legislation (option 3) should be done in conjunction with the local government sector and agencies. Option 4 lacks clarity. It is not clear whether the reference to 'performance' refers to people operating in the system, or the processes and legislation that determines the system. Without this clarity, MDC does not support this option.

MDC raised concerns in our submission on the Emergency Management Bill (November 2023) with respect to proposed powers for the Director (Chief Executive of NEMA) to prescribe forms that may be used for the purposes of the Act, the rules or regulations. During Covid Lockdown One, there was one form in particular, Āwhina, that was promoted by NEMA but rejected by most, if not all, Councils at the time. The form was poorly constructed and did not serve its intended purpose.

Through our submission on the Emergency Management Bill, we also raised a concern regarding the proposed authority given to the Director to prescribe the operational approach to the management of concurrent emergency designations at a local, regional, and national level. Such an approach could potentially constrain a local authority from

acting in the manner it considers will best serve its people. Local Authorities should have the power to make autonomous decisions for their communities.

**42. Which aspects of emergency management would benefit from greater national consistency or direction?**

Please explain your views.

Nationally mandated training.

Nationally consistent operating platforms for incident management and GIS.

Templates for community response plans.

Nationally consistent public messaging and educational resources.

Recognised qualifications / a career path and minimum standards/prerequisite requirements for staff working as emergency management professionals.

**43. Are there any other options that should be considered?**

Please explain your views.

Insert response

**Issue 8.2: Strengthening the mandate to intervene and address performance issues**

We have identified options to better ensure those with legal emergency management responsibilities are meeting them sufficiently.

*Refer to pages 37–39 of the discussion document to answer the questions in this section.*

**44. Do you agree with how we have described this problem?**

☒ Yes

☐ No

☐ Not sure / no preference

Please explain your views.

The current powers held by the Minister or Director lack the legislative authority to intervene to address issues with the emergency management system.

**45. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?**

Please explain your views.

MDC generally supports the submission by Taituarā. MDC supports the intent that the Director and Minister have the powers necessary to achieve improved outcomes, but we have concerns with the way the current options are framed. Emergency management operates from the ground-up. Until there is a nationally consistent framework and reporting lines established from the local level to national level, the effectiveness of top-down enforcement actions is questionable.

**46. Are there any other options that should be considered?**

Please explain your views.

Insert response

## Issue 9: Strengthening local hazard risk management

We have identified options to strengthen the way CDEM Groups and their members manage the risk of hazards in their areas, including by using CDEM Group plans more effectively.

*Refer to pages 39–42 of the discussion document to answer the questions in this section.*

### 47. Do you agree with how we have described this problem?

☐ Yes ☒ No ☐ Not sure / no preference

Please explain your views.

In our region, the CDEM Group Plan is not focused on the activities of the Group Office. It is a high-level policy document that identifies and describes the risks facing the region. However, the effectiveness of the plan is reliant on lead agencies having plans at the local level that address these risks.

### 48. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

MDC supports the Taituarā submission. That is, MDC supports options 2, 3 and 4 for the reasons outlined in the submission by Taituarā. MDC would like to be kept informed of any guidance and standards being developed at the national level, including as part of any national working party.

### 49. What is the right balance between regional flexibility and national consistency for CDEM Group plans?

Please explain your views.

Local authorities must have direct involvement in decision-making that affects our communities. Central government must take a leadership role and provide clear guidance, direction and resourcing to support local government in their decision-making. We see the regional levels role as the coordinator of local responses, particularly for events that span more than one territorial authority.

### 50. What practical barriers may be preventing CDEM Group plans from being well integrated with other local government planning instruments?

Please explain your views.

Reducing barriers to be able to better share natural hazard information between agencies is critical.

Planning instruments may not consider the full breadth of natural hazard risks (e.g. fault lines, tsunami risk, liquefaction risk and slip hazards) due to different levels of certainty in the accuracy of the information (including the scale at which the hazard is mapped – i.e. whether it is accurate at regional or property scale) or different ownership of the hazard information.

Timing of document preparation. Planning instruments are generally updated infrequently and may be based on hazard information that is out-of-date.

**51. Are there any other options that should be considered?**

Please explain your views.

Insert response

**52. Do you think more fundamental changes are needed to enable local authorities to deliver effective hazard risk management? If so, why?**

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Emergency management is reactive/responsive and involves planning for a particular event. For people and communities to become less vulnerable over time, there needs to be a stronger legislative relationship between land use planning and emergency management.

There needs to be better legal protections for council. If we provide property owners with all natural hazard information available (i.e. have taken all reasonable steps) and they choose to act independently or against that advice, councils should not be held liable for any loss incurred.

Where hazard risks are intolerable, there needs to be clear legislation in relation to local government liability for decision-making on hazard avoidance and managed retreat, and clear tools and processes for acquiring land and related compensation (in consultation with affected communities).

**Issue 10: Strengthening due consideration of taonga Māori, cultural heritage and animals during and after emergencies**

**Issue 10.1: Considering taonga Māori and other cultural heritage during and after emergencies**

We have identified options to ensure the impacts of emergencies on taonga Māori and other cultural heritage is considered appropriately.

*Refer to pages 43–45 of the discussion document to answer the questions in this section.*

**53. Do you agree with how we have described this problem?**

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

**54. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?**

Please explain your views.

MDC supports developing guidance on considering taonga and other cultural heritage (option 2). There is an opportunity to provide more training for staff involved in emergency management to ensure better awareness of Māori and cultural heritage and the specific cultural needs of different communities.



MDC does not support option 3 (legislative) due to concerns that a local approach will be more successful than trying to develop national-level requirements.

**55. Are there any other options that should be considered?**

Please explain your views.

Insert response

**Issue 10.2: Considering animals during and after emergencies**

We have identified options to ensure the impacts of emergencies on pets, working animals, wildlife, and livestock is considered appropriately.

*Refer to pages 45–47 of the discussion document to answer the questions in this section.*

**56. Do you agree with how we have described this problem?**

☒ Yes      ☐ No      ☐ Not sure / no preference

Please explain your views.

Yes, the emotional, safety, and economic implications of not integrating animal welfare into emergency planning has been acknowledged. However, the framing could be improved by also acknowledging the diversity of animal-related impacts—companion animals, working dogs, production livestock, and native wildlife each have different needs and implications. For instance, protecting working animals (e.g. police or search and rescue dogs) may have public safety implications, while loss of livestock could threaten livelihoods and regional economies.

**57. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?**

Please explain your views.

MDC considers that the best approach is a mix of Option 3 and Option 4, with support from Option 2. Making it a requirement to include animals in emergency planning (Option 3) means they won't be forgotten and helps keep things consistent across the country. Giving emergency teams the ability to help animals in distress (Option 4) is also really important – it can stop people from putting themselves in danger trying to rescue their pets or stock. Backing it up with good guidance (Option 2) will make it easier for everyone to know what to do and how to do it well.

**58. Noting that human life and safety will always be the top priority, do you have any comments about how animals should be prioritised relative to the protection of property?**

Please explain your views.

While human life and safety should always come first, MDC considers that safety of animals should generally be prioritised ahead of property. People often see their pets, working animals, and livestock as part of their whānau or livelihood, and will risk their own safety to protect them. Early integration of animals into emergency management planning can help reduce the risk that owners will place themselves at risk, and lead to better overall

outcomes. Unlike property, animals can't be replaced, and their wellbeing directly affects people's emotional and mental health during and after emergencies.

**59. Are there any other options that should be considered?**

Please explain your views.

Insert response

**Other problems relating to this objective**

**60. Should we consider any other problems relating to enabling a higher minimum standard of emergency management?**

Please explain your views.

Insert response

## Objective 4: Minimising disruption to essential services

### Issue 11: Reducing disruption to the infrastructure that provides essential services

#### Issue 11.1: Narrow definition of “lifeline utility”

We have identified options to extend emergency management responsibilities to a broader range of infrastructure that provides essential services.

*Refer to pages 50–52 and Appendix C of the discussion document to answer the questions in this section.*

#### 61. Do you agree with how we have described this problem?

☒ Yes      ☐ No      ☐ Not sure / no preference

Please explain your views.

MDC agrees that the current definition of a lifeline utility is too limited and does not match the wider range of services that are relied on in emergency management response and recovery. Services like internet access, card payment systems, and even grocery distribution are all essential – we saw during Cyclone Gabrielle how badly things can go when they’re disrupted. If these kinds of services aren’t included in emergency management planning, we risk leaving big gaps that could make recovery harder, and put people at greater risk.

#### 62. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

MDC supports Option 3: replacing the current lifeline utilities list with a broader, principles-based definition of “essential infrastructure.” MDC considers that a principles-based definition of “essential infrastructure” provides greater flexibility, is more realistic of how emergencies actually unfold and ensures that the definition remains current.

#### 63. If we introduced a principles-based definition of “essential infrastructure”, are there any essential services that should be included or excluded from the list in Appendix C of the discussion document?

☒ Yes      ☐ No      ☐ Not sure / no preference

Please explain your views.

MDC recommends that the following essential services be added to the list of “essential infrastructure” in Appendix C, out of recognition of the key roles that they play during response and recovery:

- Animal Welfare Services;
- Welfare Agencies (NGOs); and
- Disability support services.

**64. If you think other essential services should be included in the list in Appendix C, what kinds of infrastructure would they cover?**

Please explain your views.

These services support health, safety, and wellbeing during emergencies and help communities recover faster.

**65. Are there any other options that should be considered?**

Please explain your views.

Insert response

### Issue 11.2: Strengthening lifeline utility business continuity planning

We have identified options to ensure lifeline utilities have planned effectively for disruption to their services.

*Refer to pages 52–54 of the discussion document to answer the questions in this section.*

**66. Do you agree with how we have described this problem?**

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

The problem has been framed well and reflects what we've seen in recent emergencies: gaps in planning can lead to cascading failures across systems and leave people and organisations vulnerable.

**67. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?**

Please explain your views.

MDC supports Option 3. This option retains flexibility for different sectors, yet still sets clear expectations and real consequences if planning is inadequate.

**68. Are there any other options that should be considered?**

Please explain your views.

Insert response

### Issue 11.3: Barriers to cooperation and information sharing

We have identified options to strengthen cooperation and information sharing between lifeline utilities, CDEM Groups, and other agencies.

*Refer to pages 54–57 of the discussion document to answer the questions in this section.*

**69. Do you agree with how we have described this problem?**

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

The problem is well-framed and based on lessons learnt from events such as Cyclone Gabrielle.

**70. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?**

Please explain your views.

MDC recommends that a combination of Options 2–5 are progressed with a goal of setting clear expectations, enabling legal protections, and building stronger relationships across agencies. This will lead to better coordination and faster, more effective responses.

MDC shares Taituarā's concerns that a legislative approach to requiring lifeline utilities to contribute to national response plans (option 4) needs careful thought given the administrative effort associated, and, it is assumed, some sort of compliance framework to ensure it happens.

**71. Because emergencies happen at different geographical scales, coordination is often needed at multiple levels (local and national). Do you have any views about the most effective way to achieve coordination at multiple levels?**

Please explain your views.

Coordination works best when local and national teams plan together from the outset. Having clearly defined roles, shared response plans, and dedicated liaisons helps to avoid confusion. Having common data standards and tools ensures consistency when it is most needed.

**72. Are there any other options that should be considered?**

Please explain your views.

Insert response

**Issue 12: Strengthening central government business continuity**

We have identified options to ensure central government organisations have planned effectively for disruption to their services. This includes options to expand the range of central government organisations recognised in the Act.

*Refer to pages 57–60 of the discussion document to answer the questions in this section.*

**73. Do you agree with how we have described this problem?**

<input checked="checked" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not sure / no preference
Please explain your views.		
The document clearly explains that while some central government agencies are already covered by business continuity requirements in the CDEM Act, others that provide critical services – such as the NZ Police, Defence Force, and Crown entities – aren't formally included. This creates gaps and inconsistencies in how well government functions are maintained during and after emergencies.		

**74. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?**

Please explain your views.
MDC recommends that Options 3, 4, and 5 are combined. This creates a flexible but robust framework that ensures critical services are planned for, while still allowing for guidance, exemptions, and support where needed.

**75. Are there any other options that should be considered?**

Please explain your views.
Insert response

**Other problems relating to this objective**

**76. Should we consider any other problems relating to minimising disruption to essential services?**

Please explain your views.
There is a need for better real-time information sharing and communication tools to support faster, more coordinated responses.

**Objective 5: Having the right powers available when an emergency happens**

**Issue 13: Managing access to restricted areas**

We have identified options to improve the way cordons are managed.

*Refer to pages 61–63 of the discussion document to answer the questions in this section.*

**73. Do you agree with how we have described this problem?**

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

There is a lack of clarity and consistency about who can set up cordons, how access decisions are made, and how long they can be maintained.

**74. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?**

Please explain your views.

MDC considers option 3 (prescribe the form of identification passes through regulations) to be the most practical and future-proof approach. It supports public safety, while also recognising the real needs of individuals and communities who may need limited or time-sensitive access during emergencies.

**75. Are there any other options that should be considered?**

Please explain your views.

Insert response

## Issue 14: Clarifying who uses emergency powers at the local level

We have identified options to ensure emergency powers sit with the most appropriate people at the local government level.

*Refer to pages 63–65 of the discussion document to answer the questions in this section.*

### 76. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

MDC suggests that there is a mismatch between who has the powers and who actually knows how to use them in an emergency. MDC considers that authority should sit with trained emergency managers, to support and enable them to carry out necessary functions during an emergency event.

### 77. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

MDC supports option 2, being a tidy up of existing functions and powers related to CDEM Groups, Controllers, and Recovery Managers.

### 78. Are there any other options that should be considered?

Please explain your views.

Insert response

## Issue 15: Modernising the process to enter a state of emergency or transition period

We have identified options to remove the requirement for a physical signature to declare a state of emergency or give notice of a transition period.

*Refer to pages 65–66 of the discussion document to answer the questions in this section.*

### 79. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

MDC agrees with the issue as described. Relying on physical signatures during emergencies is outdated and can cause unnecessary delays. Moving to digital approvals is a simple, practical fix that will help speed up decision-making is time critical.

### 80. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

MDC supports option 2 - digital declarations with safeguards. This option is efficient, realistic, and supports faster emergency response without sacrificing accountability.

MDC also supports option 3 (enabling authorised persons to declare a state of emergency verbally). Giving these trained professionals the authority to act quickly without waiting on formal sign-off will speed up decision-making.

**81. Are there any other options that should be considered?**

Please explain your views.

Insert response

**Issue 16: Mayors' role in local state of emergency declarations and transition period notices**

We have identified options to make mayors' role in local state of emergency declarations and transition period notices more explicit.

*Refer to pages 66–68 of the discussion document to answer the questions in this section.*

**82. Do you agree with how we have described this problem?**

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

MDC agrees that there is benefit in clarifying the mayor's role in local state of emergency declarations and transition period notices. A clearly defined role is necessary to avoid confusion and delays during emergencies, especially when quick action is needed.

**83. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?**

Please explain your views.

MDC agrees with the submission by Taituarā that Mayors', as the local leader in their community, should continue to have primary responsibility for declaring a local state of emergency or giving notice of a transition period for their district or wards (option 2). This important role should be supported through training and guidance, and through support from the local CDEM group.

**84. Are there any other options that should be considered?**

Please explain your views.

Insert response

**Other problems relating to this objective**

**85. Are there any circumstances where Controllers or Recovery Managers may need other powers to manage an emergency response or the initial stages of recovery more effectively?**

Please explain your views.

MDC requests that the powers be amended to more clearly authorise the access or use privately owned infrastructure when it is deemed critical to the response. MDC also requests stronger powers to require timely information sharing from agencies or service



providers, and better coordination powers during recovery. Recovery Managers often deal with complex, multi-agency issues but have limited formal authority. Giving Recovery Managers more powers and tools would help make both response and recovery more effective.

## Other comments

### 86. Do you have any other comments relating to reform of New Zealand's emergency management legislation?

Insert response

13 May 2025

Committee Secretariat  
Justice Committee  
Parliament Buildings  
Wellington

Submitted via: [Sale and Supply of Alcohol \(Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day\) Amendment Bill Submission - New Zealand Parliament](#)

Tēnā tātou Members of the Justice Committee

**Submission from the Manawātū District Council on the Sale and Supply of Alcohol (Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day) Amendment Bill**

The Manawātū District Council (MDC) thanks the Justice Committee for the opportunity to provide feedback on the *Sale and Supply of Alcohol (Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day) Amendment Bill* (“the Amendment Bill”).

MDC does not support the Amendment Bill in its current form. We acknowledge the potential economic benefits to parts of the hospitality sector. However, we have several concerns that we wish to bring to the Committee’s attention, particularly in relation to our role as a territorial authority and alcohol licensing body, and the potential for increased alcohol-related harm in our community.

We support the position of the New Zealand Institute of Liquor Licensing Inspectors (NZILLI) in opposing the repeal of Anzac Day morning trading restrictions for on-licence premises, and the removal of restrictions for all off-licence premises on Good Friday, Easter Sunday, Christmas Day, and Anzac Day. However, we disagree with NZILLI’s support for amending the Sale and Supply of Alcohol Act 2012 (the Act) to relax current restrictions for on-licence premises on Good Friday, Easter Sunday, and Christmas Day.

**Introduction**

MDC plays a regulatory and monitoring role under the *Sale and Supply of Alcohol Act 2012*, primarily through our licensing inspectors, who oversee compliance with the conditions attached to on- and off-licence premises in the district. We do not currently have a Local Alcohol Policy in place.

In our district, most restaurants and on-licence venues choose to close on the public holidays mentioned above, recognising these days as significant for families and the wider community. In 2018, MDC consulted the community on the appetite for Easter Sunday Trading and found that 59 percent of submitters were opposed to allowing trading on that day. Feedback from submitters largely fell into two broad categories: first, a desire to be respectful of religious beliefs; and second, the desire to preserve family time.

From 1 July 2024 to 30 April 2025, MDC issued 77 special licences for various functions. For ANZAC day we typically receive no more than two special licence applications, which are generally approved where they meet the statutory criteria. The fact that a special licence is required acts as a natural control, limiting the number of on-licence premises that open on these days and ensuring that any alcohol-related activity is deliberate, planned, and subject to oversight.

MDC have no history of non-compliance with the current public-holiday restrictions, which suggests the framework is understood, manageable, and generally well respected by our local licensees.

### **Concerns with the Amendment Bill**

While the Amendment Bill proposes greater trading flexibility, we are concerned it will disproportionately benefit one sector (hospitality) at the expense of the wider community wellbeing and social cohesion. These days have significant cultural importance for many New Zealanders and lifting the alcohol-sale restrictions could be seen as undermining that significance.

From a public health and safety perspective, we are particularly concerned about:

- Potential for increased alcohol-related harm on days already associated with stress and social pressures for some individuals and whānau.
- The lack of a Local Alcohol Policy, which limits our ability to apply more tailored, community-specific controls if the national framework is loosened.
- Rural policing constraints: MDC is a largely rural district with limited police presence. The proposed changes may increase pressure on frontline police, especially during holiday periods when staffing is already stretched.
- The removal of these restrictions could create commercial pressure on premises that currently close, leading to reduced time off for workers and diminishing the value of these public holidays.

While there may be economic benefits to some businesses, we urge the Committee to consider whether this justifies a change to long-standing protections that reflect shared cultural values. We also note that the Shop Trading Hours Act 1990 continues to place some constraints on trading on these days, and changes to alcohol law should be consistent with the broader legislative context.

MDC does not anticipate significant resourcing implications as licence applications would still need to meet the existing criteria for hours and responsible service. However, we note that any increase in alcohol-related incidents or disorder would likely place pressure on police and health services in our area.


### **Decision sought:**

- MDC ask that the Members of the Justice Committee reject the proposed amendments set out in the *Sale and Supply of Alcohol (Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day) Amendment Bill*.

### **Conclusion**

In summary, the Manawātū District Council generally opposes the Amendment Bill. We believe the current legislative restrictions strike an appropriate balance between economic activity and safeguarding social wellbeing, cultural values, and public health.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Helen Worboys', with a large loop at the end.

Helen Worboys, JP  
**Mayor**

15 May 2025

The Ministry for Environment  
Manatū mō te Taiao  
PO Box 10362,  
Wellington 6143

Tēnā koe,

**Submission from the Manawātū District Council on the Proposed Amendments to the Waste Legislation.**

The Manawātū District Council (MDC) thanks the Ministry for the Environment for the opportunity to provide feedback on the proposed amendments to the Waste Minimisation Act 2008 and the Litter Act 1979.

MDC has positioned itself as a community leader committed to enabling a circular economy for all waste streams across the district. MDC currently provides urban customers in Feilding and the villages of Sanson, Rongotea, Himatangi Beach and Halcombe with kerbside collection services for refuse, and recycling waste streams for Feilding only, while rural customers receive weekly refuse bag collection from rural drop-off points and access to mobile recycling centres. A food waste collection service for Feilding residents will also be introduced in 2025, supported by grant funding from the Waste Minimisation Fund.

MDC's waste management approach is guided by its Waste Management and Minimisation Plan, with performance measured through specific targets. For the 2024/25 period, the council has set a target of achieving 50% of actions within the plan. The proposed amendments to waste legislation, particularly those related to waste levy allocation and distribution, could significantly improve the council's ability to fund and implement these initiatives, especially given the proposed shift from a purely population-based allocation to a combined flat rate and population-based approach.

MDC, however, notes that the proposed amendment to Section 48 of the WMA that expands the Minister's authority from revising WMMP content to mandating specific actions for councils raises significant concerns about unfunded mandates and local planning autonomy. Under the current WMA, WMMPs must align with councils' waste assessments community priorities and funding realities. Manawatu District WMMP 2022-2028 currently prioritises rural waste diversion, agricultural plastic recycling, and cost-effective kerbside services tailored to our population density. There is concern that Ministerial directives risk overriding these locally informed priorities.

About 23 percent of MDC's waste levy funding is allocated to community recycling initiatives. Unfunded mandates may force reprioritisation of existing programs or require rates increases which will be a burden for our ratepayers. Further, the WMA already requires councils to "have regard to" the national waste strategy. However, the proposed power to direct actions could conflict with statutory obligations under the Local Government Act 2002, which mandates councils to align spending with community outcomes identified through consultation.

MDC recommends that the proposal be modified such that any mandated actions must be accompanied by ring-fenced funding or levy adjustments to reflect implementation costs and

that directives undergo formal consultation with affected councils to assess feasibility and local impacts.

### **Strengthening Penalties for Fly Tipping: A Call for Legislative Reform**

MDC strongly urges the Government to increase the penalties for fly tipping (illegal dumping) under the Litter Act 1979. Despite ongoing advocacy from the wider local government sector since at least 2018, the current infringement regime has failed to deter persistent offenders. In the 2023/24 year alone, Manawatū District recorded 265 separate incidents of fly tipping, a figure that underscores both the scale and the intractability of the problem in our district. This ongoing issue not only imposes significant financial and operational burdens on Council and ratepayers, but also undermines community satisfaction and environmental outcomes, as reflected in recent resident surveys.

The current maximum infringement fee of \$400 is demonstrably insufficient as a deterrent, especially when weighed against the real costs of remediation and the environmental harm caused. Council's experience is that without a substantial increase in penalties, including higher infringement fees and more robust enforcement tools, fly tipping will continue to escalate. We therefore urge the Government to prioritise legislative reform that enables councils to impose meaningful penalties, and to ensure that the polluter pays principle is truly upheld in practice.

### **Responses to Questions**

#### *1. Do you support the proposal for a modern EPR Framework?*

MDC supports the proposal for a modern and more robust EPR framework noting that the Waste Minimisation Act in its current form lacks enforceable mechanisms to hold producers accountable for end-of-life products. By mandating producer responsibility for design, collection, recycling, and disposal, the proposed EPR framework remedies this gap in the current WMA. MDC supports the proposal as it would shift waste management costs, currently sitting at 90 percent for territorial authorities like MDC, to producers, thereby aligning with the polluter pays principle.

*Do you support discontinuing the government accreditation of voluntary product stewardship schemes?*

MDC supports in part, discontinuing accreditation of voluntary schemes noting that current accreditation system has not been largely effective. MDC notes that the accreditation criteria contained in Section 14 of the WMA focus on administrative compliance rather than environmental outcomes. Overall accreditation under the WMA has been administratively intensive with limited coverage thereby failing to significantly shift environmental outcomes. MDC agrees that voluntary schemes may still operate independently without state validation which will reduce the bureaucratic load on central government while allowing innovation outside the legislative framework.

MDC recommends that the criteria for accreditation could be enhanced to ensure that the accredited schemes deliver meaningful environmental outcomes and serve as a precursor to comprehensive EPR frameworks.

MDC also recommends that the Secretary retains oversight of input methodologies and performance auditing to ensure that schemes are equitable and avoids unwarranted cost inflation to consumers.

*2. Do you support the proposal to adjust the allocation of waste levy funds to councils using a combination of a flat rate and population-based calculation?*

MDC supports the proposed adjustment to the waste levy allocation formula. The current population-based approach does not adequately reflect the fixed costs that smaller councils face in providing essential waste and recycling services, regulatory functions, and community education. MDC considers that a base flat rate, combined with a population weighting, will help ensure that all councils have a minimum level of funding to meet their statutory obligations and to invest in local waste minimisation initiatives. This approach is more equitable and will help address the funding disparity that currently exists between large and small territorial authorities.

*3. Do you support the scope of use of levy funds?*

MDC supports the changes that permit territorial authorities to use the levy for activities that promote or achieve waste minimisation in accordance with MDC's Waste Management and Minimisation Plan as Council already allocate waste levy funds to projects aligned with its WMMP. MDC's Waste Levy Grants Policy also explicitly funds initiatives that 'promote or achieve waste minimisation' and align with WMMP priorities.

MDC supports changes that permit territorial authorities to use the levy for costs associated with managing emergency waste and for activities that provide for the remediation of contaminated sites and vulnerable landfills. This could particularly help in responding to civil defence emergencies to fund waste recycling, for example, demolition waste from earthquakes. We also support the use of the levy for compliance, monitoring, and enforcement of mismanaged waste.

*4. Suggestions for criteria that could form a decision-making framework for possible spending of the waste levy on environmental benefits and/or reduction of environmental harm.*

Criterion	Rationale
Alignment with the Waste Minimisation Act and New Zealand Waste Strategy	This will ensure legal and strategic consistency.
Measurable Environmental Outcomes	This will enable the delivery of tangible, reportable benefits.
Cost Effectiveness/Public value lens	Maximises value for public investment
Innovation and Scalability	Driving systemic change and future proofs investment
Demonstrates Co-Benefits	Projects that deliver co-benefits offer superior value.

5. *Do you support removal of the current blanket exclusion from the levy for waste-to-energy facilities.*

MDC supports the removal as all forms of disposal should be subject to the same regulatory and financial instruments. Excluding waste-to-energy distorts market signals and undermines the waste hierarchy. All applications to the Waste Minimisation Fund for different levels of the waste hierarchy should be considered for their individual costs and benefits as opposed to being subject to blanket exclusions. Any levy for this form of disposal should reflect the full environmental cost, including emissions.

6. *Do you agree that the Minister's considerations for a review of the effectiveness of the waste levy should mirror the scope of the purpose of the WMA and the parameters for levy spend (once these are decided)?*

Yes, MDC supports this as consistency improves policy alignment, transparency, and accountability. This will enable both local and central government measure effectiveness relative to intended environmental outcomes.

7. *Do you support changing the timeframe for review of the effectiveness of the waste levy from every three years to at least every five years?*

No, MDC does not support changing this timeframe. Regular reviews (every three years) ensure the levy remains responsive to changing waste trends, economic conditions, and community needs. For a district like Manawatu, where waste profiles can shift rapidly due to population growth, agricultural activity, and severe weather events, more frequent reviews provide opportunities to adjust policy settings and funding allocations in a timely manner. Extending the review period to five years risks delaying necessary adjustments and could reduce the effectiveness of the levy as a waste minimisation tool. MDC, however, recommends that special exemptions for review should be introduced, particularly for much larger or longer-term initiatives.

8. *Do you support replacing the current levy-waiver requirement of 'exceptional circumstances,' instead enabling the Secretary to waive the requirement for an operator to pay any amount of levy in specified circumstances?*

Yes, MDC supports replacing section 29(a) of WMA 2008 as the current 'exceptional circumstances' threshold is too restrictive and creates uncertainty for councils and operators dealing with complex waste situations, such as contaminated site remediation or disaster recovery. Allowing the Secretary to waive the levy in specified circumstances provides needed flexibility and enables a more pragmatic response to emerging waste management challenges, particularly for local authorities managing legacy waste issues or responding to emergencies.

9. *Do you support limiting the waiver requirement to emergency event situations for which a state of national or local emergency has been declared under the Civil Defence Emergency Management Act 2002 and biosecurity responses have been undertaken under Part 7 of the Biosecurity Act 1993?*

MDC does not support limiting the waiver requirement to emergency event situations. While it is appropriate to enable waivers during declared emergencies, there are other situations—such as large-scale contaminated site remediation or unforeseen environmental hazards—where a waiver may be justified even if no formal emergency is declared.



Restricting waivers only to declared emergencies and biosecurity responses could prevent councils from accessing relief for significant but non-emergency waste situations that still pose risks to community wellbeing and the environment.

*10. Do you agree the waiver requirement for waste from the remediation of a contaminated site should specify any eligibility criteria that an application must meet? If so, please share any suggestions for eligibility criteria.*

MDC is of the view that clear eligibility criteria ensure transparency, consistency, and fairness in the application of waivers. MDC suggests that the criteria should include:

- Evidence that remediation is required to protect human health or the environment.
- Demonstration that the site poses a significant risk, and that remediation would be unlikely without financial relief.
- Assessment of alternative funding or disposal options.
- Consideration of the scale and urgency of the remediation.

*11. Do you support requiring a Minister to consider specific criteria before recommending levy exemption regulations are made (instead of the current requirement that the Minister is satisfied 'exceptional circumstances' exist)?*

MDC is supportive of this proposal as the requirement of the Minister to consider specific, published criteria increases accountability and transparency in decision-making. It also provides greater certainty for councils and operators, supporting better planning and risk management for waste-related projects.

*12. Do you support applying a timeframe of a maximum of five years before levy exemptions via regulations must be reviewed or allowed to expire?*

Yes, a five-year review or sunset clause ensures that exemptions remain relevant and justified, preventing outdated or unnecessary exemptions from persisting indefinitely. This approach supports ongoing oversight and allows for policy adjustments as circumstances change.

*13. Do you agree that the Minister should be able to impose conditions on levy exemptions?*

MDC agrees that imposing conditions allows the Minister to tailor exemptions to specific circumstances, manage risks, and ensure that exemptions are used appropriately. Conditions can also require monitoring or reporting, supporting transparency and accountability.

*14. Do we need to clarify in legislation when the levy should be imposed on waste disposed of at a disposal facility, so that waste reuse on site is operationally necessary and reasonable?*

Yes MDC considers that clarification would reduce ambiguity for both facility operators and regulators, ensuring that genuine reuse activities are not penalised while preventing loopholes that could undermine the intent of the levy. This is particularly important for rural councils managing diverse waste streams and facility types.

*15. Do you support improvements to stockpiling controls by introducing tools such as:*

- a. an approval system with limits and conditions.*
- b. changes to the stockpile calculation process to track the throughput of materials.*

*c. a stockpile volume threshold limit.*

*d. improved data collection, record-keeping, and reporting provisions, to increase transparency and traceability of material entering and leaving a site.*

*e. defining/amending the terms 'diverted material,' 'accumulation' and 'stockpiling' in the legislation?*

MDC supports the foregoing improvements to stockpiling controls.

*16. Do you support the proposed changes to the roles and responsibilities for:*

*a. the Ministry for the Environment.*

*b. the New Zealand Customs Service.*

*c. territorial authorities?*

MDC supports these changes as clearer roles improve coordination and accountability. MDC welcomes the proposed changes that can clarify the statutory functions of territorial authorities to enable the effective planning and resourcing of waste management. We however note that any new or expanded responsibilities for councils must be matched by funding and support especially for smaller councils.

*17. Do you support a change in the Secretary for the Environment's ability to retain levy payments to a territorial authority, from mandatory to discretionary?*

MDC does not support levy retention as discretionary retention of levy payments could create uncertainty for councils and may create equity and transparency issues. It is unclear what this proposal is intended to achieve, and MDC seeks clarity on the benefits of this proposal.

*18. Do you support enabling the Waste Advisory Board to provide advice at its discretion?*

Yes, allowing the Board to provide advice proactively ensures emerging issues can be addressed promptly and that policy development benefits from expert input.

*19. Do you agree the regulator should have greater powers to receive data, including the ability to share with other regulators and the Ministry?*

MDC recognises that improved data sharing enhances compliance, enforcement, and policy effectiveness. It also reduces duplication of effort and supports a more integrated approach to waste management.

*20. Do you support the proposed tiered approach to the compliance tools and sanctions?*

Yes, A tiered approach enables proportionate responses to different types and severities of non-compliance, improving fairness and effectiveness in enforcement.

*21. Do you support integrating littering and other types of mismanaged waste into the same regulatory framework for waste management and minimisation?*

MDC supports consolidating the Litter Act and the Waste Minimisation Act 2008. The current separation creates unnecessary administrative complexity and enforcement challenges.

*22. Do you support enabling regulations for the collection of data on littering and dumping?*

Yes, data collection is essential for understanding the scale and nature of the problem, targeting interventions, and evaluating effectiveness. Fly tipping is a major problem, and the

recording of the data is essential for us to identify problem areas, repeat offenders and trends relating to types of rubbish dumped. Several times this recording of data has proved invaluable to resolve repeat offences where prosecutions have been carried out or infringements issued, and the offending has ceased. However, council would need some funding and support to collect and report this data.

*23. Do you support expanding the purpose of the WMA to include littering and other mismanaged waste in the new waste legislation?*

Council is of the view that including littering and mismanaged waste aligns the Act with current environmental challenges and supports a more comprehensive approach to waste minimisation.

*24. Regarding public authorities, do you support:*

*a. limiting the definition of 'public authority' as proposed.*

*b. enabling public authorities (amended as proposed) to warrant Litter Control Officers or appoint Litter Wardens, to manage and enforce littering and other mismanaged waste offences?*

Yes, council supports both proposals as a clear and focused definition supports efficient enforcement and avoids confusion. It also enables local solutions and supports effective enforcement at the community level.

*25. Do you support removing the assignment of a statutory role for the promotion of litter control to any specific agency or organisation?*

Yes, council is in support of this proposal.

*26. Do you support public authorities having a discretion whether they provide waste receptacles in public places but an obligation to empty those receptacles if they provide them?*

Yes, MDC recognises that councils are best placed to determine the need for receptacles in different locations. An obligation to empty provided receptacles ensures public health and amenity are maintained.

*27. Do you support removing the requirement for the Medical Officer of Health to be satisfied that litter receptacles are emptied promptly, efficiently and at regular and prescribed intervals?*

Council believes that this responsibility is more appropriately managed by councils, who are directly accountable to their communities for service delivery.

*28. Do you agree that a local or public authority should:*

*a. retain the ability to make grants to any organisation for the abatement or prevention of litter?*

*b. be able to spend such sums of money as it thinks fit on any scheme or campaign for the abatement or prevention of litter?*

*c. retain the ability to make bylaws to help reduce littering and dumping, if they are not inconsistent with the provisions of the new legislation?*

*d. retain the ability to deter, prevent, require timely clean-up, and enforce waste escaping/being carried on to public or private land?*

Council supports the foregoing as these powers are essential for councils to tailor responses to local litter and dumping challenges and supports innovation in prevention and enforcement.

*29. Do you support enabling all types of Litter Control Officers to apply different tiers of compliance tools, where they are authorised to act?*

Yes, this provides flexibility and ensures enforcement can be proportionate to the offence.

*30. Do you agree that, in enforcing offences, Litter Control Officers should be able to:*

*a. use vehicle registration and ownership details?*

*b. use appropriate evidence-gathering, search and surveillance powers for vehicles that are implicated in serious dumping offences?*

Yes, these powers are necessary for effective investigation and enforcement, particularly in rural areas where vehicle-based dumping is common.

*31. Do you support the proposed amendments to the compliance monitoring and enforcement framework for littering and other mismanaged waste offences?*

Council takes the view that the amendments will provide councils with better tools to address persistent and emerging issues related to mismanaged waste.

*32. Do you support lowering the threshold for evidence of a mismanaged waste offence, to allow for effective compliance monitoring and enforcement by Litter Control Officers?*

Council believes that lowering the evidentiary threshold will act as a stronger deterrent and will improve enforcement outcomes.

*33. Do you agree that public authorities should be able to be compensated by the offender if the mismanaged waste offence has caused significant environmental harm?*

Yes, Council deems it necessary to be compensated as it ensures that the polluter pays principle is upheld and councils are not left to bear the costs of remediation.

*34. Do you agree that public authorities, regulators, or occupiers of private land where a littering offence is committed, should be able to recover reasonable costs associated with the removal of the litter/waste and/or the environmental harm caused from the offender? If not, please explain why and provide any suggested alternatives for covering these costs.*

Yes, MDC considers that cost recovery is essential for fairness and also ensures that the burden of remediation does not fall on ratepayers or landowners who are not responsible for the offence.

*35. If you are a Litter Control Officer who has used the existing section 9(2)– (4) of the Litter Act (to require an occupier of land or premises to take all reasonable steps to prevent litter being carried or escaping onto the public place), please answer the following.*

*a. Are the current provisions efficient or effective for addressing this type of mismanaged waste issue in your area? Yes | No | Unsure*

*b. If not, please provide more information about the limitations of the provisions.*

MDC officers have not implemented Section 9(2)-(4) of the Litter Act 1979 and are therefore unable to comment on the effectiveness of the provisions.

*36. Please provide your feedback on the draft infringement levels for the proposed mismanaged waste compliance framework*

The draft infringement levels appear broadly appropriate, providing a range of penalties that reflect the seriousness of different offences. However, it is important that infringement fees are set at a level that acts as a genuine deterrent, particularly for large-scale or repeat offenders. For rural districts, consideration should be given to the practicalities of enforcement and the need to ensure penalties are proportionate to the environmental harm caused.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'H. Worboys', with a large loop at the end.

Helen Worboys, JP  
**Mayor**

5 May 2025

The Ministry for Environment  
PO Box 10362,  
Wellington 6143

Emailed via: [rps@mfe.govt.nz](mailto:rps@mfe.govt.nz)

Tēnā koe,

**Submission from the Manawatū District Council on the Proposed Stewardship Regulations for Agrichemicals, their Containers and Farm Plastic**

The Manawatū District Council (MDC) thanks the Ministry for the Environment for the opportunity to provide feedback on the proposed product stewardship regulations to enable a national take-back and recycling scheme for agrichemicals, their containers and farm plastics.

The Manawatū District is a predominantly rural area in the lower North Island, with agriculture forming the core of its economy and community identity. The district is characterised by highly productive pastoral farming, with dairy, sheep, and beef operations making up a significant proportion of land use and economic activity. In addition to pastoral farming, the district supports cropping, horticulture, and other intensive land uses that collectively underpin local employment and GDP.

Agricultural productivity in Manawatū relies on the use of agrichemicals—including pesticides, herbicides, and fertilisers—to maintain crop yields and manage pests and diseases. The widespread use of these products is typical of intensive farming systems and is accompanied by the use of a range of farm plastics such as chemical containers, silage wrap, and packaging. These materials are essential for modern farm operations but present ongoing waste management and environmental challenges.

Recent waste assessments indicate that rural properties in Manawatū generate considerable volumes of plastic waste annually, much of which is currently disposed of or burnt on-farm due to limited recycling infrastructure. According to the 2022 Waste Assessment data on rural farm waste yearly estimates, plastics (which include containers, drums, silage wrap, netting, mulch film and crop cover) accounted for 6801 tonnes of the overall 16,843 tonnes. The management of used agrichemical containers and farm plastics is a recognised issue in the Manawatū District, with risks of improper disposal including contamination of soil and water resources.

MDC's most recent farm waste collection 1-day event achieved significant results, including diversion of 24.5 tonnes of bale wrap and silage covers, 1.4 tonnes of 0-60L containers, 42 200L drums, and a significant volume of small seed, feed and fertiliser bags. The very high demand for the event embedded our understanding of the need for ongoing farm waste events and Agri-waste partnerships in our district.

**Feedback on Current Scheme**

While the Agrecovery scheme currently provides free drop-off options for agrichemical containers from participating brands-including many of the most commonly used products in the Manawatū- there remains a significant challenge in achieving high levels of farmer

participation. The infrastructure for container drop-off is already in place in the district, yet uptake is limited, largely because participation remains voluntary for farmers. This means that, despite the scheme's availability, many eligible containers are not being returned through official channels. As a result, the environmental benefits of the scheme are not fully realised, and some farmers may continue to resort to less sustainable disposal practices.

During the MDC farm waste collection event, key trends of agri-container brands who don't participate in the Agrecovery scheme also became apparent. The requirement for containers to be triple rinsed and well drained to be able to be recycled was also a limitation during the event for farmers attending. In addition, many farmers had very old containers which either did not include participation in the Agrecovery scheme, or were not of the required condition for recycling.

A similar issue exists with the Plasback scheme for bale wrap and silage pit covers. Although this scheme enables the recycling of agricultural plastics, there are notable barriers to participation, particularly for smaller or time-constrained farming operations. The Plasback scheme currently requires an initial set-up cost, ongoing purchases of collection bags, and a fee for on-farm pick-up. It is the view of MDC after discussions with local farmers that these costs can deter use of the service, especially when compared to the convenience of traditional disposal methods such as burning or burying plastics - a practice that remains prevalent in rural areas, as highlighted in sector reports and council waste assessments. There have also been instances where contractors assigned to do pickups within the Manawatu omitted collections of some properties which resulted in farmers bringing full plasback bags of bale wrap that had accumulated over six months and not been picked up.

To achieve meaningful improvements in on-farm plastics recovery, it is critical that any new or expanded product stewardship or EPR schemes prioritise convenience and accessibility for farmers. In the Manawātū, many farmers are time-poor and may be reluctant to make additional trips into town, even if drop-off is free. Evidence from Agrecovery's own reporting and the Ministry for the Environment's 2023 Waste Strategy consultation (MfE, 2023) highlights that voluntary participation and logistical barriers are key reasons for low scheme uptake and ongoing on-farm burning and burial of plastics.

The WasteMINZ "Farm Plastics" resource (WasteMINZ, 2022) also identifies convenience and cost as critical drivers of farmer behaviour. Key mitigations for these risks would be drop-off/collection points near rural areas, or centralising drop-off/collection points to areas where farmers frequently visit (e.g. Agri-business locations or the Saleyards). MDC notes that there are other collection points that are not fully utilised such as PGG Wrightson, Farmlands and FarmSource in Feilding.

For any new scheme to be successful in the Manawātū and similar districts, it must be as convenient as possible for farmers - ideally offering on-farm collection at no direct cost. Without these practical considerations, there is a risk that the status quo will persist, undermining the environmental objectives of the proposed legislative amendments.

Collaboration with local Councils to explore opportunities for utilising Council-owned consolidation points may assist MfE to achieving a good rural spread of collection points. The Tyrewise scheme provides an excellent example of an incentive based model for potential collection points to participate.

### **Cost Implications of Stewardship Fees and Impact on Profitability**



Manawatū District Council recognises that the proposed product stewardship regulations could bring important benefits to farmers in the Manawatū District. In particular, the introduction of or low-cost take-back service for agrichemical containers and farm plastics has the potential to reduce the costs and environmental risks currently associated with on-farm disposal.

At the same time, the Council notes that stewardship fees, which producers and importers will pay and are likely to be passed on to farmers, represent an additional cost. Although the proposed fees-estimated at around 1–2 percent of the product cost-are relatively modest on an individual product basis, there is some concern that, when aggregated across multiple products and large-scale farming operations, these costs could become more noticeable.

Therefore, the Manawatū District Council supports the Ministry's approach of keeping stewardship fees proportionate and ensuring the overall scheme remains practical, accessible, and cost-effective for farmers. Maintaining this balance is crucial to support the viability of farming operations while achieving the environmental objectives of the stewardship scheme.

MDC notes that while smaller farming operations would be generally supportive of the proposed stewardship scheme, there is some concern that they may lack the economies of scale to absorb additional expenses, thereby being disproportionately impacted, particularly for farmers that are already operating on a tight budget.

#### **Coverage and Management of Bulk/Non-Residual Agrichemicals**

MDC wishes to draw attention to a specific issue regarding the scope of the proposed Green-farms scheme. As outlined in the discussion document (MfE, 2025, p. 8), the stewardship scheme and associated fees will cover the collection and disposal of residual agrichemicals contained within returned containers (up to 1,000 litres). However, the disposal of non-residual or bulk agrichemicals-such as surplus, expired, or deregistered chemicals not contained within these containers-will continue to be managed through Agrecovery's existing user-pays service.

This distinction potentially raises several practical concerns for our farming community. Firstly, the continuation of a user-pays approach for bulk or non-residual agrichemicals means that farmers will still bear a direct financial burden when disposing of these substances. While the stewardship scheme will make it easier and more cost-effective to dispose of containers and residual chemicals, the need to pay separately for the disposal of bulk chemicals could discourage proper disposal, particularly for those with legacy stocks or those operating under financial constraints.

Secondly, the dual system may create confusion among farmers regarding which agrichemical wastes are eligible for free take-back and which are not. Without clear and targeted communication, there is a risk that some farmers may inadvertently attempt to return bulk chemicals through the stewardship scheme, or worse, resort to inappropriate disposal methods such as on-farm stockpiling or burial. This risk is not theoretical: at the recent farm waste events in our district, we observed a significant number of farmers bringing in drums and other ineligible materials, only to be turned away. Such experiences not only create confusion but also lead to frustration and angst among participants, potentially discouraging future engagement with the scheme. This could undermine the environmental objectives of the scheme, particularly for our district where the scale of agricultural activity is significant.



Finally, the exclusion of bulk/non-residual agrichemicals from the stewardship scheme may be perceived as an incomplete solution by the farming sector. Farmers are likely to expect a comprehensive, one-stop service for all agrichemical waste streams, given the introduction of new fees and regulatory obligations. If bulk chemical disposal remains outside the scope of the scheme, there is a risk that confidence and participation in the scheme could be affected.

MDC therefore recommends that the Ministry ensures clear, practical communication to farmers and agri-businesses about the scope of the scheme, including guidance on how to identify, store, and dispose of different types of agrichemical waste. MDC recommends that, alongside broader communication efforts, the Ministry require all agrichemical containers to display clear, standardised labels indicating how to dispose of them through the stewardship scheme. Labelling should be highly visible and easy to understand, similar to the current Agrecovery system. This approach is especially important for rural farmers and contractors, who may not access digital communications regularly. By providing disposal instructions directly on the product, the scheme can ensure that all users receive essential guidance at the point of use, supporting correct disposal and higher scheme participation. We also encourage the Ministry to consider options for integrating bulk/non-residual agrichemical disposal into the stewardship scheme in the future, particularly if monitoring indicates ongoing environmental risk or low uptake of user-pays services. Ongoing evaluation of the scheme's effectiveness in managing all agrichemical waste streams will be critical for achieving the intended environmental outcomes.

### **Improving Bale and Silage Wrap Management-Cleanliness, Processing Solutions, and Domestic Capacity**

Effective stewardship of bale and silage wrap faces two critical challenges: the high contamination levels of collected material and the current reliance on offshore processing. During the recent farm waste event, a substantial proportion of bale and silage wrap was found to be heavily contaminated with soil and organic matter, which significantly impedes recycling processes. This highlights the urgent need for targeted education and engagement with the rural sector to promote best practices for the storage and handling of used bale wrap-specifically, encouraging farmers to shake off excess silage and dirt before storage, and to keep material as clean and dry as possible.

MDC notes that the burden of cleanliness of bale and silage wraps cannot practicably rest solely on primary producers. The design of the product stewardship scheme must incentivise or enable processing solutions that can accommodate higher contamination levels. Investment in advanced washing and pre-processing infrastructure could reduce the need for perfectly clean input material, making recycling more accessible and realistic for farmers operating in challenging conditions.

Further, most collected bale and silage wrap is exported for processing, which exposes the scheme to significant risks. International markets for waste plastics are volatile and subject to sudden regulatory changes, as seen with recent restrictions in key importing countries. To ensure long-term resilience, the Ministry should prioritise the development of domestic processing capacity for farm plastics. This could include funding or co-investment in local washing, shredding, and recycling facilities, similar to the approach taken under the Tyrewise scheme for end-of-life tyres. Building this capacity within New Zealand would reduce reliance on overseas markets, create local employment opportunities, and contribute to a circular economy for agricultural plastics.

## Consultation Questions

### Responses to the Consultation Document Questions

*1. Do you agree with the description of the problem posed by agrichemicals, their containers, and farm plastics?*

Yes. The consultation document accurately identifies the environmental and operational risks associated with unmanaged agrichemical containers and farm plastics, including pollution, health hazards, and the inadequacy of current voluntary schemes to achieve national coverage and compliance. International experience and local evidence both highlight the need for a regulated, nationwide approach to address free-riding and ensure all producers contribute to end-of-life management.

*2. What other information should we consider in analysing the problem?*

It would be useful to consider data on the volume and contamination rates of collected farm plastics, particularly bale and silage wrap, as contamination is a key barrier to recycling. Information on the current and projected capacity for domestic processing of farm plastics, and risks associated with reliance on offshore processing should also be considered as well as evidence of the effectiveness of education and engagement initiatives in improving collection and cleanliness rates.

*3. a) Do you support the provisional name 'Green-farms' for the new scheme?*

Yes. The name is clear, purpose-driven, and aligns with the scheme's environmental objectives.

*b) If you have an alternative suggestion, please specify.*

Other suggestions could be 'FarmWise Stewardship Scheme' which highlights smart and responsible management of agrichemical waste and aligns with the TyreWise scheme.

*4. Do you agree the options presented (Option 1 – Introduce WMA regulations; Option 2 – No action) are the appropriate ones to consider?*

Yes. Option 1 is necessary to create a level playing field, address free-riding, and ensure comprehensive coverage. The voluntary approach has not delivered sufficient outcomes.

*5. Do you support a national take-back and recycling scheme for agrichemicals, their containers, and farm plastics?*

Yes. A regulated, national scheme is essential for high collection rates, environmental protection, and to support a circular economy for agricultural plastics.

*6. a) Do you support the proposal to only allow sale of the following products in accordance with an accredited product stewardship scheme?*

- Agrichemicals in containers and drums of  $\leq 1,000$  litres: Yes
- Plastic bale wrap and silage sheet: Yes
- Small plastic bags ( $\leq 40$ kg): Yes
- Bulk woven polypropylene bags ( $> 40$ kg): Yes

This approach ensures all major sources of farm plastic waste are covered and managed responsibly.

*b) If you answered no for any category, what changes could we make to gain your support?*

Not applicable.

7. a) Do you support the proposal to set a product stewardship fee on the following imported or domestically manufactured products, to cover their end-of-life management?

Yes, for all listed product groups. Stewardship fees internalise end-of-life costs and ensure sustainable scheme funding, however, please note the concerns highlighted in the earlier sections of the document.

*b) If you answered no for any category, what changes could we make to gain your support?*

Not applicable.

8. *Do you think that any particular products in the four proposed categories should be exempt from regulation?*

No. Exemptions risk undermining scheme integrity and creating loopholes that could be exploited, reducing environmental benefits.

9. *Are you aware of any imported products in the four categories that are subsequently re-exported in the same packaging without being used in New Zealand?*

No expertise of Council in this space, but the scheme should monitor for this scenario and consider mechanisms for fee refunds or exemptions if it arises.

10. *Do you support the inclusion of the following out-of-scope products in a regulated scheme in future, subject to further government consideration?*

Yes. Including irrigation piping, shrink/pallet wrap, tunnel house covers, wool fadges, potted plant pots, vineyard netting, hail netting, and other agricultural plastics would further reduce plastic waste and support circular economy objectives.

11. *Do you support the proposal to require the product stewardship organisation to provide a take-back service for in-scope products, and to prescribe requirements for that service (e.g., that the collection network covers enough of the country)?*

Yes. Accessibility and convenience are critical for high participation, especially in rural and remote areas.

12. *Do you support the proposal that the Ministry will charge the accredited scheme to recover the costs of monitoring the performance of the scheme?*

Yes. Cost recovery for monitoring is appropriate to ensure robust oversight and scheme accountability.

13. a) *Do you agree with the description of the expected impacts of Option 1: Introduce WMA regulations?*

MDC broadly agrees. Regulations will drive higher collection rates, reduce environmental harm, and support investment in domestic processing capacity.

*b) Are you aware of other data or information that would help assess the impacts of this option?*

Yes. Data on contamination rates, processing losses, and the economic benefits of local processing infrastructure would strengthen the impact assessment.

*14. a) Do you agree with the description of the expected impacts of Option 2: No action (maintain the voluntary approach)?*

Yes. The voluntary approach has not delivered sufficient coverage or outcomes, and the free-rider problem persists.

*b) Are you aware of other data or information that would help assess the impacts of this option?*

Yes. Information on the proportion of plastics currently being stockpiled, burnt, or buried would provide a clearer picture of the ongoing risks.

*15. If you had to take part in the proposed regulated scheme, how would this affect your business?*

Not applicable

MDC strongly supports the Ministry's commitment to establishing robust product stewardship regulations for agrichemicals, their containers, and farm plastics. We believe that a successful scheme must be practical, accessible, and responsive to the realities of modern farming, particularly in rural districts like ours where agriculture is the economic backbone.

To reiterate, it is essential that the scheme prioritises convenience for farmers, ensures clear and consistent communication-including on-product labelling-and actively addresses barriers to participation, such as cost, contamination, and limited processing capacity. We urge the Ministry to invest in domestic recycling infrastructure, consider the future integration of bulk agrichemical disposal, and maintain ongoing engagement with councils and the rural sector to ensure the scheme remains effective and equitable.

By working collaboratively and designing a scheme that is both ambitious and grounded in practical experience, New Zealand can set a benchmark for sustainable agricultural waste management that protects our land, water, and rural communities for generations to come.

Yours sincerely,



Helen Worboys, JP  
**Mayor**

23 June 2025

Consultation – Building Product Specifications  
Ministry of Business, Innovation and Employment  
PO Box 1473  
Wellington 6140

Emailed to: building@mbie.govt.nz

Attn: Dave Gittings

Dear Dave

**Submission from the Manawātū District Council on Building Product Specifications**

The Manawātū District Council (MDC) thanks the Ministry of Business, Innovation and Employment for the opportunity to provide feedback on the draft first edition of the Building Product Specifications.

MDC does not oppose any of the standards or reference documents proposed to be cited in the Building Product Specifications.

However, MDC is concerned about the potential for a considerable increase in cost to Building Consent Authorities to access overseas standards that may be referenced in the Building Product Specifications. Unless MBIE is able to provide free access to all overseas standards that are referenced in the Building Product Specifications, BCA's will be forced to pass these costs onto applicants.

MBIE should expand its list of building-related sponsored standards to include those international standards that are cited in the Building Product Specifications. This could be managed via a technical library portal where officers sign-in using their registered government email address.

***Decision sought:***

- That MBIE provide Building Consent Authorities with free access to all New Zealand and overseas building standards cited in the Building Product Specifications.

This submission does not contain any private or confidential information.

Yours sincerely



Helen Worboys, JP  
**Mayor**

17 June 2025

Committee Secretariat  
Finance and Expenditure Committee  
Parliament Buildings  
Wellington

Tēnā koe,

**Submission from the Manawātū District Council on the Regulatory Standards Bill**

The Manawātū District Council (MDC) thanks the Finance and Expenditure Committee for the opportunity to provide feedback on the proposed Regulatory Standards Bill. We acknowledge the Bill's aim to improve the quality of regulation and enhance transparency and efficiency in law-making processes. As a local authority, we have a strong interest in regulatory stewardship as we create and administer bylaws and regulations that impact our community daily. MDC endorses the objective of eliminating poor quality regulation and ensuring regulations are fit for purpose. As territorial authorities continually strive for efficient regulation at the local level, we appreciate central government's focus on regulatory reform.

Broadly, MDC considers that the idea of a set of regulatory principles against which new and existing legislation is measured is sound in principle, but this has to be done right - to enable the illumination of whether regulations respect core tenets such as the rule of law and personal rights. Further, increasing transparency about whether legislation meets accepted standards of 'good law making' can bolster public trust. MDC supports the aim of making it clearer when legislation (including delegated legislation) does not meet the quality standards, as a prompt for improvement.

MDC, however, raises the following concerns regarding the proposed Bill:

***Is the Regulatory Standards Bill a Necessary Reform?***

MDC questions the necessity of the Regulatory Standards Bill given the extensive legal and institutional frameworks already in place to ensure high-quality lawmaking in New Zealand. Instruments such as the Cabinet Manual, Legislation Guidelines, Regulatory Impact Assessments, and parliamentary scrutiny processes already embed standards for clarity, transparency, rights protection, and legislative justification. These mechanisms provide both accountability and quality assurance without the need for an additional legislative framework.

The Bill's non-binding nature raises further questions about its utility. If Parliament remains fully sovereign and may legislate inconsistently with the principles, the added legal infrastructure may risk becoming a symbolic overlay with limited practical effect. MDC is also concerned that embedding such principles in statute—especially without clear democratic consensus—could lead to judicial influence or interpretive ambiguity over time.

While promoting regulatory excellence is a commendable goal, MDC submits that this is best achieved through strengthening existing guidance, improving departmental capability, and fostering a culture of quality policymaking—rather than through codifying aspirational

standards in law. We therefore urge the Committee to re-examine whether the Bill's objectives can be met more effectively through incremental reforms and enhanced stewardship.

### ***Legislative Entrenchment, Interpretive Overreach, and Oversight Gaps: Alignment with LDAC Findings***

MDC draws the attention of the Committee to the Legislation Design and Advisory Committee's (LDAC) submission on the Regulatory Standards Bill in the November 2024 consultation. Council notes with concern that several of LDAC's key recommendations and cautions were not reflected in the Bill's final text. In particular, LDAC warned of significant constitutional risks posed by the Bill's design – including the entrenchment of certain legislative constraints and the prospect of judicial interpretation creep – and it highlighted the Bill's exclusion of international law values, Treaty of Waitangi considerations as well as the limited utility of the proposed Regulatory Standards Board. None of these issues were addressed in the enacted legislation, leaving the core problems identified by LDAC unresolved. MDC echoes LDAC's concerns about the Bill's potential to unsettle New Zealand's constitutional norms. Embedding a set of "good lawmaking" principles in legislation risks implicitly entrenching those principles beyond the reach of ordinary amendment.

LDAC had cautioned that even without an explicit enforcement role, courts would likely begin to refer to and develop these statutory principles over time as interpretive guideposts – a gradual creep in judicial interpretation that could effectively amplify the Bill's influence in unforeseen ways. MDC is concerned that the final text of the Bill does nothing to mitigate these risks, thereby leaving future Parliaments exposed to constraints and inviting judges to expand their role in ways Parliament never intended. In addition, MDC supports LDAC's critique of the Bill's omission of fundamental legal values and its weak oversight mechanism.

Excluding these constitutional and international considerations undermines the Bill's credibility and legitimacy, a view MDC firmly shares. Likewise, we echo LDAC's scepticism about the proposed Regulatory Standards Board's practical value. The Board would issue only non-binding recommendations, and its added purpose, relative to existing legislative safeguards, is unclear.

LDAC also submitted that regulatory quality is more effectively advanced through institutional mechanisms—such as Cabinet Manual expectations, improved departmental capability, and ongoing stewardship—rather than statutory codification of abstract principles. MDC concurs. We submit that legal transposition of principles risks rigidity and interpretive overreach, whereas fostering a regulatory culture of integrity, evidence-based reasoning, and inter-agency cooperation would achieve better enduring outcomes.

Despite LDAC's recommendations, the final Bill retains this limited Board model and fails to incorporate Treaty or international law values, confirming our concern that the legislation falls short of accepted constitutional standards and prudent legislative design.

### ***Broadening of Principles to Reflect Public Interest and Constitutional Balance***

MDC submits that Clause 8, as presently drafted, gives disproportionate emphasis to individual liberties, minimal state intervention, and private property protections, without balancing these against essential public interest considerations. While the protection of individual rights is a legitimate regulatory objective, the exclusion of countervailing public

values—such as collective wellbeing, environmental sustainability, and obligations under Te Tiriti o Waitangi—produces a framework that is normatively unbalanced and constitutionally incomplete. The result is a set of principles that risks constraining legitimate legislative action in areas where public interest regulation is vital.

Notably absent from this clause are principles acknowledging the legitimate role of regulation in preventing harm, managing long-term environmental and social risks, and upholding collective rights. These omissions are not merely philosophical—they carry potential legal consequences. As currently drafted, regulated parties could invoke the principles to challenge laws or policies that restrict private conduct for public benefit, including land use planning, climate adaptation, or public health controls. This narrow framing is also inconsistent with evolving jurisprudence that recognises the legitimacy of regulatory interventions in the public interest, including under international human rights and environmental law.

### ***Clause 8(c) – The Threat to Public Interest Regulation and Fiscal Sustainability***

MDC opposes Clause 8(c) of the Regulatory Standards Bill, which mandates compensation for regulatory actions that “impair” property rights, even when such actions serve demonstrable public good. This provision represents a radical departure from New Zealand’s established legal framework and risks entrenching corporate interests over community well-being. Under current law, compensation is required only for the physical acquisition of property under the Public Works Act 1981, with regulatory impacts (e.g., zoning changes, public health protections) balanced against societal benefits under the NZ Bill of Rights Act 1990. Clause 8(c) upends this balance by creating a statutory obligation to compensate private entities for lost profits arising from regulations addressing climate change, environmental preservation, or public health crises.

The clause’s broad definition of “impairment” – encompassing any reduction in property “use, enjoyment, or value” – could empower corporations to challenge essential regulations through costly litigation. For example, tobacco companies might demand compensation for smoke-free laws, mining firms for conservation policies, or developers for floodplain restrictions. This aligns with controversial “regulatory takings” clauses in international trade agreements like the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CCPTPP), which New Zealand has historically resisted due to their potential to prioritise private profit over public welfare. Such a framework would impose unsustainable fiscal liabilities on councils and central government, diverting funds from critical services to compensate private interests.

Local government is particularly vulnerable to this provision. Councils already face stringent accountability under the Local Government Act 2002 and Resource Management Act 1991, including judicial review for bylaws deemed disproportionate or procedurally deficient. Clause 8(c) would compound these burdens by exposing councils to compensation claims for everyday regulatory actions, such as district plan changes or emissions reduction strategies. This risks paralysing local democracy, as councils may hesitate to enact necessary protections for fear of litigation or unaffordable payouts.

MDC urges the Committee to delete Clause 8(c) entirely. If retained, the clause must be amended to:



- a. Exclude regulations addressing public health, environmental protection, or climate mitigation from compensation requirements.
- b. Align with the Public Works Act 1981 by limiting compensation to physical acquisitions, not regulatory impacts.
- c. Explicitly exempt local authorities from its scope, recognising their existing accountability frameworks.

MDC considers this amendment to be critical to preserve the ability of both central and local government to act in the interest of the public without fear of corporate retaliation.

### ***Impacts on Collective Welfare and Social Equity***

Following from the above MDC raises the concern of the potential for the Bill's principles and consistency assessments to be disproportionately leveraged by entities with the financial means to engage legal counsel, lobby policy makers, or otherwise influence outcomes. Without explicit mechanisms to ensure that under-resourced groups such as community organisations, iwi or grassroots advocates- can access similar channels of influence, there is a risk that regulatory review processes could entrench inequities rather than reduce them.

### ***Application of the Bill to Council Bylaws and the Cost Implication***

MDC considers that the proposed Bill as drafted will pose some confusion as to whether section 13 and 14 of the draft Bill applies to bylaws, given that bylaws are considered secondary legislation. The exclusions set out in Clause 14 is not helpful in ascertaining whether bylaws are included when determining whether there is a requirement to review secondary legislation. MDC considers that it should be unambiguous whether and how the Bill applies to local authority bylaws.

We recommend amending Clause 5 (Interpretation section) to clarify the status of bylaws. For example, a definition could be added: *"Bylaw has the same meaning as in the Local Government Act 2002, and for the purposes of this Act, a bylaw is secondary legislation."* This confirms inclusion and avoids interpretive doubt. Conversely, if the Committee sees fit to exclude or phase in bylaws, this should be stated directly. For instance, a new subclause in Clause 5 could read: *"Despite the definition of secondary legislation, this Act's requirements for consistency assessments and review do not apply to bylaws made by local authorities until such date or in such manner as may be prescribed by Order in Council."*

If clauses 13 and 14 indeed are intended to apply to Bylaws, we caution that the principles – while important in theory – may not always align with the practical realities of community governance. For example, a bylaw that restricts certain activities ( and therefore "diminishes liberty") may be entirely justified for public health, public safety or environmental protection. Councils must retain flexibility to meet local needs without fear of censure, provided decisions are made transparently and in good faith.

MDC is also concerned about the cost implications associated with the Bill's new consistency review and reporting obligations, particularly under clauses 11, 13, and related provisions. Preparing a CAS and inconsistency disclosure for each bylaw will require specialist legal and policy input. Unlike larger central agencies or bigger councils, smaller councils often lack

dedicated legislative teams, making this requirement a potential significant unfunded burden on local government.

If bylaws are to remain within the scope of the Bill, MDC strongly recommends that resources and guidance be provided to assist councils. In particular, guidelines issued by the Minister under clause 14 should include tailored advice for local authorities on how to conduct consistency assessments in a proportionate and pragmatic way. These guidelines should be developed in consultation with LGNZ and councils to ensure practical applicability.

### ***Te Tiriti o Waitangi and Legislative Integrity***

MDC supports Taituarā's submission that the omission of Te Tiriti o Waitangi from the Regulatory Standards Bill represents a fundamental constitutional oversight. Te Tiriti is a founding document of New Zealand's legal and political system, and its absence from a statute concerned with defining the principles of good lawmaking is constitutionally incoherent. The Bill's exclusion of Treaty obligations introduces uncertainty and diminishes alignment with the Legislation Guidelines (2021), which explicitly require consistency with Treaty principles. This is not mitigated by reference to Cabinet practices or internal government policies, which cannot override primary legislation. As a result, the Bill risks establishing a statutory framework that invites legal interpretation divorced from the Crown's enduring obligations under Te Tiriti.

This omission also has direct implications for local government. Councils often exercise delegated regulatory functions on behalf of the Crown and operate within legislative schemes that require engagement with Treaty principles—such as the Local Government Act 2002, the Resource Management Act, and public health legislation. Excluding Te Tiriti from this Bill signals that Treaty considerations are optional in regulatory design and undermines the obligations councils are statutorily required to observe. Without an express Treaty clause, the Bill fails to provide consistent guidance to Ministers, officials, and the proposed Regulatory Standards Board when assessing legislation for alignment with New Zealand's constitutional framework. We therefore recommend the inclusion of a Treaty-related principle to ensure legislative integrity and uphold the Crown's foundational commitments.

### ***Independence and Expertise Requirements in Board Appointments***

MDC supports Taituara's recommendation *"that the Regulatory Standards Bill specify that the Board needs to collectively possess skills in law; economics; regulatory stewardship; implementation and evaluation; Te ao Māori; tikanga Māori and te Tiriti; and the perspectives of regulatory sectors/industries."*

In addition, MDC recommends that the clauses establishing the Regulatory Standards Board require that appointments are not unilateral. For example, the clause could read like this *"The Minister must consult with the leaders of parties in the House of Representatives and with relevant professional bodies (including but not limited to the Law Society and Local Government New Zealand) before appointing members of the Board. In making appointments, the Minister must ensure that the Board has a balance of expertise in law, economics, public administration, Te Tiriti o Waitangi, and local government."* Additionally the clause could include: *"The Board shall comprise no fewer than 5 and no more than 7 members, and the term of appointment and removal processes shall be such as to ensure independence (e.g., removal only for just cause).*

### ***Support for Strengthening Engagement Provisions***

MDC supports the key engagement-related recommendations in Taituarā's submission on the proposed Bill. In particular, we endorse replacing the term "consultation" with engagement," recognising consultation as only one point on the engagement spectrum. This shift would signal a broader commitment to active two-way dialogue rather than a narrow one-off process.

We agree that section 82 of the LGA 2002- which requires councils to scale consultation in proportion to a proposal's impact and the parties potentially affected- provides a sound reference point for engagement principles. Aligning the Bill's provisions with these well-established principles would ensure consistency with local government practice and clarify what meaningful engagement entails.

MDC also supports measures to improve transparency process, such as requiring Cabinet papers and Regulatory Impact Statements to clearly document the engagement undertaken. Enhanced transparency would hold policymakers accountable for early and inclusive engagement with affected communities and councils. While supportive of stronger engagement requirements, we caution against overly prescriptive procedures in legislation. Excessive procedural detail could burden councils, particularly smaller councils with limited resources. Instead the focus should retain on outcomes: early, meaningful, and inclusive engagement that genuinely informs policy development.

Importantly, we note that deficiencies in regulatory impact statements (RIS) are often linked to weak or delayed engagement practices. Poor engagement upstream tends to yield underdeveloped evidence bases and blind spots in implementation feasibility. Strengthening engagement expectations in the Bill would therefore enhance the quality of RIS content and ultimately regulatory outcomes.

To conclude, MDC agrees with the intention to improve regulatory quality and transparency. However, the Bill as currently drafted risks constitutional imbalance, confusion for local authorities, and conflict with Treaty principles. We urge the Committee to consider the proposed amendments to ensure the Bill is constitutionally sound, operationally practical, respectful of local democracy, inclusive of Te Tiriti o Waitangi, and oriented toward balanced, principled regulation.

Yours sincerely,



Helen Worboys, JP

**Mayor**

## SUBMISSION 10



23 June 2025

Committee Secretariat  
Transport and Infrastructure Committee  
Parliament Buildings  
Wellington

Dear members of the Transport and Infrastructure Committee

### **Submission from the Manawātū District Council on the Building and Construction (Small Stand-alone Dwellings) Amendment Bill**

The Manawātū District Council (MDC) thanks the Transport and Infrastructure Committee for the opportunity to submit on the Building and Construction (Small Stand-alone Dwellings) Amendment Bill ("the Bill").

As noted in our submission on the discussion document titled "Making it easier to building Granny Flats", MDC disagrees with Government's suggestion that regulatory compliance costs for consenting and building area contributing in any significant way to increased housing costs. MDC is still of the opinion that rather than focussing on a faster building consent system, this review should be focusing on a quality system, including by addressing sub-standard or incomplete building consent applications.

Despite these reservations, this submission focusses on what MDC sees as being necessary improvements to this Bill to ensure that it is workable, and does not add significantly to the regulatory burden, or liability risks on Council.

### **Project Information Memorandum and payment of Development & Financial Contributions**

MDC supports the submission prepared by Taituarā and agrees with the key submission points therein. In particular, MDC agrees that unless the requirement to obtain a Project Information Memorandum (PIM) is made compulsory, there is no mechanism by which territorial authorities can levy development contributions (and/or financial contributions) and to advise whether the land is subject to natural hazard.

MDC also agrees with Taituarā that it is not clear why the Bill proposes to reduce the time allowed for a territorial authority to issue a PIM from the standards 20 working days, to 10 working days. Without clear rationale for prioritising PIMs for small stand-alone dwellings over other building applications, this change is not supported by MDC.

MDC also agrees that the payment of Development Contributions or Financial Contributions should be tied to the issuing of the PIM, rather than at the completion of the building work. As outlined in Taituarā's submission, there is no obligation for an owner to complete the

building work, and the onus should not be on the territorial authority to monitor the completion of work they have no control over.

### **Territorial Authorities should be exempt from Civil Liability**

MDC shares Taituarā's concerns regarding the current narrow scope around civil liability under clause 22 of the Bill (new section 392A). MDC agrees that rather than specifying that territorial authorities will have no civil liability in relation to any advice they provide, this should be expanded to protect the territorial authority for everything in relation to non-consented small stand-alone dwellings. MDC agrees that this change is appropriate given the narrow role of territorial authorities with respect to small stand-alone dwellings constructed under the provisions of this bill.

### **Lodgement of the record of works with the territorial authority**

MDC also supports Taituarā's recommendation that the Licensed Building Practitioner be made responsible for lodging the record of works with the territorial authority. The \$1,000 penalty for non-submission is not sufficient to guarantee submission.

### **Characteristics of a small stand-alone dwelling**

Schedule 1A must be amended to more specifically characterise a small stand-alone dwelling as a single small stand-alone dwelling that is being added on a site with an existing residential unit. We understand that the intent is not to provide for multiple stand-alone dwellings on a single property, or to provide for 'tiny homes' that are not otherwise linked to a primary residential unit.

### **Exemptions to minimise risks**

MDC agrees with the recommendation from Taituarā that the list of limitations in Schedule 1A needs to be expanded to not only include sites subject to natural hazards, but also to include:

- Ground conditions.
- Wind loads
- Ground slope
- Specific engineering design of structural components unless carried out by a CPEng
- Limitation of eaves size (since this is not included in net floor area); eaves should be a maximum of 600mm and a minimum of 300mm

### **Alignment with the NES for "Granny Flats"**

MDC notes that government is consulting on national direction under the Resource Management Act that proposes to make it easier for families to build a granny flat of up to 70 square metres through a proposed National Environmental Standard for Granny Flats. It is concerning that the NES for Granny Flats is not entirely consistent with this draft Bill.

MDC recommends that government urgently address these inconsistencies, including through:

- Ensuring consistent use of terminology (small stand-alone dwellings vs minor residential unit)
- Clear relationship to the principal residential unit on a site
- Clarity around how the maximum floor area is to be calculated
- Clear requirements and definitions around matters such as maximum site coverage, minimum building setbacks and what is meant by “simple design.”

**Decision sought:**

- That the Transport and Infrastructure Committee support all of the recommendations contained in the submission by Taituarā, and amend the Bill accordingly.

Yours sincerely



Helen Worboys, JP

**Mayor**

## Council

Meeting of 24 July 2025

Business Unit: Infrastructure  
Date Created: 02 July 2025

## Targa Rally 2025 Road Closure Request

### Purpose Te Aronga o te Pūrongo

To consider the application from Ultimate Rally Group Ltd to close various roads within the Manawātū District Council jurisdiction in order to undertake the 30<sup>th</sup> Anniversary Targa Rally 2025.

### Recommendations Ngā Tūtohunga

That pursuant to Section 342 (b) and the Tenth Schedule of the Local Government Act 1974, for the purpose of allowing Ultimate Rally Group Ltd to conduct the 30<sup>th</sup> Anniversary Targa Rally 2025, the following roads be closed to ordinary vehicular traffic for the times as indicated for each stage on Saturday 18 October 2025, subject to the receipt of the Public Liability and Insurance Policy which will be current at the time of the event, and a traffic management plan, prepared by an authorised Site Traffic Management Supervisor and in accordance with the New Zealand Transport Agency Code of Practice of Temporary Traffic Management.

Roads proposed to be closed to ordinary vehicular traffic:

#### **Stage SS24 and SS25: Pohangina - Takapari (Two Stages)**

Date of Closure: Saturday 18 October 2025

Time of Closure: 08.00am to 01.00pm

**Pohangina Valley East Road**, from its intersection with Awahou South Road, to its intersection with Oroua Valley Road.

**\* Note: To assist with the stage security, the closure is also to include 100 metres of each adjoining road, from where it intersects with the road being applied for.**

**Adjoining Roads:** No. 3 Line (no exit). No.2 Line (no exit) No. 1 Line (no exit) Opawe Road (no exit) Churchill Road (no exit) Arbons Road (no exit), Takapari Road (no exit), Piripiri Road (no exit), Makoura Road, Norsewood Road (no exit) Umutoi North Road (including Pettigrew Road, no exit), Tunipo Road (no exit) and Cawood Road (no exit).

#### **Stage SS26: Oroua Valley - Ruahine (Single Stage)**

Date of Closure: Saturday 18 October 2025

Time of Closure: 09.30am to 02.00pm

**Main South Road** - from 350 metres from its intersection with Table Flat Road/Nixs Road, to its intersection with Te Parapara Road.

**Te Parapara Road** - from its intersection with Main South Road to its intersection with Rangiwahia Road/Ruahine Road

**Ruahine Road** – from its intersection with Te Parapara Road/ Rangiwahia Road, to its intersection with Kawhatau Valley Road.

**\* Note: To assist with the stage security, the closure is also to include 100 metres of each adjoining road, from where it intersects with the road being applied for.**

**Adjoining Roads:** Conspicuous Road (no exit), East Mangahuia (no exit) West Mangahuia Road (no exit) Renfrew Road (no exit), Karewarewa Road, Kelpie Road/Lagoon Road (no exit), Halls Road (no exit).

Report prepared by:  
Amy West  
Technical Infrastructure Support Officer

Approved for submission by:  
Hamish Waugh  
General Manager - Infrastructure

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## 1 Background Ngā Kōrero o Muri

- 1.1 Ultimate Rally Group Ltd have applied to hold a portion of the 30<sup>th</sup> Anniversary Targa Rally in the Manawatū District on the 18 October 2025. The Targa Rally is raced on technically challenging sealed roads. Attached as appendix 1.
- 1.2 The Targa Rally is a long standing biennial event within the Manawatū District area. In addition to the entrants and their support crews, the Targa attracts spectators not only from the wider region but from around New Zealand, bringing economic benefit to the wider Manawatū region. Ultimate Rally Group Ltd engages, and makes a donation to local schools and community organisations for providing support roles such as marshalling on the stages.
- 1.3 There are three stages within our District, each with road closures of approximately 5 hours per stage.
- 1.4 Section 342 (b) and the Tenth Schedule of the Local Government Act 1974 does not require Council to call for objections. Club Targa Inc. have requested that the closure was advertised and objections called for. The objection period closed at 4.00pm on 6 June 2025. No objections were received.



## 2 Strategic Fit Te Tautika ki te Rautaki

2.1 Not applicable as this is a legislative / operational item.

## 3 Discussion and Options Considered Ngā Matapakinga me ngā Kōwhiringa i Wānangahia

3.1 No objections to the proposed road closures were received. Therefore no alternative options were considered

3.2 Previous Targa Rally events held within the District were held at a similar time of year and have not caused any significant damage to the roads. Should any major damage occur as a result of the Targa Rally, the cost of repairs would be recouped from Club Targa Inc.

## 4 Risk Assessment Te Arotake Tūraru

4.1 This road closure application carries an element of reputational risk for both Council and the event organisers in terms of proceeding, or not. There are economic benefits to the region in supporting this, however if it is not supported then this biennially run event may select alternative regions to conduct the rally. The roading network has not previously been subject damage as a result of the activity itself.

## 5 Engagement Te Whakapānga

### Significance of Decision

5.1 The Council's Significance and Engagement Policy is not triggered by matters discussed in this report. No stakeholder engagement is required.

### Māori and Cultural Engagement

5.2 There are no known cultural considerations associated with the matters addressed in this report. No specific engagement with Māori or other ethnicity groups is necessary.

### Community Engagement

5.3 Public notice of the intention to temporarily close the roads was placed in the Feilding-Rangitikei Herald on 15 May 2025. Should the Council agree to the proposed temporary closure of the roads, a further public notice will be given of the confirmed road closures.

5.4 The closure information was sent out to the community committees for distribution to local residents while the objection period was open.

5.5 Ultimate Rally Group representative Keith Willaims undertook Resident letter drops on the 5 and 6 July 2025, to all properties within the road closure area.

5.6 Signage will be installed on all roads once the road closure is approved to notify residents and provide contact information and instructions should there be a matter arise whilst the Rally is in operation.

## 6 Operational Implications Ngā Pānga Whakahaere

- 6.1 There are no operational implications with this report. Any major damage to the road would be recouped from Ultimate Rally Group Ltd who are required to have public liability insurance.

## 7 Financial Implications Ngā Pānga Ahumoni

- 7.1 There are no financial implications with this report.

## 8 Statutory Requirements Ngā Here ā-Ture

- 8.1 Section 342 (b) and the Tenth Schedule of the Local Government Act 1974 sets out the statutory requirements associated with proposals for temporary closure of roads.
- 8.2 Council must approve applications under section 11(e) of the Local Government Act 1974 Schedule 10 for temporary prohibition of traffic on a Council Road.

## 9 Next Steps Te Kokenga

- 9.1 A decision to temporarily close the roads is requested from the Council to enable prior public notice of the closure to be given to residents of the Manawatu District.

## 10 Attachments Ngā Āpitihanga

- Appendix 1 – Temporary Road Closure Application for Targa Rally

21 April 2025

Manawatu District Council  
Private Bag 10001  
Feilding 4743



PO Box 499, Drury, Auckland 2247  
Tel: 09 298 8322  
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E-mail: office@urg.co.nz

Dear Manawatu District Council

## **REF: Application for Road Closures for the Targa NZ: – 15-19 October 2025.**

The Ultimate Rally Group proposes the attached road closures under the Tenth Schedule, Paragraph 11(e) of the Local Government Act 1974 066.

Although the Council may close roads under the Tenth Schedule without calling for objections, we would like the opportunity for public comment to remain in place. This system has worked well over many years, and we feel that the good relationship The Ultimate Rally Group has established with the residents of the district could suffer if that right was withdrawn.

The Ultimate Rally Group's initial consultation will inform residents of the proposed time and date of the road closure application. We prefer to start this as soon as possible.

The Ultimate Rally Group's wishes to be advised of any comments regarding the closure that Council may receive from residents or businesses, in order to re-consult with them to achieve a mutually satisfactory agreement.

Upon the Council approving the Closure Applications, Road Closure Signage will be erected on the proposed roads no sooner than 21 days prior to the event date to advise users of the impending closure. Any new comments will be handled by The Ultimate Rally Group with Council being advised of the outcome.

A reminder letter will be dropped to residents on the affected roads reminding them of the closure 7 - 21 days before the Targa event. This final letter will detail Emergency Procedures should an emergency situation arise. **An emergency 0800 number** will be published enabling residents to contact the organisers during the road closure in the event of an emergency. The competition can then be stopped so that appropriate procedures can take place. Medical staff are located at the start of each 'stage' on the closed road and are there to render assistance if required. The letter will also advise The Ultimate Rally Group's commitment to repair any property damage that may occur.

In addition, written correspondence will be made to all transport operators, dairy companies, rural delivery, utilities, schools, bus operators and associated organization's that could be affected by the closure, including Police, Fire Service and St John. Every effort is made to enable local schools / community groups to benefit from our event by initiating them to hold fundraising activities.

### **With this in mind could we suggest the following timetable:**

- ❖ Ultimate Rally Group visits residents as soon as possible.
- ❖ "Proposal Public Notice" to be published no later than 60 days before event.
- ❖ Comments to be received within 14 days.
- ❖ The council's decision finalised no later than 44 days before the event.
- ❖ Advise Ultimate Rally Group of the decisions no later than 30 days before the event.
- ❖ The "Road Closure" public notice is published no less than 14 days before the event.
- ❖ The Ultimate Rally Group to carry out resident mail drop advice and erect "Notice of Event" signs 7-21 days before event.

The Targa New Zealand Motoring Event takes the form of a timed trial event, with cars leaving at one-minute intervals. Each car is timed from start to finish. The closed roads will be under the control

of experienced officials at the start and finish venues. All side roads will be taped and marshaled to ensure all vehicles and or spectators remain off the closed stage. Only Tarmac roads are used with all competing vehicles road legal (ie: rally tyres are not permitted).

**The following safety measures for the event include:**

- ❖ All area emergency services, and their communication centres are informed of the Event.
- ❖ Full radio communications between start and finish points including medics, police and Rally Base.
- ❖ Advanced Paramedics and/or a MIV type vehicle will be located at the start of each 'stage' along with additional MIV vehicles in a roaming capacity.
- ❖ All closed roads will be cleared for safety purposes by official vehicles equipped with flashing lights and/or a siren before the 'stage' can commence.
- ❖ Closed roads re-open behind the official stage Safety Clearance Vehicle "SWEEP" vehicle who immediately follow the last competing vehicle.

**Advertising Criteria:**

- ❖ **Only local papers** are to be used. We have found that on rural roads these papers have the best coverage.
- ❖ If the cost of advertising exceeds \$500, collectively written confirmation must be sort from The Ultimate Rally Group
- ❖ We ask that each advertisement be kept to the minimum size possible (200mm by 2 columns) by the elimination of repetition, and use of abbreviation. This size we have found to be adequate for communicating up to 6 Road Stage Closure Applications. Smaller Closure Applications generally only require 1 column width.
- ❖ The Ultimate Rally Group can supply examples of past event advertisements if required.

Please confirm receipt of this application.

Thank you for your assistance and we look forward to your reply.

Kind Regards,

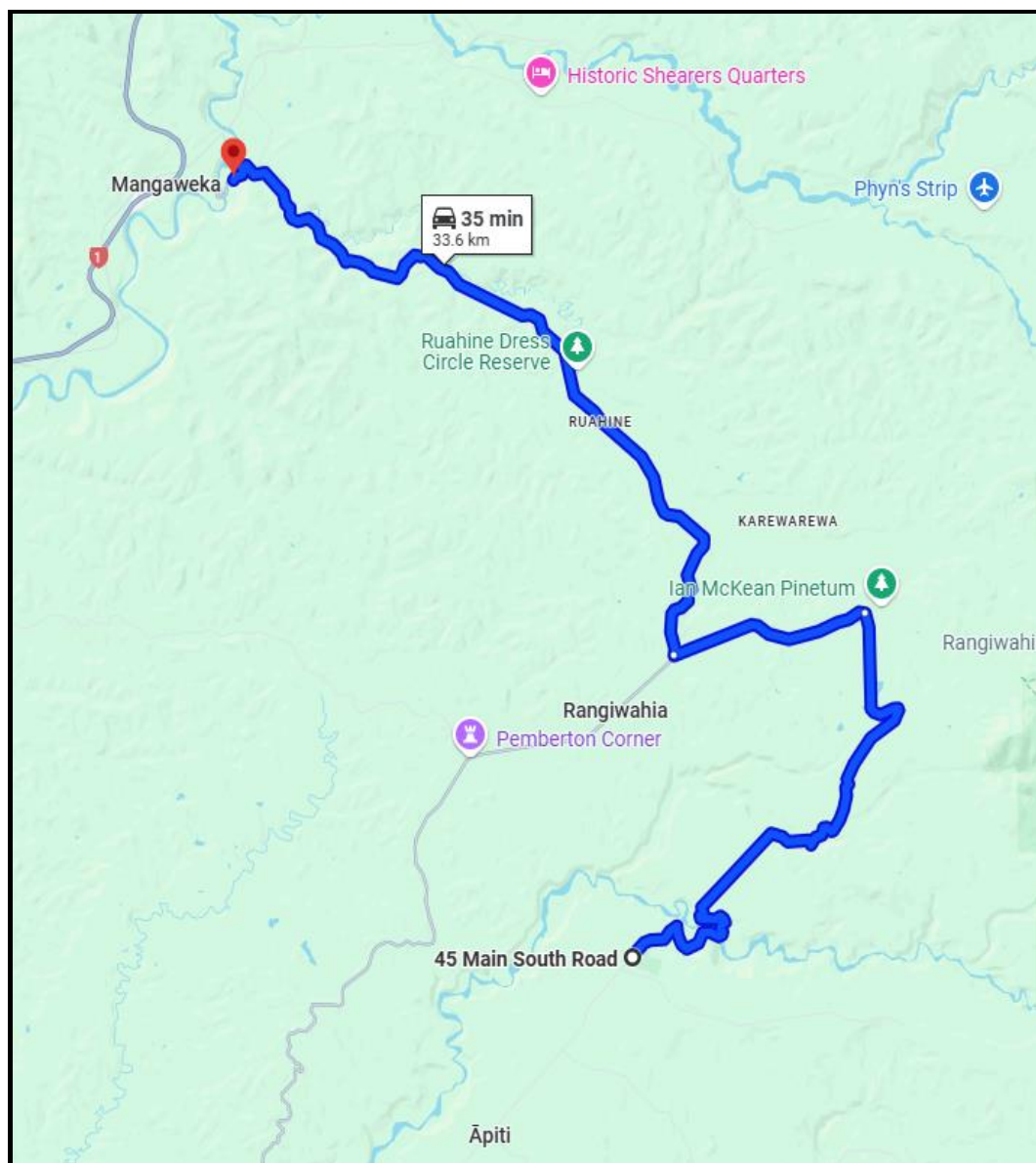


**Keith Williams**  
Event Coordinator  
The Ultimate Rally Group  
Tel: 09 298 8322  
Mb: 021 476 384

Stage Name:	<b>SS24 &amp; SS25 – POHANGINA - TAKAPARI</b>
	<b>8:00am – 12:55pm   Saturday 18<sup>th</sup> October 2025</b>
RCA:	<b>Manawatu District Council</b>
Start:	<b>Start: Pohangina Valley East Road 300m from its intersection with Awahou South Road</b>
	Past Number 3 line (no exit)
	Past Number 2 Line (no exit)
	Past Number 1 Line (no exit)
	Past Opawe Road (no exit)
	Past Churchill Drive (no exit)
	Past Arbons Road (no exit)
	Past Takapari Road (no exit)
	Past Piripiri Road (no exit)
	Past Makoura Road
	Past Norsewood Road (no exit)
	Past Umutio North Road
	Past Tunipo Road
	Past Cawood Road (no exit)
Finish:	<b>On Pohangina Valley East Road 250m before the intersection with Oroua Valley Road.</b>



Stage Name:	<b>SS26 – OROUA VALLEY - RUAHINE</b>
	<b>9:25am – 1:55pm   Saturday 18<sup>th</sup> October 2025</b>
RCA:	<b>Manawatu District Council</b>
Start:	<b>Start: On Main South Road 300m from its intersection with Table Flat &amp; Nixs Road</b>
	Past Conspicuous Road (no exit)
	Past East Mangahuia Road (no exit)
	Past West Mangahuia Road (no exit)
	Past Renfrew Road (no exit)
	Left onto Te Parapara Road
	Right onto Ruahine Road at the intersection with Rangiwahia Road
	Past Karewarewa Road (no exit)
	Past Kelpie Road (no exit)
	Past Halls Road (no exit)
Finish:	<b>On Ruahine Road 100m before the intersection with Kawhatau Valley Road.</b>



## Council

Meeting of 24 July 2025

Business Unit: People and Corporate

Date Created: 17 July 2025

## Memorandum of Arrangement with Cova-Lima (Suai), Timor-Leste

### Purpose Te Aronga o te Pūrongo

To seek Council approval for the signing of a Memorandum of Arrangement (MoA) between the Manawātū District Council and the Municipal Authority of Cova-Lima (Suai), Timor-Leste, formalising a collaborative relationship focused on shared interests such as agriculture, education, and workforce development, and to delegate authority to the Mayor to sign the agreement at a planned ceremony on 30 July 2025.

### Recommendations Ngā Tūtohunga

That the Council:

1. Approve the draft Memorandum of Arrangement, between the Manawātū District Council and the Municipal Authority of Cova-Lima (Suai), Timor-Leste; and
2. Delegate authority to the Mayor to sign to the agreement at a signing ceremony, scheduled for 30 July 2025.

Report prepared by:

Kate Saxton

Executive Assistant - Mayor

Approved for submission by:

Frances Smorti

General Manager - People and Corporate

## 1 Background Ngā Kōrero o Muri

- 1.1 In March 2025, the Embassy of Timor-Leste contacted Deputy Mayor Michael Ford to discuss possible collaboration opportunities between Timor-Leste and the Manawatū District. The Ambassador sent a letter to Deputy Mayor Ford on 24<sup>th</sup> March which was shared with Mayor Helen Worboys on 26<sup>th</sup> March. The letter detailed the specific areas of interest for collaboration, such as agriculture, education and workforce development.
- 1.2 The Ambassador met with Mayor Worboys and Deputy Mayor Ford on 10<sup>th</sup> April, where they further discussed the opportunity, and how the Manawatū District could positively support Timor-Leste. It was agreed at this meeting that a Memorandum of Arrangement (MoA) be developed to formalise the willingness to collaborate, cooperate and promote mutual development.
- 1.3 The MoA was then developed, reviewed by MDC's legal representatives and negotiated between April and July, with the final version being agreed to on 15<sup>th</sup> July 2025. A copy of this arrangement is attached for reference.
- 1.4 On 16<sup>th</sup> July a letter was sent to invite a delegation from Timor-Leste to Feilding for the formal signing of the MoA. The signing ceremony is planned for Wednesday 30<sup>th</sup> July; elected members will be invited to attend.
- 1.5 There is also a plan to provide a tour for the delegation that will include visits to farms (Hocken farm and the two Feilding High School farms), Ovation, the Saleyards, Coach House and possibly other sites of interest.

## 2 Strategic Fit Te Tautika ki te Rautaki

- 2.1 The MoA aligns with several priorities in Council's Long-term Plan.
  - **A place to belong and grow** – Fosters cultural and educational connections that strengthen community ties.
  - **A future planned together** – Demonstrates MDC's commitment to collaborative partnerships.
  - **A prosperous, resilient economy** – Supports knowledge-sharing in key sectors like agriculture, education, and workforce development.
  - **Value for money and excellence in local government** – Reflects MDC's leadership and commitment to sharing best practice in governance.
- 2.2 The MoA reflects a values-based approach to international cooperation and supports Council's strategic direction.

## 3 Discussion and Options Considered Ngā Matapakinga me ngā Kōwhiringa i Wānangahia

- 3.1 The MoA has undergone a thorough review and negotiation. Council's legal advisors are satisfied that signing the MoA does not put MDC at any risk.



- 3.2 It is recommended that Council approve the MoA and delegate authority to Mayor Worboys to sign at a formal ceremony on 30<sup>th</sup> July.
- 3.3 The MoA with Cova-Lima (Suai), Timor-Leste, aligns with MDC's interests given its past and present links through RNZAF Base Ohakea, Linton Military Camp and the Police. It is an opportunity to assist Timor-Leste to connect with schools (particularly FAHS given its agricultural learning opportunities), tertiary education providers and research institutes. MDC will be able to help Timor-Leste by sharing information and experience, especially with regards to the Recognised Seasonal Employer Scheme and day to day operations of Local Government in New Zealand.
- 3.4 Signing the arrangement will enable the Manawatū District and Timor-Leste to foster a close and collaborative relationship moving forward.
- 4 Risk Assessment Te Arotake Tūraru**
- 4.1 Not applicable.
- 5 Engagement Te Whakapānga**
- Significance of Decision
- 5.1 The Council's Significance and Engagement Policy is not triggered by matters discussed in this report. No stakeholder engagement is required.
- Māori and Cultural Engagement
- 5.2 There are no known cultural considerations associated with the matters addressed in this report. No specific engagement with Māori or other ethnicity groups is necessary.
- Community Engagement
- 5.3 Not applicable.
- 6 Operational Implications Ngā Pānga Whakahaere**
- 6.1 There are no operational implications with this report.
- 7 Financial Implications Ngā Pānga Ahumoni**
- 7.1 There are no financial implications with this report.
- 8 Statutory Requirements Ngā Here ā-Ture**
- 8.1 There are no statutory requirements for this report.
- 9 Next Steps Te Kokenga**
- 9.1 If approved, the MoA will be signed by the Mayor at a signing ceremony on 30<sup>th</sup> July 2025.

## 10 Attachments Ngā Āpitihanga

- Memorandum of Arrangement

**MEMORANDUM OF ARRANGEMENT**  
**between**  
**MANAWATŪ DISTRICT COUNCIL**  
**and**  
**THE MUNICIPAL AUTHORITY OF COVA LIMA (SUAI)**

This Memorandum of Arrangement records the mutual understanding of the Participants to develop and strengthen relationships between the people of the Manawatū District (Feilding) in New Zealand, and Cova-Lima (Suai) in Timor-Leste.

The Participants wish to explore and promote initiatives for economic, cultural, social, and educational opportunities at the Local Government level, which encourage the sharing of knowledge and best practice between the Communities.

***Definitions***

**Communities** means Manawatū District (Feilding), in New Zealand, and Cova-Lima (Suai), in Timor-Leste.

**Local Government** means the Manawatū District Council in New Zealand, and the Municipal Authority of Cova Lima (Suai) in Timor-Leste.

**Participants** means the Manawatū District Council (of New Zealand) and the Municipal Authority of Cova Lima (Suai).

***Areas of Co-Operation***

The Participants have identified the following areas of co-operation for the mutual benefit of the Communities:

- Facilitate the exchange of information and expertise in the fields of local government/governance, agriculture, seasonal employment, and education.
- Encourage networking and collaboration between local government officers and relevant community stakeholders to foster relationships in economic, agriculture, seasonal employment and education fields.
- Explore opportunities as they arise which promote the development of trade and vocational skills, seasonal employment, and economic well-being of the residents in the Communities.
- Strengthen cultural understanding of each other's Communities.

### ***Key terms***

1. This Memorandum of Arrangement (or Arrangement) will come into effect upon signing by representatives of the Participants and will continue until written notice of termination is provided by one Participant to the other.
2. Regular contact will be maintained between the Participants' and/or Local Government representatives and officers to identify opportunities for the areas of co-operation set out in this Memorandum of Arrangement.
3. This Arrangement will be carried out by the Participants on a cost-neutral basis and within existing resources of their respective Local Governments. Each Participant is responsible for their own costs associated with:
  - a. the preparation of this Memorandum of Arrangement; and
  - b. all matters contemplated by this Memorandum of Arrangement.
4. Where a Participant provides information to another Participant when carrying out this Arrangement and identifies this information as confidential, the other Participants will maintain the confidentiality of the information. Confidential information will be used only for specified purposes and will not be disclosed without the prior written permission of the Participant providing the information, except to the extent where it may be required to be disclosed by law, including under the Local Government Official Information Act 1987.
5. Where a Participant provides information containing proprietary intellectual property to another Participant when carrying out this Arrangement, such intellectual property will be protected in accordance with the respective laws of New Zealand and Timor-Leste. Before providing such information, the Participants may discuss and provide for any specific additional arrangements regarding the treatment of such information.
6. The Participants will not make any announcements (including public announcements) or provide updates about this Memorandum of Arrangement or the matters contemplated by this Memorandum of Arrangement, without the prior written permission of the other Participant.
7. This Arrangement is non-exclusive and nothing contained within this Memorandum of Arrangement will prevent any Participant from entering into any arrangement, agreement, contracts, or understandings with third parties.
8. The Participants acknowledge that this Memorandum of Arrangement is not intended to create any binding or enforceable legal obligations on any Participant.
9. This Memorandum of Arrangement may be amended at any time by mutually recording any amendments in writing, signed by representatives of both Participants.
10. If any difference arises from the interpretation and/or implementation of this Memorandum of Arrangement, the Participants will resolve the difference through discussions with each other.

11. The Participants will review this Memorandum of Arrangement 18 months after signing of this Memorandum, and every triennium of the Manawatū District Council thereafter, to ensure the Memorandum of Arrangement and the matters contemplated by it, remain mutually beneficial for both Participants.

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**Helen Worboys**  
Mayor of Manawatū District Council  
New Zealand

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**H.E. Tomás Rosário Cabral**  
Minister of State Administration  
Timor-Leste, for and on behalf of the  
Municipal Authority of Cova Lima  
(Suai) in Timor-Leste

**Dated:** **2025**