

Infrastructure Funding and Financing Amendment Bill

Government Bill

Explanatory note

General policy statement

This Bill is an omnibus Bill that amends more than 1 Act and is introduced under Standing Order 267(1)(a) because the amendments deal with an interrelated topic that can be regarded as implementing a single broad policy. That single broad policy is to improve infrastructure funding and financing tools to support urban development.

Overview

The Infrastructure Funding and Financing Act 2020 (the **IFF Act**) provides a mechanism to fund and finance infrastructure that supports urban development. The IFF Act was introduced to help deliver infrastructure projects free from local authority funding and financing constraints.

Through the IFF Act, a special purpose vehicle (an **SPV**), rather than a council or other infrastructure authority, is used to fund infrastructure. Finance raised using an SPV is excluded from councils' balance sheets, ensuring that it doesn't affect their debt limits. SPVs will repay any finance raised by charging a levy on those who benefit from the infrastructure (for example, landowners in the area serviced by the new infrastructure).

Changes are needed to help improve the usability of the IFF Act as an infrastructure funding and financing tool to support urban development. This Bill removes unnecessary barriers to using the IFF Act, improves the viability of the IFF Act for a range of infrastructure projects, and makes the levy development and approvals process simpler and more streamlined.

Streamlining levy approvals process

The extensive process required for applicants to have a levy approved can be a barrier when trying to use the IFF Act. The Bill aims to streamline this process and improve

certainty for developers while still ensuring that the interests of potential levypayers are protected. Key changes include—

- simplifying requirements for levy proposals and recommendation reports:
- simplifying the mandatory considerations the Minister must take into account when assessing a levy, thereby reducing the extent of supporting evidence applicants need to include in their proposals:
- removing the requirement to assess a levy's affordability for proposals supported by developers and all other existing landowners. In greenfield development areas (areas with development on previously undeveloped or rural land), levypayers self-assess affordability and opt into the levy when deciding to purchase a property. Therefore, ministerial consideration of whether a levy is affordable should not be required if existing landowners are supportive. While targeted at greenfield developments, this change would also apply to brownfield developments (developments in existing urban areas) where all landowners are supportive of the levy:
- improving certainty for developer-led proposals by limiting councils' abilities to withhold the necessary endorsements if statutory requirements have been met.

Broadening scope of IFF Act

The Bill also broadens the scope of the IFF Act to improve its flexibility and viability for a range of infrastructure projects. Key changes include—

- broadening the IFF Act's purpose beyond just addressing local authority financing and funding constraints. This better reflects developer-led use of the IFF Act and enables it to also be used for transport projects delivered by the New Zealand Transport Agency or KiwiRail, or for water infrastructure investments delivered by new water organisations established under the Local Government (Water Services) Act 2025:
- enabling territorial authorities or water organisations to be the responsible levy authority:
- enabling levy deferrals to manage any affordability concerns and better support the use of the IFF Act for value capture.

Other changes to improve IFF Act

In addition, the Bill makes other changes to improve the functioning of the IFF Act. These include—

- clarifying that an SPV may commence recovery action if levies remain unpaid for more than 4 months:
- establishing an accelerated recovery mechanism to enable an SPV to recover the funding provided for infrastructure if a development fails:

- refining the definition of protected Māori land to enable General land that was formerly Māori freehold land to be more readily identifiable from publicly available information;
- amending consent requirements to include protected Māori land in a proposed levy area to distinguish between greenfield proposals to fund and finance infrastructure to support new housing developments and citywide levy proposals to deliver infrastructure for the wider community.

Amendments to other legislation

The Bill amends the Local Government (Rating) Act 2002 to ensure that levies will rank alongside rates in the application of proceeds following a rating sale. This ensures that the proceeds of a rating sale will be applied equally towards both unpaid levies and unpaid rates regardless of who commences the recovery action. If the proceeds of the rating sale are insufficient to cover both unpaid rates and levies, the proceeds will be applied in proportion to the outstanding amount.

The Bill amends the High Court Fees Regulations 2013 to prescribe the application fee that applies when a responsible SPV applies to a Registrar of the High Court to have IFF funding recovered through the sale of undeveloped land when a development has failed.

Departmental disclosure statement

The Ministry of Housing and Urban Development is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2025&no=231>

Regulatory impact statement

The Ministry of Housing and Urban Development produced a regulatory impact statement on 25 November 2024 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- <https://www.hud.govt.nz/documents/regulatory-impact-statement-going-for-housing-growth-improvements-to-the-iff-act>
- <https://www.regulation.govt.nz/our-work/regulatory-impact-statements/>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that the Bill comes into force on the day after Royal assent.

Part 1

Amendments to Infrastructure Funding and Financing Act 2020

Clause 3 provides that *Part 1* of the Bill amends the Infrastructure Funding and Financing Act 2020 (the **principal Act**).

Clause 4 amends section 3, which outlines the purpose of the principal Act. *Clause 4* removes the sole focus on addressing local authority financing and funding constraints to broaden the scope of the principal Act to include a wider range of infrastructure projects.

Clause 5 amends section 7, which defines terms used in the principal Act, to insert a number of new definitions and amend others to support changes made by the Bill, including the following:

- inserting new terms that support the administration of levies under the principal Act by water organisations:
- expanding the definition of responsible infrastructure authority to include water organisations and State enterprises:
- replacing the definition of levy area to exclude undeveloped land under *new section 98N* to support the use of the accelerated recovery process inserted by *new subpart 2A of Part 4*.

Clause 6 amends section 8, which defines the term eligible infrastructure for the purposes of the principal Act, to include community infrastructure that is not owned or controlled by a territorial authority. This allows, for example, the principal Act to be used to fund community infrastructure, such as an outdoor recreational space or a community centre, that is owned or controlled by a third party rather than vested in a territorial authority.

Clause 7 inserts *new section 9A*, which defines the term responsible levy authority (an **RLA**) for the principal Act. Currently, the definition only extends to a territorial authority or territorial authorities in the levy area. *New section 9A* provides for circumstances in which a water organisation is the RLA for water services infrastructure in the levy area.

Clause 8 inserts *new section 10A*, which sets out requirements in order for land to be considered developed for the purposes of the principal Act.

Clause 9 amends section 11, which defines protected Māori land for the purposes of the principal Act. It provides for General land that was formerly Māori freehold land to be classified as protected Māori land if owned beneficially by the person or persons who beneficially owned the land immediately before it ceased to be Māori freehold land or by their successors. The successors must be members of the preferred classes of alienees as defined by section 4 of Te Ture Whenua Maori Act 1993. This includes situations in which owners of the General land did not have direct descendants to pass the land on to.

Clause 10 amends section 15 to clarify that, when provisions of the Local Government (Rating) Act 2002 are applied in relation to the principal Act, references to a

local authority apply only as far as if they were references to an RLA that is a territorial authority.

Clauses 11 to 18 make the following amendments to the levy development and approvals process:

- *clause 11* replaces section 18 to align the content of the levy proposal and the levy order and insert *new section 18A* to clarify that new or upgraded infrastructure described in section 8(2) may be completed up to 2 years before a levy proposal submission:
- *clause 12* amends section 20(1) to limit the ability of a responsible infrastructure authority to withhold an infrastructure endorsement if statutory requirements are met. As well, *new section 20(5)* removes the requirement for an infrastructure endorsement if eligible infrastructure is not proposed to be vested in a responsible infrastructure authority. This supports the use of the principal Act for developer-owned infrastructure where there is no infrastructure authority to provide the endorsement:
- *clause 13* replaces section 21 to provide that a proposed RLA must endorse a proposed levy unless that levy would compromise the proposed RLA's ability to collect rates (for a territorial authority) or charges (for a water organisation). *New section 21* also provides that a proposed RLA may specify, as a condition of the levy endorsement, that levy collection costs be included in the levy order as an eligible cost. This ensures that levy collection costs are reimbursed when the principal Act is used for funding and financing developer-led levy proposals:
- *clause 14* inserts *new section 24(3)*, which provides that the requirement to obtain the landowner's consent to include protected Māori land in a proposed levy area does not apply if the proposed levy area is expected to encompass 5,000 or more leviable properties over the levy period. If consent is not required, *new section 18(1)(b)* requires the levy proposal to include the estimated proportion of the proposed levy area that is protected Māori land, and the estimated proportion of protected Māori land that is not leviable land. Under *new section 18(2)*, this information is to be based on information that is readily available in the rating information database. If consent is required, *new section 18(1)(a)* provides the same requirement that currently exists for the levy proposal to provide details of any protected Māori land in the proposed levy area:
- *clause 15* amends section 25 to simplify the mandatory considerations that a recommender must take into account before recommending a levy proposal to the Minister. The amendments also reflect changes made by the Bill that endorsements and consents are not always required, and allow for certain matters to be excluded from consideration in accordance with *new section 27A*:
- *clause 16* amends section 26 to simplify the content that is required in a recommendation report to the Minister, including removing the requirement for information about all matters proposed to be included in levy order:

- *clause 17* replaces section 27 to simplify the mandatory considerations that the Minister must take into account before recommending a levy order to be made. The amendments also enable a levy order to be made only on the terms set out in the levy proposal rather than on the terms set out in the recommender's report, except that the Minister may recommend a levy order that specifies a lesser amount of maximum levy revenue and intended annual levy than what was set out in the levy proposal:
- *clause 17* also inserts *new section 27A*, which provides an exclusion from consideration of certain mandatory considerations for a recommender under section 26, or the Minister under *new section 27*, to the effect that neither are required to consider the long-term interests of levypayers, or the affordability or sustainability of the levy payment by levypayers, if the land in the levy area is owned by the levy proposer or if the owners or purchasers of the land have provided written support for the levy:
- *clause 18* repeals section 28, which provides for specific consultation requirements before the Minister may recommend a levy order.

Clauses 19 and 20 relate to publication requirements under the principal Act. *Clause 19* amends section 30 to provide that the requirement to publish recommendation reports does not apply if information in the reports could be withheld under the Official Information Act 1982. *Clause 20* inserts *new section 30A*, which creates the same publication requirement and exclusion as in section 30 for levy proposals.

Clause 21 amends section 31 to include situations where construction of eligible infrastructure begins before the levy order is made.

Clause 22 amends section 32 to apply only if the RLA is a territorial authority and to expand the matters used to identify different categories of leviable land in a levy area. Those categories allow a levy order to set levies differentially for leviable land in different categories. This section is also amended to allow identification of categories of land to relate to a fixed point in time.

Clause 23 inserts *new section 32A*, which applies to an RLA that is a water organisation. *New section 32A* enables a levy order to set a levy on a uniform basis or differentially for 2 or more different categories of leviable land. The categories of leviable land are identified according to the provision or availability of eligible water supply services, stormwater services, or wastewater services.

Clause 24 amends section 33 to apply only if the RLA is a territorial authority and provides that a levy may comprise a fixed or variable amount. *New section 33(2A)* provides for assessing liability in situations where territorial authorities continue to provide water services infrastructure and act as the RLA for the related levy.

Clause 25 inserts *new section 33A*, which specifies that, if the RLA is a water organisation, liability is assessed using methods under section 86 of the Local Government (Water Services) Act 2025.

Clause 26 amends section 34 to allow a levy order to set out parameters and conditions of a remission or postponement policy so that the Minister may consider those as part of the levy order.

Clause 26 also inserts *new section 34(1)(l)*, which allows a levy order to specify factors that can be used to determine that a development has failed. Determining that a development has failed allows a responsible special purpose vehicle (an **SPV**) to use the accelerated funding recovery process inserted into the principal Act by *clause 59*. If the levy order specifies those factors, *new section 34(2)* requires the levy order to also specify how proceeds from the sale of undeveloped land are to be applied.

Clause 27 amends section 37 to provide that liability to pay a levy under that section applies only if the RLA is a territorial authority, as rate payments are not applicable if the RLA is a water organisation.

Clause 28 inserts *new section 37A*, which provides that, if the RLA is a water organisation, the persons liable to pay the levy are the persons that are also liable to pay water services charges under the Local Government (Water Services) Act 2025.

Clause 29 amends section 38 to provide that, if the RLA is a water organisation, dates for repayment are calculated under the Local Government (Water Services) Act 2025 and that, whether the RLA is a water organisation or a territorial authority, this section does not apply to one-off charges on development under *new section 38A*.

Clause 30 inserts *new section 38A*, which enables SPVs to have the option to use the principal Act for one-off charges on development, rather than ongoing annual levies, to be paid after an event or events specified in the levy order. *Clause 30* also inserts *new section 38B*, which provides SPVs with the option to have a combination of one-off charges and ongoing annual levies for different portions of levies.

Clause 31 amends section 39 to provide for a minimum levy period of 1 year.

Clause 32 amends section 40 to change the deadline for an SPV to set an annual levy to be 30 June, instead of 10 May, to allow for more up-to-date information to be taken into account during the process of confirmation of an annual levy.

Clause 33 replaces section 41 to provide that an RLA that is a territorial authority or a water organisation must share all applicable information requested by an SPV that it needs to set an annual levy.

Clauses 34, 35, and 36 amend sections 42, 49, and 51, which relate to annual levy resolutions, to insert the new deadline under section 40, and to provide for the information contained and the process for an SPV to correct a resolution if the RLA is a water organisation.

Clauses 37 to 46 amend Part 3, which provides for agreements between an SPV and an RLA that enable the RLA to administer a levy authorised under a levy order on behalf of that SPV as well as for circumstances in which the SPV may recover unpaid levy.

The Bill amends Part 3 to apply only if the RLA is a territorial authority (*see clause 47*, which inserts a new Part that applies to the administration of levies authorised under a levy order when the RLA is a water organisation).

Part 3 is amended to reflect its new application as well as other amendments made by the Bill. These include the following amendments related to how an RLA that is a territorial authority administers a levy on behalf of an SPV:

- *clause 41* inserts *new section 60A*, which facilitates information sharing between a water organisation and an RLA that is a territorial authority administering a levy relating to water services infrastructure:
- *clause 42* replaces section 76 to provide that any levy remission or postponement policy agreed on between an SPV and an RLA that is a territorial authority must be consistent with any parameters or conditions in the levy order included under section 34 (as amended by *clause 26*):
- *clause 43* replaces section 80. *New section 80(1)* includes a reference to *new section 75C* of the Local Government (Rating) Act 2002, as inserted by *clause 69*, which applies when an RLA that is a territorial authority is recovering unpaid levy, and proceeds are being distributed after the sale or lease of land. *New section 80(2)* prohibits the RLA from taking recovery action under sections 67 to 71 of that Act for an unpaid levy on protected Māori land.

Part 3 is also amended in relation to the circumstances in which an SPV may recover an unpaid levy.

Clause 44 replaces section 82 to allow an SPV to commence recovery action if the unpaid levy remains unpaid for 4 months after the due date for payment or if the RLA that is a territorial authority has informed the SPV that, under section 57(2)(a), the RLA will not recover the unpaid levy. Proceeds from a sale or lease of land resulting from recovery proceedings must be allocated according to *new sections 75B and 75C* of the Local Government (Rating) Act 2002. *New section 82(2)(b)* prohibits the SPV from taking recovery action under sections 67 to 71 of that Act for an unpaid levy on protected Māori land.

Clause 44 also inserts *new section 82A*, which provides the notification requirements for an SPV that is commencing recovery action.

Clauses 45 and 46 repeal sections 83 and 84 because the authority to commence proceedings and the application of proceeds are now provided for in *new section 82*.

Clause 47 inserts *new Part 3A*, which allows for the administration of a levy that is authorised under a levy order when the RLA is a water organisation. Some provisions of this new Part are equivalent to Part 3, as amended by the Bill. However, while Part 3 applies provisions of the Local Government (Rating) Act 2002 to the administration of levies by RLAs that are territorial authorities, *new Part 3A* applies provisions of the Local Government (Water Services) Act 2025 to the administration of levies by RLAs that are water organisations.

The provisions of *new Part 3A* provide for agreements between an SPV and an RLA that is a water organisation that enable the RLA to administer a levy on behalf of that

SPV. The new Part also sets out circumstances in which the SPV may recover an unpaid levy. Those provisions include the following:

- *new section 86F* provides that an RLA that is a water organisation is not required to recover an amount of unpaid levy when water charges set under the Local Government (Water Services) Act 2025 have been paid:
- *new sections 86I and 86J* require a territorial authority to provide an RLA that is a water organisation with information from that territorial authority's rating information database that is needed to administer a levy, including information that has been removed from the database but is still held by the territorial authority:
- *new section 86O* provides that a levy assessment must include the same information as an assessment of charges set by a water organisation under section 86 of the Local Government (Water Services) Act 2025:
- *new section 86Q* enables an RLA that is a water organisation to impose penalties on unpaid levies. To impose penalties, the RLA must make a resolution annually that states how the penalty is to be calculated and imposed. *New section 86Q* sets limits on the amount of penalty that may be imposed that are consistent with the limits in the Local Government (Water Services) Act 2025:
- *new section 86U* enables an RLA that is a water organisation to commence proceedings to recover unpaid levies as a debt due to the RLA:
- *new section 86V* enables the SPV to commence proceedings to recover unpaid levy 4 months following the due date for payment, whether or not the RLA has informed the SPV, under *new section 86F*, that it will not recover the levy:
- *new section 86W* requires an RLA that is a water organisation to provide an SPV with the necessary information to bring proceedings to recover the levy.

Clause 48 amends section 90 to align with *new section 20(5)*, which provides for exceptions if an endorsement under section 20 is not required, and to provide an exclusion from the requirement for a vesting agreement if the SPV is not constructing infrastructure and will not have ownership of it.

Clause 49 amends section 91 to include the excess levy application for an RLA that is a water organisation.

Clause 50 amends section 92 to update the excess levy threshold to include inflation for previous non-levy years, which were not covered by section 92, and provide that calculations are to be made before the start of each financial year instead of each levy year.

Clause 51 amends section 93 to provide that, if the SPV assigns its right to any amount of uncollected levy to the RLA that is a water organisation, the relevant provisions of the Local Government (Water Services) Act 2025 apply to the collection and recovery of the uncollected levy in the same way that they apply in relation to charges under that Act.

Clause 52 amends section 94 to expand the meaning of previous contribution to include a development contribution under the Local Government (Water Services) Act 2025 and a contribution transferred to a water organisation in relation to water services infrastructure.

Clause 53 amends section 95 to expand the information that the RLA must give the SPV about previous contributions to include the amount or proportion that relates to the costs of construction of eligible infrastructure and what type of costs those relate to.

Clause 54 inserts *new section 95A*, which provides that the construction of eligible infrastructure may be funded by a levy authorised under the principal Act and by previous contributions, but only if different portions of the costs are allocated to each funding source.

Clauses 55 to 57 repeal sections 96 to 98, which provide that construction costs paid for by a development contribution are not also to be paid for by a levy authorised under the principal Act. To avoid a double-up, section 96 authorises the SPV to direct the RLA to transfer the previous contributions to the SPV and remit levies. If no direction is given, section 97 requires the RLA to refund the previous contributions. Those sections have been replaced by *new section 95A*. If a previous contribution relates to a portion of costs to be funded by a levy, *new section 95A* requires the SPV to reduce the amount of funding under this Act (**IFF funding**) by that amount.

Clause 58 inserts *new subpart 2A of Part 4*, which creates an accelerated process that enables an SPV to quickly recover its funding after a development fails. *New subpart 2A* outlines this recovery process, including by providing that—

- this subpart does not apply to protected Māori land;
- the accelerated recovery process may be used if a levy order specifies factors to be used to determine failure under *new section 34(1)(l)*;
- if those factors apply, an SPV can issue a written notice to demand repayment of funding that relates to undeveloped land in the levy area, as well as the financing costs of any unpaid levies;
- if payment is not made within 20 working days, the SPV may apply to a Registrar of the High Court to sell the undeveloped land.

If the SPV recovers funding under this accelerated process, *new sections 98M and 98N* provide that—

- no further levies may be charged under the levy order in relation to the undeveloped land that has been sold;
- the undeveloped land must be excluded from the levy area;
- the maximum levy revenue must be reduced by the amount of funding that has been recovered.

Clause 59 amends section 99 to provide that, if a responsible SPV exercises powers under section 181 of the Local Government Act 2002 in relation to protected Māori land, it must in all cases obtain the prior written consent of the owner of that land to

the construction of the work. Section 181(3)(b) of that Act does not apply in that circumstance.

Clause 60 amends section 120, which relates to the functions of the monitor appointed under section 118 of the principal Act, to include the publication of information to educate the public about the liability for payment of a levy administered by an RLA that is a water organisation.

Clause 61 amends section 121 to clarify that information that may be requested from an RLA's database and rates records is only relevant to an RLA that is a territorial authority.

Clause 62 amends section 157 to clarify that this section applies only to an RLA that is a territorial authority.

Clause 63 inserts *new Part 2* into Schedule 1, which provides for transitional, savings, and related provisions related to the changes made by this Bill.

Clause 64 and *Schedule 2* make minor and consequential amendments to the principal Act.

Clause 65 and *Schedule 3* make consequential amendments to the Local Government (Water Services) Act 2025.

Part 2

Amendments to other legislation

Subpart 1—Amendments to Local Government (Rating) Act 2002

Clause 66 provides that this subpart amends the Local Government (Rating) Act 2002 (the **principal Act**).

Clause 67 amends section 75 so that it does not apply if there is any unpaid levy under the Infrastructure Funding and Financing Act 2020 when proceeds are being distributed following the sale or lease of land under section 70 or 71 of the principal Act.

Clauses 68 and 70 amend cross-references in sections 75A and 83B to include references to *new sections 75B and 75C*, which are inserted into the principal Act by *clause 69*.

Clause 69 replaces section 75B, which currently provides for the distribution of proceeds of a sale or lease of land following legal proceedings for both an unpaid levy under the Infrastructure Funding and Financing Act 2020 and unpaid rates. Section 75B is replaced so that it applies if there is an unpaid levy, regardless of whether legal proceedings were brought to recover both unpaid rates and unpaid levies. *New section 75B* includes repayment of an unpaid levy and rates together in the order of application, rather than as separate items.

Clause 69 also inserts *new section 75C*, which provides for situations in which the proceeds from a sale or lease of land are insufficient to cover payments under particular paragraphs of *new section 75B(2)*.

Clause 71 provides transitional, savings, and related provisions in relation to those amendments to the principal Act.

Subpart 2—Amendments to High Court Fees Regulations 2013

Clause 72 provides that this subpart amends the High Court Fees Regulations 2013.

Clause 73 and Schedule 5 insert the fee of \$1,078 for the SPV to pay when applying to a Registrar of the High Court to recover IFF funding, and the financing costs of unpaid levies, when developments have failed.

Hon Chris Bishop

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Infrastructure Funding and Financing Amendment Act **2025**.

2 Commencement

This Act comes into force on the day after Royal assent.

Part 1

Amendments to Infrastructure Funding and Financing Act 2020

3 Principal Act

This Part amends the Infrastructure Funding and Financing Act 2020.

4 Section 3 amended (Purpose)

5

Repeal section 3(1)(a) and (b).

5 Section 7 amended (Interpretation)

- (1) In section 7(1), insert in their appropriate alphabetical order:

costs of the construction of eligible infrastructure means the costs of the construction of eligible infrastructure that are set out in section 9(3)

10

developed land means a parcel of land that meets the requirements of **section 10A**

IFF funding means funding under this Act for eligible costs relating to eligible infrastructure

Māori land, in relation to a water organisation, has the same meaning as in section 4 of Te Ture Whenua Maori Act 1993

15

property, in relation to a water organisation, has the same meaning as in section 94(5) of the Local Government (Water Services) Act 2025

responsible levy authority that is a territorial authority or RLA that is a territorial authority means a responsible levy authority described in **section 9A(7)(a) or (b)**

20

responsible levy authority that is a water organisation or RLA that is a water organisation means a responsible levy authority described in **section 9A(2), (3), or (5)**

State enterprise has the same meaning as in section 2 of the State-Owned Enterprises Act 1986

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undeveloped land means land within a levy area that is not developed land

water organisation has the same meaning as in section 4 of the Local Government (Water Services) Act 2025

water services infrastructure means infrastructure relating to water supply, sewerage, treatment and disposal of sewage, or stormwater drainage

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- (2) In section 7(1), definition of **due date**, replace “responsible levy authority’s” with “RLA’s”.

- (3) In section 7(1), definition of **levy**, paragraph (b), after “section 75”, insert “or **86Q**”.

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- (4) In section 7(1), replace the definition of **levy area** with:

- levy area** means—
- (a) the geographic area or areas of land for which a levy is authorised by a levy order; but
 - (b) excludes any geographic area or areas of land that have been excluded by an SPV under **section 98N**
- (5) In section 7(1), definition of **levy assessment**, after “section 70”, insert “or **86N**”.
- (6) In section 7(1), definition of **levy period**, after “section 52”, insert “or **98N**”.
- (7) In section 7(1), replace the definition of **levypayer** with:
- levypayer** means the person who is liable—
- (a) under section 37 to pay any levy that is due on a rating unit or separate rating area; or
 - (b) under **section 37A** to pay any levy that is due on a property or Māori land
- (8) In section 7(1), definition of **maximum levy revenue**, after “section 52”, insert “or **98N**”.
- (9) In section 7(1), definition of **publish**, replace “a responsible levy authority” with “an RLA”.
- (10) In section 7(1), definition of **responsible infrastructure authority**, replace paragraphs (a) to (d) with:
- (a) the RLA:
 - (b) if the RLA is a territorial authority,—
 - (i) a council-controlled organisation of the RLA:
 - (ii) the relevant regional council:
 - (c) another territorial authority:
 - (d) a water organisation:
 - (e) a government agency:
 - (f) a State enterprise
- (11) In section 7(1), replace the definition of **responsible levy authority** with:
- responsible levy authority** or **RLA** has the meaning set out in **section 9A**
- (12) Repeal section 7(2).
- 6 Section 8 amended (Meaning of eligible infrastructure)**
- (1) In section 8(3), replace the definition of **community infrastructure** with:
- community infrastructure** has the same meaning as in section 197(2) of the Local Government Act 2002, except for the following:
- (a) the land is not required to be owned or controlled, or to be acquired, by the territorial authority:

- (b) the development assets on the land are not required to be owned or controlled by the territorial authority
- (2) In section 8(3), repeal the definition of **water services infrastructure**.
- 7 New section 9A inserted (Meaning of responsible levy authority or RLA)**
- After section 9, insert:
- 9A Meaning of responsible levy authority or RLA**
- RLA that is water organisation*
- (1) **Subsections (2) and (3)** apply if—
- (a) a levy is only authorised for water services infrastructure for which a water organisation is responsible through a transfer agreement as set out in section 12 or 15 of the Local Government (Water Services) Act 2025; and
- (b) the levy is to be assessed using 1 or more of the methods for calculating a charge under section 86 of the Local Government (Water Services) Act 2025.
- (2) The **responsible levy authority** or **RLA**, in relation to the levy area, means the relevant water organisation.
- (3) However, for the purposes of **sections 86N, 86O, and 86P**, the **responsible levy authority** or **RLA**, in relation to the levy area,—
- (a) means the relevant water organisation; and
- (b) includes an agent of the water organisation, if the transfer agreement provides that rates, fees, and other charges will be collected by an agent of the water organisation.
- (4) **Subsection (5)** applies if—
- (a) a levy is only authorised for infrastructure relating to water supply and wastewater services (as defined in section 4(1) of the Local Government (Auckland Council) Act 2009); and
- (b) an Auckland water organisation (as defined in section 4(1) of the Local Government (Auckland Council) Act 2009) is responsible for the infrastructure described in **paragraph (a)**; and
- (c) the levy is to be assessed using 1 or more of the methods for calculating a charge under section 86 of the Local Government (Water Services) Act 2025.
- (5) The **responsible levy authority** or **RLA**, in relation to the levy area, means the Auckland water organisation.
- RLA that is territorial authority*
- (6) **Subsection (7)** applies in any other circumstance.
- (7) The **responsible levy authority** or **RLA**, in relation to the levy area, means—

- (a) the territorial authority for the district in which the levy area is located; or
 - (b) if the levy area is located in more than 1 district, each territorial authority in whose district any part of the levy area is located.
- (8) For the purposes of **subsection (7)(b)**, each RLA's responsibility under this Act relates only to that part of the levy area that is in the territorial authority's district.

8 Section 10A inserted (What is developed land)

After section 10, insert:

10A What is developed land

- (1) In this section,—
- parcel A** means a parcel of land that meets the requirements in **subsection (2)**
- parcel B** means a larger parcel of land in a levy area from which parcel A has been subdivided.
- (2) In order to be considered as **developed land** for purposes of this Act, parcel A must—
- (a) be of a size specified in the levy order; and
 - (b) have been subdivided from parcel B; and
 - (c) have its own record of title that has been issued after a date specified in the levy order; and
 - (d) have been transferred by way of sale to a third-party buyer.

9 Section 11 amended (Meaning of protected Māori land)

- (1) Replace section 11(1)(h) with:
- (h) General land that—
- (i) ceased to have the status of Maori freehold land under—
 - (A) an order of the Māori Land Court made on or after 1 July 1993; or
 - (B) Part 1 of the Maori Affairs Amendment Act 1967; and
 - (ii) is owned beneficially by—
 - (A) the person or persons who beneficially owned the land immediately before the land ceased to be Maori freehold land (**class A**); or
 - (B) the successors of class A who are members of the preferred classes of alienees:
- (2) In section 11(2), definition of **Crown body**, paragraph (b), delete “, as defined in section 2 of the State-Owned Enterprises Act 1986”.

- (3) In section 11(2), insert in their appropriate alphabetical order:
- General land** has the same meaning as in section 4 of Te Ture Whenua Maori Act 1993
- preferred classes of alienees** has the same meaning as in section 4 of Te Ture Whenua Maori Act 1993 5
- (4) In section 11(2), repeal the definition of **General land owned by Maori**.
- 10 Section 15 amended (How Local Government (Rating) Act 2002 applies to this Act)**
- In section 15(2)(a)(i), replace “a responsible levy authority” with “an RLA that is a territorial authority”. 10
- 11 Section 18 replaced (Content of levy proposal)**
- Replace section 18 with:
- 18 Content of levy proposal**
- (1) A levy proposal for the authorisation of a levy must include the following information: 15
- (a) if consent is required under section 24 to include protected Māori land in the proposed levy area, details of any protected Māori land in the proposed levy area:
 - (b) if consent is not required under section 24 to include protected Māori land in the proposed levy area,— 20
 - (i) the estimated proportion of the proposed levy area that is protected Māori land; and
 - (ii) the estimated proportion of protected Māori land that is not leviable land under section 36:
 - (c) either— 25
 - (i) the proposed responsible infrastructure authority or authorities; or
 - (ii) if the eligible infrastructure is not proposed to be vested in a responsible infrastructure authority or authorities, the person who will own the eligible infrastructure:
 - (d) the proposed RLA or RLAs: 30
 - (e) if the proposed RLA is a territorial authority, examples of expected assessments for a representative range of rating units:
 - (f) if the proposed RLA is a water organisation, examples of expected assessments for a representative range of properties and Māori land:
 - (g) the content that is required to be included in a levy order under sections 31 to **33A**: 35

- (h) any of the matters set out in section 34 that are relevant to the levy proposal;
- (i) all other information necessary to enable the recommender to assess the levy proposal.
- (2) For the purposes of **subsection (1)(b)**, estimates of the proportion of protected Māori land in the proposed levy area must be based on information readily available in the rating information database. 5
- 18A Eligible infrastructure to which levy proposal relates**
- (1) The levy proposal must include the proposed eligible infrastructure.
- (2) The new or upgraded infrastructure described in section 8(2) may— 10
- (a) be not yet constructed; or
- (b) have been completed up to 2 years before the levy proposal is submitted.
- 12 Section 20 amended (Infrastructure endorsement)**
- (1) In section 20(1), replace “may endorse” with “must endorse”.
- (2) After section 20(4), insert: 15
- (5) This section does not apply if—
- (a) the proposed responsible infrastructure authority is the levy proposer; or
- (b) the levy proposal specifies that the eligible infrastructure is not proposed to be vested in a responsible infrastructure authority.
- 13 Section 21 replaced (Levy endorsement)** 20
- Replace section 21 with:
- 21 Levy endorsement**
- (1) A proposed RLA that is a territorial authority must endorse the proposal levy unless the RLA can demonstrate that the proposed levy will compromise its ability to collect rates during the proposed levy period. 25
- (2) A proposed RLA that is a water organisation must endorse the proposed levy unless the RLA can demonstrate that the proposed levy will compromise its ability to collect charges under section 86 or 89 of the Local Government (Water Services) Act 2025 during the proposed levy period.
- (3) The proposed RLA may give a levy endorsement on request by the proposer, a person acting on behalf of the proposer, or the recommender. 30
- (4) The proposed RLA may specify as a condition of the levy endorsement that levy collection costs be included in the levy order as an eligible cost.
- (5) This section does not apply if the proposed RLA is the levy proposer.
- 14 Section 24 amended (Consent to include protected Māori land)** 35
- After section 24(2), insert:

- (3) However, the consent of the owners of protected Māori land is not required under this section if the proposed levy area is expected to encompass 5,000 or more leviable properties over the levy period.

15 Section 25 amended (Recommendation)

- (1) Replace section 25(1)(a) and (b) with: 5
- (a) endorsements under sections 20 and 21 (if required); and
 - (b) consent under section 24 (if required).
- (2) In section 25(2)(a), replace “section 27(4)(a) to (g)” with “**section 27(5)(a)**”.
- (3) After section 25(2)(a), insert: 10
- (aa) the matters set out in **section 27(5)(b) and (c)**, unless **section 27A** applies; and

16 Section 26 amended (Recommendation report)

- (1) Replace section 26(2) with:
- (2) A report under this section must contain— 15
- (a) the recommender’s assessment of the proposal against—
 - (i) the matters set out in **section 27(5)(a), (7), and (8)**; and
 - (ii) the matters set out in **section 27(5)(b) and (c)**, unless **section 27A** applies; and
 - (iii) all other matters of practicality, efficiency, and equity that the recommender believes may assist the responsible Minister’s consideration of the levy proposal; and 20
 - (b) the recommender’s recommendation about whether the proposed levy should be authorised.
- (2) In section 26(3)(b), replace “the notifications” with “any notifications”.
- (3) In section 26(3)(c), after “section 24(2)”, insert “(if required)”. 25

17 Section 27 replaced (Responsible Minister may recommend levy order to Governor-General in Council)

Replace section 27 with:

- 27 Responsible Minister may recommend levy order to Governor-General in Council** 30
- (1) The responsible Minister may recommend to the Governor-General in Council that a levy order be made only if the responsible Minister is satisfied that authorising the proposed levy is appropriate—
- (a) after taking into account the matters set out in **subsection (5)** as required; and
 - (b) in accordance with **subsections (7) and (8)**. 35

- (2) The responsible Minister—
- (a) may recommend that a levy order be made only after receiving a recommendation report that includes—
 - (i) endorsements under sections 20 and 21 (if required); and
 - (ii) consent under section 24 (if required); but
 - (b) is not required to accept the recommendation in the recommendation report.
- (3) The responsible Minister may only recommend the levy on the terms set out in the levy proposal.
- (4) Despite **subsection (3)**, if, when the responsible Minister recommends to the Governor-General that a levy order be made, the financing conditions related to the levy are better than anticipated in the levy proposal, the Minister may recommend a levy that specifies a lesser amount of maximum levy revenue and intended annual levy than set out in the levy proposal.
- (5) The responsible Minister must take only the following matters into account:
- (a) whether the levy proposal is consistent with the purpose of this Act:
 - (b) the long-term interests of levypayers over the levy period:
 - (c) the affordability of the levy for levypayers and the sustainability of its payment by them over the levy period:
 - (d) all other matters of practicality, efficiency, and equity that the responsible Minister considers relevant.
- (6) However, the Minister is not required to take the matters in **subsection (5)(b) and (c)** into account if **section 27A** applies.
- (7) The responsible Minister may recommend that a levy order apply section 99 only if satisfied that the exercise by a responsible SPV of the powers referred to in section 99(2) is reasonably necessary to complete the construction of the relevant eligible infrastructure.
- (8) The responsible Minister may recommend that a levy order apply either or both of the limits in section 142 only if satisfied that the recommendation is not likely to unfairly prejudice any creditor of the responsible SPV in the relevant circumstances.
- 27A When analysis is not required of long-term interests, affordability, and sustainability of payment**
- (1) In this section, **matters** means matters under **section 27(5)(b) and (c)**.
 - (2) The recommender and the Minister are not required to take the matters into account in relation to land in the levy area that is owned by the levy proposer.
 - (3) If land in the levy area is owned or purchased by others, the recommender and the Minister are not required to take the matters into account in relation to that land if—

	(a) all of the owners have provided written support for the levy:	
	(b) all of the buyers who have entered into agreements to purchase the land, even if the land has not yet been transferred to them, have provided written support for the levy.	
18	Section 28 repealed (Consultation)	5
	Repeal section 28.	
19	Section 30 amended (Monitor publishes recommender's report)	
	In section 30, insert as subsection (2):	
(2)	However, the monitor is not required to publish information in the recommender's report that could properly be withheld under the Official Information Act 1982 if a request were made for the information under this Act.	10
20	New section 30A inserted (Monitor publishes levy proposal)	
	After section 30, insert:	
30A	Monitor publishes levy proposal	
(1)	If a levy order is made, the monitor must publish the levy proposal.	15
(2)	However, the monitor is not required to publish information in the levy proposal that could properly be withheld under the Official Information Act 1982 if a request were made for the information under this Act.	
21	Section 31 amended (Content of levy order)	
(1)	In section 31(1)(b), delete "that is to be constructed".	20
(2)	In section 31(4)(a), replace "sections 32 and 33" with "sections 32 to 33A (as applicable)".	
22	Section 32 amended (Setting levy: leviable land)	
(1)	In the heading to section 32, after " leviable land ", insert " if RLA is territorial authority ".	25
(2)	Before section 32(1), insert:	
(1AAA)	This section applies if the RLA is a territorial authority.	
(3)	Replace section 32(2) with:	
(2)	If subsection (1)(b) applies, the levy order must identify the categories of leviable land in terms of 1 or more of the following:	30
(a)	any 1 or more of the matters listed in Schedule 2 of the Local Government (Rating) Act 2002, as modified by subsection (3) and with all other necessary modifications:	
(b)	whether the land is developed or undeveloped:	
(c)	the floor area of buildings within a rating unit:	35

	(d) the average floor area of buildings per separately used or inhabited parts of a rating unit.	
	(2A) A category of leviable land may be identified under subsection (2) at a fixed point in time.	
23	New section 32A inserted (Setting levy: leviable land if RLA is water organisation)	5
	After section 32, insert:	
32A	Setting levy: leviable land if RLA is water organisation	
	(1) This section applies if the RLA is a water organisation.	
	(2) The levy order may authorise a levy to be set for all leviable land in the levy area—	10
	(a) on a uniform basis; or	
	(b) differentially for 2 or more different categories of leviable land.	
	(3) If subsection (2)(b) applies, the levy order must identify the categories of leviable land in terms of the provision or availability to the land of 1 of the following provided by, or to be provided by, the RLA using eligible infrastructure:	15
	(a) water supply services:	
	(b) stormwater services:	
	(c) wastewater services, including trade waste services.	
	(4) In this section,—	20
	stormwater services has the same meaning as in section 4 of the Local Government (Water Services) Act 2025	
	trade waste services has the same meaning as in section 86(7) of the Local Government (Water Services) Act 2025	
	wastewater services has the same meaning as in section 4 of the Local Government (Water Services) Act 2025	25
	water supply service has the same meaning as in section 4 of the Local Government (Water Services) Act 2025.	
24	Section 33 amended (Setting levy: factors to be used in assessing liability)	
	(1) In the heading to section 33, replace “ factors to be used in assessing liability ” with “ assessing liability if RLA is territorial authority ”.	30
	(2) Before section 33(1), insert:	
	(1AAA) This section applies if the RLA is a territorial authority.	
	(3) After section 33(2), insert:	
	(2A) Despite subsection (2), to the extent that the levy order relates to water services infrastructure, the levy order may provide that liability for the levy is to be	35

assessed by using 1 or more of the methods specified in section 19(2) or 19AA of the Local Government (Rating) Act 2002.

(4) Replace section 33(3) with:

(3) Despite subsections (2) and **(2A)**, the levy order may provide for the calculation of the liability for the levy as a fixed amount per rating unit.

5

25 New section 33A inserted (Setting levy: assessing liability if RLA is water organisation)

After section 33, insert:

33A Setting levy: assessing liability if RLA is water organisation

(1) This section applies if the RLA is a water organisation.

10

(2) The levy order must set out how liability for the levy is to be assessed for a property or Māori land.

(3) The levy order must identify 1 or more of the methods for calculating a charge under section 86 of the Local Government (Water Services) Act 2025 that is, or are, to be used to assess liability for the levy.

15

(4) If the levy is set differentially under **section 32A(2)(b)**, the levy order does not have to require a levy to be assessed using the same methods for each category of land.

26 Section 34 amended (Additional content of levy order)

(1) Replace section 34(h) with:

20

(h) set out any parameters or conditions of a levy remission policy; and

(i) set out any parameters or conditions of a levy postponement policy; and

(j) specify the size of a parcel of land in order for it to be considered developed land for purposes of the levy order and **section 10A(2)(a)**; and

(k) specify the date after which a record of title must be issued for it to be considered developed land for purposes of the levy order and **section 10A(2)(c)**; and

25

(l) specify 1 or more factors that must be used to determine when a development (towards which IFF funding has been applied) has failed, for example,—

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(i) the developer being declared insolvent; or

(ii) the developer abandoning plans to progress the land development; and

(m) impose further conditions and requirements on any SPV relating to the matters authorised to be contained in a levy order by this Act or to further support duties imposed on the SPV by this Act.

35

(2) In section 34, insert as subsection (2):

- (2) If a levy order specifies 1 or more factors under **subsection (1)(l)**, the levy order must specify how proceeds from the sale of undeveloped land are to be applied.

27 Section 37 amended (Who must pay levy)

After section 37(3), insert:

5

- (4) This section does not apply if the RLA is a water organisation.

28 New section 37A inserted (Who must pay levy if RLA is water organisation)

After section 37, insert:

37A Who must pay levy if RLA is water organisation

10

- (1) If the RLA is a water organisation, the persons specified in sections 94 and 95 of the Local Government (Water Services) Act 2025 are liable to pay all of the levy that is due on a property or Māori land.
- (2) However, the liability of trustees of Māori land is limited in accordance with section 96 of the Local Government (Water Services) Act 2025.

15

29 Section 38 amended (When levy payment must be made)

In section 38, insert as subsections (2) and (3):

- (2) However, if the RLA is a water organisation, the levy must be paid, and instalments of the levy must be paid, on the dates determined under section 86 of the Local Government (Water Services) Act 2025 for the payment of water services charges.
- (3) This section does not apply to a levy that is payable under **section 38A**.

20

30 New sections 38A and 38B inserted

After section 38, insert:

38A One-off charge on development

25

- (1) The levy order may defer levy liability for 1 or more parcels of leviable land within the levy area until an event or events specified in the levy order have occurred.
- (2) When the event or events have occurred for, or in relation to, the parcel or parcels of leviable land, the responsible SPV must notify the RLA of—
- (a) the date by which the levy must be paid; and
- (b) the amount of the levy that must be paid.
- (3) The levy must be paid in 1 payment.
- (4) If the levy is paid, no further liability for the levy will apply to the parcel or parcels of leviable land for which the levy was paid.

30

35

38B One-off charge on portion of levy liability

- (1) The levy order may assess liability for a portion of a levy at the time of an event or events specified in the levy order.
- (2) When the event or events have occurred, the responsible SPV must notify the RLA of—
 - (a) the date by which the portion of the levy must be paid; and
 - (b) the amount of the levy that must be paid.
- (3) The portion of the levy must be paid in 1 payment.
- (4) If the portion of the levy is paid, no further liability for that portion of the levy may be assessed.

5

10

31 Section 39 amended (Levy period)

Replace section 39(1) with:

- (1) The levy period specified in a levy order must—
 - (a) be at least 1 year; and
 - (b) not exceed 50 years.

15

32 Section 40 amended (Annual levy)

In section 40(4), replace “responsible levy authority by 10 May” with “RLA by 30 June”.

33 Section 41 replaced (Rating information needed by SPV)

Replace section 41 with:

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41 Information needed by SPV

- (1) An RLA that is a territorial authority must give to a responsible SPV all rating information from the RLA’s rating information database that the responsible SPV reasonably requests in order to set annual levy.
- (2) An RLA that is a water organisation must give to a responsible SPV all relevant information from the RLA’s records that the responsible SPV reasonably requests in order to set the annual levy.

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34 Section 42 amended (Proposed annual levy resolution)

- (1) Replace section 42(2) with:
- (2) A proposed annual levy resolution must contain information that is sufficient to enable—
 - (a) an RLA that is a territorial authority to correctly assess the levy on all rating units in the levy area that are subject to the levy; or
 - (b) an RLA that is a water organisation to correctly assess the levy on all properties and Māori land in the levy area that are subject to the levy.

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- (2) In section 42(3), replace “the factor or factors to be used in the assessment” with “how the levy liability will be assessed”.
- 35 Section 49 amended (Monitor directs resolution)**
In section 49(2)(b), replace “10 May” with “30 June”.
- 36 Section 51 amended (Responsible SPV may correct annual levy resolution)** 5
- (1) Replace section 51(1)(b) with:
- (b) correcting the levy will not increase the amount of the levy assessed—
- (i) for any rating unit or separate rating area, if the RLA is a territorial authority:
- (ii) for any property or Māori land, if the RLA is a water organisation. 10
- (2) In section 51(4)(a), replace “responsible levy authority” with “RLA that is a territorial authority”.
- (3) After section 51(4), insert:
- (4A) If correcting the annual levy results in a change to the amount of levy to be assessed for any property or Māori land, the RLA that is a water organisation must correct the levy-related information in the account for the property or Māori land as soon as practicable. 15
- 37 Part 3 heading amended**
In the Part 3 heading, after “levy”, insert “when RLA is territorial authority”. 20
- 38 Section 53 amended (Outline of this Part)**
- (1) In section 53(1), after “administered”, insert “when the RLA is a territorial authority”.
- (2) In section 53(2), replace “a levy and sets out modifications to the Local Government (Rating) Act 2002 that apply throughout this Part” with “the levy”. 25
- (3) In section 53(3), replace “the responsible levy authority administers a levy” with “the RLA administers the levy”.
- 39 New section 53A inserted (Application of this Part)**
After section 53, insert:
- 53A Application of this Part** 30
This Part applies if a levy order specifies that a levy is to be administered by an RLA that is a territorial authority.
- 40 Section 59 replaced (Invalidity of levy not ground for refusal to pay levy)**
Replace section 59 with:

59 Invalidity of levy not ground for refusal to pay levy

- (1) A person must not refuse to pay a levy on the ground that the levy is invalid unless the person brings proceedings to challenge the validity of the levy.
- (2) Proceedings under **subsection (1)** may only be brought on the ground that the responsible SPV or the RLA that is a territorial authority is not empowered to set or assess the levy on the particular rating unit or separate rating area.

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41 New section 60A and cross-heading inserted

After section 60, insert:

Information sharing between water organisations and RLAs

60A Water organisation to give information to RLA

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A water organisation must give to an RLA that is a territorial authority **(B)** all necessary information that B reasonably requests to enable B to administer a levy relating to water services infrastructure within B's district.

42 Section 76 replaced (Levy remission and levy postponement policies)

Replace section 76 with:

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76 Levy remission and levy postponement policies

- (1) The responsible SPV and the RLA that is a territorial authority must take all reasonable steps to agree on the terms of a levy remission policy and a levy postponement policy for the purposes of this Act.
- (2) A levy remission policy and a levy postponement policy must be consistent with any parameters or conditions, or both, specified in the levy order.
- (3) If it is not inconsistent with any parameters or conditions specified in the levy order,—
 - (a) a levy remission policy may provide that there is to be no remission of levy:
 - (b) a levy postponement policy may provide that there is to be no postponement of the requirement to pay a levy.
- (4) A levy remission policy must not contain any provision in relation to development contributions or financial contributions previously received by the RLA (*see* sections 94 to **95A**).
- (5) The responsible SPV must give a copy of its levy remission policy and levy postponement policy to—
 - (a) the monitor; and
 - (b) the RLA.
- (6) The monitor must publish the policies.
- (7) The RLA must also publish the policies.

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43 Section 80 replaced (Recovery under Local Government (Rating) Act 2002)

Replace section 80 with:

80 Recovery under Local Government (Rating) Act 2002

- (1) The RLA that is a territorial authority may recover unpaid levy under sections 61, 62, 75A, **75B**, **75C**, 83A, 83B, and 84 of the Local Government (Rating) Act 2002. 5
- (2) Despite section 75A(2) of the Local Government (Rating) Act 2002, the RLA may not take recovery action under sections 67 to 71 of that Act for an unpaid levy on protected Māori land. 10

44 Section 82 replaced (Recovery action generally)

Replace section 82 with:

82 Responsible SPV may take recovery action in relation to unpaid levy

- (1) The responsible SPV may take recovery action under Part 3 of the Local Government (Rating) Act 2002 (the **2002 Act**) in relation to an unpaid levy if— 15
 - (a) the RLA that is a territorial authority informs the SPV under section 57(2)(a) that the RLA will not recover that unpaid levy; or
 - (b) the unpaid levy remains unpaid for 4 months after the due date for payment.
- (2) Sections 61 to 74, **75B** to 76, 84, and 96 of the 2002 Act apply to the responsible SPV, except— 20
 - (a) section 63(1) of the 2002 Act is to be read as if it authorised proceedings to be commenced under **section 82(1)(a) or (b)** of this Act; and
 - (b) the SPV may not take recovery action under sections 67 to 71 of the 2002 Act for an unpaid levy on protected Māori land. 25

82A Responsible SPV to notify recovery action taken

If the responsible SPV takes recovery action under **section 82(1)(a) or (b)**, it must notify the following within 10 working days after making the decision to commence the action:

- (a) the RLA that is a territorial authority: 30
- (b) the monitor.

45 Section 83 repealed (Legal proceedings to recover levy)

Repeal section 83.

46 Section 84 repealed (Application of proceeds of rating sale or lease that involves levy) 35

Repeal section 84.

47 New Part 3A inserted

After section 86, insert:

Part 3A	
Administration of levy when RLA is water organisation	
86A Outline of this Part	5
(1) This Part describes how a levy that is authorised under a levy order is administered when the RLA is a water organisation.	
(2) Subpart 1 provides for who is responsible for administering the levy.	
(3) Subpart 2 describes how the RLA administers the levy on behalf of the responsible SPV, including by recovering an unpaid levy.	10
(4) Subpart 3 describes how the responsible SPV recovers an unpaid levy.	
86B Application of this Part	
This Part applies if a levy order specifies that a levy is to be administered by an RLA that is a water organisation.	
Subpart 1—Who administers levy	
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86C Who administers levy under this Part	
(1) The responsible SPV is authorised to administer a levy that is authorised by a levy order.	
(2) However, the RLA that is a water organisation must administer the levy on behalf of the responsible SPV in accordance with—	20
(a) the levy order; and	
(b) subpart 2 ; and	
(c) a levy administration agreement entered into with the responsible SPV.	
86D Levy administration agreement between RLA that is water organisation and SPV	25
(1) The RLA that is a water organisation and the responsible SPV must take all reasonable steps to enter into a levy administration agreement under which the RLA will administer a levy on behalf of the responsible SPV, including by assessing and collecting the levy and recovering unpaid levy.	
(2) The agreement must be consistent with this Part.	30

86E When agreement not reached between RLA that is water organisation and SPV

(1) If the RLA that is a water organisation and the responsible SPV cannot agree on all terms of a levy administration agreement, they must refer the issue to the monitor. 5

(2) The monitor must determine all outstanding terms of the agreement within 20 working days.

(3) The terms of the agreement are—

(a) as agreed between the parties, to the extent that they are agreed; and

(b) otherwise, as determined by the monitor. 10

86F When RLA that is water organisation is not required to recover unpaid levy

(1) This section applies if—

(a) there is an amount of levy unpaid for a property or Māori land; and

(b) water services charges set under section 86 of the Local Government (Water Services) Act 2025 for that property or Māori land have been paid. 15

(2) The RLA that is a water organisation—

(a) may notify the responsible SPV that the authority will not recover the unpaid levy; and 20

(b) on notifying the responsible SPV under **paragraph (a)**, is not required to recover that unpaid levy on behalf of the SPV.

86G Invalidity of levy not ground for refusal to pay levy to RLA that is water organisation or SPV

(1) A person must not refuse to pay a levy on the ground that the levy is invalid unless the person brings proceedings to challenge the validity of the levy. 25

(2) Proceedings under **subsection (1)** may only be brought on the ground that the RLA that is a water organisation or the responsible SPV is not empowered to set or assess the levy on the particular property or Māori land.

Subpart 2—RLA that is water organisation administers levy 30

Levy proceeds paid to responsible SPV

86H Levy collected by RLA that is water organisation to be paid to SPV

(1) The RLA that is a water organisation must pay to the responsible SPV all levy revenue collected, and all unpaid levies recovered, by the RLA on behalf of the SPV under this subpart. 35

- (2) However, that obligation is subject to the terms of the levy administration agreement between the RLA and the SPV.

Sharing of information

86I Territorial authority to give rating information to RLA that is water organisation

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- (1) A territorial authority (A) must give to an RLA that is a water organisation (B) all rating information from A's rating information database that B reasonably requests to enable B to administer a levy relating to water services infrastructure within A's district.
- (2) A must notify B of any corrections that A makes in the rating information database to the information provided to B.

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86J Rating information that may not be withheld

- (1) This section applies to a territorial authority that—
- (a) has removed particulars from its rating information database under section 28C(3) of the Local Government (Rating) Act 2002; and
 - (b) has not restored the particulars under section 28C(4) of that Act.
- (2) The territorial authority—
- (a) must provide, if requested by an RLA that is a water organisation, information that the territorial authority holds but has been removed from the database; and
 - (b) may not withhold any particulars that remain removed from its rating information database under section 28C(3) of the Local Government (Rating) Act 2002.
- (3) The RLA may make the request to enable it to administer a levy relating to water services infrastructure within the territorial authority's district.

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86K Responsible SPV to give levy-related information to RLA that is water organisation

The responsible SPV must give to the RLA that is a water organisation all levy-related information that is necessary to enable the RLA to administer the levy.

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86L Correction of errors by RLA that is water organisation

The RLA that is a water organisation may correct an error in levy-related information in its records.

*Levy assessment and invoicing***86M Assessment of levy liability by RLA that is water organisation**

An RLA that is a water organisation must assess the levy to be paid by a levypayer—

- (a) in accordance with the levy order; and
- (b) on the basis of the following information:
 - (i) the annual levy resolution for the levy year;
 - (ii) levy-related information in its records.

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86N Levy assessment notified to levypayer by RLA that is water organisation

- (1) An RLA that is a water organisation must give to a levypayer in the levy area notice of the levypayer's liability for a levy on a property or Māori land—

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- (a) by including it in an assessment of charges that have been set under section 86 of the Local Government (Water Services) Act 2025; or
- (b) as a separate notice of assessment, by agreement with the responsible SPV.

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- (2) A levypayer is liable for the levy on the property or Māori land when the RLA delivers the notice of levy liability to the levypayer.

86O Information to be included in levy assessment by RLA that is water organisation

- (1) This section sets out the levy liability information that the RLA that is a water organisation must include in a levy assessment.

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- (2) The RLA must include the information in a levy assessment that it would include in an assessment of charges set under section 86 of the Local Government (Water Services) Act 2025.

86P Levy invoice delivered by RLA that is water organisation

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- (1) The RLA that is a water organisation must deliver to a levypayer a levy invoice for a period for which levy payment is due.

- (2) The RLA may deliver the levy invoice—

- (a) by including it with an invoice for other charges set under section 86 of the Local Government (Water Services) Act 2025; or
- (b) as a separate invoice, by agreement with the responsible SPV.

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- (3) A levy invoice must include the name and address of the responsible SPV.

- (4) The RLA must ensure that an invoice for other charges under the Local Government (Water Services) Act 2025 clearly distinguishes a levy from other charges.

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*Penalties***86Q Penalties imposed for unpaid levy by RLA that is water organisation**

- (1) The RLA that is a water organisation may add penalties to levies that are not paid by the due date.
- (2) The RLA must, by resolution, state— 5
 - (a) how the penalty is calculated; and
 - (b) how frequently the penalty may be imposed (for example, monthly or quarterly); and
 - (c) the date on which the penalty is to be added to the amount of the unpaid levy by reference to the due date (for example, each month after the due date or each quarter after the due date). 10
- (3) The resolution must be made not later than the date on which the RLA sets charges under section 86 of the Local Government (Water Services) Act 2025 for the financial year.
- (4) A penalty must not exceed,— 15
 - (a) in the year after the due date, 21% of the amount of the unpaid levy; and
 - (b) in the first 6 months after the due date, 10% of the amount of the unpaid levy.
- (5) For the purposes of **subsection (4)**, the **amount of the unpaid levy** includes— 20
 - (a) the amount of the levy that is unpaid; and
 - (b) the amount of any penalties that have previously been added to the levy and remain unpaid.

*Remission and postponement of levy***86R Levy remission and levy postponement policies agreed between RLA that is water organisation and SPV** 25

- (1) The responsible SPV and the RLA that is a water organisation must take all reasonable steps to agree on the terms of a levy remission policy and a levy postponement policy for the purposes of this Act.
- (2) A levy remission policy and a levy postponement policy must be consistent with any parameters or conditions, or both, specified in the levy order. 30
- (3) If it is not inconsistent with any parameters or conditions specified in the levy order,—
 - (a) a levy remission policy may provide that there is to be no remission of levy: 35
 - (b) a levy postponement policy may provide that there is to be no postponement of the requirement to pay a levy.

(4)	A levy remission policy must not contain any provision in relation to development contributions or financial contributions previously received by the RLA (see sections 94 to 95A).	
(5)	The responsible SPV must give a copy of its levy remission policy and levy postponement policy to—	5
(a)	the monitor; and	
(b)	the RLA.	
(6)	The monitor must publish the policies.	
(7)	The RLA must also publish the policies.	
86S	Remission of levy by RLA that is water organisation	10
(1)	The RLA that is a water organisation must remit all or part of the levy on a property or Māori land in accordance with the levy remission policy agreed under this subpart (unless the policy does not allow remission).	
(2)	The RLA must give notice to the levypayer identifying the remitted levy.	
(3)	The RLA must record the remitted levy—	15
(a)	in its records for the property or Māori land as paid on the due date; and	
(b)	in accounting documents as paid by the responsible SPV on behalf of the levypayer in accordance with the relevant objective in the remission policy.	
86T	RLA that is water organisation must postpone requirement to pay levy	20
(1)	The RLA that is a water organisation must postpone the requirement to pay all or part of the levy on a property or Māori land in accordance with the levy postponement policy agreed under this subpart (unless the policy does not allow postponement).	
(2)	The RLA must give notice to the levypayer—	25
(a)	identifying the postponed levy; and	
(b)	stating when, or in which circumstances, the levy will become payable.	
	<i>Recovery of unpaid levy by RLA</i>	
86U	RLA that is water organisation may recover levy	
	An RLA that is a water organisation may commence proceedings in any court of competent jurisdiction to recover as a debt due a levy that remains unpaid.	30
	Subpart 3—Responsible SPV may recover unpaid levy	
86V	SPV may commence legal proceedings to recover levy administered under this Part	
(1)	This section applies—	35

- (a) to a levy that is administered by an RLA that is a water organisation; and
 - (b) whether or not the RLA informs the responsible SPV under **section 86F** that the RLA will not recover that unpaid levy.
- (2) A responsible SPV may commence proceedings in any court of competent jurisdiction to recover as a debt due the levy that remains unpaid for 4 months after the due date for payment. 5
- (3) If the responsible SPV commences proceedings, it must notify—
 - (a) the RLA referred to in **subsection (1)**; and
 - (b) the monitor.
- 86W SPV to be given information for purpose of legal proceedings** 10

The RLA that is a water organisation must make available to the responsible SPV all information necessary to enable the SPV to recover an unpaid levy under **section 86V**.
- 48 Section 90 amended (Eligible infrastructure vested in responsible infrastructure authority)** 15
 - (1) Replace section 90(2) with:
 - (2) If the responsible infrastructure authority gave an endorsement under section 20, the agreement must include all specified conditions required by the authority under section 20(4), other than any condition that the authority modifies or waives. 20
 - (2) After section 90(3), insert:

Exclusion to vesting requirement
 - (4) A vesting agreement is not required under subsection (1)—
 - (a) if the levy order specifies that a person other than a responsible infrastructure authority will own the eligible infrastructure upon its completion; or 25
 - (b) if—
 - (i) the levy order specifies that the responsible SPV is not responsible for constructing the eligible infrastructure; and
 - (ii) the responsible SPV does not own the eligible infrastructure at any point before its completion. 30
- 49 Section 91 amended (Excess levy at end of levy period)**
 - (1) In section 91(1) and (3), replace “responsible levy authority” with “RLA”.
 - (2) In section 91(2), replace “responsible levy authority” with “RLA that is a territorial authority”. 35
 - (3) After section 91(2), insert:

(2A) If the total amount of excess levy is equal to or greater than the excess levy threshold under section 92 at the end of the levy period, the RLA that is a water organisation must—

- (a) credit the record of each affected property or Māori land with the amount that reflects the amount of excess levy; and
- (b) in apportioning the amount to be credited to each record, apply the same method that was most recently used to assess levypayers' levy liability under the levy order.

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50 Section 92 amended (Excess levy threshold)

- (1) In section 92(1), replace “\$50” with “\$63”.
- (2) In section 92(2), replace “before the start of each levy year after the commencement of this Act” with “before 1 July in each year”.

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51 Section 93 amended (Responsible SPV may assign uncollected levy to responsible levy authority)

- (1) In the heading to section 93, replace “responsible levy authority” with “RLA”.
- (2) In section 93(1), replace “responsible levy authority under which the SPV assigns to the authority” with “RLA under which the SPV assigns to the RLA”.
- (3) In section 93(2), after “entered”, insert “with the RLA that is a territorial authority”.
- (4) After section 93(2), insert:

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(2A) If an agreement is entered with the RLA that is a water organisation, the relevant provisions of the Local Government (Water Services) Act 2025 apply to the collection and recovery of the uncollected levy in the same way that they apply in relation to charges under that Act.

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52 Section 94 amended (Application and interpretation)

- (1) In section 94(1), replace “sections 95 to 98 apply if the responsible levy authority” with “sections 95 and **95A** apply if the RLA”.
- (2) Replace section 94(2) with:
- (2) In this section and sections 95 and **95A**, **previous contribution** means 1 or more of the following:

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- (a) a development contribution under subpart 5 of Part 8 of the Local Government Act 2002 in relation to any eligible infrastructure (or any infrastructure that includes eligible infrastructure);
- (b) a financial contribution that was a condition under section 108(2)(a) of the Resource Management Act 1991 on the grant of a resource consent in relation to any eligible infrastructure (or any infrastructure that includes eligible infrastructure):

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	<ul style="list-style-type: none"> (c) a development contribution under subpart 2 of Part 3 of the Local Government (Water Services) Act 2025 in relation to any eligible infrastructure that is water services infrastructure: (d) a development contribution collected by the territorial authority that has been transferred to the water organisation in relation to any eligible infrastructure that is water services infrastructure: (e) financial contributions collected under the Resource Management Act 1991 that a territorial authority has transferred to the water organisation in relation to any eligible infrastructure that is water services infrastructure. 	5 10
53	Section 95 amended (Responsible levy authority to inform responsible SPV about previous contributions)	
(1)	In the heading to section 95, replace “Responsible levy authority” with “RLA”.	
(2)	In section 95(1) and (2), replace “responsible levy authority” with “RLA”.	15
(3)	After section 95(2)(c), insert: <ul style="list-style-type: none"> (d) identify the amounts or proportions of each contribution that relate to the costs of the construction of eligible infrastructure; and (e) identify the specific type of costs of the construction of eligible infrastructure to which contributions relate. 	20
54	New section 95A inserted (Levy and previous contribution to fund different portions of costs of construction in order to be authorised as eligible costs)	
	After section 95, insert:	
95A	Levy and previous contribution to fund different portions of costs of construction in order to be authorised as eligible costs	25
(1)	Eligible costs may include the costs of the construction of eligible infrastructure that are also being funded from a previous contribution if the levy and the previous contribution fund different portions of the costs of the construction of the eligible infrastructure.	30
(2)	If an amount of a previous contribution (an amount) relates to a portion of the costs of the construction of eligible infrastructure that is to be funded by a levy, the responsible SPV must ensure that— <ul style="list-style-type: none"> (a) the RLA confirms— <ul style="list-style-type: none"> (i) the amount; and (ii) that the amount is allocated towards that portion of the costs; and (b) the IFF funding that is allocated towards the costs of the construction of the eligible infrastructure is reduced by that amount. 	35

(3)	The responsible SPV must notify the monitor that the IFF funding has been reduced.	
55	Section 96 repealed (Responsible SPV may direct responsible levy authority to transfer previous contributions and remit levies)	
	Repeal section 96.	5
56	Section 97 repealed (Responsible levy authority must refund or return previous contributions if no direction)	
	Repeal section 97.	
57	Section 98 repealed (Sections 209 and 210 of Local Government Act 2002 do not apply to those previous contributions)	10
	Repeal section 98.	
58	New subpart 2A of Part 4 inserted	
	After section 98, insert:	
	Subpart 2A—Accelerated recovery of IFF funding when development has failed	15
98A	Interpretation	
	In this subpart, unless the context otherwise requires,—	
	development means a development for which a landowner has received IFF funding from a responsible SPV towards the costs of the construction of eligible infrastructure	20
	landowner means the person that owns the land in relation to which the development has failed.	
98B	Application	
	This subpart applies—	
	(a) to land other than protected Māori land; and	25
	(b) to the extent that a levy order identifies the categories of leviable land in terms of whether the land is developed or undeveloped under section 32(2)(b) .	
98C	SPV may issue notice of repayment when development has failed	
(1)	This section applies if a levy order specifies 1 or more factors that must be used to determine when a land development has failed (<i>see section 34(1)(I)</i>).	30
(2)	If a responsible SPV is satisfied that 1 or more of the factors apply, the responsible SPV may issue a written notice to the landowner to demand repayment of—	
	(a) the IFF funding that relates to the undeveloped land in the levy area; and	35

- (b) the financing costs of any unpaid levies in relation to the undeveloped land in the levy area.
- (3) The notice must state that the responsible SPV will apply to a Registrar of the High Court to have the IFF funding and financing costs of any unpaid levies recovered through the sale of the undeveloped land, unless, not later than 20 working days after the landowner receives the notice, the landowner pays to the responsible SPV the amounts specified in the notice. 5
- (4) The notice must be served in one of the ways specified in section 69 of the Local Government (Rating) Act 2002.
- (5) The responsible SPV must provide a copy of the notice to the monitor. 10
- 98D Formula for repayment of IFF funding that relates to undeveloped land**
- A demand under **section 98C(2)(a)** for repayment of the IFF funding must be in accordance with the following formula:
- $$r = (a \times b) \div c$$
- where— 15
- r is the amount to be repaid
- a is the amount of IFF funding that the responsible SPV has provided to the landowner towards the costs of the construction of eligible infrastructure
- b is the geographic area of undeveloped land owned by the relevant landowner 20
- c is the levy area.
- 98E SPV may apply to Registrar for sale of undeveloped land**
- (1) This section applies if the landowner does not make the payment in full within 20 working days after receiving the notice under **section 98C**. 25
- (2) The responsible SPV may apply, in accordance with **subsection (3)**, to a Registrar of the High Court to have the IFF funding and the financing costs of any unpaid levies recovered through the sale of the undeveloped land.
- (3) The responsible SPV must forward to the Registrar—
- (a) a certificate, signed and dated by the chief executive officer of the responsible SPV, stating the following: 30
- (i) the amount of IFF funding that is required to be repaid to the responsible SPV:
- (ii) the amount of the financing costs of any unpaid levies in relation to the undeveloped land in the levy area: 35
- (iii) the name and contact details of the landowner:
- (iv) the address of the undeveloped land that is subject to the application and the legal description and location of the land; and

- (b) an affidavit of service to prove that the application is being made at least 20 working days after the landowner received the notice under **section 98C**; and
- (c) the application fee as fixed by regulations made under section 156 of the Senior Courts Act 2016. 5
- 98F Sale of undeveloped land**
- (1) After receiving the certificate, affidavit, and application fee required under **section 98E**, the Registrar must give notice to all persons who the Registrar believes have an interest in the undeveloped land.
- (2) The Registrar's notice must state that— 10
- (a) the Registrar has received an application for the sale of undeveloped land; and
- (b) the undeveloped land will be sold unless, within 10 working days after the date of the notice, payments are made to the High Court of— 15
- (i) the amount of the IFF funding that is required to be repaid as outlined in the responsible SPV's notice of repayment; and
- (ii) the amount of the financing costs of any unpaid levies that is required to be repaid as outlined in the responsible SPV's notice of repayment; and
- (iii) any disbursements incurred related to the sale process. 20
- (3) The Registrar's notice must be served in one of the ways set out in section 69 of the Local Government (Rating) Act 2002.
- (4) If all of the amounts set out in **subsection (2)(b)** have not been paid within 10 working days after the date of the Registrar's notice, the Registrar may proceed to sell the undeveloped land in accordance with **sections 98G to 98N**. 25
- 98G How sale must be conducted**
- (1) A sale to which **section 98F** applies must be by public auction or public tender.
- (2) Without limiting the powers of a Registrar, the Registrar may— 30
- (a) place a reserve on the undeveloped land; or
- (b) refuse any tender; or
- (c) bid for and buy the undeveloped land at the auction; or
- (d) put the undeveloped land up for sale as often as may be required until it is sold.
- (3) The purchaser of the undeveloped land is the highest bidder at the auction or the highest tenderer, as the case may be, if— 35
- (a) the bid equals or exceeds the amount required to repay the IFF funding that relates to the undeveloped land and any disbursements incurred; and

(b) the highest bidder or tenderer has complied with all conditions precedent (if any) that are set by the Registrar.	
(4) Subsection (3) is subject to any rights reserved by the Registrar under subsection (2) .	
98H Further powers and duties of Registrar	5
(1) Despite section 98G , if the Registrar has placed a reserve on the undeveloped land and the land is not sold by public auction or public tender, the Registrar may, with the consent of the responsible SPV, sell the land by private treaty for any consideration that the Registrar thinks reasonable.	
(2) The Registrar may include covenants and conditions that the Registrar considers fair and equitable.	10
98I Execution of documents for sale	
(1) In the case of a sale made under section 98G or 98H , when the purchase price has been fully paid, the Registrar must—	
(a) execute, under the seal of the High Court, a memorandum of transfer on behalf of the landowner whose interest has been sold; and	15
(b) note on the transfer that the undeveloped land has been sold under this Act.	
(2) When the transfer has been executed, the purchaser is entitled to obtain possession of the purchased undeveloped land.	20
98J Presumption of valid sale	
(1) A sale made under section 98G or 98H is valid for all purposes, even if there has been an irregularity in the conduct of the sale.	
(2) No purchaser is obliged to inquire whether the sale was properly conducted.	
98K Application of balance of proceeds	25
(1) After the proceeds of a sale of undeveloped land have been applied as specified in the levy order, the Registrar must pay the balance (if any) to Public Trust.	
(2) Public Trust, on the order of the High Court (which may be made by motion in Chambers), must pay the balance to those persons who are entitled to it, together with interest.	30
98L Certain sections do not apply to transaction under this subpart	
Sections 80 and 82 do not apply to the recovery of financing costs of unpaid levies that have been recovered under this subpart.	
98M No further levies may be charged	
If a responsible SPV has recovered the IFF funding from the landowner under this subpart, no further levies may be charged under the levy order referred to	35

in **section 98C(1)** in relation to the undeveloped land to which the recovery relates.

98N Reduction of maximum levy revenue when funding recovered for undeveloped land

- (1) If the responsible SPV has recovered the IFF funding for the undeveloped land under this subpart, the responsible SPV must—
 - (a) exclude the area of undeveloped land from the levy area; and
 - (b) reduce the maximum levy revenue by the amount of IFF funding recovered for the undeveloped land.
- (2) The maximum levy revenue must be reduced under **subsection (1)(b)** by reducing either or both of the following:
 - (a) the levy period;
 - (b) the amount of the levy set in later levy years.
- (3) The responsible SPV must notify the monitor of the changes to the levy area and maximum levy revenue.
- (4) The monitor must publish a notice of the changes to the levy area and the maximum levy revenue no later than 5 working days after being notified of the changes by the responsible SPV.

59 Section 99 amended (Power to construct eligible infrastructure on private land)

After section 99(2), insert:

- (3) If a responsible SPV exercises the powers of a local authority or territorial authority under section 181 of the Local Government Act 2002 in relation to protected Māori land in the levy area,—
 - (a) it must in all cases obtain the prior written consent of the owner of that land to the construction of the work; and
 - (b) section 181(3)(b) of that Act does not apply.

60 Section 120 amended (Monitor must publish information)

Replace section 120(1) with:

- (1) The monitor must publish general information about the levy scheme established by this Act to enhance public understanding of—
 - (a) how a levy order applies to a levy area; and
 - (b) how levy liability applies—
 - (i) to rating units; or
 - (ii) if the RLA is a water organisation, to a property or Māori land.

61 Section 121 amended (Information and assistance)

(1) Replace section 121(1) with:

(1) The monitor may direct a responsible SPV or an RLA to give the monitor any information or other assistance that the monitor considers to be reasonably necessary for the performance of the monitor's functions and duties and the exercise of the monitor's powers under this Act.

5

(1A) In relation to an RLA that is a territorial authority, information under **subsection (1)** includes all information requested by the monitor from the RLA's rating information database and rates records.

(2) In section 121(2), replace "authority" with "RLA".

10

62 Section 157 amended (Responsible levy authority may delegate)

(1) In the heading to section 157, replace "**Responsible levy authority**" with "**RLA**".

(2) In section 157, replace "A responsible levy authority" with "An RLA".

(3) In section 157, insert as subsection (2):

15

(2) This section applies to an RLA that is a territorial authority.

63 Schedule 1 amended

In Schedule 1,—

(a) insert the Part set out in **Schedule 1** of this Act as the last Part; and

(b) make all necessary consequential amendments.

20

64 Minor and consequential amendments to principal Act

Amend the principal Act as set out in **Schedule 2**.

65 Consequential amendments to Local Government (Water Services) Act 2025

Amend the Local Government (Water Services) Act 2025 as set out in **Schedule 3**.

25

Part 2**Amendments to other legislation****Subpart 1—Amendments to Local Government (Rating) Act 2002****66 Principal Act**

30

This subpart amends the Local Government (Rating) Act 2002.

67 Section 75 amended (Application of proceeds of rating sale or lease)

In section 75, insert as subsection (2):

- (2) However, this section is subject to **sections 75B and 75C** if there is any unpaid levy owing under the Infrastructure Funding and Financing Act 2020.

68 Section 75A amended (Unpaid levy under Infrastructure Funding and Financing Act 2020)

- (1) In section 75A(3), replace “Section 75B applies” with “**Sections 75B and 75C** apply”. 5
- (2) In section 75A(4), replace “section 75B” with “**sections 75B and 75C**”.

69 Section 75B replaced (Application of proceeds of rating sale or lease that involves levy)

Replace section 75B with: 10

75B Application of proceeds of rating sale or lease that involves levy

- (1) This section applies if both rates and a levy are owed, regardless of whether the proceedings relate to both rates and a levy.
- (2) The proceeds of a sale or lease under section 70 or 71 must be applied in the following order: 15
- (a) the Registrar’s fee (unless the fee has already been paid):
 - (b) the judgment, and any interest, costs, and disbursements, and any other unsatisfied judgment for rates or levy for the same rating unit, with any interest, costs, and disbursements:
 - (c) any other rates or levy due at the date of the sale or lease of the same rating unit, whether or not those rates are, or that levy is, still recoverable under section 65: 20
 - (d) any encumbrance on the rating unit:
 - (e) any other unsatisfied judgment for rates or levy on other rating units in the district (if the person against whom the judgment is entered is the ratepayer or levypayer of other rating units), with any interest, costs, and disbursements: 25
 - (f) any other rates or levy due at the date of the sale or lease for other rating units owned by that person, whether or not the other rates are, or the other levy is, outside the period of limitation specified in section 65. 30
- (3) **Subsection (2)(c)** includes, in the case of a lease, the rates (if any) that are or become due, or the levy (if any) that is or becomes due, on the unit from the person on whose behalf the unit was leased while the Registrar received rents from it.

75C	Application of proceeds of rating sale or lease when there are insufficient proceeds	
	<i>Section 75B(2)(b) or (e)</i>	
(1)	Subsection (2) applies if the proceeds of the sale or lease are insufficient to apply to the judgments referred to in section 75B(2)(b) or (e) .	5
(2)	The proceeds must be applied in proportion to each judgment (plus interest, costs, and disbursements) referred to in the applicable paragraph.	
	<i>Section 75B(2)(c) or (f)</i>	
(3)	Subsection (4) applies if the proceeds of the sale or lease are insufficient to apply to the rates or levy referred to in section 75B(2)(c) or (f) .	10
(4)	The proceeds must be applied in proportion to the outstanding amounts of rates or levies referred to in the applicable paragraph.	
70	Section 83B amended (Application of proceeds of sale or lease)	
	In section 83B(1), replace “Sections 75B and 76” with “Sections 75B to 76”.	
71	Schedule 1AA amended	15
	In Schedule 1AA,—	
(a)	insert the Part set out in Schedule 4 of this Act as the last Part; and	
(b)	make all necessary consequential amendments.	
	Subpart 2—Amendments to High Court Fees Regulations 2013	
72	Principal regulations	20
	This subpart amends the High Court Fees Regulations 2013.	
73	Schedule amended	
	Amend the Schedule as set out in Schedule 5 of this Act.	

Schedule 1

New Part 2 inserted into Schedule 1 of Infrastructure Funding and Financing Act 2020

s 63

	Part 2	5
	Provisions relating to Infrastructure Funding and Financing Amendment Act 2025	
2	Interpretation	
	In this Part,—	
	amendment Act means the Infrastructure Funding and Financing Amendment Act 2025	10
	commencement means the commencement of the amendment Act.	
3	Application of amendment Act to existing levy orders	
(1)	This clause applies to the following levy orders:	
(a)	Infrastructure Funding and Financing (Wellington Sludge Minimisation Facility Levy) Order 2023:	15
(b)	Infrastructure Funding and Financing (Western Bay of Plenty Transport System Plan Levy) Order 2022.	
(2)	This Act, as amended by the amendment Act, applies to the levy orders on and after commencement.	20
(3)	For the purposes of the levy orders, the RLA is a territorial authority.	
4	Amendment Act does not apply to existing levy proposals	
(1)	In this clause, an existing levy proposal means a levy proposal submitted before commencement that—	
(a)	has not been assessed before commencement by the recommender; or	25
(b)	has been assessed by the recommender but no decision has been taken by the Minister before commencement on whether to recommend a levy order under section 27 to the Governor-General in Council; or	
(c)	has been recommended by the Minister to the Governor-General in Council and no decision has been taken before commencement whether to make a levy order under section 29.	30
(2)	The amendment Act does not apply to the existing levy proposal.	
5	Legal proceedings initiated by RLA	
	Section 43 of the amendment Act applies only to legal proceedings that are brought on or after commencement.	35

6 Legal proceedings initiated by SPV

Sections 44 to 46 of the amendment Act apply only to legal proceedings that are brought on or after commencement.

Schedule 2

Minor and consequential amendments to Infrastructure Funding and Financing Act 2020

s 64

Section 4	5
In section 4(3), after “administered”, insert “when the RLA is a territorial authority”.	
After section 4(3), insert:	
(3A) Part 3A describes how and by whom a levy is administered when the RLA is a water organisation.	
Section 9	10
In section 9(5)(a) and (b), replace “a responsible levy authority” with “an RLA”.	
Section 22	
In section 22(a), replace “responsible levy authority” with “RLA”.	
In section 22(b), replace “authority” with “responsible infrastructure authority or the RLA”.	
	15
Section 23	
In section 23, replace “responsible levy authority” with “RLA”.	
Section 45	
In section 45(2), replace “responsible levy authority” with “RLA”.	
Section 52	20
In section 52(1), replace “section 34(b)” with “ section 34(1)(b) ”.	
Section 54	
In the heading to section 54, after “levy”, insert “ under this Part ”.	
In section 54(2), replace “responsible levy authority” with “RLA that is a territorial authority”.	
	25
Section 55	
In section 55(1),—	
(a)	30
replace “The responsible levy authority and the responsible SPV” with “The RLA that is a territorial authority and the responsible SPV”; and	
(b)	
replace “the responsible levy authority will” with “the RLA will”.	

Section 56

In section 56(1), replace “responsible levy authority” with “RLA that is a territorial authority”.

Section 57

In section 57(2), replace “The responsible levy authority” with “The RLA that is a territorial authority”. 5

In section 57(2)(a), replace “the authority” with “the RLA”.

Subpart 2 heading in Part 3

In Part 3, in the subpart 2 heading, replace “Responsible levy authority” with “RLA that is territorial authority”. 10

Section 60

In section 60(1), replace “responsible levy authority” with “RLA that is a territorial authority”.

In section 60(1) and (2), replace “the authority” with “the RLA” in each place.

Section 61 15

In section 61(1), replace “responsible levy authority” with “RLA that is a territorial authority”.

Section 62

In section 62(4)(b), replace “responsible levy authority” with “RLA that is a territorial authority”. 20

In section 62(4)(c) and (6), replace “responsible levy authority” with “RLA”.

Section 63

In the heading to section 63, replace “**responsible levy authority**” with “**RLA**”.

In section 63, replace “responsible levy authority” with “RLA that is a territorial authority”. 25

In section 63(a), replace “the authority” with “the RLA”.

In section 63(b), replace “authority’s” with “RLA’s”.

Section 65

In section 65(1), replace “responsible levy authority” with “RLA that is a territorial authority”. 30

In section 65(4), (5)(a), and (6), replace “the responsible levy authority” with “the RLA” in each place.

Section 66

In section 66, replace “responsible levy authority” with “RLA that is a territorial authority”.

Section 67

In section 67(1), replace “responsible levy authority” with “RLA that is a territorial authority”.

Section 68

In section 68(1), replace “A responsible levy authority” with “An RLA that is a territorial authority”.

In section 68(1)(b)(ii), replace “the authority’s” with “the RLA’s”. 10

Section 69

In the heading to section 69, replace “**responsible levy authority**” with “**RLA**”.

In section 69, replace “responsible levy authority” with “RLA that is a territorial authority”.

Section 70 15

In section 70(1), replace “A responsible levy authority” with “An RLA that is a territorial authority”.

In section 70(2), replace “responsible levy authority” with “RLA”.

Section 71

In section 71(1), replace “responsible levy authority” with “RLA that is a territorial authority”. 20

Section 72

In section 72(1), replace “responsible levy authority” with “RLA that is a territorial authority”.

In section 72(2) and (4), replace “The authority” with “The RLA”. 25

Section 74

In section 74(2), replace “responsible levy authority” with “RLA that is a territorial authority”.

Section 75

In section 75(1), replace “responsible levy authority” with “RLA that is a territorial authority”. 30

In section 75(2), replace “the authority” with “the RLA”.

Section 77

In section 77(1), replace “responsible levy authority” with “RLA that is a territorial authority”.

In section 77(1B), replace “responsible levy authority” with “RLA”.

Section 78

5

In section 78(1), replace “responsible levy authority” with “RLA that is a territorial authority”.

In section 78(1), after “section 76”, insert “(unless the policy does not allow remission)”.

In section 78(2) and (3), replace “The authority” with “The RLA”. 10

Section 79

Section 79(1), replace “responsible levy authority” with “RLA that is a territorial authority”.

In section 79(1), after “section 76”, insert “(unless the policy does not allow postponement)”. 15

In section 79(2), replace “The authority” with “The RLA”.

Section 79A

In section 79A(1)(b), replace “responsible levy authority” with “RLA that is a territorial authority”.

In section 79A(2), replace “responsible levy authority” with “RLA”. 20

Section 81

In section 81, replace “responsible levy authority” with “RLA that is a territorial authority”.

Section 86

In the heading to section 86, replace “**Responsible levy authority**” with “**RLA**”. 25

In section 86, replace “responsible levy authority” with “RLA that is a territorial authority”.

Section 87

After section 87(3), insert:

(3A) **Subpart 2A** provides for accelerated recovery of IFF funding, and the financing costs of unpaid levies, when a land development has failed. 30

Section 99

In section 99(1), replace “section 34(g)(i)” with “**section 34(1)(g)(i)**”.

Section 100

In section 100(1), replace “section 34(g)(ii)” with “**section 34(1)(g)(ii)**”.

Section 114

In the heading to section 114, replace “**responsible levy authority**” with “**RLA**”.

In section 114(1) and (2), replace “A responsible levy authority” with “An RLA”. 5

In section 114(3)(b), replace “the authority’s” with “the RLA’s”.

Section 122

In section 122(3), definition of **restricted change of control**, replace “section 34(e)” with “**section 34(1)(e)**”.

Section 142

10

In section 142(1), replace “section 34(g)(iii)” with “**section 34(1)(g)(iii)**”.

Schedule 3

Consequential amendments to Local Government (Water Services) Act 2025

s 65

Local Government (Water Services) Act 2025 5

In section 4, insert in their appropriate alphabetical order:

eligible infrastructure has the same meaning as in section 8 of the Infrastructure Funding and Financing Act 2020

responsible infrastructure authority has the same meaning as in section 7 of the Infrastructure Funding and Financing Act 2020 10

responsible levy authority that is a water organisation or RLA that is a water organisation has the same meaning as in section 7 of the Infrastructure Funding and Financing Act 2020

In section 4, replace the definition of **water services activity** with:

water services activity— 15

(a) means a service or goods provided by, or on behalf of, a water service provider as part of providing water services in the provider's service area; and

(b) in subpart 2 of Part 3 (development contributions), also includes the construction of eligible infrastructure that has been, or is intended to be, transferred under section 90 of the Infrastructure Funding and Financing Act 2020 by a responsible SPV to a responsible infrastructure authority that is a water organisation 20

In section 109, insert in its appropriate alphabetical order:

capital expenditure includes any funding provided by an RLA that is a water organisation to contribute to the construction costs of eligible infrastructure that has been, or is intended to be, transferred under section 90 of the Infrastructure Funding and Financing Act 2020 to the water organisation (as a responsible infrastructure authority) 25

Replace section 112(3) with: 30

(3) Despite anything to the contrary, in subsection (2), **assets** includes—

(a) water services infrastructure and related assets transferred to the water organisation by a territorial authority; and

(b) eligible infrastructure that has been, or is intended to be, transferred under section 90 of the Infrastructure Funding and Financing Act 2020 by a responsible SPV to a responsible infrastructure authority that is a water organisation. 35

Local Government (Water Services) Act 2025—*continued*

After section 123(1)(d), insert:

- (e) if the asset is eligible infrastructure that has been, or is intended to be, transferred under section 90 of the Infrastructure Funding and Financing Act 2020 by a responsible SPV to a responsible infrastructure authority that is a water organisation, that proportion of the capital cost to be funded by a levy under that Act and from other sources.

5

Schedule 4
New Part 3 inserted into Schedule 1AA of Local Government
(Rating) Act 2022

s 71

	Part 3	5
	Provisions relating to Infrastructure Funding and Financing Amendment Act 2025	
7	Interpretation In this Part,— amendment Act means the Infrastructure Funding and Financing Amendment Act 2025 commencement date means the date that the amendment Act commences.	10
8	Legal proceedings to recover rates and levies Sections 67 to 69 of the amendment Act apply only to a legal proceeding that is brought on or after the commencement date.	15
9	Application for sale or lease of abandoned land Section 70 of the amendment Act applies only to an application that is brought on or after the commencement date for the sale or lease of abandoned land.	

Schedule 5
Schedule of High Court Fees Regulations 2013 amended

s 73

Note

In the Schedule, note, after the item relating to matters under Local Government (Rating) Act 2002, insert: 5

Applications under Infrastructure Funding and Financing Act 2020	Item 66A
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New item 66A

In the Schedule, after item 66, insert:

Applications under Infrastructure Funding and Financing Act 2020	66A	Application to Registrar under section 98E of the Infrastructure Funding and Financing Act 2020 to recover IFF funding, and the financing costs of unpaid levies, through the sale of undeveloped land	\$1,078
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