



4 September 2025

s 9(2)(a)

Official information request

Our ref: R001191

Tēnā koe s 9(2)(a)

Thank you for your Official Information Act 1982 (OIA) request received on 7 August 2025.
You requested:

Can I please request a copy of the following under the OIA, since 1 June 2025:

- 1. All advice regarding playground equipment standards*
- 2. All correspondence regarding the commissioning of any advice related to playground equipment standards, to and from Minister Seymour or any member of his office*
- 3. All advice regarding scaffolding regulations*
- 4. All correspondence regarding the commissioning of any advice related to scaffolding regulations, to and from Minister Seymour or any member of his office*

Request partially granted

Information in scope of your request is enclosed. Some information is withheld under the following sections of the OIA:

- 9(2)(a) – to protect the privacy of natural persons
- 9(2)(f)(iv) – to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials

As required by section 9(1) of the OIA, I have considered whether the grounds for withholding the information is outweighed by the public interest. In this instance, I do not consider that to be the case.


Right of review

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we may publish this response (with your details removed) on the Ministry for Regulation website.

Ngā mihi

s 9(2)(a)

A large grey rectangular box redacting the signature of Aisling Risdon.

Aisling Risdon

Head of Ministerial Services
Ministry for Regulation

Regulatory Response Issue

MFR2025-181



Ministry for Regulation
Te Manatū Waeture

To	Sam Purchas, Senior Ministerial Advisor (Minister Seymour's office)		
Title	Playground Equipment Standards		
Issue	RRT2025-0714 (Playground Equipment Standards)	Tracking	MFR2025181
Date	21 July 2025	Priority	Medium
Contact Person	Hannah McGlue, Manager Regulatory Reviews		
Contact Person	Liam Taylor, Principal Advisor, Regulatory Reviews		
Attachments	No	Security Level	IN CONFIDENCE

Purpose

1. The purpose of this paper is to provide you with advice on the regulation of playgrounds in New Zealand. You asked whether regulation of playgrounds was creating costs that affect the availability of playgrounds, including via the New Zealand Standard 5828:2015 (the Standard).¹ s 9(2)(f)(iv)
[REDACTED]
2. We understand that the reason for this request was because a member of the public wrote to the Minister about significant delays in the re-opening of their local playground, ostensibly due to the playground safety standard limiting replacement parts.
3. We have engaged with a Wellington-based project management firm who have experience in playground construction and with Rotorua Lakes Council. They have provided their views on how the standard impacts playground availability.

Recommended Action

We recommend that you:

- a **Note** that you requested advice about whether regulation of playgrounds was resulting in costs that affect the availability of playgrounds

Noted

¹ The Standard is the New Zealand national standard for playground equipment and surfacing. It provides guidance on safety requirements, design, installation, inspection and maintenance of playground equipment.

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- b **Note** that we have completed initial analysis of this issue, and do not believe that regulation is limiting the availability of playgrounds *Noted*
- c **Note** that it appears that playground equipment supply chain issues are caused by limited and expensive domestic manufacturers, meaning playground operators prefer importing materials for commercial reasons *Noted*
- d **Note** that we have attached a draft response for you to send to s 9(2)(a) who wrote to you about the closure of a slide in a playground in Rotorua *Noted*

EITHER

- e **agree** that the Ministry for Regulation (the Ministry) does no further work on the issue *Agree/disagree*

OR

- f **agree** the Ministry does further work on available options *Agree/disagree*



Background

4. We have been asked to consider whether the regulation of playgrounds (including through compliance with the Standard) was creating costs that affect the availability of playgrounds.
5. Play is an essential part of children's development, with playgrounds being widely recognised as a vital path for them to develop social, cognitive and emotional skills². Public playgrounds are one way that children can engage in play, particularly in urban areas.
6. Public playgrounds are primarily run by local authorities and schools, and early childhood education centres often have playgrounds (which may or may not be available to the public). As some councils have not explicitly mandated compliance with the Standard through their policies or District Plan requirements, this leaves some ambiguity around whether all playgrounds are subject to the requirements of the Standard.

Regulation of playground safety

7. Playground safety is regulated under several different regulatory regimes, depending on various factors. These include the Health Safety at Work Act 2015 (HSWA), Building Act 2004, early childhood education licensing criteria and individual District Plans, policies or risk management frameworks.
8. New Zealand has a specific voluntary safety standard for playground construction, NZS5828:2015³. The Standard covers:
 - a. safety and surfacing requirements e.g. impact ratings;
 - b. equipment dimensions and placement;
 - c. critical fall height e.g. procedure for calculating this between differing heights and materials;
 - d. test methods;
 - e. inspections and product placement guidance; and
 - f. agency and laboratory certification requirements – ensuring laboratories are accredited according to AS/NZS ISO 9000.
9. Some councils require that playgrounds comply with the Standard through inclusion in planning policies, district plans and risk management frameworks⁴. Schools are similar in that some boards will require compliance. Early childhood education centres are

² Sandseter, E. B. H., & Kennair, L. E. O. (2011). *Children's risky play from an evolutionary perspective: The anti-phobic effects of thrilling experiences*. *Evolutionary Psychology*, 9(2), 257–284.

³ NZS 5828:2015 <https://www.standards.govt.nz/shop/NZS-58282015>

⁴ https://infocouncil.aucklandcouncil.govt.nz/Open/2020/10/KT_20201021_AGN_9934_AT.htm?utm_source=chatgpt.com (An example of one council including the Standard in their plans)



mandated to comply with the Standard through Ministry of Education licensing criteria,⁵ set in the (Early Childhood Services) Regulations 2008.

10. It appears that Councils' voluntary compliance with the standard varies significantly. Based on the data available in a 2022 report detailing audit results, 16 - 97% of playground equipment is compliant with the standard, with two out three councils having 70% and over⁶. A real-time ranking of compliance is hard to gauge as this auditing is performed roughly decennially.
11. The Standard aims to balance safety with play value, inclusivity, and developmental benefits. It was developed in 2015 in consultation with stakeholders including Te Rito Maioha Early Childhood New Zealand, Safekids Aotearoa, the Ministry of Education, Local Government New Zealand (LGNZ), and playground equipment manufacturers⁷.
12. There are three predominant standards in use internationally – United States of America, European Union and China. Each reflects different approaches.
13. The three standards are:
 - a. European: focusses on risk-benefit balance, safety zones and shock absorption. It is flexible in its requirements compared to the other two international standards.
 - b. American: highly prescriptive, detailed sizing requirements and strict safety requirements.
 - c. Chinese: also highly prescriptive, risk averse and similar to the USA standard.
14. The New Zealand standard is entirely based on the European standard with four appendices specific to New Zealand's local conditions⁸. The New Zealand standard is less restrictive than the American or Chinese standards as it allows for greater leeway in interpretation and creativity in playground design⁹.

The potential problem

15. You asked whether the playground safety standard NZS5828:2015, and regulation of playgrounds in general, was imposing unnecessary costs leading to a limitation in availability of playgrounds in New Zealand. You asked for this analysis to also consider maintaining appropriate safety precautions.

⁵<https://www.education.govt.nz/education-professionals/early-learning/running-ece-centre/starting-a-centre-based-ece-service/playgrounds>

⁶https://www.ashburtondc.govt.nz/__data/assets/pdf_file/0025/55609/Audit-of-Playground-attachment.pdf

⁷ NZS5828:2015 Playground Equipment and Surfacing (committee representation)

⁸ The New Zealand standard has four minor appendixes that cover requirements for: ECE facilities, transitional requirements, upper body equipment and laboratory testing and certification. These amend EU regulations to align them with New Zealand regulations and do not materially impact the burdens.

⁹ Early Childhood Council Media Release - <https://www.scoop.co.nz/stories/ED0207/S00074.htm>



16. We have examined the question of whether the Standard is limiting the availability of playground equipment and causing playgrounds to close for unnecessarily long periods of time or limiting the design choices that support children's development.

Initial Analysis

Overall

17. Our research indicates that the Standard is not creating any material barriers to playground availability in New Zealand and appears to be regarded as best practice by both domestic stakeholders and international partners¹⁰. As part of our work, we have reviewed the Standard's intent, practical impact and public responses to its impact. Due to its technical nature, we would need to enlist a subject matter expert for any additional or more in-depth analysis (which we do not believe is required).
18. From our research and limited engagement, we consider the Standard is effectively balancing safety, risk and accessibility.
19. The main potential issue we have found is a lack of an affordable domestic playground industry coupled with a preference among those responsible for playgrounds to use the Standard. While the Standard is voluntary, Local Authorities and schools broadly elect to adhere to it (although compliance is not uniform across the country) as part of best practice considerations and as a way of ensuring they are meeting health and safety obligations. While domestic supply of equipment compliant with the Standard is available, international supply is likely to be the lower cost or wider design choice option.
20. We believe that the specific issue the submitter has raised relates to a commercial decision by Rotorua Lakes Council in their procurement practices and does not stem from any regulatory barriers. We contacted the Rotorua Lakes Council and spoke to their Recreation and Open Spaces Manager whose experiences with playground regulation have been incorporated into this briefing.¹¹
21. We considered whether work to change the Standard would solve the supply issue identified. However, we consider it is unlikely to impact supply as international manufacturers would continue to be guided by major global standards which the New Zealand Standard is in line with.
22. The sections below provide additional information on the specific areas you requested information about.

Availability

23. New Zealand has approximately 3,500 playgrounds which averages around 267 children per playground¹². The figures for comparable jurisdictions have England at approximately

¹⁰<https://www.playsafe.co.nz/post/why-playground-safety-should-comply-with-nzs5828-standards-and-are-they-mandatory#:~:text=The-NZS5828-standard-serves-as-a-checklist-for,standard-also-benefits-playground-operators-by-ensuring-consistency>.

¹¹ Note, we have not yet received a response about the specific slide in question.

¹² <https://figure.nz/chart/vm0qVHNtsrA3zFnr>



300 children per playground¹³, and Australia at approximately 500 children per playground¹⁴.

24. This shows that, nationally, New Zealand is exceeding the ratios of playgrounds for comparable countries. There is a demonstrable bias towards urban areas where population concentration necessitates a larger service provision¹⁵. We consider that based on this information, playgrounds are suitably available.
25. We note that Sport New Zealand has an active work programme for play¹⁶, and that a number of Local Authorities have dedicated work to improve children's playgrounds and other outdoor play opportunities (i.e., wider parks, nature reserves). Rotorua Lakes District Council, the Council that the submitter referenced, is currently consulting with the public on its website about its playgrounds and what people would like to see changed.

Supply and supply chains

26. We spoke to a Wellington-based project management firm with experience in playground construction and procurement and completed desktop analysis to confirm there is supply of compliant playground equipment within New Zealand from a small number of manufacturers and providers. However, domestic manufacturing is more expensive than overseas manufacturing. Most of the manufacturing is based in China, with other boutique manufacturers based in Europe¹⁷.
27. Rotorua Lakes Council had a slightly different view in that they said they would like to purchase equipment from local suppliers, however sometimes found availability was low when they enquired.
28. The limited market size notwithstanding, councils and schools retain a diversity of commercial options for imported goods, and many will choose cheaper options that are invariably made and/or supplied from overseas. If it were significantly cheaper to manufacture and buy non-compliant equipment, we would expect to see some market for it. This is not something we have observed.
29. We found evidence that suggests most supply disruptions that occur are related to both New Zealand's small market size and its geographic isolation, with suppliers and manufacturers likely prioritising clients of scale¹⁸. Equally, New Zealand's isolation presents a supply chain risk – such as the dramatic increase in shipping costs during

¹³<https://www.playengland.org.uk/newsblog/to-play-or-not-to-play-mapping-unequal-provision-of-childrens-playgrounds>

¹⁴https://hdp-au-prod-app-onka-yoursay-files.s3.ap-southeast-2.amazonaws.com/9117/3139/2265/Draft_OSSMP_Fact_Sheet_Playgrounds_-_updated.pdf

¹⁵ <https://experience.arcgis.com/experience/88308e4d1802425dba7c82008cd28669>

¹⁶ <https://sportnz.org.nz/get-active/ways-to-get-active/play/the-neighbourhood-play-system/>

¹⁷ Worldbank Trade Data,
<https://wits.worldbank.org/trade/comtrade/en/country/NZL/year/2023/tradeflow/Imports/partner/ALL/product/950699>

¹⁸<https://www.treasury.govt.nz/sites/default/files/2024-05/pc-inq-ier-supply-chains-to-the-last-bus-stop-on-the-planet.pdf>



growing instability in the Middle East¹⁹. As most commercial manufacturers are based in Europe or China this is a significant risk to availability.

30. Based on this information, we do not consider that the Standard is the core issue for playground availability, but a mixture of New Zealand's limited manufacturing capacity, distance from suppliers and broad budgetary factors for playground operators. Delays, such as those experienced by Rotorua Lakes Council, are commercial in nature and stem from procurement choices rather than regulatory constraints.

Design limitations

31. During our investigation we noted the body of work on children not having sufficient opportunities for both general outdoor play and challenging attractions in playgrounds – some of this is New Zealand-based, although most are from international sources. The Standard provides guidance for safety and good practice but does not mandate specific design elements that would hinder availability.
32. The Wellington-based project management firm we spoke with advised that due to cost considerations, many councils and schools will elect to buy lower-cost, off-the-shelf playgrounds as opposed to engaging a designer and building custom-designed ones (therefore spending their budget on equipment and not design). We did not find any evidence that points to the Standard having any notable impact on design considerations.

Recommendation and next steps

33. Based on this analysis, the Ministry does not consider that there is a clear problem with the regulation of playgrounds and therefore recommends that no further work is undertaken.
34. If you accept the Ministry's recommendation to not pursue further work, a draft response to the member of the public who wrote to the Minister is attached as **Appendix A** for the Minister's consideration.

¹⁹<https://www.mfat.govt.nz/en/trade/mfat-market-reports/global-shipping-costs-are-rising-once-again-july-2024>



Appendix A: Draft Response to s 9(2)(a)

Dear s 9(2)(a)

Thank you for your letter and for outlining the concerns you have around New Zealand playground safety standards and how they could be affecting playground availability. I appreciate you bringing this to my attention.

I passed this issue on to my officials at the Ministry for Regulation to consider. They have looked into the issue and provided some advice on whether the regulations are impacting playground availability. That advice has considered international comparisons and New Zealand's unique location in terms of supply-chain challenges. After careful consideration, my officials have advised that this issue is not a regulatory in nature and, in the specific case you outline, is more likely due to the specific commercial decisions taken by Rotorua Lakes Council rather than by requirements imposed by the playground standard.

The standards are voluntary, and councils ultimately retain discretion on whether or not to use them. There are domestic manufacturers of playground equipment that meet the standards and the decision by the Council to use imported equipment is likely a commercial one.

The matters raised in your correspondence, particularly around the long wait time for the Council to procure a replacement slide, are more appropriately addressed by the Council itself, as the decision-making body on what playground equipment to buy and from where.

I understand that you have already spoken to the Council, and I encourage you to continue engaging with them on this matter. While I am unable to intervene directly, I thank you for bringing this issue to my attention.

Kind regards,

From: Colm Williams <Colm.Williams@parliament.govt.nz>
Sent: Friday, 18 July 2025 6:07 pm
To: Hello
Cc: Hello; Jan Aporo
Subject: Re: RRT Issues Paper attached: MFR2025-181 Playground Equipment Standards

Follow Up Flag: Follow up
Flag Status: Completed

Hi Nikki,

The office agrees with the Ministry's recommendation that no further work is required.

Sam is happy for a draft letter to go to the Minister too.

Colm

From: Hello <Hello@regulation.govt.nz>
Sent: Friday, July 18, 2025 3:55 PM
To: Colm Williams <Colm.Williams@parliament.govt.nz>
Cc: Hello <Hello@regulation.govt.nz>; Jan Aporo <jan.aporo@regulation.govt.nz>
Subject: RRT Issues Paper attached: MFR2025-181 Playground Equipment Standards

Kia ora Colm

Please find attached the following:

- MFR2025-181 Playground Equipment Standards (RRT2025-0714)

Note this is **not** intended for the Minister.

Thanks
Nikki

Nikki Bidlake (she/her)

Ngāti Kahungunu

Senior Advisor, Ministerial Services

Ministry for Regulation

waea pūkoro: s 9(2)(a) **īmēra:** nikki.bidlake@regulation.govt.nz



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