

Public Works Amendment Bill

Government Bill

As reported from the Transport and Infrastructure Committee

Commentary

Recommendation

The Transport and Infrastructure Committee has examined the Public Works Amendment Bill and recommends by majority that it be passed. We recommend all amendments by majority.

About the bill as introduced

The bill would amend the Public Works Act 1981 (PWA). The changes are intended to modernise the PWA, by creating an improved and fairer land acquisition and compensation system. They are aimed at making it easier for the Crown and local authorities to undertake public infrastructure projects.

The bill would clarify processes for land acquisition, including by:

- streamlining information and negotiation requirements when landowners are invited to sell property
- enabling agencies to co-ordinate land acquisition for interconnected and joint projects
- changing delegation provisions to align with the Public Service Act 2020
- enabling Transpower to initiate and undertake some PWA processes directly
- requiring additional approval from the relevant Māori portfolio Minister for proposals to acquire protected Māori land.

The bill would make changes to objection proceedings. These include specifying that the Environment Court could not consider alternatives if there is a Resource Management Act designation for the public work, and clarifying that compensation disputes are the responsibility of the Land Valuation Tribunal. It would also require objectors to state the grounds for their objections.

The bill would make changes to compensation settings. These include introducing incentive payments for when agreement to sell is reached before steps are taken to acquire land compulsorily, and updating and broadening existing additional compensation payments. It would also update compensation payments.

The bill would establish an emergency land acquisition process. This could be activated by Order in Council following an emergency, rather than requiring specific legislation.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments. We have organised our comments by topic, rather than by following the order of the clauses as they appear in the bill. The recommendations we discuss in this commentary cover the following topics:

- Land acquisitions
- Compensation
- Relocation of infrastructure
- Transpower provisions
- Emergency recovery.

Land acquisitions

Recognising a wider range of instruments under the Land Transfer Act

The Land Transfer Act 2017 (LTA) recognises a range of instruments for giving effect to the transfer of land interests, which can include interests in land that are less than full ownership. However, the PWA only expressly refers to one type of instrument under the LTA for giving effect to the transfer of an interest.

We recognise that certain forms of infrastructure, including electrical lines, do not always require full land ownership, but can function with lesser land interests, such as easements.

We recommend amending section 17(2) of the PWA (via clause 10) and proposed section 39B (via clause 23), so that it is clear that interests in land could be acquired through a range of instruments under the LTA, where appropriate. This would apply across acquisition agreements generally (under section 17), and under the specific process through which Transpower can acquire land by agreement (under proposed section 39B).

Information about the amount of compensation

Clause 11 in the bill as introduced would replace section 18 of the PWA. New section 18(2) sets out what the Minister or relevant local authority must do before giving notice of an intention to take land. Among the steps, they must invite the owner of the

land to sell and include in the invitation an estimate, based on a registered valuation, of the amount of compensation the landowner would be entitled to.

We note that it may not be possible to determine all forms of compensation to which a landowner could be entitled at the time an invitation to sell is provided.

We recommend amending proposed section 18(2) to specify that an invitation to sell would only need to include an estimate of the compensation that would be paid for the value of the land and the sale of the land by agreement, while acknowledging that the landowner may be entitled to other forms of compensation.

Steps for providing information and undertaking negotiations

New section 18(2) would also require the Minister or local authority to:

- provide landowners with information about the nature and purpose of the public work and why the land is required for it (paragraph (a))
- negotiate in good faith with the owner to attempt to reach agreement for the acquisition of land (paragraph (d)).

We consider it important that the landowner receives information about the public work for which land is required before good-faith negotiations take place.

We recommend amending section 18(2) to make clear that landowners must receive information about the project and why the land is required before or at the time they receive an invitation to sell. We also recommend making clear that the Minister or local authority must attempt good-faith negotiations after the invitation to sell has been provided.

Compulsory acquisition notice

Clause 12 in the bill as introduced would replace section 23 of the PWA, which outlines requirements for providing a notice of intention to take land. Proposed new section 23D sets out when a notice of intention to take land would cease to have effect. In most cases, this would be the anniversary of the notice of intention. However, a 3-month extension would be provided for in new section 23D(3) if one of the circumstances in section 23D(1)(c) applies, that is, that the intention to take the land is being considered by the Environment Court or an Ombudsman, or is the subject of an application for judicial review.

As introduced, proposed section 23D(1)(c) could be read as reducing the 12-month period if those proceedings or processes are completed within that period.

We consider that it should be made clear that, in all circumstances, the notice of intention to take land would not expire for 12 months, and may be extended, if one of the matters in section 23D(1)(c) applies. To clarify this, we recommend amending clause 12, affecting proposed new section 23D, subsections (1), (3), and (5).

Compensation funds held in trust

In the bill as introduced, clause 27 would insert new section 70A. This would require that, if a landowner does not accept an offer of compensation within 3 months, the

compensation money would be paid to Public Trust to be held on behalf of the owner. Public Trust would be required to hold the money on trust until the landowner accepts the offer, or the Land Valuation Tribunal determines the compensation payable to the landowner.

We are concerned that the value of compensation could be eroded by fees or additional costs incurred through the Public Trust process. We consider that placing compensation funds in trust risks disadvantaging some landowners compared to those who are able to accept an offer sooner.

We recommend removing the requirement for compensation funds to be paid to Public Trust, by deleting proposed section 70A. This would mean that if an owner does not accept an offer of compensation, the funds would instead be held by the agency offering the payment as a contingency until the payment is finally claimed. We also recommend amending new section 70(1A) to require an offer of compensation to be kept open for acceptance for a period of 3 months.

Additional compensation payments

Clause 33 would insert new sections 72DA to 72DC. New section 72DA provides for additional compensation to be paid, as an incentive, if an agreement is reached with a landowner to acquire land before a notice of intention to take the land is given. Similar incentive payments are already included for critical infrastructure projects in sections 39AAK and 72F of the PWA.

We consider clarification is needed as to how these incentive payments would apply in different situations. We recommend several amendments to make it clear that:

- owners would only be entitled to an incentive payment when agreement was reached on all property identified as being required from them for a particular public work, including a combined project at the time of agreement (clause 35B, section 72J)
- if the agency came back for more land after agreement had been reached, or if a notice of intention to take the land was withdrawn or lapsed, the owner would again be eligible for an additional compensation payment (clause 35B, section 72J)
- land acquired for a combined project that includes both a critical and a non-critical infrastructure project is eligible for additional compensation payments at the critical infrastructure project rate (clause 35B, section 72H and clause 20, section 39AAJA).

Land-loss and home-loss payments

Clause 28 would amend section 72 to provide additional compensation if the land being acquired includes a home which is the landowner's principal place of residence. Clause 31 would amend section 72C to provide additional compensation if the land does not contain a dwelling that is the landowner's principal place of residence.

We note that it is not clear which payments would apply in situations where there are multiple owners of land, some of whom may live in a home on the property and some that may not. Landowners would be entitled to either a home-loss additional payment or a land-loss additional payment. We recommend amending clause 32, section 72D(3) to make clear that if any of the owners of the land is entitled to a home-loss payment, other owners of the land would not be entitled to a land-loss payment. If there is more than one eligible home on the land, more than one home-loss additional payment may be paid.

We also recommend amending section 72D(4) to make clear that there would be no entitlement to a land-loss payment when land is transferred or acquired between the Crown and local authorities.

Dispute resolution

Clause 38 would insert new section 84A, which would set out when the Land Valuation Tribunal may hear a compensation claim. The new section would require the Tribunal to be satisfied that the party taking the claim had taken “all reasonable steps” to resolve the dispute using alternative dispute resolution processes.

We consider this threshold too high. We recommend changing the requirement so that claimants must have taken “reasonable steps” rather than “all reasonable steps” to resolve the dispute before their claim can be heard. We also recommend that the form in Schedule 4 be amended so claimants would outline what steps they have taken to resolve the matter through an alternative dispute resolution process.

Relocation of infrastructure

Upgrading infrastructure

Clause 15 would insert new sections 27A to 27H. New sections 27E to 27H concern acquiring land that is required for the relocation of infrastructure.

We recommend amending section 27E to make clear that improvements may be made to infrastructure when it is relocated for a public work. We consider that this would allow for efficient timing of upgrade work.

Consideration of alternative sites for relocating infrastructure

When infrastructure needs to be relocated for a public work, there may be a designation for the specified public work that is being undertaken. A designation means that provision has been made for the project in a district plan, as defined in section 166 of the Resource Management Act 1991.

A designation can only apply to the specified work that the designation holder is responsible for. The designation cannot extend to infrastructure owned by another entity. Unless there is also a designation for the relocated infrastructure, we consider that alternative sites should be able to be considered for relocating infrastructure.

To clarify this, we recommend amending clauses 12, 13, 14, and 19, affecting sections 23(4), 24(8), 26(1B), and 39AAJ(1BA) respectively.

We also recommend that these changes clarify that alternatives may be considered for any part of a public work that is not covered by a designation, as alternatives for that aspect of the work would not have been considered during the designation process.

Transpower provisions

Clarifying Transpower provisions

Clause 23 would insert new Part 2B (new sections 39A to 39J) to enable Transpower to take some steps under the PWA for the purpose of acquiring land for its work without applying to the Minister for Land Information. This would assist Transpower to expand and upgrade a large amount of the national grid.

We see a need for some clarification to ensure that the Minister for Land Information can begin compulsory acquisition processes for Transpower projects in the same way as for other Government works.

We recommend that references to Transpower complying with section 18(1) and (3) be removed from new section 39B. This is because we consider that Transpower cannot comply with these provisions and could only comply with section 18(2).

We recommend amending new section 39B to clarify that, if Transpower has complied with section 18(2), the Minister for Land Information may issue a notice of intention to take land under section 18(3), as if the Minister had complied with section 18(2).

We also recommend amending new section 39B to clarify that the Minister could issue a notice of intention to take land for Transpower when the exemptions listed in new section 18C apply, such as when an owner cannot be found.

Transpower surveys and investigations

Under sections 110 and 111 of the PWA, the Minister for Land Information or a local authority may give notice to enter onto land to conduct surveys or investigations. As introduced, the bill would not give Transpower these powers. Transpower would instead need to apply for a court order to enter land without an owner's agreement.

Transpower submitted that it should be able to enter land for surveys or investigations. We consider that this would be in accord with the policy intention of enabling Transpower to use the PWA for its work. Consequently, we think that Transpower should be able to enter onto land the same way other PWA users do.

We recommend amending proposed section 39J to clarify that a Transpower work is a Government work for the purposes of Part 7 of the PWA, if Transpower has given information to landowners under section 18(2)(a). We understand that this would allow Transpower to enter onto land for survey and investigation purposes, where the Minister has authorised this and where Transpower has initiated processes under the PWA.

Emergency recovery provisions

Recent weather events

Clause 23 would insert new Part 2C into the PWA (new sections 39K to 39Y). These sections would change the process for acquiring land to restore damaged public works after an emergency. Following some previous emergencies, standard PWA processes have been found to be too slow. In some cases, bespoke legislation has been needed, which has been passed under urgency, bypassing normal select committee processes. Examples include the Severe Weather Emergency Recovery Legislation Act 2023, the Hurunui/Kaikōura Earthquakes Recovery Act 2016, and the Canterbury Earthquake Recovery Act 2011.

Since this bill was introduced on 24 November 2025, severe weather events in January 2026 have damaged some public works. However, the emergency recovery land acquisition provisions in this bill could not be used for those events unless the bill were to specifically provide for that.

We think the emergency recovery provisions in the bill should be able to be used to respond to the January 2026 severe weather events and other similar emergencies. We consider that this would be preferable to passing specific legislation for those events.

We recommend that the bill be amended to enable Part 2C to be activated by Order in Council for states of emergency that occur since the bill was introduced on 24 November 2025. We also recommend that the commencement of Part 2C should be brought forward to the day after Royal assent. The provisions affected by these recommendations are clauses 2, 23, and 41, inserting new Part 3 (particularly clauses 12A and 12B) into Schedule 1AA of the Public Works Act.

Time limits for Orders in Council

Under clause 23, new Part 2C would include new section 39N, which would require the Minister to review any Order in Council that has been in place for more than 5 years.

We consider that tighter time limits are desirable to ensure that Orders are not active for longer than necessary. We recommend that Orders in Council be reviewed after 3 years, rather than 5 years.

Other issue considered

Use of the PWA by network utility operators

This bill would enable Transpower to initiate and undertake some PWA processes directly without applying to the Minister for Land Information. Some network utility operators submitters asked that this be broadened to include other network utility operators. We consider that Transpower is in a unique position as the national grid owner and system operator. Enabling Transpower to use some aspects of the PWA would meet its specific need to build and upgrade a large amount of electricity infrastructure. Network utility operators have a range of ownership models, and we think

that extending land acquisition powers to them would exceed the targeted focus of this reform. We do not recommend that the bill be amended to expand access to PWA powers by other network utility operators. We believe that further consideration should be given to this.

Green Party of Aotearoa New Zealand differing view

We support some modernisation of the Public Works Act such as using email and websites for notification; we also support increased compensation entitlement. However, we remain concerned about limiting the right of objectors to go to the Environment Court and a number of other matters.

Preventing the Minister (or the local authority) that intends to take the land from having regard to the adequacy of the consideration given to alternative sites, routes, or other methods if there is a designation for the critical infrastructure project is unreasonable as a designation may have applied for many years while respect for biodiversity, natural water systems, Te Tiriti, and other relevant matters has generally grown deeper.

The Law Association of New Zealand *“is concerned that the Bill goes well beyond procedural streamlining and introduces substantive changes that significantly affect the exercise, oversight, and accountability of compulsory acquisition powers.”*

As Dunedin City Council’s submission notes, the amendments to compensation provisions may create additional costs for local authorities, another unfunded mandate.

Regarding Resilience, Hazard Risk and Managed Retreat, Gisborne (unitary) Council *“supports amendments that improve delivery timeframes for essential infrastructure and recommends that the Bill explicitly recognise the need to plan, invest, and build for long-term resilience, not solely reinstatement following damage or loss. As these powers are only available following a declaration of a state of emergency, Council further recommends expanding the purpose and scope of acquisition pathways to better support communities living with high natural hazard risk, including enabling proactive relocation and managed retreat, retirement of high-risk land, and safer redevelopment opportunities. This approach would better support risk-based land-use planning and long-term community safety.”*

Despite introducing a requirement for consent by the relevant Māori portfolio Minister before a notice of intention is issued to take protected Māori land for a Government work, the Green Party considers that there has been an overwhelming amount of whenua taken, much of it illegally, and that without consent of the owners, no more should be taken. The submission from Tūwharetoa Settlement Trust *“opposes the Bill in its current form because it does not require the explicit, informed consent of Māori landowners prior to compulsory acquisition. This omission is inconsistent with Treaty principles and undermines the Crown’s obligations to respect rangatiratanga over Māori land.”* Several other Māori organisations express similar views in their submissions. The Green Party of Aotearoa New Zealand strongly objects to further taking of whenua Māori without consent.

Appendix

Committee process

The Public Works Amendment Bill was referred to this committee under urgency on 9 December 2025. The calendar date was 11 December 2025. The House instructed us to report the bill back no later than 14 May 2026.

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no matters to bring to the attention of the House.

We called for submissions on the bill with a closing date of 27 January 2026. We received and considered submissions from 51 interested groups and individuals. We heard oral evidence from 14 submitters at a hearing in Wellington and via videoconference.

Advice on the bill was provided by Land Information New Zealand. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Andy Foster (Chairperson)

Dan Bidois

Dr Carlos Cheung

Simon Court

Hon Julie Anne Genter (until 11 February 2026)

Mariameno Kapa-Kingi

Dr Tracey McLellan

Tangi Utikere

Celia Wade-Brown (from 11 February 2026)

Related resources

The documents we received as advice and evidence are available on the Parliament website.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted by a majority

~~text deleted by a majority~~

Hon Mike Butterick

Public Works Amendment Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Public Works Amendment Act **2025**.

2 Commencement

(1) This Act comes into force on the 28th day after Royal assent, with some exceptions. 5

(2) **Section 23** comes into force on the day after Royal assent, but only for the purpose of giving effect to the insertion of new **Part 2C** of the Public Works Act 1981.

(3) **Section 41** comes into force on the day after Royal assent, but only for the purpose of giving effect to the insertion of new **clauses 12A and 12B** of Schedule 1AA of the Public Works Act 1981. 10

3 Principal Act

This Act amends the Public Works Act 1981.

Part 1

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Amendments to principal Act

Subpart 1—Amendments to preliminary provisions

4 Section 2 amended (Interpretation)

(1) In section 2, insert in their appropriate alphabetical order:

approved as to survey, in relation to a CSD, means that the responsible chief executive has determined that the CSD complies with the cadastral survey rules
cadastral survey rules means rules made under section 49 of the Cadastral Survey Act 2002 20

combined project has the same meaning as in **section 27A**

Crown body has the same meaning as in section 11(2) of the Infrastructure Funding and Financing Act 2020 25

CSD has the same meaning as cadastral survey dataset in section 4 of the Cadastral Survey Act 2002

designation has the same meaning as in section 166(1) of the Resource Management Act 1991 30

Māori freehold land has the same meaning as in section 4 of Te Ture Whenua Maori Act 1993

Māori incorporation has the same meaning as in section 4 of Te Ture Whenua Maori Act 1993

network utility operator and **network utility operation** have the same meanings as in section 166(1) of the Resource Management Act 1991

publicly notify means—

- (a) to publish a notice on an internet site that is administered by or on behalf of the person who must or may give public notification; or
- (b) if this Act requires the notice to be published in the *Gazette*, to publish a link to the *Gazette* notice on an internet site that is administered by or on behalf of the person who must or may give public notification

publish, in relation to the publication of a notice or other information on an internet site, means to publish the notice or information on an internet site that is publicly available as far as practicable and free of charge

regional council means—

- (a) a regional council as defined in section 5(1) of the Local Government Act 2002; and
- (b) in relation to land that does not form part of a region as defined in that section, the Minister of the Crown responsible for the administration of that Act

registered letter means a letter sent by a postal service (including a courier service) where delivery to the address is recorded by the service provider

requiring authority has the same meaning as in section 166(1) of the Resource Management Act 1991

responsible chief executive means,—

- (a) except as provided in **paragraph (b)**, the chief executive of the department that is, with the authority of the Prime Minister, responsible for the administration of the Cadastral Survey Act 2002;
- (b) for the purposes of **sections 4D, 243(1)(ga), and 243A**, the chief executive of the department that is, with the authority of the Prime Minister, responsible for the administration of this Act

Transpower means the State enterprise known as Transpower New Zealand Limited

Transpower work has the same meaning as in **section 39A**

- (2) In section 2, replace the definition of **motorway** with:
motorway has the same meaning as in section 2(1) of the Government Road-ing Powers Act 1989

- (3) In section 2, repeal the definitions of **Chief Surveyor** and **public notice**.

5 New section 3 inserted (Provisions that support timely and efficient acquisition or taking of land for public works)

After section 2, insert:

3	Provisions that support timely and efficient acquisition or taking of land for public works	
(1)	Examples of provisions of this Act that support the timely and efficient acquisition or taking of land for public works include—	
(a)	sections 27A to 27D , which provide for the acquisition or taking of land required for combined projects:	5
(b)	Part 2A, which provides for the acquisition or taking of land for critical infrastructure projects:	
(c)	Part 2B , which provides for the acquisition or taking of land for Trans-power works:	10
(d)	Part 2C , which provides for the acquisition or taking of land for emergency recovery purposes:	
(e)	section 70(1A) , which sets the time frame within which an offer of compensation must be made:	
(f)	section 72DA , which provides for additional compensation to be paid if land is acquired by agreement before a notice of intention to take the land is issued.	15
(2)	This section is only a guide. It does not affect the provisions to which it refers.	
6	Section 4 amended (Service and content of notices)	
(1)	After section 4(1)(b), insert:	20
(ba)	by sending it to the last known electronic address of that person; or	
(2)	In section 4(1)(c), replace “delivering or posting” with “delivering, posting, or sending”.	
7	Section 4C replaced (Delegation of Minister’s powers)	
	Replace section 4C with:	25
4C	Limit on Minister for Land Information’s power of delegation	
	Despite anything in clause 5 of Schedule 6 of the Public Service Act 2020, the Minister for Land Information must not delegate under that clause—	
(a)	the power to give or serve a notice of intention to take land under section 23 :	30
(b)	the power to recommend under section 26(1C)(b) the issue of a Proclamation taking land.	
	Guidance note	
	Clause 5 of Schedule 6 of the Public Service Act 2020 provides for the delegation of powers held by Ministers under legislation to public service chief executives.	35

8 New section 4D inserted (Responsible chief executive may issue standards and other guidance)

After section 4C, insert:

4D Responsible chief executive may issue standards and other guidance

- (1) The responsible chief executive may issue standards that relate, and other guidance that relates, to the exercise or performance of powers, duties, or functions under this Act. 5
- (2) The responsible chief executive must publish standards and other guidance issued under this section on an internet site that is administered by or on behalf of the chief executive. 10

Subpart 2—Amendments relating to acquisition or taking of, and dealing with, land

9 Section 16 amended (Empowering acquisition of land)

After section 16(3), insert:

- (4) *See Part 2B*, which provides for the acquisition of land required for a Transpower work. 15

10 Section 17 amended (Acquisition by agreement)

- (1) Replace section 17(2) with:

- (2) Any agreement to sell land to the Crown or a local authority for a public work under this section may be implemented by— 20

- (a) a declaration under section 20; or

- (b) the registration or notation of an instrument under the Land Transfer Act 2017 that is suitable for acquiring the land for the public work.

- (2) After section 17(7)(a), insert:

- (b) at the option of the owner of the land, provide for the owner to receive payment for the land in full and final settlement of compensation or without prejudice to the owner's right to have compensation determined under Part 5. 25

11 Section 18 replaced (Prior negotiations required for acquisition of land for essential works) 30

Replace section 18 with:

18 Attempt to acquire land by agreement required before notifying intention to take

- (1) If land is required for a public work, the Minister or the local authority, as the case may be, must comply with **subsections (2) and (3)** before giving or serving a notice of intention to take the land under **section 23**. 35

- (2) The Minister or local authority must—
- (a) provide every person with a registered interest in the land with the following information in writing:
 - (i) information about the nature and purpose of the public work and why the land is required for it; and
 - (ii) an overview of the process for acquiring or taking the land under this Act; and
 - (iii) an explanation of the compensation available under this Act; and
 - ~~(b) invite the owner of the land to sell it to the Crown or local authority and include in the invitation an estimate, based on a valuation carried out by a registered valuer, of the amount of—~~
 - ~~(i) compensation that the owner would be entitled to under this Act; or~~
 - ~~(ii) betterment that the owner may be liable to pay under section 326 of the Local Government Act 1974; and~~
 - (b) after, or at the same time as, providing that information to the owner of the land, invite the owner to sell the land to the Crown or local authority; and
 - (c) lodge a notice of the invitation to sell with—
 - (i) the Registrar-General of Land; and
 - (ii) if the land is Māori freehold land, the Registrar of the Māori Land Court for the district in which the land is situated; and
 - (d) after inviting the owner to sell, make every endeavour to negotiate in good faith with the owner in an attempt to reach an agreement for the acquisition of the land.
- (2A) The invitation to sell given under **subsection (2)(b)** must include—
- (a) an estimate, based on a valuation carried out by a registered valuer, of the amount of—
 - (i) specified compensation that the owner would be entitled to for the land if the applicable requirements under this Act were met; or
 - (ii) betterment that the owner may be liable to pay under section 326 of the Local Government Act 1974; and
 - (b) a statement to the effect that the owner may also be entitled to compensation other than the specified compensation.
- (3) The Minister or local authority may give and serve a notice of intention to take the land under **section 23** if, after the applicable period under **subsection (4)**,—
- (a) the owner fails to respond to the invitation to sell; or
 - (b) the owner refuses to negotiate with the Minister or the local authority; or

- (c) an agreement for the sale and purchase of the land is not made with the owner under section 17.
- (4) The applicable period is—
- (a) 3 months after the invitation to sell is given to the owner; or
- (b) 6 months after the invitation to sell is given to the owner, if the land is Māori freehold land that is—
- (i) beneficially owned by more than 4 persons; or
- (ii) vested in a Māori incorporation that has more than 4 shareholders.
- (5) The Minister or local authority may withdraw an invitation to sell at any time.
- (6) In this section, **specified compensation** means—
- (a) total land value as defined in section 72B; and
- (b) compensation under **section 72DA(1)** (or, if applicable, section 39AAK(2)(b) and (c), **39W(2)(b)**, 72F(2)(a) and (b), or **72H(2)(a) and (b)**).
- Compare: 1981 No 35 s 18(1)–(4) as at 1 November 2025
- 18A Notation of section 18 matters**
- (1) If notice of an invitation to sell is lodged, under **section 18(2)(c)**, with—
- (a) the Registrar-General of Land, that Registrar must, without fee, note the invitation on the relevant record of title;
- (b) a Registrar of the Māori Land Court, that Registrar must, without fee, note the invitation on the relevant court record.
- (2) **Subsection (3)** applies if—
- (a) an invitation to sell land is noted on a record of title or court record of the Māori Land Court under **subsection (1)**; and
- (b) one of the following (a **relevant event**) occurs:
- (i) the invitation to sell is withdrawn;
- (ii) the land is acquired under section 17;
- (iii) the land is taken by Proclamation under section 26.
- (3) The Minister or the local authority, as the case may be, must—
- (a) lodge a notice of the relevant event with the Registrar-General of Land; and
- (b) if the invitation to sell is noted on a court record of the Māori Land Court, lodge a notice of the relevant event with the relevant Registrar of the Māori Land Court.
- (4) On receiving a notice under **subsection (3)** and without fee,—
- (a) the Registrar-General of Land must ~~note the relevant event on the record of title:~~

- (i) note on the record of title that a notice under that subsection has been lodged; and
- (ii) remove the notation of the invitation to sell from the record of title;
- (b) the Registrar of the Māori Land Court must ~~—note the relevant event on the court record.~~
- (i) note on the court record that a notice under that subsection has been lodged; and
- (ii) remove the notation of the invitation to sell from the court record.

Compare: 1981 No 35 s 18(1)(b), (4) as at 1 November 2025

18B Representation of certain owners for purposes of section 18

Appointment of agent for certain Māori freehold land

- (1) **Subsection (2)** applies if the land required for a public work is—
 - (a) Māori freehold land; and
 - (b) beneficially owned by more than 4 persons; and
 - (c) not vested in any trustee or trustees.
- (2) Before complying with **section 18(2)**, the Minister or the local authority, as the case may be, may apply to the Māori Land Court for the district in which the land is situated for an order under Part 10 of Te Ture Whenua Maori Act 1993.
- (3) The Māori Land Court must deal with the application as if a notice under legislation had been issued to the owners.
- (4) If an agent is appointed by the court, the agent, subject to the terms of the appointment, must be treated as the owner of the land for the purposes of **sections 18 and 18C**.
- (5) Despite **subsection (2)**, the Minister or local authority may provide information of the kind referred to in **section 18(2)(a)** to a person with a registered interest in Māori freehold land before applying for an order under Part 10 of Te Ture Whenua Maori Act 1993, as long as the Minister or local authority provides the information required by **section 18(2)(a)** to any agent appointed by the court.

Representation by Public Trust

- (6) If Public Trust is authorised by virtue of an order under section 81 to represent the owner, Public Trust may agree to represent the owner for the purposes of **sections 18 and 18C**.

Compare: 1981 No 35 s 18(5), (6), (8) as at 1 November 2025

18C When compliance with section 18 is not required

- (1) The Minister or the local authority, as the case may be, may give and serve a notice of intention to take land under **section 23** without complying with **section 18(1) to (3)** if,—
- (a) after reasonable inquiry, the owner of the land cannot be found or is absent from New Zealand without appearing to have appointed an attorney with power to act on the owner's behalf, and a period of 3 months has elapsed since the Minister or local authority attempted to give the owner an invitation to sell under **section 18(2)(b)**: 5
 - (b) in the case of land to which **section 18B(2)** applies, an order has not been made within 6 months after the application to the court under that section: 10
 - (c) the owner of the land has indicated that they do not object to the acquisition but they have no power to sell the land:
 - (d) the owner of the land is under a legal disability and they have no person to represent them: 15
 - (e) the land is subject to a right of way by virtue of section 168 of the Land Transfer Act 1952 (as it was before the repeal of that Act) and the owner of the land has consented to the acquisition.
- (2) **Subsection (1)(a)** does not apply to Māori freehold land that is— 20
- (a) beneficially owned by more than 4 persons; or
 - (b) vested in a Māori incorporation that has more than 4 shareholders.
- Compare: 1981 No 35 s 18(7) as at 1 November 2025

12 Section 23 replaced (Notice of intention to take land)

Replace section 23 with: 25

23 Notice of intention to take land

- (1) If land (other than land owned by the Crown) is required to be taken for a public work, the Minister or the local authority, as the case may be, must—
- (a) cause a plan that complies with **section 23A(1)** to be prepared and lodged with the responsible chief executive; and 30
 - (b) give notice of the intention to take the land in accordance with **section 23A(2)** and lodge a copy of the notice with—
 - (i) the Registrar-General of Land; and
 - (ii) if the land is Māori freehold land, the Registrar of the Māori Land Court for the district in which the land is situated; and 35
 - (c) serve on the owner of the land, and persons with a registered interest in the land, a notice of the intention to take the land in the form set out in **Schedule 1**.

- (2) However, the Minister or local authority must not give or serve a notice under **subsection (1)(b) or (c)** unless—
- (a) the Minister or local authority has complied with **section 18(1) to (3)** or is permitted to give and serve the notices by **section 18C**; and
 - (b) in the Minister's or local authority's opinion, based on the information available to the Minister or local authority at the time the Minister or local authority decides to give and serve the notices, the land is required to be taken for the public work; and
 - (c) if applicable, the requirement in **section 23B** is met.
- Considerations for whether taking is required*
- (3) For the purposes of forming an opinion under **subsection (2)(b)**, the Minister or local authority must have regard to—
- (a) the objectives of the Minister or local authority; and
 - (b) the adequacy of the consideration given to alternative sites, routes, or other methods of achieving those objectives; and
 - (c) whether, in the Minister's or local authority's opinion, it would be fair, sound, and reasonably necessary for achieving those objectives for the land to be taken.
- (4) However, the Minister or local authority must not have regard to the matter described in **subsection (3)(b)** if, and to the extent that, —if there is a designation for the public work.
- (a) there is a designation for the part of the public work for which the land is proposed to be taken; and
 - (b) the land is subject to the designation.
- Other matters*
- (5) The Minister or local authority may withdraw a notice under this section at any time.
- (6) No power in this section may be used to take protected Māori land for the purposes of a local SPV work.
- Compare: 1981 No 35 s 23(1), (7)–(9) as at 1 November 2025
- 23A Requirements for notice and related plan**
- (1) For the purposes of **section 23(1)(a)**, the plan must—
- (a) show the boundaries of the 1 or more portions of land to be taken in relation to an affected parcel of land; and
 - (b) include aerial imagery that is sufficiently detailed and up to date to enable those boundaries to be located on the ground; and
 - (c) include a schedule that, for each portion of land referred to in **paragraph (a)**,—

- (i) identifies the record of title for the affected parcel of land referred to in that paragraph or, if there is no record of title, the instrument by which the affected parcel is owned; and
 - (ii) describes the purpose for which the portion of land is to be used; and
 - (iii) records the area of the portion of land; and
 - (d) be certified by a licensed cadastral surveyor as correct for the purposes of this section.
 - (2) For the purposes of **section 23(1)(b)**, the notice of intention to take land must—
 - (a) be publicly notified and published in the *Gazette*; and
 - (b) include the following information:
 - (i) a general description of the land required to be taken (including the street address or some other readily identifiable description of the place where the land is situated); and
 - (ii) a description of the purpose for which the land is to be used; and
 - (iii) a summary of the Minister's or local authority's reasons for the opinion the Minister or local authority is required to form under **section 23(2)(b)**; and
 - (iv) a period within which objections (other than objections by persons who are served with a copy of the notice under **section 23(1)(c)**) may be made.
 - (3) In this section, **licensed cadastral surveyor** has the same meaning as in section 4 of the Cadastral Survey Act 2002.
 Compare: 1981 No 35 s 23(1)(b) as at 1 November 2025
- 23B Consent of other Ministers required in certain cases before giving or serving notice**
- For the purposes of **section 23(2)(c)**, the following Minister must have consented to the action being taken under **section 23(1)(b) or (c)**:
- (a) the Minister for Māori Crown Relations: Te Arawhiti, if the land to be taken is—
 - (i) required for a Government work; and
 - (ii) of the kind described in paragraph (e), (f), or (i) of the definition of protected Māori land in section 11(1) of the Infrastructure Funding and Financing Act 2020;
 - (b) the Minister for Māori Development, if the land to be taken is—
 - (i) required for a Government work; and

- (ii) of the kind described in any other paragraph of the definition of protected Māori land in section 11(1) of the Infrastructure Funding and Financing Act 2020;
- (c) the responsible Minister as defined in section 9 of the Urban Development Act 2020, if the land to be taken is—
 - (i) required for a Government work or a local work; and
 - (ii) within a project area as defined in section 9 of that Act.

5

Compare: 1981 No 35 s 23(1A) as at 1 November 2025

23C Objections to taking of land proposed in notice

- (1) Every person having any estate or interest in land for which a notice of intention to take is given or served under **section 23** may object to the taking of the land to the Environment Court. 10
- (2) The objection—
 - (a) must specify the grounds on which it is made, which may only be grounds that relate to the matters that the court may consider under section 24(7)(b) and (d) and **(8)**; and 15
 - (b) must be made in accordance with—
 - (i) the notice given under **section 23(1)(b)**; or
 - (ii) if the objector is the owner of, or a person with a registered interest in, the land, the notice served under **section 23(1)(c)**; and 20
 - (c) must not relate to the amount of compensation payable under this Act for taking the land.

Compare: 1981 No 35 s 23(3) as at 1 November 2025

23D When notice ceases to have effect

- (1) Every notice of intention to take land given or served under **section 23** ceases to have effect ~~unless, on or before~~ at the close of the first anniversary of the date on which the *Gazette* notice referred to in **section 23A(2)(a)** is published, ~~unless~~— 25
 - (a) a Proclamation taking the land has been published in the *Gazette*; or
 - (b) the Minister or the local authority, as the case may be, has, by a further notice in writing served on the owner of the land, and persons with a registered interest in the land, intended to be taken, so far as they have been ascertained, confirmed the intention, subject to this Act, to take the land; or 30
 - (c) ~~the intention to take the land is the subject of —~~ 35
 - (i) ~~an inquiry by the Environment Court;~~
 - (ii) ~~an inquiry by an Ombudsman;~~
 - (iii) ~~an application for judicial review.~~

- (c) the intention to take the land is the subject of an inquiry by the Environment Court or an Ombudsman, or the subject of an application for judicial review, for which the specified period is continuing as at the close of that anniversary.
- (2) If the Minister or local authority confirms the intention to take the land under **subsection (1)(b)**, the confirmed notice of intention ceases to have effect on the close of the second anniversary of the date of the confirmation unless a Proclamation taking the land is published in the *Gazette* before the close of that anniversary. 5
- (3) If **subsection (1)(c)** applies, the notice of intention to take the land continues to have effect until the end of the specified period. 10
- ~~(3) If **subsection (1)(c)** applies, the notice of intention to take the land remains valid for 3 months after the latest date that applies under the following:~~
- ~~(a) if the intention to take the land is the subject of an inquiry by the Environment Court,—~~ 15
- ~~(i) the date of the court's report and findings on the inquiry (or the date on which the court receives written notice of the withdrawal of the objection being inquired into); or~~
- ~~(ii) if the court's report or findings are made the subject of an appeal within 3 months after the date of the report and findings, the date of the decision on the appeal (or the date on which the appeal proceedings are discontinued); or~~ 20
- ~~(iii) if the decision on the appeal is made the subject of a further appeal within 3 months after the date of that decision, the date of the decision on the further appeal (or the date on which the proceedings on the further appeal are discontinued):~~ 25
- ~~(b) if the intention to take the land is the subject of an inquiry by an Ombudsman, the date of the completion of the inquiry:~~
- ~~(c) if the intention to take the land is the subject of an application for judicial review,—~~ 30
- ~~(i) the date of the High Court's final determination of the application (or the date on which the review proceedings are discontinued); or~~
- ~~(ii) if the court's determination is made the subject of an appeal within 3 months after the date of that determination, the date of the decision on the appeal (or the date on which the appeal proceedings are discontinued); or~~ 35
- ~~(iii) if the decision on the appeal is made the subject of a further appeal within 3 months after the date of that decision, the date of the decision on the further appeal (or the date on which the proceedings on the further appeal are discontinued):~~ 40

- (4) If a notice of intention to take land ceases to have effect under this section, the Minister or local authority must not give or serve the notice again until at least 6 months after the date of the original notice or the confirming notice, as the case may require, ceases to have effect.
- (5) In this section, **specified period** means the period ending 3 months after the latest date that applies under the following: 5
- (a) if the intention to take the land is the subject of an inquiry by the Environment Court,—
- (i) the date of the Environment Court's report on the inquiry (or any earlier date on which the court receives written notice of the withdrawal of the objection being inquired into); or 10
- (ii) if the Environment Court's report, or a recommendation made by the Environment Court in respect of the inquiry, is appealed to the High Court within 3 months after the date of the report, the date of the decision of the High Court (or any earlier date on which the High Court proceedings are discontinued); or 15
- (iii) if the High Court's decision is appealed to the Court of Appeal or Supreme Court within 3 months after the date of that decision, the date of the decision of the Court of Appeal or Supreme Court (or any earlier date on which the Court of Appeal or Supreme Court proceedings are discontinued); or 20
- (iv) if that decision is made by the Court of Appeal and is appealed to the Supreme Court within 3 months after the date of that decision, the date of the decision of the Supreme Court (or any earlier date on which the Supreme Court proceedings are discontinued): 25
- (b) if the intention to take the land is the subject of an inquiry by an Ombudsman, the date of the completion of the inquiry;
- (c) if the intention to take the land is the subject of an application for judicial review,—
- (i) the date of the High Court's final determination of the application (or any earlier date on which the High Court proceedings are discontinued); or 30
- (ii) if the High Court's determination is appealed to the Court of Appeal within 3 months after the date of that determination, the date of the decision of the Court of Appeal (or any earlier date on which the Court of Appeal proceedings are discontinued); or 35
- (iii) if the Court of Appeal's decision is appealed to the Supreme Court within 3 months after the date of that decision, the date of the decision of the Supreme Court (or any earlier date on which the Supreme Court proceedings are discontinued). 40

Compare: 1981 No 35 s 23(4)–(6) as at 1 November 2025

23E Recording and notation of matters relating to notice

- (1) The responsible chief executive must record a plan in the cadastre if the chief executive—
- (a) receives the plan under **section 23(1)(a)**; and
 - (b) approves the plan as complying with **section 23A(1)**. 5
- (2) If a copy of a notice of intention to take land is lodged, under **section 23(1)(b)**, with—
- (a) the Registrar-General of Land, that Registrar must, without fee, note the notice on the relevant record of title:
 - (b) a Registrar of the Māori Land Court, that Registrar must, without fee, 10
note the notice on the relevant court record.
- (3) **Subsection (4)** applies if—
- (a) a notice of intention to take land is noted on a record of title or court record of the Māori Land Court under **subsection (2)**; and
 - (b) one of the following (a **relevant event**) occurs: 15
 - (i) the notice is withdrawn:
 - (ii) the notice ceases to have effect under **section 23D**:
 - (iii) the land is acquired under section 17:
 - (iv) the land is taken by Proclamation under section 26.
- (4) The Minister or the local authority, as the case may be, must— 20
- (a) lodge a notice of the relevant event with the Registrar-General of Land; and
 - (b) if the notice of intention to take land is noted on a court record of the Māori Land Court, lodge a notice of the relevant event with the relevant Registrar of the Māori Land Court. 25
- (5) On receiving a notice under **subsection (4)** and without fee,—
- (a) the Registrar-General of Land must ~~note the relevant event on the record of title:~~
 - (i) note on the record of title that a notice under that subsection has been lodged; and 30
 - (ii) remove the notation of the notice of intention to take land from the record of title:
 - (b) the Registrar of the Māori Land Court must ~~note the relevant event on the court record:~~
 - (i) note on the court record that a notice under that subsection has been lodged; and 35
 - (ii) remove the notation of the notice of intention to take land from the court record.

- (6) In this section, **cadastre** has the same meaning as in section 4 of the Cadastral Survey Act 2002.

Compare: 1981 No 35 s 23(7), (8) as at 1 November 2025

13 Section 24 amended (Objection to be heard by Environment Court)

- (1) After section 24(7), insert: 5
- (8) However, the Environment Court must not undertake the inquiry under subsection (7)(b) if, and to the extent that, — if there is a designation for the public work to which the objection relates.
- (a) there is a designation for the part of the public work for which the land is proposed to be taken; and 10
- (b) the land is subject to the designation.
- (2) After section 24(14), insert:
- (15) The Environment Court must not inquire into the amount of compensation payable under this Act for a taking of land to which an objection relates.

14 Section 26 amended (When Proclamation may issue)

- (1) Replace section 26(1) with: 15
- (1) **Subsection (1C)** applies if—
- (a) the Minister or a local authority, as the case may be, has given and served notice under **section 23** of an intention to take land required for a public work; and 20
- (b) either—
- (i) no objection is made within the time permitted for objections; or
- (ii) every objection made has been withdrawn by the objector or disallowed by the Environment Court; and
- (c) in the Minister's or local authority's opinion,— 25
- (i) the land should be taken for the public work; and
- (ii) no private injury will be done for which due compensation is not provided in this Act.
- (1A) For the purposes of forming the opinion referred to in **subsection (1)(c)(i)**, the Minister or local authority must have regard to— 30
- (a) the objectives of the Minister or local authority; and
- (b) the adequacy of the consideration given to alternative sites, routes, or other methods of achieving those objectives; and
- (c) whether, in the Minister's or local authority's opinion, it would be fair, sound, and reasonably necessary for achieving those objectives for the land to be taken. 35

- (1B) However, the Minister or local authority must not have regard to the matter described in **subsection (1A)(b)** if, and to the extent that, ~~if there is a designation for the public work.~~
- (a) there is a designation for the part of the public work for which the land is proposed to be taken; and 5
- (b) the land is subject to the designation.
- (1C) The land may be taken in the following manner:
- (a) subject to section 32,—
- (i) the Minister or local authority must cause a CSD to be prepared that shows accurately the position and extent of the land proposed to be taken; and 10
- (ii) the CSD must be approved as to survey by the responsible chief executive; and
- (b) in the case of a Government work, the Minister must recommend that the Governor-General issue a Proclamation taking the land; and 15
- (c) in the case of a local work,—
- (i) the local authority must submit to the Governor-General a request to take the land proposed to be taken, together with the CSD unless section 32 applies; and
- (ii) the request must be signed by the chief executive of the local authority, and need not be under seal; and 20
- (iii) a statutory declaration by the chairperson, mayor, or chief executive of the local authority, in the form set out in Schedule 2, may be accepted by the Governor-General as sufficient without making further inquiry; and 25
- (iv) the declaration must be accompanied, where applicable, by the relevant report of the Environment Court.
- (2) In section 26(2), after “publicly notified”, insert “by the Minister or local authority”.

15 New sections 27A to 27H and cross-headings inserted 30

After section 27, insert:

Land required for combined projects

27A Definitions of terms used in sections 27B to 27D

In **sections 27B to 27D**, unless the context otherwise requires,—

action includes the making of a decision or the forming of an opinion 35

combined project means the 2 or more public works authorised as a combined project under **section 27B(2)**

responsible Minister or local authority means either of the following:

- (a) the Minister who has control of a Government work;
- (b) the local authority that has financial responsibility for a local work.

27B Authorisation of combined project

- (1) A responsible Minister or local authority may agree with 1 or more other responsible Ministers or local authorities that 2 or more public works should be a combined project. 5
- (2) The Minister may, on application made by or on behalf of the responsible Ministers or local authorities, authorise the public works specified in the application as a combined project if the Minister— 10
 - (a) considers that land may need to be acquired or taken under this Act for each of those public works; and
 - (b) is satisfied that the application is made by or on behalf of every responsible Minister who has control of, or local authority that has financial responsibility for, the public works specified in the application. 15
- (3) The Minister must—
 - (a) give written notice of an authorisation to every responsible Minister who, or local authority that, made the application or on whose behalf the application was made; and
 - (b) publicly notify the authorisation. 20

27C Acquisition or taking of land for combined project

- (1) The Minister may do either or both of the following for the purposes of a combined project:
 - (a) take any action under this Act to acquire or take land for a Government work that is part of the combined project: 25
 - (b) on behalf of a local authority that has financial responsibility for a local work that is part of the combined project, take any action under this Act to acquire or take land for that local work as if the Minister were the local authority.
- (2) A local authority that has financial responsibility for a local work that is part of a combined project may do any or all of the following for the purposes of the project: 30
 - (a) take any action under this Act to acquire or take land for a local work that is part of the combined project and for which the local authority has financial responsibility: 35
 - (b) on behalf of another local authority that has financial responsibility for a local work that is part of the combined project, take any action under this Act to acquire or take land for that local work as if the local authority

- taking the action were the local authority that has financial responsibility for the work:
- (c) on behalf of the Minister, take any action under this Act to acquire or take land for a Government work that is part of the combined project as if the local authority were the Minister. 5
- (3) Land acquired or taken as the result of actions under **subsection (1) or (2)** must be acquired in accordance with section 17(2) by, or vested by Proclamation under section 26 in,—
- (a) the Crown, if the actions were taken under **subsection (1)(a) or (2)(c)**: 10
 - (b) the local authority that has financial responsibility for the local work, if the actions were taken under **subsection (1)(b) or (2)(a) or (b)**.
- (4) This section does not limit or affect any power that the Minister or a local authority has under any other provision of this Act or other legislation in relation to a public work that is part of a combined project. 15
- 27D Compensation and costs relating to combined project**
- (1) Any claim for compensation under this Act that relates to an acquisition or a taking of land resulting from actions taken in reliance on **section 27C(1) or (2)** must be made against—
- (a) the Minister, if the actions were taken by the Minister: 20
 - (b) the local authority that took the actions, if the actions were taken by a local authority.
- (2) All costs and expenses incurred by the Minister in respect of actions taken by the Minister in reliance on **section 27C(1)(b)** are recoverable from the local authority on whose behalf the actions were taken as a debt due to the Crown. 25
- (3) All costs and expenses incurred by a local authority in respect of actions taken by it are recoverable, as a debt due to the local authority, from—
- (a) the local authority on whose behalf the actions were taken, if the actions were taken in reliance on **section 27C(2)(b)**: 30
 - (b) the Crown, if the actions were taken in reliance on **section 27C(2)(c)**.
- (4) **Subsections (2) and (3)** are subject to any agreement between the person who is entitled to recover the costs and expenses and the person from whom they are recoverable.
- (5) In this section, **costs and expenses** includes any compensation payable by the Minister or a local authority under **subsection (1)**. 35

*Land required to relocate infrastructure***27E Definitions of terms used in sections 27F to 27H**

In this section and **sections 27F to 27H**, unless the context otherwise requires,—

infrastructure has the same meaning as in section 2(1) of the Resource Management Act 1991 5

relocate, in relation to infrastructure, includes the relocation of the infrastructure with improvements to the infrastructure

responsible network utility operator, in relation to infrastructure, means a network utility operator that is a requiring authority for— 10

- (a) a project or work that is the infrastructure;
- (b) a network utility operation to which the infrastructure relates.

27F Acquisition or taking of land required to relocate infrastructure

(1) This section applies if—

- (a) infrastructure is owned by the Crown, a local authority, or a responsible network utility operator; and 15
- (b) the infrastructure is on land that is directly or indirectly required for a public work or the infrastructure is otherwise affected by a public work; and
- (c) relocating the infrastructure would enable the public work to be completed or the infrastructure to continue operating. 20

(2) If the public work is a Government work,—

- (a) the Minister may acquire or take land in accordance with this Act for the purpose of relocating the infrastructure as if the relocation were part of the Government work; but 25
- (b) if the infrastructure is owned by a local authority or a responsible network utility operator, the land acquired or taken for that purpose vests in the local authority or responsible network utility operator instead of the Crown.

(3) If the public work is a local work,— 30

- (a) the local authority may acquire or take land in accordance with this Act for the purpose of relocating the infrastructure as if the relocation were part of the local work; but
- (b) if the infrastructure is operated by the Crown or a responsible network utility operator, the land acquired or taken for that purpose vests in the Crown or the responsible network utility operator instead of the local authority. 35

27G Compensation and costs relating to infrastructure relocation

- (1) Any claim for compensation under this Act that relates to an acquisition or a taking of land in reliance on **section 27F** must,—
- (a) if the acquisition or taking is done in reliance on **section 27F(2)(a)**, be made against the Minister even if the land is vested in a local authority or a responsible network utility operator under **section 27F(2)(b)**: 5
 - (b) if the acquisition or taking is done in reliance on **section 27F(3)(a)**, be made against the local authority even if the land is vested in the Crown or a responsible network utility operator under **section 27F(3)(b)**.
- (2) **Subsection (3)** applies to costs and expenses that are incurred by— 10
- (a) the Minister in acquiring or taking land that vests in a local authority or responsible network utility operator under **section 27F(2)(b)**;
 - (b) a local authority in acquiring or taking land that vests in the Crown or a responsible network utility operator under **section 27F(3)(b)**.
- (3) The Minister or local authority may not recover the costs and expenses from the person in whom the land vests unless that person and the Minister or local authority agree otherwise. 15
- (4) In this section, **costs and expenses** includes compensation payable by the Minister or a local authority under **subsection (1)**.

27H Disposal of land acquired or taken for infrastructure relocation

- (1) Sections 40 and 41 apply to any disposal of land that is acquired or taken in reliance on **section 27F**. 20
- (2) For the purposes of **subsection (1)**, if the land is vested in a responsible network utility operator under **section 27F** and—
- (a) the land is to be disposed of under section 40, the responsible chief executive (rather than the responsible network utility operator) must comply with that section and, where relevant, section 41 of this Act and section 134 of Te Ture Whenua Maori Act 1993: 25
 - (b) the land is sold under section 40, the purchase money or instalments of purchase money must be paid to the responsible network utility operator. 30

16 Section 39AAC amended (When this Part applies)

In section 39AAC(1) and (2), replace “that is” with “to the extent that the project is”.

17 Section 39AAH replaced (Notice of intention to take land)

Replace section 39AAH with:

39AAH Notice of intention to take land

- (1) ~~**Section 23(1)(c)** must be read as if it were replaced with:~~

- (e) ~~serve on the owner of the land, and persons with a registered interest in the land, a notice of the intention to take the land in the form set out in Schedule 2B; and~~
- (d) ~~separately, but at the same time as serving the notice under paragraph (e), provide to the owner of, and persons with a registered interest in, the land the reasons on which their or its opinion referred to in subsection (3) is based.~~ 5
- (1) **Section 23(1)(c)** must be read as if “**Schedule 1**” were replaced with “Schedule 2B”. 10
- (1A) **Section 23** must be read as if the following subsection were inserted after **subsection (1)**: 10
- (1A) A notice that is served under **subsection (1)(c)** must be accompanied by the reasons why the Minister or local authority formed their or its opinion under **subsection (2)(b)**. 15
- (2) **Section 23** must be read as if the following subsection were inserted after **subsection (2)**: 15
- (2A) The Minister or local authority must also not do anything referred to in **subsection (1)(b) or (c)** unless 1 or more of the following apply: 20
- (a) the project is allowed under the Resource Management Act 1991:
- (b) there is a designation for the project: 20
- (c) a notice of requirement for the project has been given under section 168 or 168A or clause 4 of Schedule 1 of the Resource Management Act 1991: 25
- (d) a substantive application has been lodged under the Fast-track Approvals Act 2024 for a designation or an alteration to an existing designation and the project will be carried out under that designation or altered designation: 25
- (e) a notice of requirement was lodged under the Natural and Built Environment Act 2023 for a designation or an alteration to an existing designation and the project will be carried out under that designation or altered designation (*see* Part 1 of Schedule 1 of the Fast-track Approvals Act 2024, which continues a fast-track consenting process begun under the Natural and Built Environment Act 2023). 30
- (3) **Section 23A(2)** must be read as if it were replaced with: 35
- (2) For the purposes of **section 23(1)(b)**, the notice of intention to take land must—
- (a) be publicly notified and published in the *Gazette*; and
- (b) include the following information:

	(i) a general description of the land required to be taken (including the street address or some other readily identifiable description of the place where the land is situated); and (ii) a statement that the land is required for a critical infrastructure project (and that specifies the name of the project); and (iii) a summary of the Minister's or local authority's reasons for the opinion the Minister or local authority is required to form under section 23(2)(b); and (iv) the period within which a person (other than a person served with a notice under section 23(1)(c)) may— (A) provide a written indication of their intention to make a submission; and (B) make a written submission; and (v) information about how a person may seek an extension to the period in which those indications and submissions may be submitted; and (vi) the address or addresses to which those indications and submissions must be sent, which must be,— (A) in the case of indications and submissions provided or made to the Minister, the addresses of the Minister and the responsible department or Crown body; and (B) in the case of indications and submissions provided or made to the local authority, its address.	5 10 15 20
(3)	For the purposes of subsection (2)(b)(iv)(A) , the period must be 10 working days from the date on which the notice of intention to take the land is publicly notified.	25
(4)	For the purposes of subsection (2)(b)(iv)(B) , the period must be 20 working days from the end of the period specified under subsection (3) .	
(4)	Section 23C must be read as if it were replaced with:	
23C	Submissions on taking of land proposed in notice	30
(1)	Every person having an estate or interest in the land for which a notice of intention to take is given or served under section 23 (as modified by section 39AAH) may make a submission on the taking of the land to the person (whether the Minister or a local authority) who gave or served the notice.	
(2)	An indication of an intention to make a submission, and a submission, must be made in accordance with—	35
(a)	the notice given under section 23(1)(b) ; or	

- (b) if the submitter is the owner of, or a person with a registered interest in, the land, the notice served under **section 23(1)(c)** (as modified by **section 39AAH**).
- (5) **Section 23D(1)(c)** must be read as if it were replaced with:
- (e) the intention to take the land is the subject of — 5
- (i) a submission to the Minister or local authority;
- (ii) an inquiry by an Ombudsman;
- (iii) an application for judicial review.
- (6) **Section 23D(3)** must be read as if it were replaced with:
- (3) If **subsection (1)(c)** applies, the notice of intention to take the land remains 10
valid for 3 months after the latest date that applies under the following:
- (a) if the intention to take the land is the subject of a submission, —
- (i) the date on which the Minister or local authority provided each 15
submitter with a copy of their or its decision under section 26(1D)
(as modified by section 39AAJ(1)); or
- (ii) the date on which the Minister or local authority receives written
notice of the withdrawal of the submission;
- (b) if the intention to take the land is the subject of an inquiry by an
Ombudsman, the date of the completion of the inquiry;
- (e) if the intention to take the land is the subject of an application for 20
judicial review, —
- (i) the date of the High Court's final determination of the application
(or the date on which the review proceedings are discontinued); or
- (ii) if the court's determination is made the subject of an appeal 25
within 3 months after the date of that determination, the date of
the decision on the appeal (or the date on which the appeal pro-
ceedings are discontinued); or
- (iii) if the decision on the appeal is made the subject of a further 30
appeal within 3 months after the date of that decision, the date of
the decision on the further appeal (or the date on which the pro-
ceedings on the further appeal are discontinued).
- (5) **Section 23D(1)(c)** must be read as if it were replaced with:
- (c) the intention to take the land is the subject of a submission to the Minis-
ter or local authority, an inquiry by an Ombudsman, or an application for
judicial review for which the specified period is continuing as at the 35
close of that anniversary.
- (6) **Section 23D(5)** must be read as if it were replaced with:
- (5) In this section, **specified period** means the period ending 3 months after the
latest date that applies under the following:

- (a) if the intention to take the land is the subject of a submission,—
 - (i) the date on which the Minister or local authority provided each submitter with a copy of their or its decision under section 26(1D) (as modified by section 39AAJ(1)); or
 - (ii) the date on which the Minister or local authority receives written notice of the withdrawal of the submission;
- (b) if the intention to take the land is the subject of an inquiry by an Ombudsman, the date of the completion of the inquiry;
- (c) if the intention to take the land is the subject of an application for judicial review,—
 - (i) the date of the High Court’s final determination of the application (or any earlier date on which the High Court proceedings are discontinued); or
 - (ii) if the High Court’s determination is appealed to the Court of Appeal within 3 months after the date of that determination, the date of the decision of the Court of Appeal (or any earlier date on which the Court of Appeal proceedings are discontinued); or
 - (iii) if the Court of Appeal’s decision is appealed to the Supreme Court within 3 months after the date of that decision, the date of the decision of the Supreme Court (or any earlier date on which the Supreme Court proceedings are discontinued).

18 Section 39AAI amended (Submission process)

- (1) In section 39AAI, replace new section 25(2) to (4) with:
- (2) If the Minister receives submissions, **subsection (3)** applies to—
 - (a) the responsible department or Crown body; or
 - (b) if the Minister gave or served the notice under **section 23** (as modified by **section 39AAH**) on behalf of a principal local authority in reliance on **section 27C**, the principal local authority.
- (3) The responsible department or Crown body or principal local authority, as the case may be, must, no later than 10 working days after the latest date on which submissions to the Minister may be received, or within any extension to that period granted to it under section 25A, provide the Minister with—
 - (a) a written response to the submissions received; and
 - (b) any new information that it holds in relation to the matters raised in each submission and that it has not previously supplied to the Minister.
- (4) The Minister must send to a submitter a copy of any response or other information received from the department or Crown body or principal local authority in response to their submission.

- (4A) The submitter has a right to respond to the Minister, with 1 further written submission, no later than 10 working days after receiving the response or other information, or within any extension to that period granted to them under section 25A.
- Submissions received by local authority* 5
- (4B) If a local authority receives submissions, the local authority must, no later than 10 working days after the latest date on which submissions to it may be received, or within any extension to that period under section 25A, send each submitter a written response to their submission.
- (4C) However, if the local authority gave or served the notice under **section 23** (as modified by **section 39AAH**) on behalf of the Minister or a principal local authority in reliance on **section 27C**,— 10
- (a) the responsible department or Crown body or principal local authority, as the case may be, must, no later than 10 working days after the latest date on which submissions to the local authority may be received, or within any extension to that period granted to it under section 25A, provide the local authority with— 15
- (i) a written response to the submissions received; and
- (ii) any new information it holds in relation to the matters raised in each submission and that it has not previously supplied to the local authority; and 20
- (b) the local authority must send to a submitter a copy of any response or other information received from the department or Crown body or principal local authority in response to their submission.
- (4D) A submitter who receives a response or any other information under **subsection (4B) or (4C)(b)** has a right to respond to the local authority with 1 further written submission no later than 10 working days after receiving the response or other information, or within any extension to that period granted to them under section 25A. 25
- (2) In section 39AAI, after new section 25(8), insert: 30
- (9) In this section and section 25A, **principal local authority** means a local authority on whose behalf a notice is given or served under **section 23** (as modified by **section 39AAH**) by the Minister or another local authority in reliance on **section 27C**.
- (3) In section 39AAI, replace new section 25A(2) with: 35
- (2) A responsible department or Crown body or principal local authority may request the Minister or a local authority, as the case may be, to grant 1 or more extensions to the time frame specified in **section 25(3) or (4C)** (as modified by section 39AAI).
- (4) In section 39AAI, new section 25A(5)(b), replace “local authority” with “principal local authority”. 40

- (5) In section 39AAI, new section 25A(7), replace “section 25(4)” with “**section 25(4B)**”.

19 Section 39AAJ amended (When Proclamation may issue)

- (1) In section 39AAJ(1), new section 26(1B)(a)(i), replace “objectives of the responsible department or Crown body” with “objectives of the Minister”. 5
- (2) In section 39AAJ, new section 26(1B)(a)(iii), replace “the objectives of the department or Crown body” with “those objectives”.
- (3) In section 39AAJ(1), after new section 26(1B), insert:

- (1BA) However, the Minister or local authority must not have regard to the matter described in subsection (1B)(a)(ii) or (b)(ii) (as applicable) if, and to the extent that, — if there is a designation for the critical infrastructure project. 10
- (a) there is a designation for the part of the critical infrastructure project for which the land is proposed to be taken; and
- (b) the land is subject to the designation.

- 20 New section 39AAJA and cross-heading inserted** 15
- After section 39AAJ, insert:

Combined projects

39AAJA Combined projects

- (1) **Sections 27A to 27D** apply to a public work that is the whole or a part of a critical infrastructure project. 20
- (2) For the purposes of **subsection (1)**, the public work, together with 1 or more other public works, may be authorised as a combined project in accordance with **section 27B** regardless of whether the other public works—
- (a) are part of the same critical infrastructure project:
- (b) are the whole or a part of a different critical infrastructure project: 25
- (c) are not the whole or a part of a critical infrastructure project.
- (3) If the combined project includes—
- (a) public works of the kind described in **subsection (2)(a) or (b)**, actions taken in reliance on **section 27C** to acquire or take land for those works must be taken— 30
- (i) in accordance with this Part; or
- (ii) if an exception in section 39AAD or 39AAE applies, in accordance with Part 2:
- (b) public works of the kind described in **subsection (2)(c)**, actions taken in reliance on **section 27C** to acquire or take land for those works must be taken in accordance with Part 2. 35

- (4) This section is to avoid doubt.

Guidance note

See **section 72H** for the additional compensation payable for land that is acquired for a public work that—

- (a) is not the whole or a part of a critical infrastructure project; but
 (b) is part of a combined project that includes a critical infrastructure project.

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21 Section 39AAK amended (Compensation payable under this Part)

Replace section 39AAK(7)(8) to (10) with:

- (7) For the purposes of subsection (2)(c),—

- (a) a notice of intention to take land that is given or served under **section 23** must be ignored if the notice is withdrawn or ceases to have effect before the land is acquired by an agreement:
 (b) an owner of land referred to in **section 18C(1)(c), (d), or (e)** must be treated as if they were party to an agreement by which their land is acquired before a notice of intention to take the land is given or served under **section 23**.

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- (7A) This section is subject to **section 72J** (which relates to the relationship between different entitlements to compensation for acquisition by agreement).

- (8) To avoid doubt,—

- (a) this section does not limit or affect any entitlement to compensation under this Act that an owner of land to whom subsection (1) does not apply may have (for example, if the Minister seeks agreement only with the fee simple owner of a parcel of land and the land is acquired or taken under this Part, an owner of any other estate or interest in that same parcel is entitled to compensation under this Act if the Act so provides for it):
 (b) for the purposes of subsection (1)(b), land acquired by an agreement entered into under section 17 as applied by section 39AAF is acquired under this Part regardless of whether a decision under section 39AAE to use Part 2 to acquire or take land required for the critical infrastructure project is made after the agreement is entered into.

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- (9) In this section and section 39AAL,—

- (a) a term defined in section 59 or 72B has the same meaning as in that section; but
 (b) **individual value** means the portion of category value that is payable to an owner who qualifies for compensation under subsection (1), determined by the percentage of the relevant category of interest or estate that is held by the owner in land.

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22 Section 39AAO replaced (Modifications to this Act for purposes of this Part)

Replace section 39AAO with:

39AAO Application of this Act and other legislation for purposes of this Part

Application of this Act

- (1) For the purposes of this Part, this Act applies—
- (a) with the modifications made by this Part; and
 - (b) with the modification made by **subsection (2)**; and
 - (c) with any other necessary modifications.
- (2) Section 4(6)(a)(iii) must be read as if the reference to objections included a reference to any rights to make a submission under **section 23C** (as modified by **section 39AAH(4)**) or further submission under section 25 (as modified by section 39AAI).

Application of other legislation

- (3) To avoid doubt, for the purposes of this Part, other legislation that refers to a provision of this Act that is modified by this Part in a particular case applies, in relation to that case,—
- (a) as if the other legislation referred to the provision as modified by this Part; and
 - (b) with any other necessary modifications.

23 New Parts 2B and 2C inserted

After section 39AAP, insert:

Part 2B

Acquisition or taking of land for Transpower works

39A Interpretation

In this Part, unless the context otherwise requires,—

acquired or taken for a Transpower work, in relation to land, means land that is transferred or surrendered to Transpower, or vested in Transpower, for a Transpower work in reliance on **section 39B** or under **section 39C or 39D**

Minister means the Minister for Land Information

Transpower work—

- (a) means a project or work—
 - (i) for which Transpower is a requiring authority:
 - (ii) that relates to a network utility operation for which Transpower is a requiring authority:

- (b) includes anything required directly or indirectly for the project or work.

Acquisition or taking of land for Transpower works

39B Acquisition or taking of land for Transpower work

- (1) This section applies if land is required for a Transpower work.
- (2) Transpower may, for the purposes of acquiring the land or having the land taken for the Transpower work, do either or both of the following as if Transpower were the Minister: 5
- (a) enter into an agreement to purchase the land under section 17:
- (b) comply with **section 18(2)-18(4) to (3)**.
- (3) If Transpower enters into an agreement to purchase the land under section 17, the agreement may be implemented by— 10
- ~~(a) a transfer instrument under the Land Transfer Act 2017; or~~
- (a) the registration or notation of an instrument under the Land Transfer Act 2017 that is suitable for acquiring the land for the Transpower work; or
- (b) a declaration under section 20 made by the Minister— 15
- (i) on the request of Transpower; and
- (ii) to avoid doubt, on the Minister being satisfied of the matters set out in section 20(1)(a) and (b).
- ~~(4) If Transpower complies with **section 18(1) to (3)**, the Minister may proceed to take the land in accordance with this Act as if the Minister had complied with that section.~~ 20
- (4) If Transpower complies with **section 18(2)**, the Minister may—
- (a) give and serve a notice of intention to take the land for the Transpower work in accordance with **section 18(3)**; and
- (b) otherwise proceed to take the land for the work in accordance with this Act. 25
- ~~(4A) If any of **paragraphs (a) to (e) of section 18C(1)** apply in relation to the land, the Minister may—~~
- (a) give and serve a notice of intention to take the land for the Transpower work in accordance with that section; and 30
- (b) otherwise proceed to take the land for the work in accordance with this Act.
- (5) For the purposes of **subsections (2) to (4) (4A)**,—
- (a) sections 17 and **18** apply as if a reference in those sections to the Crown were a reference to Transpower: 35

(b)	sections 18(3)(b) and (5), 18A(3), 18B(2) and (5), 18C(1)(a) , and 19 apply as if the references in those sections to the Minister were references to Transpower:	
(c)	section 27B applies as if the responsible Minister for the Transpower work were the Minister for State Owned Enterprises:	5
(d)	section 27C(3)(a) applies as if the reference in that section to the Crown were a reference to Transpower:	
(e)	those sections, and the other provisions of this Act that apply for the purposes of subsection (4) , apply—	
(i)	as modified by Part 2A, if the land is to be acquired or taken under that Part (which relates to critical infrastructure projects):	10
(ii)	as modified by Part 2C , if the land is to be acquired or taken in reliance on that Part (which relates to emergency recovery).	
(6)	The effect of—	
(a)	a declaration made under section 20 for the purposes of subsection (3)(b) is to transfer or surrender the land to Transpower instead of the Crown:	15
(b)	a Proclamation made under section 26 for the purposes of subsection (4) or (4A) is to vest the land in Transpower instead of the Crown.	
39C	Transfer of existing public works to Transpower	20
(1)	The Minister or a local authority may dispose of an existing public work or part of an existing public work to Transpower for a Transpower work in accordance with section 50.	
(2)	For the purposes of subsection (1) ,—	
(a)	the disposal is not subject to sections 40 and 41:	25
(b)	if an agreement under section 50 involves a change of ownership of any land, the land may be transferred or surrendered to Transpower by declaration made under section 20 by the Minister—	
(i)	on the request of Transpower; and	
(ii)	to avoid doubt, on the Minister being satisfied of the matters set out in section 20(1)(a) and (b).	30
39D	Setting apart land for Transpower work	
(1)	This section applies if—	
(a)	land described in any of section 52(1)(a) to (d) is required for a Transpower work; or	35
(b)	land acquired or taken for a Transpower work is required for a different Transpower work.	

- (2) The Minister may, by notice in the *Gazette*, set the land apart for the Transpower work if the requirements in **subsection (3)** are met.
- (3) The requirements are that—
- (a) Transpower has requested the setting apart; and
 - (b) in the case of land held by the Crown that is not of a kind referred to in section 52(2) or (3), the setting apart—
 - (i) has the Minister’s consent; and
 - (ii) is on the terms and conditions (including price) agreed by Transpower and the Minister; and
 - (c) in the case of land that is of a kind referred to in section 52(2) or (3), the setting apart—
 - (i) has the consent of the relevant Minister under that section (which applies as if a reference to subsection (1) of section 52 were a reference to **subsection (2)** of this section); and
 - (ii) is on the terms and conditions (including price) agreed by Transpower and the relevant Minister.
- (4) The setting apart of land under **subsection (2)**—
- (a) may be done without complying with any other provision of this Act in respect of the acquisition of land for the purpose of the Transpower work; and
 - (b) is not subject to sections 40 and 41.
- (5) Land set apart under **subsection (2)** vests in Transpower.
- 39E Compensation and costs if land taken for Transpower work**
- (1) Any claim for compensation under this Act in relation to the taking of land in reliance on **section 39B(4)** must be made against the Minister.
 - (2) All costs and expenses incurred by the Minister in respect of the taking (including any compensation payable by the Minister) are recoverable from Transpower as a debt due to the Crown.
- 39F When Transpower’s ability to acquire land outside this Act is affected**
- (1) This Part does not limit or affect Transpower’s ability to acquire land (including for a Transpower work) that Transpower has other than under this Act.
 - (2) However, if, for the purpose of acquiring land for a Transpower work, Transpower provides information to a person in accordance with **section 18(2)(a)**, that land must not be acquired for the Transpower work other than in accordance with this Act.
 - (3) **Subsection (2)** does not apply on and from the tenth anniversary of the date on which Transpower gives the information.

*Dealing with land acquired or taken for Transpower work***39G Disposal of land not required for Transpower work**

- (1) Sections 40 and 41 apply to any disposal of land that has been acquired or taken for a Transpower work.
- (2) For the purposes of **subsection (1)**,—
 - (a) if the land is to be disposed of under section 40, the responsible chief executive (rather than Transpower) must comply with that section and, where relevant, section 41 of this Act and section 134 of Te Ture Whenua Maori Act 1993:
 - (b) if the land is sold under section 40, the purchase money or instalments of purchase money must be paid to Transpower.

39H Issue of record of title to land acquired for Transpower work

- (1) The Registrar-General of Land must, in accordance with section 47(1), issue Transpower with a record of title requested under that section for land that has been acquired or taken for a Transpower work.
- (2) For the purposes of **subsection (1)**, section 47 applies as if—
 - (a) the land were vested in the Crown; and
 - (b) Transpower were the Minister.

39I Transfer of Transpower work

- (1) This section applies to a Transpower work that is constructed or executed on land that has been acquired or taken for a Transpower work.
- (2) Transpower may dispose of all or part of the Transpower work to the Minister or a local authority, for a public work, in accordance with section 50 as if—
 - (a) Transpower were a local authority; and
 - (b) the Transpower work were a local work.
- (3) For the purposes of **subsection (2)**,—
 - (a) the disposal is not subject to sections 40 and 41:
 - (b) if an agreement under section 50 involves a change of ownership of any land, the land may be taken by the Minister or local authority by declaration under section 20.

*Application of this Act and other legislation***39J Application of this Act and other legislation for purposes of this Part***Application of this Act*

- (1) For the purposes of this Part, this Act applies—
 - (a) with the modifications made by this Part; and

- (b) with the modification made by **subsection (2)**; and
 - (c) subject to **subsection (3)**; and
 - (d) with any other necessary modifications.
- (2) Parts 2, 2A, **2C**, and 4, 5, and 6 to 7 apply, unless the context otherwise requires, as if a Transpower work were a Government work. 5
- (2A) However, Part 7 applies in accordance with **subsection (2)** only if Transpower has complied with **section 18(2)(a)** in relation to the land that is required for the Transpower work.
- (3) Part 3 applies to land that has been acquired or taken for a Transpower work only to the extent that it is expressly applied by this Part. 10
- Application of other legislation*
- (4) To avoid doubt, for the purposes of this Part, other legislation that refers to a provision of this Act that is modified by this Part in a particular case applies, in relation to that case,—
- (a) as if the other legislation referred to the provision as modified by this Part; and 15
 - (b) with any other necessary modifications.

Part 2C

Acquisition or taking of land for emergency recovery

- 39K Interpretation** 20
- In this Part, unless the context otherwise requires,—
- emergency** has the same meaning as in section 4 of the Civil Defence Emergency Management Act 2002
- Minister** means the Minister for Land Information
- order** means an Order in Council made under **section 39L** 25
- restoration**, in relation to a public work, includes—
- (a) the restoration of part of the public work:
 - (b) the restoration of 1 or more functions served by the public work instead of, or in addition to, the restoration of the public work itself:
 - (c) the restoration of— 30
 - (i) the whole or a part of the public work together with improvements or other modifications that promote the safety and resilience of the public work:
 - (ii) 1 or more of the functions served by the public work together with improvements or other modifications that promote the safety and resilience of the means by which the functions are provided: 35

- (d) any other activity necessary or desirable to restore the public work or 1
or more of the functions served by the public work

state of emergency has the same meaning as in section 4 of the Civil Defence
Emergency Management Act 2002

submission period means the submission period specified in the relevant order 5
in accordance with **section 39L(4)(d)**

transition period has the same meaning as in section 4 of the Civil Defence
Emergency Management Act 2002.

Application of this Part

39L Order may declare that this Part applies 10

- (1) The Governor-General may, by Order in Council made on the recommendation
of the Minister, declare that this Part applies for the purpose of supporting the
timely and efficient restoration of a public work following an emergency.
- (2) The Order in Council may be made only if—
 - (a) a state of emergency has been declared or a notice of a transition period 15
has been given for the emergency; and
 - (b) the order is made before the second anniversary of the declaration being
made or the notice being given (whichever is earlier).
- (3) The Minister may recommend that the Order in Council be made only if the 20
Minister is satisfied that—
 - (a) the public work requires restoration because of damage caused to the
public work by, or in connection with, the emergency; and
 - (b) restoring the public work would support the response to, or recovery
from, the emergency; and
 - (c) the extent of the order is not broader (including geographically broader 25
in application) than reasonably necessary to support the timely and effi-
cient restoration of the public work.
- (4) The Order in Council must—
 - (a) specify the public work that requires restoration; and
 - (b) if the purpose of the order is or includes the timely and efficient restora- 30
tion of 1 or more functions served by the public work, specify those
functions; and
 - (c) specify the 1 or more areas of land to which the order applies; and
 - (d) specify the period within which submissions may be made on a taking of
land (which must be at least 10 working days after a notice of intention 35
to take land is given or served, as the case may be, under **section 23** (as
modified by **section 39Q**)); and
 - (e) specify the date on which the order is revoked; and

(f)	be published together with the Minister's reasons for recommending that the order be made.	
(5)	An Order in Council made under this section is secondary legislation (<i>see</i> Part 3 of the Legislation Act 2019 for publication requirements).	
39M	Order may be made for project or work of network utility operator	5
(1)	A responsible network utility operator may apply to the Minister to have an order made in relation to a project or work.	
(2)	If the Minister approves the application, section 39L applies, with any necessary modifications, as if the project or work were a Government work.	
(3)	If an order is made in relation to the project or work,—	10
(a)	the Minister must be treated as having granted an application under section 186(1) of the Resource Management Act 1991 to have land required for the project or work acquired or taken under Part 2; and	
(b)	section 186 of that Act applies accordingly in relation to any acquisition or taking of land for the project or work in reliance on section 39O .	15
(4)	In this section, responsible network utility operator , in relation to a project or work, means a network utility operator that is a requiring authority for—	
(a)	the project or work;	
(b)	a network utility operation to which the project or work relates.	
39N	Review of orders	20
(1)	This section applies if the revocation date specified in an order is after the fourth <u>third</u> anniversary of the date on which the order is made.	
(2)	The Minister must review the order—	
(a)	on or before the fourth <u>third</u> anniversary of the date on which the order is made; and	25
(b)	at subsequent intervals of no more than 5 <u>3</u> years.	
(3)	In carrying out the review, the Minister must consider whether the order is still reasonably necessary to support the timely and efficient restoration of the public work specified in the order.	
(4)	The Minister must publish a report of the review on an internet site that is administered by or on behalf of the Minister.	30
	<i>Modifications to process for acquiring or taking land under Part 2</i>	
39O	Land may be acquired or taken under Part 2 subject to modifications	
(1)	The Minister or a local authority, as the case may be, may acquire or take land under Part 2 as modified by sections 39P to 39V and 39Y if—	35
(a)	the land is within an area that is specified in an order; and	

	(b) the acquisition or taking is for a public work whose purpose is to restore the public work that is specified in the order.	
	(2) However, subsection (1) does not apply to the taking of protected Māori land.	
39P	Attempt to acquire land by agreement required before notifying intention to take	5
	(1) Section 18(2)(d) must be read as if it were replaced with:	
	(d) make reasonable endeavours to negotiate in good faith with the owner in an attempt to reach an agreement for the acquisition of the land.	
	(2) Section 18 must be read as if the following subsection were inserted after subsection (2) (2A) :	10
	(2 AB) The requirement—	
	(a) in subsection (2)(a) to provide information to a person with a registered interest in the land applies unless it is impracticable to provide the information to that person:	15
	(b) in subsection (2)(b) to give an invitation to sell to the owner of the land applies unless it is impracticable to give the invitation to the owner.	
	(3) Sections 18(4)(a) and 18C(1)(a) must be read as if “3 months” were replaced with “1 month”.	
39Q	Notice of intention to take land	20
	(1) Section 23(1)(c) must be read as if it were replaced with:	
	(c) serve, unless impracticable to do so, a notice on the owner of the land, and persons with a registered interest in the land, of the intention to take the land in the form set out in Schedule 2C .	
	(2) Section 23(2)(b) must be read as if it were replaced with:	25
	(b) in the Minister’s or local authority’s opinion, based on the information available to the Minister or local authority at the time the Minister or local authority decides to give and serve the notices, the land is required to be taken to support the timely and efficient restoration of the public work that is specified in the order; and	30
	(3) Section 23(3) and (4) must be read as if it were replaced with:	
	(3) For the purposes of forming an opinion under subsection (2)(b) , the Minister or local authority must have regard to the following:	
	(a) the importance of supporting the timely and efficient restoration of the public work that is specified in the order:	35
	(b) that supporting the timely and efficient restoration of the public work may require land to be taken when less information is available to the Minister or local authority than would ordinarily be the case.	

39R Requirements for notice and related plan

Section 23A(2)(b)(iv) must be read as if it were replaced with:

- (iv) the submission period.

39S Submissions on taking of land proposed in notice

Section 23C must be read as if it were replaced with:

5

23C Submissions on taking of land proposed in notice

- (1) Every person having any estate or interest in land for which a notice of intention to take is given or served under **section 23** (as modified by **section 39Q**) may make a submission on the taking of the land to the person (whether the Minister or a local authority) who gave or served the notice.

10

- (2) The submission must be made in accordance with—

- (a) the notice given under **section 23(1)(b)**; or
(b) if the submitter is the owner of, or a person with a registered interest in, the land, the notice served under **section 23(1)(c)** (as modified by **section 39Q**).

15

- (3) A submitter may withdraw a submission at any time before the Minister or local authority considers it for the purposes of forming an opinion under **section 26(1)** (as modified by **section 39V**).

- (4) No submitter has a right to an oral hearing by the Minister or local authority under this section.

20

39T When notice ceases to have effect

- (1) **Section 23D(1)(c)** must be read as if it were replaced with:

- (c) the intention to take the land is the subject of a submission to the Minister or local authority, an inquiry by an Ombudsman, or an application for judicial review for which the specified period is continuing as at the close of that anniversary.

25

- (2) **Section 23D** must be read as if the following were inserted after **subsection (3)**:

- (3A) Despite **subsections (1) to (3)**, a notice of intention to take land given under this section ceases to have effect when the relevant order is revoked (unless the notice has earlier ceased to have effect under this section).

30

- (3) **Section 23D(5)** must be read as if it were replaced with:

- (5) In this section, **specified period** means the period ending 3 months after the latest date that applies under the following:

- (a) if the intention to take the land is the subject of a submission,—

35

- (i) the date on which the Minister or local authority provided each submitter with a copy of their or its decision under **section 26(1F)** (as inserted by **section 39V(2)**); or
 - (ii) the date on which the Minister or local authority receives written notice of the withdrawal of the submission;
 - (b) if the intention to take the land is the subject of an inquiry by an Ombudsman, the date of the completion of the inquiry;
 - (c) if the intention to take the land is the subject of an application for judicial review,—
 - (i) the date of the High Court’s final determination of the application (or any earlier date on which the High Court proceedings are discontinued); or
 - (ii) if the High Court’s determination is appealed to the Court of Appeal within 3 months after the date of that determination, the date of the decision of the Court of Appeal (or any earlier date on which the Court of Appeal proceedings are discontinued); or
 - (iii) if the Court of Appeal’s decision is appealed to the Supreme Court within 3 months after the date of that decision, the date of the decision of the Supreme Court (or any earlier date on which the Supreme Court proceedings are discontinued).
- (1) **~~Section 23D(1)(c)~~** must be read as if it were replaced with:
- (e) ~~the intention to take the land is the subject of—~~
 - (i) ~~a submission to the Minister or local authority;~~
 - (ii) ~~an inquiry by an Ombudsman;~~
 - (iii) ~~an application for judicial review.~~
- (2) **~~Section 23D(3)~~** must be read as if it were replaced with:
- (3) **~~If subsection (1)(c) applies, the notice of intention to take the land remains valid for 3 months after the latest date that applies under the following:~~**
- (a) ~~if the intention to take the land is the subject of a submission,—~~
 - (i) ~~the date on which the Minister or local authority provided each submitter with a copy of their or its decision under **section 26(1F)** (as inserted by **section 39V**); or~~
 - (ii) ~~the date on which the Minister or local authority receives written notice of the withdrawal of the submission;~~
 - (b) ~~if the intention to take the land is the subject of an inquiry by an Ombudsman, the date of the completion of the inquiry;~~
 - (e) ~~if the intention to take the land is the subject of an application for judicial review,—~~

	(i) the date of the High Court's final determination of the application (or the date on which the review proceedings are discontinued); or	
	(ii) if the court's determination is made the subject of an appeal within 3 months after the date of that determination, the date of the decision on the appeal (or the date on which the appeal proceedings are discontinued); or	5
	(iii) if the decision on the appeal is made the subject of a further appeal within 3 months after the date of that decision, the date of the decision on the further appeal (or the date on which the proceedings on the further appeal are discontinued).	10
(3A)	Despite subsections (1) to (3), a notice of intention to take land given under this section ceases to have effect when the relevant order is revoked (unless the notice has earlier ceased to have effect under this section).	
39U	No Environment Court proceedings	
	Sections 24 and 25 do not apply.	15
39V	When Proclamation may issue	
(1)	Section 26(1) to (1B) must be read as if it were replaced with:	
(1)	Subsection (1C) applies if—	
(a)	the Minister or a local authority, as the case may be, has given and served notice under section 23 (as modified by section 39Q) of an intention to take land required for a public work; and	20
(b)	the submission period has expired; and	
(c)	in the Minister's or local authority's opinion,—	
(i)	the land should be taken to support the timely and efficient restoration of the public work that is specified in the order; and	25
(ii)	no private injury will be done for which due compensation is not provided in this Act.	
(1A)	For the purposes of forming the opinions referred to in subsection (1)(c)(i) and (ii) , the Minister or local authority must have regard to every submission made within the submission period and not withdrawn.	30
(1B)	For the purposes of forming the opinion referred to in subsection (1)(c)(i) , the Minister or local authority must also have regard to the following:	
(a)	the importance of supporting the timely and efficient restoration of the public work that is specified in the order:	
(b)	that supporting the timely and efficient restoration of the public work may require land to be taken when less information is available to the Minister or local authority than would ordinarily be the case.	35

- (2) Section 26 must be read as if the following subsections and headings were inserted after **subsection (1C)**:
- Interim CSD may be used*
- (1D) Subject to section 32, an interim CSD may be prepared, approved, and submitted for the purposes of **paragraphs (a) and (c)(i) of subsection (1C)** instead of the CSD ordinarily required by those paragraphs. 5
- (1E) An **interim CSD** is a CSD that—
- (a) shows the position and extent of land that is proposed to be taken with sufficient accuracy to enable the boundaries of each portion of land to be taken to be identified in relation to the affected parcel of land; and 10
- (b) complies with the cadastral survey rules (if any) that apply to an interim CSD prepared in reliance on **subsection (1D)**.
- Notification of decision on proceeding to take land*
- (1F) The Minister or local authority must provide each submitter with a copy of their or its decision in relation to whether to proceed under **subsection (1C)**. 15
- Record of title qualified if interim CSD is used*
- (1G) **Subsection (1H)** applies if—
- (a) a Proclamation taking land is made on the basis of an interim CSD; and
- (b) before a CSD for the land is lodged for deposit with the Registrar-General of Land under **subsection (6)**, a record of title is created for— 20
- (i) the portion of land taken; or
- (ii) the portion of any parcel from which the land is taken that remains in the owner's ownership after the taking.
- (1H) The record of title must be qualified as described in section 17(1)(e) of the Land Transfer Act 2017. 25
- (3) Section 26 must be read as if the following subsections and cross-heading were inserted after subsection (3):
- Confirmation of interim CSD*
- (4) On or before the second anniversary of the date on which a Proclamation taking land is made on the basis of an interim CSD,— 30
- (a) the Minister or local authority must cause a CSD to be prepared that complies with **subsection (5)**; and
- (b) the CSD must be approved as to survey, and as complying with **subsection (5)**, by the responsible chief executive.
- (5) The CSD required by **subsection (4)** must comply with the following: 35
- (a) it must show accurately the position and extent of—
- (i) the land that has been taken by Proclamation; and

- (ii) the portion of any parcel from which the land was taken that remains in the owner's ownership after the taking; and
- (b) the land it shows as being taken must consist only of 1 or more of the portions of land that were shown in the interim CSD as being proposed to be taken; and 5
- (c) the area of land it shows as being taken must be no greater than the area of land that was shown in the interim CSD as being proposed to be taken; and
- (d) it must be generally consistent with the interim CSD in all other respects. 10
- (6) The Registrar-General of Land must, on request, create a new record of title for the land under section 19 of the Land Transfer Act 2017 if a CSD is—
 - (a) approved under **subsection (4)(b)**; and
 - (b) lodged with the Registrar-General for deposit.
- (7) The Minister or local authority must notify the owner of the land, and persons with a registered interest in the land, if a new record of title is created for the land in accordance with **subsection (6)**. 15

Compensation

39W Compensation for acquisition or taking of land for emergency recovery

- (1) Compensation must be paid to an owner of land if— 20
 - (a) the land is within an area that is specified in an order; and
 - (b) the land has been notified for a public work whose purpose is to restore the public work that is specified in the order; and
 - (c) the Minister or a local authority, as the case may be, has sought agreement with the owner to acquire the land— 25
 - (i) in accordance with **section 18** as modified by **section 39P**; or
 - (ii) in the case of protected Māori land, in accordance with the unmodified **section 18**; and
 - (d) the land is acquired or taken for the public work for which it was notified; and 30
 - (e) the payment of compensation is not excluded by **section 39X**.
- (2) The compensation to be paid is—
 - (a) compensation to which the owner is entitled under Part 5 for the acquiring or taking of the land, except any compensation payable under **section 72DA**; and 35
 - (b) compensation in recognition of the land being acquired or taken for the purposes of restoring a public work following an emergency.

- (3) The compensation paid under **subsection (2)(b)**—
- (a) must be the amount calculated in accordance with **section 72DA(2)**; and
 - (b) must not exceed the amount specified in **section 72DA(3)** regardless of—
 - (i) the number of owners of the land; or
 - (ii) the nature of the estate or interest each of the owners has in the land.
- (4) If compensation is paid under **subsection (2)(b)** for land that is owned by more than 1 person, the compensation must be—
- (a) paid only to owners who qualify for compensation under that subsection; and
 - (b) apportioned between the owners in proportion to the individual value each owner has in the land.
- (5) To avoid doubt, this section does not limit or affect any entitlement to compensation under this Act that an owner of land to whom **subsection (1)** does not apply may have. (For example, if the Minister seeks agreement only with the fee simple owner of a parcel of land and the land is acquired or taken under this Part, an owner of any other estate or interest in that same parcel is entitled to compensation under this Act if the Act so provides for it.)
- (6) In this section and **section 39X**,—
- (a) a term defined in section 59 or 72B has the same meaning as in that section; but
 - (b) **individual value** means the portion of category value that is payable to an owner who qualifies for compensation under **subsection (1)**, determined by the percentage of the relevant category of interest or estate that is held by the owner in land.
- 39X Circumstances in which compensation must not be paid under section 39W**
- (1) Compensation must not be paid to an owner of land under **section 39W(2)(b)** unless the owner gives vacant possession of the land and all buildings and structures on the land to the notifying authority—
- (a) on or before the vacant possession date, or any later date that the authority allows, if the land is acquired under an agreement that specifies a vacant possession date:
 - (b) within 1 month after the date on which the authority serves notice on the vendor or the person from whom the land is taken (as the case may be) that vacant possession is required, or within any longer period that the authority allows, if—

- (i) the land is acquired under an agreement that does not specify a vacant possession date; or
- (ii) no agreement for sale is entered into and the land is taken by Proclamation.
- (2) Compensation must not be paid to an owner of land under **section 39W(2)(b)** unless the ~~owner person giving vacant possession~~—
- (a) is not a willing party to the acquisition of the land; or
- (b) is a willing party to the acquisition principally because the land had been notified.
- ~~(a) is an owner of the land on the vacant possession date; and~~
- ~~(b) is—~~
- ~~(i) not a willing party to the acquisition of the land; or~~
- ~~(ii) a willing party to the acquisition principally because the land had been notified.~~
- (3) Compensation must not be paid to an owner of land under **section 39W(2)(b)** if the land is—
- (a) transferred or set apart for another public work under section 50 or 52;
- (b) owned by a Crown body and acquired or taken by the Minister or a local authority;
- (c) owned by a local authority and acquired or taken by the Minister or another local authority.

Application of this Act and other legislation

39Y Application of this Act and other legislation for purposes of this Part

Application of this Act

- (1) For the purposes of this Part, this Act applies—
- (a) with the modifications made by this Part; and
- (b) with the modification made by **subsection (2)**; and
- (c) with any other necessary modifications.
- (2) Section 4(6)(a)(iii) must be read as if the reference to objections included a reference to any rights to make a submission under **section 23C** (as modified by **section 39S**).

Application of other legislation

- (3) To avoid doubt, for the purposes of this Part, other legislation that refers to a provision of this Act that is modified by this Part in a particular case applies, in relation to that case,—
- (a) as if the other legislation referred to the provision as modified by this Part; and

- (b) with any other necessary modifications.

24 Section 47 amended (Issue of record of title to land held for public work)

- (1) After section 47(1), insert:

(1A) **Subsection (1B)** applies if land is vested in a network utility operator under this Act or section 186(4) of the Resource Management Act 1991. 5

(1B) The Registrar-General of Land, on the completion of the surveys (if any) as may be necessary, must, at the request of the Minister or a local authority, issue a record of title in the name of the network utility operator for the estate in the land or part of the land specified in the request.

(1C) The request may be made by— 10

- (a) the Minister, if the land was acquired or taken as the result of actions taken under this Act by the Minister:
- (b) a local authority, if the land was acquired or taken as the result of actions taken under this Act by that local authority.

(1D) The record of title— 15

- (a) must include a reference to the purposes (if any) for which the land is held; and
- (b) may be subject to any relevant encumbrances or restrictions.

- (2) In section 47(2), replace “any such record of title” with “any record of title issued under subsection (1) or **(1B)**”. 20

Subpart 3—Amendments relating to compensation

25 Section 62 amended (Assessment of compensation)

- After section 62(3), insert:

(4) Compensation in relation to Māori freehold land must be assessed under this section as if it were General land (as defined in section 4 of Te Ture Whenua Maori Act 1993). 25

26 Section 70 amended (Offer of compensation when land taken)

- (1) In section 70(1), delete “on application to the Minister or local authority”.

- (2) After section 70(1), insert:

(1A) The Minister or the local authority, as the case may be, must ~~make the offer of compensation within 20 working days after the land vests in the Crown or local authority.~~ 30

(a) make the offer of compensation within 20 working days after the land vests in the Crown or local authority; and

(b) keep the offer open for acceptance for a period of 3 months after the date of the offer. 35

- (3) In section 70(2), delete “(4)”.

27 ~~New section 70A inserted (Compensation money paid to Public Trust if offer not accepted)~~

~~After section 70, insert:~~

- 70A ~~Compensation money paid to Public Trust if offer not accepted~~** 5
- (1) ~~This section applies if an owner of land does not accept an offer under section 70 within 3 months after the date of the offer.~~
- (2) ~~The Minister or the local authority, as the case may be, must pay the money offered (the compensation money) to Public Trust.~~
- (3) ~~Public Trust must hold the compensation money on trust for the owner until —~~ 10
- (a) ~~the owner accepts the offer; or~~
- (b) ~~the Land Valuation Tribunal determines the compensation payable to the owner under this Part.~~
- (4) ~~Public Trust must, from the compensation money, —~~
- (a) ~~pay the owner the full amount of the compensation money if —~~ 15
- (i) ~~the owner accepts the offer before the Tribunal determines the compensation payable to the owner; or~~
- (ii) ~~the Tribunal determines the compensation payable to the owner and it is the same as or greater than the compensation money; or~~
- (b) ~~if the Tribunal determines that the compensation payable to the owner is less than the compensation money, pay the owner an amount of money that is equal to the compensation payable to the owner.~~ 20
- (5) ~~If **subsection (4)(a)** applies and the Tribunal determines that the compensation payable to the owner is greater than the compensation money, the Minister or local authority must pay the owner the remainder of the compensation payable.~~ 25
- (6) ~~If **subsection (4)(b)** applies, —~~
- (a) ~~the remainder of the compensation money held by Public Trust ceases to be held on trust for the owner; and~~
- (b) ~~Public Trust must pay that money to the Minister or local authority.~~ 30
- (7) ~~Money that is payable under **subsection (6)(b)** is recoverable as a debt due to the Crown or local authority.~~

28 Section 72 amended (Additional compensation for acquisition of notified dwelling)

- (1) In section 72(1), delete “up to”. 35
- (2) Repeal section 72(1A).
- (3) In section 72(1B), replace “The” with “Subject to **subsection (4)**, the”.

- (4) Replace section 72(3)(c) with:
- (c) had, as the person’s principal place of residence for a substantial part of the period between the date of notification and the date of giving vacant possession, a dwelling on the land (a **qualifying dwelling**); and
- (5) Replace section 72(4) with: 5
- (4) If compensation is paid under subsection (1) for land that is owned by more than 1 person, the compensation—
- (a) must be paid only to the owners who qualify for payment under subsection (3) (the **qualifying owners**); and
- (b) for each qualifying dwelling, must be paid in full to the qualifying owner for whom the dwelling was their principal place of residence for a substantial part of the period described in **subsection (3)(c)**. 10
- (4A) If a qualifying dwelling was the principal place of residence of more than 1 qualifying owner for a substantial part of that period, the compensation paid for that dwelling must be apportioned between those owners in proportion to the shares in which they owned the land. 15
- 29 Section 72B amended (Definitions of terms used in sections 72C and 72D)**
- (1) In the heading to section 72B, replace “**sections 72C and 72D**” with “**sections 72BA to ~~72D~~ 72J (other than section 72E)**”.
- (2) In section 72B, replace “sections 72C and 72D” with “**sections 72BA to ~~72D~~ 72J (other than section 72E)**”. 20
- (3) In section 72B, insert in their appropriate alphabetical order:
- critical infrastructure project** has the same meaning as in section 39AAB
- occupation order** means an order made under section 328 of Te Ture Whenua Maori Act 1993 25
- protected former Māori freehold land** means land of the kind described in paragraph (h) of the definition of protected Māori land in section 11(1) of the Infrastructure Funding and Financing Act 2020
- qualifying arrangement**, in relation to a person who occupies a dwelling on Māori freehold land or protected former Māori freehold land,— 30
- (a) means any of the following arrangements:
- (i) the person occupies the dwelling under a lease or sublease:
- (ii) the person occupies the dwelling in accordance with the practice of the hapū or whānau associated with the land:
- (iii) the person is a legal or beneficial owner of the dwelling: 35
- (iv) the person has an occupation order for the site on which the dwelling is located:
- (v) an arrangement in which—

- (A) the person occupies the dwelling with the agreement of the trustees of a whānau trust constituted under section 214 of Te Ture Whenua Māori Act 1993; and
- (B) the person is a beneficiary of the trust; and
- (C) the trustees own a legal or beneficial interest in the dwelling in their capacity as trustees: 5
- (b) does not include a tenancy referred to in section 75(4)
- (4) In section 72B, replace the definition of **qualifying owners** with:
- qualifying owners** means,—
- (a) in relation to compensation under section 72C(1), the owners of land who qualify for compensation under that section: 10
- (b) in relation to compensation under **section 72DA(1)**, the owners of land who qualify for compensation under that section:
- (c) in relation to compensation under **section 72DB(2)**, the owners of land who qualify for compensation under that section: 15
- (d) in relation to compensation under section 72F(2)(a) or (b) or (7), the owners of land who qualify for compensation under section 72F(1) or (6), as the case may be:
- (e) in relation to compensation under **section 72H(2)(a) or (b)**, the owners of land who qualify for compensation under **section 72H(1)** 20
- 30 New sections 72BA and 72BB inserted**
- After section 72B, insert:
- 72BA Additional compensation for acquisition of notified dwelling on Māori freehold land or protected former Māori freehold land**
- (1) This section and **section 72BB** apply instead of section 72 if— 25
- (a) Māori freehold land or protected former Māori freehold land has been notified; and
- (b) the land is acquired or taken for the public work for which it was notified; and
- (c) the land contains 1 or more dwellings that are occupied under a qualifying arrangement. 30
- (2) Compensation must be paid to a person if—
- (a) the person occupies a dwelling on the land under a qualifying arrangement; and
- (b) the payment of compensation is not excluded by **section 72BB**. 35
- (3) The compensation paid under **subsection (2)**—
- (a) must be the amount specified in section 72(1); and

- (b) must not in total exceed that amount regardless of the number of persons who have a qualifying arrangement for the dwelling.
- (4) If compensation is paid under **subsection (2)** in respect of a dwelling that is occupied by more than 1 person, the compensation must be—
- (a) paid only to the persons who qualify for compensation under that subsection; and 5
- (b) apportioned between those persons in equal shares.
- Compensation reduced if qualifying arrangement expires in less than 5 years*
- (5) **Subsection (6)** applies if—
- (a) compensation is paid under **subsection (2)** to a person who— 10
- (i) occupies the dwelling under a lease or a sublease; or
- (ii) is not a legal or beneficial owner of the dwelling and has an occupation order for the site on which the dwelling is located; and
- (b) the lease, sublease, or occupation order will expire less than 5 years after the vacant possession date. 15
- (6) The amount of compensation paid under **subsection (2)**—
- (a) must be reduced so that it bears the same proportion to the amount of compensation that would otherwise be payable as the period from the vacant possession date to the date of expiry of the lease, sublease, or occupation order bears to a period of 5 years; but 20
- (b) must not be reduced to less than the amount that the person would have received under section 75 if the person had been a tenant (as defined in section 75(4)).
- (7) For the purposes of **subsections (5) and (6)**,—
- (a) the date on which a lease or sublease that contains a right of renewal will expire must be treated as the date on which it would expire if the right of renewal were exercised: 25
- (b) an occupation order that ends on the occurrence of a defined event (rather than at the end of a specified period) must be treated as expiring more than 5 years after the vacant possession date. 30
- 72BB Circumstances in which compensation must not be paid in accordance with section 72BA**
- (1) Compensation must not be paid to a person under **section 72BA(2)** unless vacant possession of the land and all buildings and structures on the land is given to the notifying authority— 35
- (a) on or before the vacant possession date, or any later date that the authority allows, if the land is acquired under an agreement that specifies a vacant possession date:

- (b) within 1 month after the date on which the authority serves notice on the vendor or the person from whom the land is taken (as the case may be) that vacant possession is required, or within any longer period that the authority allows, if—
- (i) the land is acquired under an agreement that does not specify a vacant possession date; or
 - (ii) no agreement for sale is entered into and the land is taken by Proclamation.
- (2) Compensation must not be paid under **section 72BA(2)** unless the person giving vacant possession is—
- (a) not a willing party to the acquisition of the land; or
 - (b) a willing party to the acquisition principally because the land had been notified.
- (3) Compensation must not be paid under **section 72BA(2)** unless—
- (a) the person referred to in that section had a qualifying arrangement for the dwelling on the vacant possession date; and
 - (b) the dwelling was that person's principal place of residence for a substantial part of the period between the notification date and the vacant possession date.
- 31 Section 72C amended (Additional compensation for acquisition of notified land)**
- (1) In section 72C(2)(b), replace “\$250” with “\$350” in each place.
 - (2) In section 72C(2)(c) and (3), replace “\$25,000” with “\$35,000” in each place.
 - (3) In section 72C(5)(a), after “same proportion”, insert “to the amount of compensation that would otherwise be payable”.
- 32 Section 72D amended (Circumstances in which compensation must not be paid under section 72C)**
- Replace section 72D(3) with:
- (3) Compensation must not be paid to an owner of land under section 72C(1) ~~if to an owner of land if the owner~~—
- (a) ~~is paid~~ compensation for the loss of a dwelling on that land is paid to that owner, or any other owner, of the land under section 72(1) or **72BA(2)**; or
 - (b) that owner is a body corporate of a unit title development (as those terms are defined in section 5(1) of the Unit Titles Act 2010) for which compensation for the loss of 1 or more dwellings has been paid under section 72(1).

- (4) Compensation must not be paid to an owner of land under section 72C(1) if the land is—
- (a) transferred or set apart for another public work under section 50 or 52;
 - (b) owned by a Crown body and acquired by the Minister or a local authority;
 - (c) owned by a local authority and acquired by the Minister or another local authority.

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33 New sections 72DA to 72DC inserted

After section 72D, insert:

72DA Additional compensation for acquisition of notified land by agreement

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- (1) Compensation must be paid to an owner of land if—
- (a) the land has been notified; and
 - (b) the land is acquired for the public work for which it was notified; and
 - (c) the owner is party to an agreement by which the land is acquired before a notice of intention to take the land is given or served under **section 23**; and
 - (d) the payment of compensation is not excluded by **section 72DC**.
- (2) The compensation paid under **subsection (1)** must—
- (a) equal 10% of the total land value; or
 - (b) be \$5,000 if 10% of the total land value is equal to or less than \$5,000; or
 - (c) be \$100,000 if 10% of the total land value is equal to or more than \$100,000.
- (3) However, the compensation paid under **subsection (1)** must not in total exceed \$100,000 regardless of—
- (a) the number of owners of the land; or
 - (b) the nature of the estate or interest each of the owners has in the land.
- (4) If compensation is paid under **subsection (1)** for land that is owned by more than 1 person, the compensation must be—
- (a) paid only to the qualifying owners; and
 - (b) apportioned between the qualifying owners in proportion to the individual value each owner has in the land.
- (5) ~~For the purposes of this section, an owner of land referred to in **section 48C(1)(c), (d), or (e)** must be treated as if they were party to an agreement by which their land is acquired before a notice of intention to take the land is given or served under **section 23**.~~
- (5) For the purposes of **subsection (1)(c)**,—

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- (a) a notice of intention to take land that is given or served under **section 23** must be ignored if the notice is withdrawn or ceases to have effect before the land is acquired by an agreement:
- (b) an owner of land referred to in **section 18C(1)(c), (d), or (e)** must be treated as if they were party to an agreement by which their land is acquired before a notice of intention to take the land is given or served under **section 23**. 5
- (6) This section is subject to **section 72J** (which relates to the relationship between different entitlements to compensation for acquisition by agreement).
- 72DB Compensation for acquisition of notified protected Māori land in other circumstances** 10
- (1) This section applies to an owner of protected Māori land if—
- (a) the circumstances in **section 72DA(1)(a) and (b)** apply to the owner and their land; but
- (b) the owner does not meet **section 72DA(1)(c)** because the land is acquired or taken after a notice of intention to take the land is given or served under **section 23**. 15
- (2) The Minister or the local authority, as the case may be, may, in their or its discretion, pay compensation to the owner if—
- (a) the Minister or local authority has had regard to— 20
- (i) the legal and practical constraints on the owner in reaching a decision to sell the land; and
- (ii) any other matters relating to the nature of the landholding or its ownership structure that affect the practicality of selling the land; and 25
- (iii) whether, because of constraints or matters referred to in **subparagraph (i) or (ii)**,—
- (A) the land was acquired by an agreement to which the owner was a party after a notice of intention to take the land was given or served under **section 23**; or 30
- (B) the owner supported the taking of the land by Proclamation as the most practical means of executing the acquisition; and
- (b) the payment of compensation is not excluded by **section 72DC**.
- (3) Compensation paid under **subsection (2)** must be equivalent to the amount that would be paid were it payable under **section 72DA(1)**. 35
- (4) If compensation is paid under **subsection (2)** for land that is owned by more than 1 person, the compensation must be—
- (a) paid only to the qualifying owners; and

- (b) apportioned between the qualifying owners in proportion to the individual value each owner has in the land.

72DC Circumstances in which compensation must not be paid under section 72DA or 72DB

- (1) Compensation must not be paid to an owner of land under **section 72DA(1) or 72DB(2)** unless the owner gives vacant possession of the land and all buildings and structures on the land to the notifying authority—
- (a) on or before the vacant possession date, or any later date that the authority allows, if the land is acquired under an agreement that specifies a vacant possession date:
 - (b) within 1 month after the date on which the authority serves notice on the vendor or the person from whom the land is taken (as the case may be) that vacant possession is required, or within any longer period that the authority allows, if—
 - (i) the land is acquired under an agreement that does not specify a vacant possession date; or
 - (ii) the land is protected Māori land for which no agreement for sale is entered into and that is taken by Proclamation.
- (2) Compensation must not be paid to an owner of land under **section 72DA(1) or 72DB(2)** unless the owner person giving vacant possession—
- (a) is not a willing party to the acquisition of the land; or
 - (b) is a willing party to the acquisition principally because the land had been notified.
 - ~~(a) is an owner of the land on the vacant possession date; and~~
 - ~~(b) is—~~
 - ~~(i) not a willing party to the acquisition of the land; or~~
 - ~~(ii) a willing party to the acquisition principally because the land had been notified.~~
- (3) Compensation must not be paid to an owner of land under **section 72DA(1) or 72DB(2)** if the land is—
- (a) transferred or set apart for another public work under section 50 or 52;
 - (b) owned by a Crown body and acquired by the Minister or a local authority;
 - (c) owned by a local authority and acquired by the Minister or another local authority.

34 Section 72E amended (Adjustment of compensation payable under section 72 or 72C)

- (1) In the heading to section 72E, replace “**section 72 or 72C**” with “**section 72, 72C, or 72DA**”.
- (2) In section 72E(1), replace “section 72, 72A, or 72C” with “section 72, 72C, or **72DA**”. 5
- (3) Replace section 72E(1)(a) and (b) with:
 - (a) increasing the amount of compensation in section 72(1):
 - (b) increasing the compensation limit in section 72(1B):
- (4) After section 72E(1)(d), insert: 10
 - (e) increasing or decreasing the percentages in **section 72DA(2)(a) to (c)**:
 - (f) increasing or decreasing the compensation limits in **section 72DA(2)(b) and (c) and (3)**.
- (5) Replace section 72E(2)(a) with: 15
 - (a) the purposes of the compensation payable under sections 72, 72C, and **72DA**, including—
 - (i) the differences between the acquisition of land that includes the owner’s home and the acquisition of land that does not include the owner’s home; and
 - (ii) the differences in benefit to the Crown or a local authority 20
 between the acquisition of land by agreement and the taking of land compulsorily:
- (6) After section 72E(2)(d), insert: 25
 - (da) the affordability of the compensation payable under sections 72, 72C, and **72DA** for the relevant departments, Crown bodies, and local authorities:
- (7) In section 72E(2)(e), replace “paragraphs (b) to (d)” with “paragraphs (b) to **(da)**”.
- (8) Replace section 72E(4) with: 30
 - (4) An Order in Council cannot be made under this section more than once every 5 years irrespective of whether amendments are made to only some of the relevant provisions in the order.
- (4A) In this section, **department** means— 35
 - (a) an agency listed in Part 1 of Schedule 2 of the Public Service Act 2020:
 - (b) the New Zealand Defence Force:
 - (c) the New Zealand Police.

35 Section 72F amended (Additional compensation for protected Māori land acquired or taken for critical infrastructure project)

Replace section 72F(11) to (13) with:

- (11) For the purposes of subsection (2)(b),—
- (a) a notice of intention to take land that is given or served under **section 23** must be ignored if the notice is withdrawn or ceases to have effect before the land is acquired by an agreement: 5
 - (b) an owner of land referred to in **section 18C(1)(c), (d), or (e)** must be treated as if they were party to an agreement by which their land is acquired before a notice of intention to take the land is given or served under **section 23**. 10
- (12) This section is subject to **section 72J** (which relates to the relationship between different entitlements to compensation for acquisition by agreement).
- Replace section 72F(13) with:
- (13) In this section and section 72G,— 15
- (a) a term defined in section 72B has the same meaning as in that section; but
 - (b) **individual value** means the portion of category value that is payable to an owner who qualifies for compensation under subsection (1) or (6), as the case may be, determined by the percentage of the relevant category of interest or estate that is held by the owner in land. 20

35B New sections 72H to 72J inserted

After section 72G, insert:

- 72H Additional compensation for land acquired or taken for combined project that includes critical infrastructure project** 25
- (1) The compensation specified in **subsection (2)** must be paid to an owner of land if—
- (a) the land has been notified; and
 - (b) the land is acquired for the public work for which it was notified; and
 - (c) the public work— 30
 - (i) is not itself the whole or a part of a critical infrastructure project; but
 - (ii) is part of a combined project that includes a critical infrastructure project; and
 - (d) except for any protected Māori land, all land that is acquired or taken, or to be acquired or taken, for the critical infrastructure project has been, or will be, acquired or taken under Part 2A; and 35
 - (e) the payment of compensation is not excluded by **section 72I**.

- (2) The compensation to be paid is—
- (a) compensation in recognition of the land being acquired or taken for a combined project that includes a critical infrastructure project; and
 - (b) compensation in recognition of the benefit to the Crown or local authority in not having to take the land compulsorily if the owner is party to an agreement by which the land is acquired before a notice of intention to take the land is given or served under **section 23**. 5
- (3) The compensation paid under **subsection (2)(a)**—
- (a) must be the amount calculated in accordance with section 39AAK(3); and 10
 - (b) must not exceed the amount specified in section 39AAK(5)(a) regardless of—
 - (i) the number of owners of the land; or
 - (ii) the nature of the estate or interest each owner has in the land.
- (4) The compensation paid under **subsection (2)(b)**— 15
- (a) must be the amount calculated in accordance with section 39AAK(4); and
 - (b) must not exceed the amount specified in section 39AAK(5)(b) regardless of—
 - (i) the number of owners of the land; or 20
 - (ii) the nature of the estate or interest each owner has in the land.
- (5) If compensation is payable under **subsection (2)(a) or (b)** for land that is owned by more than 1 person, the compensation must be—
- (a) paid only to owners who qualify under **subsection (1)**; and
 - (b) apportioned between those qualifying owners in proportion to the individual value each owner has in the land. 25
- (6) If an owner of land is paid compensation under **subsection (2)(b)**, the owner is not entitled to any compensation under **section 72DA(1) or 72DB(2)** for the land.
- (7) For the purposes of **subsection (2)(b)**,— 30
- (a) a notice of intention to take land that is given or served under **section 23** must be ignored if the notice is withdrawn or ceases to have effect before the land is acquired by an agreement;
 - (b) an owner of land referred to in **section 18C(1)(c), (d), or (e)** must be treated as if they were party to an agreement by which their land is acquired before a notice of intention to take the land is given or served under **section 23**. 35
- (8) This section is subject to **section 72J** (which relates to the relationship between different entitlements to compensation for acquisition by agreement).

72I Circumstances in which compensation must not be paid under section 72H

(1) Compensation must not be paid to an owner of land under **section 72H(2)** unless the owner gives vacant possession of the land and all buildings and structures on the land to the Minister or local authority, as the case may be,—

(a) on or before the vacant possession date, or any later date that the Minister or local authority allows, if the land is acquired under an agreement that specifies a vacant possession date;

(b) within 1 month after the date on which the Minister or local authority serves notice on the vendor or person from whom the land is taken (as the case may be) that vacant possession is required, or within any longer period that the Minister or local authority allows, if—

(i) the land is acquired under an agreement that does not specify a vacant possession date; or

(ii) no agreement for sale is entered into and the land is taken by Proclamation.

(2) Compensation must not be paid to an owner of land under **section 72H(2)** unless the owner—

(a) is not a willing party to the acquisition of the land; or

(b) is a willing party to the acquisition principally because the land had been notified.

(3) Compensation must not be paid to an owner of land under **section 72H(2)** if the land is—

(a) transferred or set apart for another public work under section 50 or 52;

(b) owned by a Crown body and acquired by the Minister or a local authority;

(c) owned by a local authority and acquired by the Minister or another local authority.

72J Relationship between entitlements to compensation for acquisition by agreement

(1) This section applies if—

(a) land is acquired for a public work (including a critical infrastructure project) by agreement with the owner of the land; and

(b) when the agreement is executed, other land that is owned by the owner is the subject of negotiations under section 17 (whether as modified by section 39AAF or not) to acquire the other land for—

(i) the same public work; or

(ii) a combined project that includes the public work.

(2) The owner is entitled to compensation under a relevant compensation provision for the acquisition of specified land only if—

- (a) all of the specified land is acquired for the public work or combined project by 1 or more agreements or otherwise ceases to be the subject of negotiations under section 17; and
- (b) in the case of land that is acquired by agreement, the applicable requirements for the payment of compensation under a relevant compensation provision are met in relation to the acquisition of that land. 5
- (3) If the owner is entitled to compensation in accordance with **subsection (2)**, the owner—
- (a) must be paid compensation under the relevant compensation provision that— 10
- (i) provides for the highest amount of compensation for a single acquisition of specified land; and
- (ii) for which the applicable requirements for the payment of the compensation are met; and
- (b) is entitled to compensation under that relevant compensation provision only in relation to the acquisition referred to in **paragraph (a)**; and 15
- (c) is not entitled to compensation under any other relevant compensation provision that applies in relation to an acquisition of specified land.
- (4) For the purposes of **subsection (3)(a)**, if more than 1 relevant compensation provision provides for the highest amount of compensation, the owner must be paid compensation under whichever provision applied first. 20
- (5) In this section,—
- relevant compensation provision** means section 39AAK(2)(c), **72DA(1)**, **72F(2)(b)**, or **72H(2)(b)**
- specified land** means any land referred to in **subsection (1)(a) or (b)**. 25
- 36 Section 78 amended (Limitation of time for claiming compensation)**
- (1) In section 78(1), after “made”, insert “in accordance with section 82”.
- (2) After section 78(5), insert:
- (6) To avoid doubt, this section applies to a claim for compensation, not instead of, but as well as, the Limitation Act 2010. 30
- 37 Section 84 amended (Filing claims in District Court)**
- In section 84, insert as subsection (2):
- (2) To avoid doubt, this section is subject to the Limitation Act 2010.
- 38 New section 84A inserted (When Tribunal may hear claim)**
- After section 84, insert: 35

84A When Tribunal may hear claim

The Land Valuation Tribunal may hear a claim for which a notice is filed under section 84 if—

- (a) a period of 45 working days after the notice was filed has expired or the claimant and respondent consent to an earlier hearing; and 5
- (b) the Tribunal—
 - (i) is satisfied that the party who filed the notice has taken ~~all~~ reasonable steps to resolve the dispute using an alternative dispute resolution process provided by an independent person; or
 - (ii) gives leave for the claim to be heard without **subparagraph (i)** 10
being met.

Subpart 4—Other amendments

39 Section 243 amended (Regulations)

After section 243(1)(g), insert:

- (ga) prescribing reporting requirements for persons exercising or performing powers, functions, or duties under this Act for the purpose of supporting the responsible chief executive in monitoring the operation of this Act: 15

40 New section 243A inserted (Annual report on operation of this Act)

After section 243, insert:

243A Annual report on operation of this Act 20

- (1) The responsible chief executive must, at least every 12 months, provide the Minister for Land Information with a report—
 - (a) on the issues and trends identified by the chief executive, since the period of the last report, in the course of monitoring the operation of this Act; and 25
 - (b) that includes a summary of the information provided under any regulations made under **section 243(1)(ga)** that the chief executive considers relevant to those issues and trends.
- (2) The responsible chief executive must publish the report on an internet site that is administered by or on behalf of the chief executive. 30

41 Schedule 1AA amended

In Schedule 1AA,—

- (a) insert the Part set out in **Schedule 1** of this Act as the last Part; and
- (b) make all necessary consequential amendments.

42 Schedule 2B amended

In Schedule 2B, repeal paragraph 9.

43 New Schedule 2C inserted

Before Schedule 3, insert the **Schedule 2C** set out in **Schedule 2** of this Act.

44 Amendments to remove specific powers to authorise persons to act on Minister's behalf 5

Amend the principal Act as set out in **Schedule 3**.

45 Minor and consequential amendments to principal Act

Amend the principal Act as set out in **Schedule 4**.

Part 2

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Consequential amendments to other legislation**46 Consequential amendments to other legislation**

Amend the legislation specified in **Schedule 5** as set out in that schedule.

Schedule 1

New Part 3 inserted into Schedule 1AA

s 41

Part 3	
Provision relating to Public Works Amendment Act 2025	
10	Interpretation In this Part,— amendment Act means the Public Works Amendment Act 2025 commencement means the date on which the amendment Act comes into force. <u>main commencement means the 28th day after the amendment Act receives Royal assent</u> <u>new, in relation to a section of this Act, means the section as inserted by the amendment Act.</u>
11	Designations under fast-track consenting process in Natural and Built Environment Act 2023 (1) Subclause (2) applies to a designation that is included in a district plan or proposed district plan in accordance with clause 40(2) of Schedule 10 of the Natural and Built Environment Act 2023 as continued by— (a) clause 8 of Schedule 1 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023; and (b) clause 2 of Schedule 1 of the Fast-Track Approvals Act 2024. (2) To avoid doubt, the designation must, for the purposes of this Act, be treated as a designation as defined in section 2.
12	Application of amendments to existing processes (1) This Act, as amended by the amendment Act, applies to the acquisition or taking of land for a public work if, before <u>the main</u> commencement,— (a) a notice of desire to acquire the land for the work is served under old section 18; but (b) a notice of intention to take the land for the work is not given or served under old section 23. (2) This Act, as in force immediately before <u>the main</u> commencement, applies to the acquisition or taking of land for a public work if a notice of intention to take the land for the work is given or served under old section 23 before <u>the main</u> commencement.

- (3) However, the new compensation provisions apply to an acquisition or taking of land referred to in **subclause (2)** if the land is acquired by—
- (a) an agreement that is entered into after the main commencement; or
 - (b) a Proclamation under old section 26 that is issued after the main commencement.
- (4) This clause is subject to **clause 13**.
- (5) In this clause,—
- new compensation provisions** means sections 72 to **72DC, 72H, and 72I** as amended or inserted by the amendment Act
- old**, in relation to a section of this Act, means the section as in force immediately before the main commencement.
- 12A Application of Part 2C to emergencies occurring on or before Royal assent**
- (1) An Order in Council may be made under new **section 39L** for the purpose of supporting the timely and efficient restoration of a public work following an emergency that occurred on or before the day on which the amendment Act received Royal assent if—
- (a) a state of emergency has been declared, or a notice of a transition period has been given, after 24 November 2025 for the emergency; and
 - (b) the order is otherwise made in accordance with new **section 39L**.
- (2) If both a state of emergency has been declared and a notice of a transition period has been given for the emergency, **subclause (1)(a)** applies to whichever occurred first.
- 12B Changes made by amendment Act apply for purposes of Part 2C before main commencement**
- (1) This clause applies until the main commencement.
- (2) For the purposes of new **sections 39O to 39V and 39Y**, Part 2 of this Act applies as if the amendments made to that Part by the amendment Act were in force.
- (3) For the purposes of new **section 39W**, Part 5 of this Act applies as if the amendments made to that Part by the amendment Act were in force.
- 13 Declaratory amendments to sections 78 and 84**
- (1) The amendments made to sections 78 and 84 by **sections 36 and 37** of the amendment Act declare and enact, for the avoidance of doubt, the effect that sections 78 and 84 had before the main commencement.
- (2) However, those amendments do not affect proceedings in a court or tribunal that commenced before the main commencement.

Schedule 2

New Schedule 2C inserted

s 43

Schedule 2C

Notice of intention to take land for emergency recovery

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s 39Q

Form 1

Notice of intention to take land for *[description of public work]* in *[name of district]*

To *[full name]* of *[address]*

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1 The *[name of Minister or local authority]* proposes to take under the Public Works Act 1981 your interest in the land described in the Schedule of this notice.

2 The land is required for *[insert description of public work]* and it is intended to use the land for *[describe the purpose for which the land is to be used]*.

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3 A plan of the land intended to be taken is attached. *[It is not necessary to include this paragraph if all the land is in a surveyed lot.]*

Reasons for taking land

4 A summary of the reasons why the *[name of Minister or local authority]* is of the opinion that your land is required to be taken is as follows: *[give a summary of reasons, including a statement that the land is required to support the timely and efficient restoration of the public work that is specified in the relevant order]*.

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Your right to make submission

5 Your interest in the land has not yet been taken.

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6 You have a right to make a submission on the taking of your interest in the land.

7 If you wish to make a submission, you must submit your submission to *[name and address of Minister or local authority]* no later than *[number of working days in submission period]* working days after this notice is served on you.

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8 The *[name of Minister or local authority]* will consider your submission, but there is no right to a hearing before the *[name of Minister or local authority]*.

9 The *[name of Minister or local authority]* will then decide whether to recommend/request* the taking of the land. As part of the process of making that

decision, the [*name of Minister or local authority*] will consider your submission.

*Select one.

- 10 You will be provided with a copy of the decision of [*name of Minister or local authority*] on whether to recommend/request* the taking of the land.

*Select one.

Your right to compensation

- 11 This notice, and the right to make a submission described above, relate to the taking of your interest in the land and not to your right to compensation. Under the Public Works Act 1981, you are entitled to full compensation if your interest in the land is taken. If that compensation cannot be agreed between you and the [*name of Minister or local authority*], it can be determined in separate proceedings before the Land Valuation Tribunal.

- 12 Your right to compensation described in **paragraph 11** includes a right to compensation in recognition of the taking of the land for emergency recovery purposes.

WARNING

This notice concerns your rights over the land referred to. If you are in any doubt about its effect, you should obtain legal advice immediately.

Do not delay.

Schedule

[Insert name of land district]

[Describe in general terms the land required to be taken, including the postal address or some other readily identifiable description of the place where the land is situated.]

Legal description of land

[Insert legal description of land.]

Dated at [*place, date*]

Signature:

for Minister for Land Information *or* chief executive of local authority

Schedule 3
Amendments to remove specific powers to authorise persons to act
on Minister's behalf

s 44

Section 4B 5

In section 4B(1), delete “, or by any person or office holder authorised by a Minister of the Crown in that behalf, either generally or in respect of any specified contract or instrument or of any specified class or classes of contract or instruments”.

In section 4B(2), delete “, or by any person or office holder authorised by the Minister in that behalf, either generally or in respect of any specified contract, deed, or instrument or of any specified class or classes of contracts, deeds, or instruments”.

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Section 17

In section 17(4), delete “, or any person authorised generally or particularly in writing by him,”.

Section 19 15

In section 19(8), delete “or by some person authorised by the Minister in that behalf”.

Section 115

In section 115(9), delete “or by some person authorised by the Minister in that behalf”.

Schedule 4

Minor and consequential amendments to principal Act

s 45

Section 4

In section 4(2), replace “post office” with “relevant postal service” in each place. 5

In section 4(4), replace “General Manager of Railways at the New Zealand Railways Corporation office at Wellington” with “General Manager of the New Zealand Railways Corporation at the corporation’s office in Wellington”.

Section 4A

In the heading to section 4A, replace “**Minister of Lands**” with “**Minister for Land Information**”. 10

In section 4A, replace “Minister of Lands by any other Act, the Minister of Lands” with “Minister for Land Information by any other Act, the Minister”.

Section 4B

In section 4B(2), replace “Minister of Lands” with “Minister for Land Information”. 15

Section 15A

In section 15A, replace “Minister of Lands” with “Minister for Land Information”.

Section 17

Replace section 17(4)(a) with:

(a) Māori freehold land; and 20

In section 17(4) and (5), replace “Maori Land Court” with “Māori Land Court” in each place.

Section 24

In section 24(1) and (11), replace “section 23” with “**section 23C**”.

In section 24(7)(b), replace “enquire” with “inquire”. 25

Section 27A

Re-number section 27A as section 27I.

Section 32

In the heading to section 32, after “**plan**”, insert “(or CSD)”.

In section 32, after “23,”, insert “**23A**,”. 30

In section 32(c), replace “or lodged in the office of the Chief Surveyor of the land district in which the land is situated” with “or lodged with the responsible chief executive”.

Section 39AAE

In section 39AAE(6)(b), replace “notice of desire to acquire any land required for the project is served” with “invitation to sell any land required for the project is given”.

Repeal section 39AAE(7).

Section 39AAF

5

Replace section 39AAF(2)(b) and (c) with:

- (b) the reference in **section 17(7)(b)** to Part 5 must be read as a reference to this Part; and
- (c) any information provided or invitation to sell given under **section 18(2)(a) or (b)** must specify that the information or invitation relates to a critical infrastructure project; and
- (d) the references in **section 18(1) and (3)** to **section 23** must be read as references to **section 23** as modified by **section 39AAH**.

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~~In section 39AAF(3), replace “section 18(1)(c)” with “**section 18(2)(b)**”.~~

Repeal section 39AAF(3).

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Section 39AAG

In the heading to section 39AAG, replace “**proceed to take land**” with “**give and serve notice of intention to take land**”.

In section 39AAG(1)(b), replace “section 18(7)” with “**section 18C(1)**”.

In section 39AAG(2), replace “proceed to take land” with “give and serve a notice of intention to take the land”.

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Section 39AAI

In section 39AAI, new sections 24(3)(a)(i) and 25(7)(a)(i), delete “(as modified by section 39AAH(1))”.

Section 39AAJ

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In section 39AAJ(1), replace “subsection (1)” with “**subsections (1) to (1C)**”.

In section 39AAJ(1), replace new section 26(1C) with:

(1C) The land may be taken in the following manner:

- (a) subject to section 32,—
 - (i) the Minister or a local authority, as the case may be, must cause a CSD to be prepared that shows accurately the position and extent of the land proposed to be taken; and
 - (ii) the CSD must be approved as to survey by the responsible chief executive; and
- (b) in the case of a Government work, the Minister must recommend that the Governor-General issue a Proclamation taking the land; and

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Section 39AAJ—continued

- (c) in the case of a local work,—
- (i) the local authority must submit to the Governor-General a request to take the land proposed to be taken, together with the CSD unless section 32 applies; and
 - (ii) the request must be signed by the chief executive of the local authority, and need not be under seal; and 5
 - (iii) a statutory declaration by the chairperson, mayor, or chief executive of the local authority, in the form set out in Schedule 2, may be accepted by the Governor-General as sufficient without making further inquiry. 10

Section 39AAK

In section 39AAK(2)(a), replace “section 72A(1)(b) or (c)” with “**section 72DA(1)**”.

~~In section 39AAK(7), replace “section 18(7)(e), (d), or (e)” with “**section 48G(1)(c), (d), or (e)**”.~~

Section 39AAM

In section 39AAM(2)(b), after “section 72E(2)(b) to (e)”, insert “(other than **section 72E(2)(da)**)”.

Section 39A

Renumber section 39A as section 40AAA.

In section 39A, replace “Minister of Lands” with “Minister for Land Information”. 20

Section 40

In section 40(1), (2), (2A), and (4), replace “chief executive of the department within the meaning of section 2 of the Survey Act 1986” with “responsible chief executive” in each place.

Section 41

In the heading to section 41, replace “**Maori**” with “**Māori**”.

In section 41(1), replace “chief executive of the department within the meaning of section 2 of the Survey Act 1986” with “responsible chief executive”.

In section 41(1)(a), replace “as those terms are defined” with “as defined”.

In section 41(1)(e), replace “Maori Land Court” with “Māori Land Court”. 30

Section 42

In section 42(1) and (2), replace “chief executive of the department within the meaning of section 2 of the Survey Act 1986” with “responsible chief executive” in each place.

Section 42—continued

In section 42(2), replace “public notice is given of every public auction or invitation for public tenders or applications under this section, and that written notice of it” with “every public auction or invitation for public tenders or applications under this section is publicly advertised, and that written notice of the auction or invitation”.

In section 42(4)(b) and (5), replace “the department within the meaning of the Survey Act 1986” with “the responsible chief executive’s department”. 5

In section 42(7), replace “Chief Surveyor” with “responsible chief executive”.

Section 42A

In section 42A(1), replace “Maori” with “Māori” in each place.

In section 42A(2), replace “chief executive of the department within the meaning of section 2 of the Survey Act 1986” with “responsible chief executive”. 10

Section 42B

In section 42B(1), replace “chief executive of the department within the meaning of section 2 of the Survey Act 1986 is advised by a State enterprise within the meaning of the State-Owned Enterprises Act 1986” with “responsible chief executive is advised by a State enterprise (within the meaning of the State-Owned Enterprises Act 1986)”. 15

In section 42B(2), replace “chief executive of the department within the meaning of section 2 of the Survey Act 1986” with “responsible chief executive”.

Section 45 20

In section 45(5)(b), replace “Crown agency” with “Crown entity”.

Section 52

In section 52(8), delete “in triplicate”.

In section 52(8), replace “Chief Surveyor” with “responsible chief executive”.

Section 52A 25

In section 52A, replace “Minister of Lands” with “Minister for Land Information”.

Section 57

After section 57(4), insert:

(5) In this section, **plan** includes a CSD.

Section 58 30

In the heading to section 58, replace “**Chief Surveyor**” with “**responsible chief executive**”.

In section 58, replace “lodged in the office of the Chief Surveyor, and the Chief Surveyor” with “lodged with the responsible chief executive, and the chief executive”.

Section 59

In section 59, definition of **Minister**, replace “Minister of Lands” with “Minister for Land Information”.

In section 59, definition of **notified**, after paragraph (a), insert:

- (aa) made the subject of an approval described in section 42(4)(d) of the Fast-track Approvals Act 2024 (designation) that is sought in a substantive application lodged under section 42 of that Act; or

In section 59, definition of **notified**, replace paragraph (e) with:

- (e) made the subject of negotiations under section 17 or an invitation to sell under **section 18(2)(b)**, in which case the date of notification is the date on which the negotiations commenced or the date on which the invitation was given, as the case may be

Section 71

Replace section 71(1)(a) with:

- (a) the date on which an invitation to sell was given under **section 18(2)(b)**; or

In section 71(1)(b), replace “section 167” with “section 168A, section 169, or clause 5 of Schedule 1”.

After section 71(1)(b), insert:

- (c) the date on which comments were invited under section 53(2)(h) of the Fast-track Approvals Act 2024 on a substantive application that seeks an approval described in section 42(4)(d) of that Act (designation),—

In section 71(5)(a), replace “Minister of Railways” with “Minister for Rail” in each place.

In section 71(5)(b), replace “chief executive of the department within the meaning of section 2 of the Survey Act 1986 for the district in which the land is situated” with “responsible chief executive”.

In section 71(6) and (7), replace “chief executive of the department within the meaning of section 2 of the Survey Act 1986” with “responsible chief executive” in each place.

Section 72A

Repeal section 72A.

Section 72F

In section 72F(7)(a)(iii)(A), after “acquired by”, insert “an”.

In section 72F(10), replace “section 72A(1)(b) or (c)” with “**section 72DA(1) or 72DB(2)**”.

Section 72F—*continued*

~~In section 72F(11), replace “section 18(7)(e), (d), or (e)” with “**section 18(4)(e), (d), or (e)**”.~~

Section 73

In section 73(4) and (5), replace “chief executive of the department within the meaning of section 2 of the Survey Act 1986” with “responsible chief executive”. 5

Section 74

In section 74(4) and (5), replace “chief executive of the department within the meaning of section 2 of the Survey Act 1986” with “responsible chief executive”.

Section 80

In section 80(1)(a), replace “issued a notice under section 18(1)(a)” with “given an invitation to sell under **section 18(2)(b)**”. 10

Replace section 80(4)(b) with:

- (b) the invitation to sell given under **section 18(2)(b)** has not been withdrawn,—

Replace section 80(4)(d) with: 15

- (d) a withdrawal of the invitation to sell given under **section 18(2)(b)**.

In section 80(6)(a), replace “section 23” with “**section 23C**”.

Section 81

In section 81(1) and (2), replace “or section 18” with “(including as the result of an invitation to sell being given under **section 18**)”. 20

Section 83

Replace section 83(1)(a) with:

- (a) where the Minister is the respondent, by being sent by registered letter addressed to the responsible chief executive at the chief executive’s office in Wellington: 25

In section 83(1)(b), replace “Minister of Railways” with “Minister for Rail”.

In section 83(1)(b), replace “General Manager of Railways at the New Zealand Railways Corporation office at Wellington” with “General Manager of the New Zealand Railways Corporation at the corporation’s office in Wellington”.

Section 84 30

In section 84, replace “the Tribunal; and unless both the claimant and the respondent consent, the Tribunal shall not hear the claim earlier than 45 working days after the date of filing in the court of that notice” with “the Land Valuation Tribunal”.

Section 107

In section 107(5) and (6), replace “chief executive of the department within the meaning of the Survey Act 1986” with “responsible chief executive”.

In section 107(5) and (6), replace “General Manager of Railways” with “General Manager of the New Zealand Railways Corporation”. 5

In section 107(7), (8), and (9C), replace “Minister of Railways” with “Minister for Rail”.

In section 107(10) and (19), replace “Chief Surveyor” with “responsible chief executive” in each place.

Section 107A

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In section 107A(6), replace “under section 12A of the Survey Act 1986, and shall be administered under the Land Act 1948” with “under section 24AA of the Land Act 1948, and shall be administered under that Act”.

Section 108

In section 108, replace “chief executive of the department within the meaning of the Survey Act 1986” with “responsible chief executive”. 15

In section 108, replace “General Manager of Railways” with “General Manager of the New Zealand Railways Corporation”.

In section 108, replace “Minister of Railways” with “Minister for Rail”.

Section 110

20

In section 110(1), replace “survey regulations made under the Survey Act 1986” with “the cadastral survey rules”.

Section 111A

Replace section 111A(1)(ba) with:

(ba) a network utility operator that is a requiring authority; or

25

Section 113

In section 113, definition of **Minister**, replace “Minister of Lands” with “Minister for Land Information”.

Section 114

In section 114(2)(d), replace “Minister of Railways” with “Minister for Rail”. 30

Section 115

In section 115(2)(a), replace “Chief Surveyor” with “responsible chief executive”.

Section 117

In section 117(5), replace “Chief Surveyor” with “responsible chief executive”.

Section 117—*continued*

In section 117(8), replace “section 12A of the Survey Act 1986” with “section 24AA of the Land Act 1948”.

Section 120

In section 120(5), replace “section 12A of the Survey Act 1986” with “section 24AA of the Land Act 1948”.

5

Section 133

In section 133(2)(f), replace “section 129” with “section 51 of the Government Road-ing Powers Act 1989”.

Section 180

Repeal section 180(1)(e).

10

Section 181

In section 181(1), replace “by telegram or telephone” with “in writing or by tele-phone”.

Section 224

In section 224(2)(b), replace “Minister of Lands” with “Minister for Land Informa-tion”.

15

In section 224(20), replace “which is a requiring authority within the meaning of the Resource Management Act 1991” with “that is a requiring authority”.

Section 226

In section 226(2) and (3), replace “Minister of Lands” with “Minister for Land Infor-mation”.

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Section 229

In section 229(3) and (4), replace “new Ministry” with “Ministry for Primary Indus-tries”.

Section 236

In section 236(1), replace “Minister of Lands” with “Minister for Land Information”.

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Section 240

In section 240(1), replace “Minister of Lands” with “Minister for Land Information”.

Section 248

In section 248(3), replace “Maori Trustee” with “Māori Trustee”.

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Schedule 1

Replace the Schedule 1 heading with:

Schedule 1—*continued*

Schedule 1
Notice of intention to take land for public work

s 23(1)(c)

After the Schedule 1 heading, insert:

Form
 Notice of intention to take land for *[description of public work]* in *[name of district]*

5

In Schedule 1, replace paragraph 4 with:

4 A summary of the reasons why the *[insert Minister or name of local authority]* is of the opinion that your land is required to be taken is as follows: *[give summary of reasons]*.

10

In Schedule 1, replace paragraph 7 with:

7 If you wish to object, you must—

- (a) prepare a written objection that specifies the grounds of the objection, which may only be grounds that relate to the matters that the Environment Court may consider under section 24(7)(b) or (d) and **(8)** of the Public Works Act 1981; and
- (b) send the written objection to *[address of Registrar of Environment Court]* within 20 working days after this notice is served on you.

15

In Schedule 1, after “**Do not delay.**”, replace the words with:

20

Schedule
[Insert name of land district]
[Describe in general terms the land required to be taken, including the postal address or some other readily identifiable description of the place where the land is situated.]

Legal description of land

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*[Insert legal description of land.]*Dated at *[place, date]*

Signature:

for Minister for Land Information *or* chief executive of local authority**Schedule 2**

30

In the Schedule 2 heading, replace “s 26(1)(e)(iii)” with “**s 26(1C)(c)(iii)**”.

Schedule 2B

In Schedule 2B, paragraph 4, replace “considers that the land should be taken” with “is of the opinion that your land is required to be taken”.

In Schedule 2B, paragraph 16, replace “the land being taken” with “the taking of the land”.

5

In Schedule 2B, after “**Do not delay.**”, replace the words with:

Schedule***[Insert name of land district]***

[Describe in general terms the land required to be taken, including the postal address or some other readily identifiable description of the place where the land is situated.]

10

Legal description of land

[Insert legal description of land.]

Dated at *[place, date]*

Signature:

for Minister for Land Information *or* chief executive of local authority

15

Schedule 3

In Schedule 3, forms A and B, replace “*Minister of Lands*” with “*Minister for Land Information*”.

Schedule 4

In Schedule 4, replace “Minister of Lands” with “Minister for Land Information”.

20

In Schedule 4, after the third paragraph, insert:

The steps I have taken to resolve the dispute using an alternative dispute resolution process are as follows: *[describe the steps taken]*.

Schedule 5

In Schedule 5, replace “Minister of Lands, *or* Minister of Railways” with “Minister for Land Information, *or* Minister for Rail”.

25

In Schedule 5, replace “Chief executive of the department within the meaning of section 2 of the Survey Act 1986” with “Chief executive within the meaning of section 4 of the Cadastral Survey Act 2002”.

In Schedule 5, replace “General Manager of Railways” with “General Manager of the New Zealand Railways Corporation”.

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Schedule 5

Consequential amendments to other legislation

s 46

Part 1

Consequential amendments to Acts

5

Civil Aviation Act 2023 (2023 No 10)

In section 228(2), (7), and (8), replace “Minister of Lands” with “Minister for Land Information” in each place.

Fast-track Approvals Act 2024 (2024 No 56)

Repeal Schedule 12. 10

Housing Act 1955 (1955 No 51)

In section 36(3), replace “Minister of Lands” with “Minister for Land Information”.

National War Memorial Park (Pukeahu) Empowering Act 2012 (2012 No 76)

In section 17(3), replace “Minister of Lands” with “Minister for Land Information”.

In section 18(5), replace “Sections 18, 23, 24, 25, and 26(1) and (2)” with “Sections **18 to 18C, 23** to 25, and **26(1)** to (2)”. 15

New Zealand Railways Corporation Act 1981 (1981 No 119)

In section 30(1) and (2)(a), replace “Minister of Lands” with “Minister for Land Information”.

New Zealand Railways Corporation Restructuring Act 1990 (1990 No 105) 20

In section 40(1), replace “Minister of Lands” with “Minister for Land Information”.

In Schedule 5, replace clause 1(a) with:

(a) **section 23A(2)(b)(iv):**

In Schedule 5, clause 2, replace “section 23(1)(b)” with “**section 23A(2)(b)**”.

In Schedule 5, clause 3, replace “subsection (1)” with “**subsections (1) to (1C)**”. 25

In Schedule 5, clause 4, replace “Minister of Lands” with “Minister for Land Information” in each place.

Reserves Act 1977 (1977 No 66)

In section 12(1), delete “notwithstanding anything in subsection (2) of section 23 of the Public Works Act 1981,”. 30

In section 12(1), replace “the notice and description referred to in subsection (1) of the said section 23” with “the notice referred to in **section 23(1)(c)** of the Public Works Act 1981”.

Resource Management Act 1991 (1991 No 69)

After section 85(3D), insert:

- (3E) The amount of compensation payable for an estate or interest in land acquired in accordance with subsection (3A)(a)(ii) does not include compensation under **section 72DA(1) or 72DB(2)** of the Public Works Act 1981.

5

After section 86(3), insert:

- (4) For the purposes of subsection (3), a person from whom an estate or interest in the land is acquired by agreement is entitled to compensation under **section 72DA(1)** of that Act even though a notice of intention to take the land could not have been given or served under **section 23** of that Act.

10

In section 185(6)(a) and (b), replace “Minister of Lands” with “Minister for Land Information”.

Replace section 185(7) with:

- (7) The amount of compensation payable for an estate or interest in land ordered to be taken under this section—
- (a) must be assessed as if the designation or requirement had not been created; and
 - (b) despite subsection (5), does not include compensation under **section 72DA(1)** of the Public Works Act 1981.

15

In section 185(8), replace “Subsection (9) applies” with “Subsections (9) and **(10)** apply”.

20

In section 185(8)(a), replace “section 2 of the Public Works Act 1981” with “section 39AAB of the Public Works Act 1981”.

After section 185(9), insert:

- (10) To avoid doubt, the owner is not entitled to compensation under section 39AAK(2)(c) of that Act.

25

In section 186(1), replace “A network utility operator that is a requiring authority” with “A responsible network utility operator”.

In section 186(2), (4), (6), and (7), replace “network utility operator” with “responsible network utility operator” in each place.

30

After section 186(3), insert:

- (3A) The Minister for Land Information must be treated as having control of the project or work for the purposes of the definition of responsible Minister or local authority in **section 27A** of the Public Works Act 1981.

35

Replace section 186(7A) with:

- (7A) This section does not apply if—
- (a) the responsible network utility operator is Transpower (as defined in section 2 of the Public Works Act 1981):

Resource Management Act 1991 (1991 No 69)—continued

- (b) the responsible network utility operator is a responsible SPV and the land is protected Māori land (as defined in section 11(1) of the Infrastructure Funding and Financing Act 2020).

After section 186(8), insert:

- (9) In this section, **responsible network utility operator**, in relation to a project or work, means a network utility operator that is a requiring authority for—
 - (a) the project or work:
 - (b) a network utility operation to which the project or work relates.

Replace section 198(5) with:

- (5) The amount of compensation payable for an estate or interest in land ordered to be taken under this section—
 - (a) must be assessed as if the heritage order or requirement had not been made; and
 - (b) despite subsection (3), does not include compensation under **section 72DA(1)** of the Public Works Act 1981.

In Schedule 12, after clause 61, insert:

Part 10 Provision relating to Public Works Amendment Act 2025	
62	Application of section 186 to acquisition or taking of land for Transpower project or work
(1)	Section 186 applies to the acquisition or taking of land for a project or work of Transpower if, before commencement, a notice of desire to acquire the land for the project or work is served under section 18 of the Public Works Act 1981 (whether as modified by section 39AAF of that Act or not).
	Guidance note See clause 12 of Schedule 1AA of the Public Works Act 1981 for the extent (if any) to which amendments made to that Act by the Public Works Amendment Act 2025 apply to an acquisition or a taking referred to in subclause (1).
(2)	Section 186(7) applies to land that is—
	(a) acquired or taken for a project or work of Transpower in reliance on section 186; and (b) held by Transpower— (i) immediately before commencement; or (ii) as the result of an acquisition or taking completed on or after commencement in reliance on subclause (1).

Resource Management Act 1991 (1991 No 69)—continued

(3) This clause overrides **section 186(7A)** as replaced by **section 46** of the Public Works Amendment Act **2025**.

(4) In this clause,—

commencement means the date on which this Part comes into force

Transpower has the same meaning as in section 2 of the Public Works Act 1981.

5

State-Owned Enterprises Act 1986 (1986 No 124)

In section 27C(1), replace “Minister of Lands” with “Minister for Land Information”.

In section 27D(2)(b), replace “Minister of Lands” with “Minister for Land Information”.

10

In Schedule 2A, replace clause 1(a) with:

(a) **section 23A(2)(b)(iv):**

In Schedule 2A, clause 2, replace “section 23(1)(b)” with “**section 23A(2)(b)**”.

In Schedule 2A, clause 3, replace “subsection (1)” with “**subsections (1) to (1C)**”.

In Schedule 2A, clause 4, replace “Minister of Lands” with “Minister for Land Information” in each place.

15

Wellington Town Belt Act 2016 (2016 No 1) (L)

In section 23(3), replace “section 23(3)” with “**section 23C**”.

Part 2**Consequential amendments to secondary legislation**

20

Resource Management (Forms, Fees, and Procedure) Regulations 2003 (SR 2003/153)

In Schedule 1, form 36, replace “*Section 23(3)*” with “***Section 23C***”.

In Schedule 1, form 36, replace “section 23” with “**section 23C**”.

Severe Weather Emergency Recovery (Waka Kotahi New Zealand Transport Agency) Order 2023 (SL 2023/279)

25

In clause 23, replace “Section 18(1) to (4), (7) (except (7)(b)), and (8) of the PWA (which relates to prior negotiations required for acquisition of land for essential works) applies” with “**Sections 18, 18B(6), and 18C** (except **section 18C(1)(b)**) of the PWA (which relate to the requirement to attempt to acquire land by agreement before notifying an intention to take it) apply”.

30

Public Works Amendment Bill

Legislative history

24 November 2025

9 December 2025

Introduction (Bill 230–1)

First reading and referral to Transport and Infrastructure
Committee

Wellington, New Zealand:

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