

MIN-4508 Review of the Public Works Act and potential amendments to the Fast-track Approvals Bill

31 May 2024

Providing information ahead of the Cabinet Economic Policy Committee's consideration of timeframes for acquiring land under the Public Works Act 1981 (PWA) for state highway projects on 4 June 2024 and whether any changes could be included in the Fast-track Approvals Bill (FTA Bill) to reduce these timeframes.

NZ Transport Agency Waka Kotahi (NZTA) response:

Key points

- Land acquisition will be a critical step in delivering the state highway projects proposed to be listed in the FTA Bill. Current estimated timeframes for such land acquisition are lengthy.
- We have identified one key change to the PWA that could be included in the FTA Bill. s 9(2)(f)(iv)
[Redacted]
[Redacted]
- [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
- We have identified other potential changes to the PWA to support the delivery of state highway projects. These potential changes do not relate to an approvals or objection process, and therefore do not fall in scope of the process set out in the FTA Bill. Instead, we recommend you:
 - support these changes being included in the scope of the Minister for Land Information's proposed review of the PWA, and
 - request that consideration be given to accelerating PWA changes that are non-controversial, straightforward or that will support the delivery of Government infrastructure priorities. s 9(2)(f)(iv)
[Redacted]
[Redacted]

Background

- The Minister for Land Information has initiated a review of the PWA to address issues regarding its land acquisition, compensation, and land disposal functions. This review is of strong interest to NZTA, as these functions are critical to our ability to deliver state highway projects.
- The Minister for Land Information plans to take a paper proposing this review to Cabinet Economic Policy Committee on 4 June 2024. NZTA worked with the Ministry of Transport to provide comments on this paper via departmental consultation.

- We understand that this review will aim to facilitate the Government's delivery of public infrastructure while retaining the principles of the PWA, with targeted amendments made to improve efficiency, effectiveness, and clarity. If the review proceeds as proposed, then an Expert Advisory Panel will be established and will undertake targeted external consultation with key stakeholders to inform policy proposals in August 2024, with Cabinet policy decisions in December 2024. It is also proposed that the legislation for the PWA review would be in force by December 2025.
- NZTA is optimistic that, once completed, this PWA review will enhance delivery of state highway projects by streamlining the land acquisition process.
- The FTA Bill contains a PWA provision which is a permissive requirement that the Environment Court may consider the alternatives assessment carried out by the Fast-Track Panel for an RMA resource consent. s 9(2)(f)(iv) [REDACTED]
- We are not close to the Select Committee's consideration of the FTA Bill. However, we are aware that some submissions have advocated for PWA land acquisition requirements to be brought into the FTA Bill. The Select Committee will make decisions on how to respond to these submissions as part of its usual process.

s 9(2)(f)(iv) [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- The current provisions of the PWA mean that the compulsory acquisition process takes 15-18 months from when a section 18 notice is served (assuming no objections are received to the subsequent section 23 notice). s 9(2)(f)(iv) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

s 9(2)(f)(iv)

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There are other changes to land acquisition processes that could form part of the review of the PWA

- We have also identified other potential changes to the PWA to support the delivery state highway projects that could be advocated for during Cabinet discussion of the Minister for Land Information's proposed review of the PWA. These have been provided in **Table 2**.
- These changes relate the acquisition of land for state highway construction, rather than an approvals or objection process. We therefore consider they are beyond the scope of the FTA Bill. We recommend you instead support these other changes to be made through the PWA review that the Minister of Land Information is proposing.
- While broader changes to the PWA process will take more time to achieve, they would have a significant impact on infrastructure providers' ability to deliver projects efficiently and effectively.
- Because of this significant impact, particularly on our ability to deliver the listed fast-track projects this parliamentary term, NZTA's view is that the PWA review should be undertaken at pace. At the same time, we acknowledge the PWA review is important to get right, and taking time to properly consult on proposed changes and consider issues through the policy development process will be important.
- We support the timeframes proposed in the Cabinet paper for completion of the review and the intent to have the legislation in force from December 2025. However, you may wish to test with the Minister for Land Information and your other colleagues if any policy changes that do not require primary legislation could be delivered even faster.
- s 9(2)(f)(iv)
- NZTA has not had the opportunity to discuss the options in Table 2 with Land Information New Zealand (LINZ). We are happy to work with LINZ on options, should Ministers be interested in further advice on the phasing of PWA reforms and opportunities to speed up the process.

Noted by Minister ☐

s 9(2)(f)(iv)

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