

26 January 2026

Committee Secretariat
Transport and Infrastructure Committee
Parliament Buildings
Wellington

Dear members of the Transport and Infrastructure Committee

Manawatū District Council (MDC) welcomes the opportunity to make a submission on the Public Works Amendment Bill 2025 (the “draft Bill”).

MDC is a territorial authority established under the Local Government Act 2002, responsible for land-use planning, infrastructure provision, community outcomes, and representing the interests of its residents and ratepayers across a large, rural-provincial district.

Public works land acquisition is a matter of significant importance to the Manawatū District. MDC has a dual role under the PWA. It is both a requiring authority for local infrastructure projects (including roading, three waters, recreational facilities, and community facilities); and an advocate for landowners and communities affected by land acquisition for local, regional, and nationally significant projects.

MDC supports the overarching intent of the Bill to modernise aspects of the Public Works Act 1981 (“PWA”) and improve its efficiency and clarity. While MDC is largely supportive of the Bill as drafted, our submission suggests improvements to reduce the likelihood of litigation for local authorities acting as acquiring authorities under the PWA, and to ensure alignment between this reform and other reforms impacting on local government.

Amendments to the Preliminary Provisions

MDC supports those proposed amendments to the preliminary provisions that help to modernise the PWA and reduce administrative costs when acquiring land, including:

- The proposal to repeal the definition of public notice and to insert a definition of publicly notify; and
- Amendments to section 4 (clause 6) so that a notice under the PWA may be served or given electronically.

Decisions sought:

- That the proposed definition of “publicly notify” is retained in section 2 of the Bill (clause 4) as drafted.
- That the proposed amendments to section 4 (clause 6) be retained as drafted.

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

The PWA already contains a number of safeguards for landowners. Safeguards include the substantial evidence base required to justify land acquisition applications, and the ability for landowners to lodge an objection with an Environment Court. MDC recognises the importance of early and meaningful engagement with affected landowners and communities. Early engagement supports negotiated outcomes, reduces the likelihood of objection or litigation, and can assist in identifying alternative design or alignment solutions that avoid or minimise land acquisition.

MDC understands that new section 23D of the Bill streamlines the land acquisition process by introducing clearer statutory timeframes for progressing a Notice of Intention to Take land. In particular, section 23D provides that a notice will automatically lapse unless defined steps are taken within specified periods, including a new one-year timeframe requiring the acquiring authority to either progress the acquisition, formally confirm its intention, or be actively engaged in objection or review processes.

MDC supports new Section 23D given its intention to reduce prolonged uncertainty for affected landowners about negotiation timeframes. While the requirement for local authorities acquiring land under the PWA to achieve an outcome within a reasonable timeframe is already well established in case law, we recognise that protracted negotiation timeframes contribute significantly to landowner stress.

MDC considers that the PWA already sets out a fair process with fair compensation for affected landowners. MDC therefore supports new section 23C(2)(c) that clarifies that an objection must not relate to the amount of compensation payable under the PWA for a taking of land.

Decisions sought:

- That the Committee affirm the importance of early and meaningful engagement with affected landowners.
- That the Committee retain new section 23D as drafted in the Bill
- That new section 23C(2)(c) be retained as drafted in the Bill.

Combined Projects

MDC supports new sections 27A to 27D that provide for combined projects. We understand that these provisions enable a single entity to run the acquisition process on behalf of multiple agencies. MDC considers that these new provisions will encourage collaboration, reduce duplication and improve efficiencies. For example, where an application for land acquisition includes an area of state highway, MDC could run the acquisition process on behalf of NZTA. From a landowners perspective, this would mean that there is only one point of contact or notices, negotiations, and the formal PWA acquisition steps, rather than parallel approaches from two agencies.

Decision sought:

- That new sections 27A to 27D be retained in the Bill as drafted.

Emergency Recovery Land Acquisition

MDC supports the inclusion of new Part 2C (Acquisition or taking of land for emergency recovery). MDC understands that these provisions will enable land acquisition powers to be used immediately where land is required for emergency response and recovery, without the need for event-specific bespoke legislation. This is a pragmatic improvement on the status quo (bespoke legislation developed for each emergency), and is expected to support more timely recovery outcomes while providing greater certainty and clarity about the legal framework that applies following an emergency event.

The Manawatū District has recent experience of flood and weather-related events, and acknowledges the need for timely recovery interventions. Having legislation developed in advance of an emergency event will facilitate a more timely response. MDC is satisfied that the existing legal protections, the opportunities for objection, and the evidential base required for land acquisition provide sufficient safeguards for affected landowners.

However, MDC notes that there could be benefit in clarification of how such decisions align with local community response and recovery plans, to ensure the best available information is taken into account when powers are enacted.

Decision sought:

- That the emergency recovery land acquisition provisions be retained in the Bill as drafted.
- That the Committee consider requiring the Minister to clarify how these emergency recovery land acquisition provisions will consider community response and recovery plans, to ensure the best available information informs the response.

Transpower-Specific Provisions

MDC recognises the national importance of electricity transmission infrastructure and supports efficient delivery of works by Transpower. MDC supports new Part 2B of the Bill and considers that such provisions are necessary to modernise the legislation and to resolve long-standing inconsistencies between the acquisition powers for public and private electricity transmission providers nationwide.

However, MDC notes that the Bill introduces Transpower-specific land acquisition and transfer provisions that may operate independently of local planning and infrastructure coordination processes.

In the Manawatū District, nationally significant infrastructure often intersects with local roading networks, rural land uses, and future growth and development areas. Under the RMA replacement Bills, local authorities are required to work together with key infrastructure providers, including Transpower, to develop 30 year regional spatial plans, that identify where growth will go and the key infrastructure/corridors needed to support it. Should Transpower act independently of local authorities and deviate from

previous agreed growth planning corridors, this has the potential to undermine outcomes.

Decision Sought:

- That the Bill be amended to require Transpower to notify local authorities in relation to Transpower works, particularly where such plans deviate from previously agreed infrastructure plans/corridors.

Financial Impact of Compensation Changes on Local Authorities

MDC is concerned that the proposed changes to compensation provisions may result in a significant increase in land acquisition costs for local authorities acting as requiring authorities. MDC is also concerned about the cumulative impact of enhanced compensation provisions on rural and provincial districts, where infrastructure corridors are often extensive and land acquisition costs can form a substantial proportion of overall project budgets.

Unlike central government agencies, local authorities fund compensation primarily through rates and debt and must operate within the constraints of long-term plans and annual plans that are consulted on and adopted well in advance. Increased or less predictable compensation obligations create material financial risk for councils and may affect the timing, scale, or feasibility of essential local infrastructure projects.

MDC notes that central government is currently consulting on matters relating to rates affordability and rates banding. In that broader policy context, it is important that legislative changes do not unintentionally exacerbate cost pressures on local authorities or ratepayers, particularly where those costs arise from statutory changes outside local government control.

MDC also notes the risk that increased compensation entitlements could inadvertently reduce incentives for early negotiated acquisition, leading to longer timeframes, higher transaction costs, and greater reliance on compulsory processes.

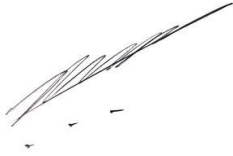
Decision Sought:

That the Committee ensure that the Bill gives adequate recognition to the funding constraints faced by local authorities as requiring authorities, by:

- providing clearer limits or guidance around the application of enhanced compensation provisions;
- considering mechanisms to ensure that the costs of land acquisition more appropriately reflect the broader public benefit of certain public works, rather than falling disproportionately on local ratepayers; and
- seeking advice on the likely fiscal impact of the proposed compensation changes on territorial authorities, including impacts on rates, debt, and infrastructure delivery.

MDC does not wish to be heard by the Committee in relation to this submission.
However, we would be happy to provide further information or clarification on any of the matters raised.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael Ford', with a long, sweeping underline that extends to the right.

Michael Ford

Mayor