

Policy issues and context	Options	Panel support	Key trade off	Cabinet-mandated criteria				Indicate your preferred approach	
				Effective	Efficient	Clarity	Feasible		
Focus Area 1: Acquisition									
Acquisition processes and procedures	<b>Compulsory acquisition – processes and procedures</b>  The Panel and stakeholders raised issues with acquisition procedures such as the issuing of notices and survey requirements. Stakeholders view many of these settings to be inefficient and out of step with modern practice and needs, while anecdotal evidence points to inconsistent experiences for landowners and uncertainty.  The regime may be more efficient if there was more flexibility in the timing of negotiations and issuing of information for users and landowners ahead of the imposition of compulsion. This flexibility needs to be balanced against the need for certainty by landowners to ensure a fair process.  LINZ has reviewed land acquisition process and procedures and considered the advice of the Panel and agrees that section 18 creates inefficiencies. LINZ recommends that: <ul style="list-style-type: none"><li>The Section 18 notice is removed.</li><li>At least three-months of good faith negotiations are required before a Section 23 notice can be issued.</li></ul> Both options proposed align with the Panel's preferred approach.	<b>1. Option 1a: (LINZ preferred option) Set out minimum requirements for good faith negotiations.</b> Section 18 is removed. A Section 23 notice can be issued at least three months after the negotiation commencement date, during which a period of endeavours to negotiate in good faith which meets minimum requirements set by legislation have occurred. LINZ will report back on minimum requirements to be included.	✓ <div>CP</div>	Maintains clarity, transparency and certainty for users and landowners, while streamlining acquisition procedures. Minimum standards protect landowners and ensure they are informed of their rights and obligations under the PWA and that notification of compulsory acquisitions are made through the provision of an opening letter. Landowners can expect that they will have sufficient time to consider financial compensation. The nature of whenua Māori ownership is considered before proceeding to compulsory acquisition. Minimum standards protect users from likely exposure to greater legal challenge.	++	+	+	+	<input checked="" type="checkbox"/>
		<b>2. Option 1b: The Act is silent on minimum requirements for good faith negotiations.</b> Section 18 is removed. A Section 23 notice can be issued after a minimum three month period of endeavours to negotiate in good faith has occurred. It is up to users to evidence that good faith negotiations have been undertaken. This option provides flexibility to users.		Provides more flexibility in the system for users and allows users to utilise system expertise when conducting negotiations to determine the best approach. However, option 1b reduces certainty and transparency for landowners by the removal of clear and consistent practice around what constitutes the start to the minimum period of negotiations, that owners will have sufficient time to consider financial compensation, and that notification will be received that users may proceed to compulsory acquisition. This is likely to be amplified for owners of Māori freehold land. This option may expose users to the likelihood of greater legal challenge due to reduced legislative clarity, which may delay project timeframes.	+	+	-	0	<input type="checkbox"/>
Survey requirements at Section 23	<b>Survey Requirements</b>  The PWA requires users to undertake a full survey of land at the issuing of a Section 23 notice to identify the boundaries of the land being taken against the whole property. The Panel viewed that this could be adapted so that modern technology such as aerial plans could be appropriate to inform landowners of the extent of the land required, up until proclamation. LINZ agrees with the panel and proposes to reduce the current full survey requirements at Section 23.	<b>1. Reduce the survey requirements at Section 23:</b> Clarification that requires a Section 23 notice must depict required land area to a standard of accuracy set by the Surveyor-General (including a full cadastral survey if necessary). Allowing only limited ability to modify depicted land requirements up until when a proclamation occurs. A full survey must take place at Section 26 before a proclamation is issued.	✓ <div>CP</div>	Clarifies that there is no need to provide a full survey until a compulsory acquisition occurs which saves on time before issuing an Section 23 notice. Require a plan that identifies land to be taken as well as temporary lease areas to support the construction. The plan would need to meet a Standard (specified by the Surveyor-General) that is prepared and certified by a Licensed Cadastral Surveyor. The plan would include overlaying with imagery in most cases. However that plan would not be a full cadastral survey subject to the Rules for Cadastral Survey (that would be the Section 26 survey). And would not need to be validated or approved by LINZ.  Retains need to prepare full survey where it harms the cadastre otherwise, or where there are conflicts in the quality or definition of the underlying boundaries of affected parcels. A full removal of any survey requirements at Section 23 wouldn't enable landowners (or potential purchasers) to identify the boundaries of the land that is to be taken, or temporarily leased. Removal wouldn't enable landowners to be informed, interferes with objection rights and may increase litigation.	+	++	+	+	<input checked="" type="checkbox"/>

**Key:**

- + better than doing nothing/the status quo/counterfactual
- + / - a mixture of positive and negative effects
- 0 about the same as doing nothing/the status quo/counterfactual
- worse than doing nothing/the status quo/counterfactual