

Key changes to the Public Works Act Disposal Standard and associated Guideline, and Treaty Settlement Standard

We have updated two standards and guidance that relate to how the Government disposes of Crown-owned land, with changes effective from 3 December 2023. The key changes are summarised below.

Standard for disposal of land held for a public work – LINZS15000, and associated Guideline

Key changes include new requirements to:

- identify former Māori land as early as possible in the disposal process
- identify significance of former Māori land before any change of use or offer back
- ascertain, where possible, the views of former owners, descendants or whānau as to which mechanism is preferred to return former Māori land in an offerback
- enhance information for a vesting application under Te Ture Whenua Maori Act 1993
- advise Toitū Te Whenua when land might be objectively surplus at an earlier date or where there is doubt when land is surplus
- advise Toitū Te Whenua when there is no agreement on transfer of land between Crown agencies within six months of new public works being identified
- deal with competing public works requirements
- use the ADLS agreement for sale and purchase for offer back, modified as necessary.

The associated Guideline includes further advice on :

- clearances required before disposal
- dealing with general land owned by Māori in terms of s 40/41 of the PWA
- railway land held by Toitū Te Whenua.

Standard for Treaty Settlement requirements for disposal of Crown-owned land – LINZS15001

Changes have been made to:

- reflect new settlements enacted since 2019, and changes to legislative requirements
- address situations where land is not subject to a Treaty settlement, but the Māori Protection Mechanism may still apply
- address uncertainty around whether subsequent disposals are on more favourable terms than a right of first refusal (RFR) offer
- enhance information provided in cover letters with RFR offers
- address RFR counteroffer or extension requests
- update information on RFR exemptions.