

## Annex Two: Policy Options Table

Policy Issues	Full protection from compulsory acquisition				Status quo				
	<b>Option 1: Highest Protection</b>	<b>Option 2: Decision-Making</b>	<b>Option 3: Certain Public Works</b>	<b>Option 4: Sensitive Classes</b>	<b>Option 5: Status quo</b>				
<b>Classes of land</b>	No sensitive Māori land can be compulsorily acquired.	Sensitive Māori land may still be compulsorily acquired.	Sensitive Māori land may still be compulsorily acquired.	Some classes of sensitive Māori land may be compulsorily acquired. Others would be protected, such as Māori customary land, reserves, and Māori freehold land.	No explicit protections in law (agencies may opt out at their discretion).				
<b>Types of works</b>	No sensitive Māori land can be compulsorily acquired for any public work (including specified works in the proposed Urban Development Bill).	Sensitive Māori land may still be compulsorily acquired for any public work (including specified works in the proposed Urban Development Bill).	<p>Differentiate between network infrastructure public works and site specific public works.</p> <table border="1"> <tr> <td><b>Compulsory acquisition still an option for:</b> Network infrastructure and works ancillary to it such as:</td> <td><b>By agreement only:</b> Site-specific infrastructure such as:</td> </tr> <tr> <td> <ul style="list-style-type: none"> <li>Roads</li> <li>Three waters</li> <li>Electricity and Flood protection</li> </ul> </td> <td> <ul style="list-style-type: none"> <li>Housing</li> <li>Schools</li> <li>Hospitals</li> <li>Urban renewal</li> </ul> </td> </tr> </table>	<b>Compulsory acquisition still an option for:</b> Network infrastructure and works ancillary to it such as:	<b>By agreement only:</b> Site-specific infrastructure such as:	<ul style="list-style-type: none"> <li>Roads</li> <li>Three waters</li> <li>Electricity and Flood protection</li> </ul>	<ul style="list-style-type: none"> <li>Housing</li> <li>Schools</li> <li>Hospitals</li> <li>Urban renewal</li> </ul>	Some classes of sensitive Māori land may be compulsorily acquired for any public work (including specified works in the proposed Urban Development Bill).	Current definition of public work in the Public Works Act 1981: “every Government work or local work that the Crown or any local authority is authorised to construct, undertake, establish, manage, operate, or maintain, and every use of land for any Government work or local work which the Crown or any local authority is authorised to construct, undertake, establish, manage, operate, or maintain by or under this or any other Act; and include anything required directly or indirectly for any such Government work or local work or use.”
<b>Compulsory acquisition still an option for:</b> Network infrastructure and works ancillary to it such as:	<b>By agreement only:</b> Site-specific infrastructure such as:								
<ul style="list-style-type: none"> <li>Roads</li> <li>Three waters</li> <li>Electricity and Flood protection</li> </ul>	<ul style="list-style-type: none"> <li>Housing</li> <li>Schools</li> <li>Hospitals</li> <li>Urban renewal</li> </ul>								
<b>Decision-making process</b>	N/A – no applications for decision.	<p>Sensitive Māori land may only be compulsorily acquired after all or some of the following decision-making requirements have been met:</p> <ul style="list-style-type: none"> <li>Gained consent from the Māori Land Court</li> <li>Gained consent from the Minister for Māori Development (and/or Minister for Treaty Negotiations and/or Minister )</li> <li>Exhausted the practicality of acquiring a lesser interest in land</li> <li>Passed a national/local interest test</li> <li>Aligns with the principles of Te Tiriti o Waitangi and/or the preamble of Te Ture Whenua Māori Act 1993 (former TTWM Bill).</li> </ul>	For works that are allowed, the decision-making process follows those agreed in Option 2.	For classes of land which may be taken, the decision making process follows those agreed in Option 2.	Minister of Lands decides applications for Government works; chief executive of a local authority submits requests for local works to the Governor-General (via the Minister of Lands’ office).				