



Cabinet

CAB Min (13) 20/9A

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Minute of Decision

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2013 Resource Management Reforms: Public Works Act 1981: Amendments

Portfolio: Land Information

On 17 June 2013, following reference from the Cabinet Economic Growth and Infrastructure Committee (EGI), Cabinet:

Background

- 1 **noted** that on 23 May 2011, as part of the resource management reforms, the Cabinet Business Committee invited the Minister for Land Information and the Minister for the Environment to report to EGI no later than 30 March 2012 with recommendations for improving the process for land acquisition and compensation under the Public Works Act 1981 [CBC Min (11) 6/11];
- 2 **noted** that on 1 October 2012, Cabinet agreed to defer the above report to align with the provision of policy advice on the proposed 2013 Resource Management Reform Bill (2013 Bill) [CAB Min (12) 35/11];
- 3 **noted** that the paper under EGI (13) 105 is the third Cabinet paper seeking final policy decisions for inclusion in the 2013 Bill, and that:
 - 3.1 on 13 May 2013, Cabinet agreed to changes to sections 6 and 7 of the Resource Management Act 1991 (RMA), as well as changes to improve consenting, management of natural hazards and council accountability [CAB Min (13) 15/8];
 - 3.2 on 30 May 2013, EGI approved the remaining changes necessary to complete the legislative reform package for resource management and freshwater [EGI Min (13) 11/2];

Solutium provisions

- 4 **agreed** to amend the Public Works Act by:
 - 4.1 providing for the existing solatium payment in section 72, which is paid to the landowner when land containing a dwelling that is their principal place of residence (their home) is acquired, to be up to \$50,000 rather than the \$2,000 currently specified;

- 4.2 introducing a new solatium, payable to landowners ineligible for the solatium referred to in paragraph 4.1 above where the land acquired does not contain a dwelling that is the landowner's principal residence;
 - 4.3 setting the new solatium referred to in paragraph 4.2 above at 10 percent of the acquired land value, with the minimum payment being \$250 and the maximum payment being \$25,000;
 - 4.4 enabling the Minister for Land Information to update the amounts of the solatium payments referred to in paragraphs 4.1 and 4.3 above by Order in Council;
- 5 **authorised** the Minister for Land Information, in consultation with other relevant Ministers, to approve criteria for determining the quantum of the solatium payment referred to in paragraph 4.1 above, for inclusion in the 2013 Bill as appropriate;

Improving land acquisition process

- 6 **agreed** that section 4C(2)(a) of the Public Works Act be amended to enable the Minister for Land Information to delegate the issuing of Notices of Desire to the Chief Executive of Land Information New Zealand;
- 7 **agreed** that the Public Works Act be amended to give the Environment Court the discretion to:
- 7.1 accept evidence that was presented at a hearing listed in section 39(1) of the RMA and any related inquiry or appeal heard by the Environment Court;
 - 7.2 direct how that evidence is to be given to the Environment Court;

Legislative implications

- 8 **agreed** that the proposed amendments come into force the day after the 2013 Bill receives the Royal Assent;
- 9 **invited** the Minister for Land Information to issue drafting instructions to the Parliamentary Counsel Office to implement the proposals set out above through the 2013 Bill;
- 10 **noted** that the 2013 Bill has a category [REDACTED] priority ([REDACTED]) on the 2013 Legislation Programme;
- 11 **noted** that should Cabinet agree to the proposed changes to the Public Works Act, the 2013 Bill would be required to be an Omnibus Bill;

Publicity

- 12 **noted** that the Minister for Land Information intends to:
- 12.1 make a public statement announcing decisions following Cabinet consideration of the paper under EGI (13) 105;
 - 12.2 publicly release the paper under EGI (13) 105, subject to the Official Information Act 1982;

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- 13 **noted** that the statement and proactive release referred to above will be coordinated with the Minister for the Environment to ensure that they do not pre-empt any announcements related to the overarching RMA reforms.