



Transport and Infrastructure Committee  
Parliament Buildings  
Wellington

27 January 2026

## Transpower submission on the Public Works Amendment Bill

As the owner and operator of nationally significant infrastructure, Transpower New Zealand Limited (**Transpower**) welcomes the opportunity to submit on the Public Works Amendment Bill (**Bill**).

Transpower supports the Bill.

### General comments

We support the overarching policy intent to improve the efficiency, effectiveness, and clarity of land acquisition, objections, and compensation functions in the Public Works Act 1981 (**PWA or Act**).

Transpower strongly supports amendments that introduce the concept of a ‘Transpower work,’ and enable Transpower to initiate and undertake specified PWA processes directly. This change will remove the need for an application to the Minister to have PWA processes apply to Transpower works, and the need for LINZ accredited agents to renegotiate with landowners in circumstances where Transpower would already have been negotiating directly.

We consider the changes in Part 2B as necessary for ensuring that National Grid works do not become a barrier to electrification (due to property acquisition stalling). In this regard, the change is important to growing the economy.

We consider that the changes to Part 2B will remove ~12 months+ from the compulsory acquisition process for Transpower works. Other broader changes within the Bill may remove further time from the process.

### Specific comments

We see no significant issues with the Bill drafting. Our submission is focussed on technical amendments, generally to ensure that the applicable streamlined land acquisition powers and processes, as applying to Transpower, are clear and operate as intended.

However, there are two proposed amendments of particular significance to Transpower:

- updating the mechanism to implement a transfer of a lesser interest in land under section 17, so that a commonly used mechanism is provided for (see clause 23 of the Bill, inserting s39B(3) into the Act); and
- providing the ability for Transpower to access land for surveys under section 111 of the Act.

Our proposed amendments on these provisions, and other technical amendments, are set out in **Appendix A**.

## **Background and context**

Transpower is the State-Owned Enterprise that invests in, maintains and operates the electricity transmission network – the National Grid. We have ~\$5 billion of network assets covering the length and breadth of New Zealand. These assets include over 170 substations, approximately 11,000km of transmission lines (overhead, underground and submarine) and one of the country's largest telecommunications networks.

National Grid assets, and the ability to operate, maintain, develop and upgrade them is key to the economy – not only due to the key role Transpower plays in enabling electrification, but also its role in enabling economic growth more generally.

Transpower is facing the challenge of delivering an unprecedented amount of infrastructure both now and for the next 30 years. New connections to renewable generators and major industrial users – particularly to enable the electrification of transport and process heat – will also be needed. A modern, flexible and resilient National Grid will need to provide a safe and secure supply of electricity to industrial and residential consumers under a wider-than-ever range of operating conditions. We have both new build planned (and further Grid connections to generation anticipated), and a full programme of routine maintenance works to ensure we get the most out of our existing assets.

The electrification of process heat and transport is also expected to reach a turning point by 2030 due to a combination of declining technology costs, international customer requirements, and social expectations on business.

We anticipate that these new projects, and some replacement and upgrade projects, may trigger the need for compulsory acquisition on occasions.

Our projects will need to be completed at pace to meet New Zealand's economic growth needs and to enable electrification. The standard timeline of 2-5 years for property rights for our projects is challenging given the pace required. For this reason, we support the Bill, given it has the ability to remove 12 months + from the timeframe for compulsory acquisition.

## **Other matters**

Transpower wishes to be heard by the Select Committee.

Our submission does not contain confidential matters.

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## Appendix A – Specific amendments sought to the Bill

Clause reference(s)	Issue	Consequence	Recommended solution
Clause 23 of the Bill, inserting s39B(3) into the Act.	The mechanism for Transpower to implement a transfer of a lesser interest in land under s17 is outdated and limited. Proposed section 39B(3) provides that the transfer can only occur via a ‘transfer instrument under the Land Transfer Act 2017’ or declaration under s20. It is uncommon and outdated practice for easements to be registered by transfer instrument, and leases cannot be transferred through this mechanism, necessitating the obtaining of declarations from the Minister.	Unnecessary delays or frustration for Transpower and landowners when implementing an agreement under s17.	<p>We suggest that section 17(2) of the PWA (as currently enacted) and the proposed section 39B(3)(a) are amended to permit an acquisition to be implemented by “<u>the registration of an instrument suitable for that purpose under the Land Transfer Act 2017</u>” or words to that effect.</p> <p>The amendment to section 17(2) would be of general benefit to users of the PWA.</p>
Additional change to proposed new Part 2B	<p>Section 111 of the PWA empowers any person authorised by the Minister or a local authority to enter land to undertake survey and investigation unless the owner or occupier obtains a Court order preventing access.</p> <p>Section 111A, permits a network utility operator who has been approved as a requiring authority (i.e. Transpower) to seek a Court order authorising access on to land for survey and investigation purposes.</p>	Delays in survey and investigation work, additional burden on the Courts.	We seek that s111 applies to Transpower, so that we have rights to access land for geotechnical testing and surveys etc, to better align with Transpower’s proposed rights under the Bill.

Clause reference(s)	Issue	Consequence	Recommended solution
	Transpower does not benefit from s111, which is inconsistent with new provisions enabling Transpower to initiate PWA processes.		
Clauses 12, 13, 14 and 19 of the Bill, replacing s23(4) and amending s24(8), s26(1B) and s39AAJ of the PWA.	<p>The Bill removes the requirement to consider alternatives where a designation is in place – this requirement relates to objections to the taking of land under s24, and the Minister’s consideration when taking land under s23.</p> <p>For some projects or works, a designation may not be necessary (or able to be sought given section 43D of the RMA, which requires consents to be obtained in some instances), or the works may not require an environmental approval (i.e.. they may be permitted as of right). Examples of situations for Transpower include works on existing assets where works would either be permitted by the RMA or a resource consent would be sought, for example where existing assets are being upgraded.</p>	<p>Landowners may object to the land take on the basis of other alternatives, where consideration of alternatives is not otherwise necessary or applicable. The requirement to consider alternatives could cause delays and additional costs for projects.</p>	<p>We recommend that these provisions be broadened so that alternatives cannot be considered where there is a planning approval in place, or the works are otherwise authorised, under the RMA. We suggest using wording similar to that proposed at clause 17, which inserts s39AAH(2) into the Act, which refers to the existence of a designation as well as a project being allowed under the RMA.</p>
Clause 33 of the Bill, inserting a new s72DA of the Act, and the definition of “total	The Bill provides for additional compensation where land is acquired by agreement before a notice of intention. This additional compensation is based on ‘total land	<p>Potential confusion and delays regarding additional compensation entitlements. Acquiring agencies may have to</p>	<p>We recommend clause 33 is updated to better reflect the policy intent that additional compensation is based on the interest in the land to be acquired, as opposed to the underlying land value.</p>

Clause reference(s)	Issue	Consequence	Recommended solution
land value" in section s72B of the PWA.	value' (see new s72DA(2)). It should be clear that additional compensation should be based on 'total land compensation', noting the value of the interest in land may be less than the value of the underlying land itself, i.e. an easement or lease hold interest.	pay higher compensation than is intended.	
Clauses 21, 28-33 of the Bill, amending s39AAK, s72, s72B, s72C and s72D and inserting a new s72BA, s72BB, and s72DA-72DC of the Act.	It is unclear if the application/entitlement of additional compensation is per landowner, or per title/parcel.	Potential confusion and delays regarding additional compensation entitlements. Acquiring agencies may have to pay higher compensation than is intended.	We recommend wording is updated to clarify additional compensation is per property, regardless of the number and structure of parcels/titles comprising that property and the number of persons with interests in that property.
Clause 23 of the Bill, inserting s39B(2)(b) and (4) into the Act.	<p>Proposed s39B(2)(b) and (4) provide that Transpower must have complied with s18(1)-s18(3) before the Minister progresses with a compulsory acquisition under s23.</p> <p>Transpower cannot strictly comply with s18(1) and s18(3), as there is nothing for Transpower to comply with.</p> <p>The key requirement to give information to a landowner, invite the landowner to sell and endeavour to negotiate in good faith, is covered under section 18(2).</p>	Risk of judicial review.	<p>We recommend section 39B(4) is amended to permit the Minister to proceed to take the land if:</p> <ul style="list-style-type: none"> <li>• Transpower has complied with s18(2); and</li> <li>• agreement has not been reached, for one or more of the reasons specified in s18(3)(a) to (c), by the end of the applicable period specified in s18(4).</li> </ul>

<b>Clause reference(s)</b>	<b>Issue</b>	<b>Consequence</b>	<b>Recommended solution</b>
Clause 23 of the Bill, inserting s39J and s39B(5) into the Act.	There could be a lack of clarity that references to the 'objectives of the Minister' in sections 23 to 26 are the 'objectives of Transpower' for the purposes of those sections.	Risk of judicial review.	Ensure cross references in s39J and s39B(5) clarify that the objectives of Transpower apply to s23, s24 and s26.