



Palmerston North Reserves Empowering Amendment Bill

93—1

Report of the Environment Committee

June 2022

Contents

Recommendation.....	2
Overview and purpose of the bill	2
About Huia Street Reserve	2
Reason the bill has been put forward	3
Legislative effect of the bill.....	3
Legislative scrutiny.....	3
Issues raised in submissions.....	3
We support the bill proceeding and have no amendments	4
Appendix.....	5

Hon Eugenie Sage
Chairperson

Palmerston North Reserves Empowering Amendment Bill

Recommendation

The Environment Committee has examined the Palmerston North Reserves Empowering Amendment Bill and recommends that the bill be passed without amendment.

Overview and purpose of the bill

The Palmerston North Reserves Empowering Amendment Bill was referred to the Environment Committee on 8 December 2021 following its first reading. The bill is a local bill promoted by Palmerston North City Council, and sponsored by Palmerston North's electorate member of Parliament, Tangi Utikere.

The bill would amend the Palmerston North Reserves Empowering Act 1966 to enable the Palmerston North City Council to sell 1.6 hectares of land that currently serves as a recreation reserve. The reserve, known as the Huia Street Reserve, is located at the corner of Fitzherbert Avenue and Park Road in Palmerston North. An access way that forms part of the reserve land is named Huia Street.

About Huia Street Reserve

The recreation reserve at Huia Street comprises four parcels of land—Pt Lots 1 and 2 and Lots 3 and 4 of DP 545, Palmerston North. The reserve is characterised by the following:

- Most of Lots 3 and 4 and some of Pt Lot 2 are leased to a lawn tennis club on a 10-year lease, with a right of renewal for a further 10 years.
- Some edges of the lots are covered by an easement to provide car parking and vehicle access to the reserve and nearby community facilities.
- The remainder of the reserve is currently vacant, covered in mown grass, with some lines of native and exotic trees.
- The community facilities nearby include a high school, a playcentre, and a scout hall. Manawaroa Park and Ongley Park are nearby.

The land that comprises Huia Street Reserve was originally part of a 138-hectare area of land that was set aside in 1876 to be held in trust for use as a public park, recreation ground, and botanical gardens. We understand that there is a long history of legislation relating to the management and use of the Huia Street Reserve land. The land has been held under a number of different Acts of Parliament since 1876.¹

¹ The departmental report prepared for us by Te Papa Atawhai Department of Conservation sets out the legislative history of the land.

Currently, the land is held in trust by the council, subject to three Acts of Parliament: the Wellington Reserves Act 1876 Amendment Act 1877, the Palmerston North Reserves Act 1922, and the Reserves Act 1977. The effect of these three Acts is that the council could build houses on the land or lease the land, but cannot sell the land.

Reason the bill has been put forward

The explanatory note to the bill states that the council wishes to be able to sell land that is part of the Huia Street Reserve for development if it becomes surplus to the council's requirements. The council told us that a formal decision relating to the sale of the land has not been made, but will occur at a later date. We were given information about the options the council considered. The council explained that its current preferred option is:

That the Council initiate the necessary amendments to the Palmerston North Reserves Empowering Act 1966 and the District Plan to enable the sale or development of the Huia Street Reserve for housing, including the potential for a mixed-use housing development supporting recreational and small-scale commercial activity.

We note that the only change the bill would make is to enable the council to sell the land if it decided to. Any sale, housing, or development plans for the land are not within the scope of the bill. The bill is not contingent on the preferred option above being carried out by the council.

Legislative effect of the bill

The Palmerston North Reserves Empowering Act 1966 allows the council to manage and use land specified in that Act for any purpose, and allows the land to be sold. This bill would amend the 1966 Act to add the Huia Street Reserve land to the schedules in the Act. The land would then be managed under the 1966 Act instead of under the three Acts noted earlier. Notably, the bill would give the council a legal mechanism under section 4A of the 1966 Act to sell land that is part of the Huia Street Reserve.

We note that section 8 of the 1966 Act requires that, when any land is sold under that Act, the full proceeds of the sale must be used to acquire or develop land for public recreation reserves that are subject to the Reserves Act 1977.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Issues raised in submissions

We received submissions from 29 individuals and organisations. Palmerston North City Council and Tangi Utikere also submitted on the bill, as promoter and sponsor respectively.

Submissions opposing the bill were concerned about preserving green spaces for future generations, and took the view that such communal assets should be kept in public ownership to provide for future growth in the area. Submitters were also concerned about

the suitability of Huia Street Reserve for development compared to other options in the city, and the possibility of increased traffic congestion in the area arising out of any development. Some submitters expressed dissatisfaction with the consultation process for the proposal and were concerned that it may set a precedent.

Submissions in favour of the bill noted a pressing need for more housing in Palmerston North. They told us that the Huia Street Reserve has had limited recreational use for some years and is surplus to the recreation and green space requirements in the area. They noted that there were other reserves and recreational land in close proximity to the Huia Street Reserve that will meet the community's recreational needs now and into the future.

Submitters also referred to a local bill in 2007 that would have had the same effect. The council at the time withdrew the bill. The current bill—about 15 years later—has been subject to a new consultation process and decision-making by the current council.

The council advised us it has engaged closely with Rangitāne o Manawatū, as its tangata whenua partner, about the bill's progress. The council advised us that:

Rangitāne o Manawatū are satisfied with the process which they have full knowledge of. Rangitāne o Manawatū did not make a submission on the Council's statement of proposal or the Bill.

We support the bill proceeding and have no amendments

We are satisfied that the council has followed the correct process in bringing the bill to the House.

As a select committee, we do not express a view as to the merits of any sale or development by the council of land at the Huia Street Reserve. Although everyone might not agree with a decision to do so, it would be within the options open to the council. The council will be politically accountable for its decisions.

We appreciated the opportunity that the council and submitters afforded us to learn about the issue facing the community. We think all parties will agree that urban development involves competing demands.

We support the bill proceeding as introduced, and have no further matters to bring to the attention of the House.

Appendix

Committee procedure

The Palmerston North Reserves Empowering Amendment Bill was referred to the committee on 8 December 2021. The closing date for submissions was 18 February 2022. We received and considered 29 submissions from interested groups and individuals, including Palmerston North City Council as the promoter of the bill. We heard oral evidence from 8 submitters at hearings via videoconference. The bill's sponsor, Tangi Utikere MP, also submitted on the bill.

We received advice on the bill from Te Papa Atawhai Department of Conservation. Te Tari o Te Manahautū o Te Whare Māngai the Office of the Clerk of the House of Representatives provided advice on the bill's legislative quality. Te Tari Tohutohu Pāremata the Parliamentary Counsel Office was available to provide advice about legal drafting.

Committee members

Hon Eugenie Sage (Chairperson)
Rachel Brooking
Tāmati Coffey
Simon Court
Anahila Kanongata'a-Suisuiki
Hon Scott Simpson
Stuart Smith
Lemauga Lydia Sosene (from 4 May 2022)
Tangi Utikere (until 4 May 2022)
Angie Warren-Clark

Advice and evidence received

The documents that we received as advice and evidence are available on the Parliament website, www.parliament.nz.