

MEMORANDUM

TO: Friday Compendium (Items Circulated for Information)

MEETING DATE: 15 October 2021

TITLE: The Future Use of Huia Street Reserve - Update Report

PRESENTED BY: Desiree Harvey, Legal Counsel

APPROVED BY: Sheryl Bryant, Assistant Chief Executive

1. ISSUE

- 1.1. The purpose of this memorandum is to update elected members on progress made by officers to implement the legislative changes to Huia Street Reserve required to give effect to Council's decision to repurpose the land for housing.

2. BACKGROUND

- 2.1. Following a formal public consultation process, in October 2020, the Council adopted the recommendations from the Planning and Strategy Committee to support the amendment of the Reserves Empowering Act 1966 (the 'Reserves Empowering Act 1966') and instructed the Chief Executive to engage with the relevant Government agencies to initiate the necessary amendments to such legislation to enable the development of the Huia Street Reserve (the 'Land') for housing.
- 2.2. The Land is currently subject to the Palmerston North Reserves Act 1922 (the '1922 Act'), which prevents the Council from selling. Section 3 of the Reserves Empowering Act 1966 provides that land subject to it will no longer be subject to the 1922 Act. Consequently, amending the Reserves Empowering Act 1966 to bring the Land under this legislation was considered the most efficient way of achieving the outcome.
- 2.3. In order to amend a local Act, a local authority must introduce a local bill to Parliament. The procedures are set out in the Standing Orders of the House of Representatives. The local authority is responsible for drafting the bill.
- 2.4. Appendix C to the Parliamentary Standing Orders 2020 ('Appendix C PSO') states the preliminary procedures for local bills, which consist of a notification process and a certification process with a resulting declaration from the Chief Executive.

These preliminary procedures must be fulfilled by the local authority prior to introducing the local bill in the House of Representatives.

- 2.5. Mr Tangi Utikere, as the Member of Parliament for Palmerston North, has agreed in principle to support the promotion of the Palmerston North Reserves Empowering Amendment Bill (the 'Bill') by Council.

3. PROGRESS SUMMARY

- 3.1. Council officers completed the notification process in August 2021.
- 3.2. Appendix C PSO states notification requirements including a public notice of the promoter's intention to introduce the bill and notices to persons with direct interest in the matter, as well as the requisites for each type of notice. In compliance with Appendix C PSO, the Council has given the following notices:

- a. The public notice of the Council's intention to promote the Bill was advertised in the local newspapers Manawatū Standard and Manawatū Guardian on 21 July, 28 July and 4 August, and 29 July and 5 August 2021, respectively; and it has been also available on the Council website at <https://www.pncc.govt.nz/huia>.

A copy of the Bill and the certified description of the Land were deposited and remained open for public inspection at the Customer Service Centre, Civic Administration Building, and the City Library, from Wednesday 21 July 2021 to Friday 13 August 2021 (inclusive), as well as available on the Council's website.

- b. As interested parties, notice was given by letter to:
- Neighbouring landowners and occupiers;
 - Submitters on the public consultation process regarding the Future Use of Huia Street Reserve (including Manawatū Lawn Tennis Club);
 - Mr Tangi Utikere, as the Member of Parliament for Palmerston North; and Mr Adrian Rurawhe, as the Member of Parliament for Te Tai Hauāuru;
 - The Registrar-General of Land, Toitū Te Whenua Land Information New Zealand; and
 - The Director General, Department of Conservation Te Papa Atawhai.

4. NEXT STEPS

- 4.1. Having completed the notification process, the Council must provide evidence of this by making a declaration to the House of Representatives relating to the Bill. It is intended to submit the declaration and related documents to the Clerk of the House of Representatives in October 2021. The statutory deadline to submit the declaration is six months of the first publication of the notice of the Bill.
- 4.2. After obtaining endorsement from the Clerk, the Council will request that the Member of Parliament for Palmerston North, Mr Tangi Utikere, lodge a notice of intention to introduce the Bill.

- 4.3. Once the Bill is introduced, it will be subject to the following Parliamentary reviews before becoming an Act of Parliament:
- a. First reading
 - b. Consideration by a select committee
The select committee normally has six months to consider and report back recommendations on the Bill to the House of Representatives. It may call for submissions.
 - c. Second reading
 - d. Consideration by a committee of the whole House of Representatives
 - e. Third reading
 - f. Assent granted by the Governor-General
- 4.4. Council officers will present further updates as required. We expect the next update will be when we receive advice of the first reading, and then prior to consideration by select committee.

ATTACHMENTS

Nil