

Palmerston North Reserves Empowering Amendment Bill

Local Bill

Explanatory note

General policy statement

This Bill amends the Palmerston North Reserves Empowering Act 1966 (“the principal Act”).

The principal Act vests certain lands in the Palmerston North City Council. These lands, which are described in the First Schedule of the principal Act, are held in trust by the Council but may be leased or sold in accordance with the Act.

The purpose of the Bill is to bring under the principal Act an area of land situated at Huia Street, Palmerston North, that is vested in the Council and sought by the Crown for the purposes of expanding the Palmerston North Girls High School. The Council and the Crown have entered into a conditional sale and purchase agreement, and the sale can be completed when the Bill comes into force.

The land forms part of a larger block known as Fitzherbert Park and Ongley Park, and is currently vested in the Council for the purposes of a public park, recreation ground, and botanical garden. The land is subject to the Palmerston North Reserves Act 1922, which enables the Council to lease the land but not to sell it.

By bringing the land under the principal Act, the reserve status of the land will be removed and the Council will be able to sell the land to the Crown for the purposes of the Palmerston North Girls High School. The proceeds of the sale will be paid into a special account under section 8 of the principal Act and those proceeds, together with interest earned on them, will be used for the purchase and development of land to be acquired in the name of the Council as

public reserves for recreation purposes subject to the Reserves Act 1977.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that the Bill comes into force on the day after the date on which it receives the Royal assent.

Clause 3 sets out the purpose of the Bill, which is—

- to vest in the Council the land described in the Schedule; and
- to enable the Council to sell that land to the Crown for the purposes of a State secondary school.

Clause 4 amends section 3 of the principal Act by vesting in the Council the land described in the Schedule of the Bill.

Clause 5 amends section 4A of the principal Act to enable the Council to complete the sale of the land to the Crown for the purposes of a State secondary school without having to—

- publicly notify the Council meeting approving the sale and resolving to sell; or
- obtain a capital valuation of the land from the Valuer-General.

Clause 6 adds a new Schedule 4 that describes the land to which the Bill applies.

Hon Steve Maharey

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Palmerston North Reserves Empowering Amendment Act **2003**.
- (2) In this Act, the Palmerston North Reserves Empowering Act 1966¹ is called “the principal Act”.

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¹ 1966 No 28(L)

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Purpose of this Act

The purpose of this Act is—

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- (a) to vest in the Palmerston North City Council the land described in the **Schedule**; and
- (b) to enable the Council to sell that land to the Crown for the purposes of a State secondary school.

4 Lands vested in the Council

Section 3 of the principal Act is amended by inserting, after the words “First Schedule”, the words “and **Schedule 4**”.

5 Power of sale

(1) Section 4A(6) of the principal Act is amended by inserting, after the words “Third Schedule”, the words “or in **Schedule 4**”. 5

(2) Section 4A of the principal Act is amended by inserting, after subsection (1), the following subsection:

“(1A) The land described in Schedule 4 may be sold only to the Crown and only for the purposes of a State secondary school.” 10

6 New Schedule 4 added

The principal Act is amended by adding the **Schedule 4** set out in the **Schedule** of this Act.

Schedule s 6
New Schedule 4 added to the principal Act

Schedule 4 ss 3, 4A
**Land adjacent to Palmerston North Girls High
School vested in Council** 5

Description	Area	Register Book Volume and Folio (Wellington Registry)
Lot 1 DP 90790	0.8563 hectares	57D/857