

Wellington Regional Council (Water Board Functions) Bill

Local Bill

Explanatory note

General policy statement

Under Part II of the Wellington Regional Water Board Act 1972 (the Act), the Wellington Regional Council (the Council), as successor to the Wellington Regional Water Board, is responsible for the supply of bulk water to the territorial authorities within the Wellington Water Region. Under Part III of the Act, the Council is empowered to establish forests and carry out forestry operations. For these purposes, certain lands are vested in or under its control as water collection areas or as forestry areas. In the interests of sustainable development, the Council wishes to be empowered to use lands vested in it or under its control under the Act for the production of renewable energy. The object of this bill is to authorise the Council establish and operate electrical installations and works in circumstances similar to those permissible under the Reserves Act 1977, whether itself or by a council-controlled organisation or a council-controlled trading organisation or under any contract, agreement or arrangement.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. The bill is to come into force on the day after the date on which it receives Royal assent.

Clause 3 defines terms used in the bill.

Clause 4 enables the Council to establish and operate electrical installations and works on land vested in it under the Act and confers on the Council ancillary powers for such purpose.

Clause 5 enables the function conferred by clause 4 to be performed by a council-controlled organisation or a council-controlled trading organisation if the Council agrees and that organisation is controlled by the Council.

Clause 6 makes the bill subject to the Resource Management Act 1991.

Hon Marian Hobbs

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Preamble

- (1) The Wellington Regional Water Board Act 1972 constituted the Wellington Regional Water Board and provided for its functions, powers, and duties:
- (2) The Wellington Region Constitution Order 1980 (*Gazette* 1980 page 1618) established the Wellington Regional Council and clause 7 of the order—
 - (a) transferred to the Wellington Regional Council the functions, rights, powers, and duties conferred or imposed on the Wellington Regional Water Board by the Wellington Regional Water Board Act 1972; and
 - (b) continued with all necessary modifications the application of provisions of the Wellington Regional Water Board Act 1972 (except sections 6, 8, 9, 11, 12, 13, 14, 15, 17, and 19) to the functions transferred to the Wellington Regional Council; and
 - (c) dissolved the Wellington Regional Water Board on the assumption of its functions by the Wellington Regional Council:

- (3) The Local Government (Wellington Region) Reorganisation Order 1989 (*Gazette* 1989 page 2491) dissolved and re-established the Wellington Regional Council; and clause 16 of the order specifies the functions, duties, and powers of the Wellington Regional Council, including the functions, duties, and powers of the former Wellington Regional Council under the Wellington Regional Water Board Act 1972: 5
- (4) Section 12 of the Local Government Act 2002 confers on local authorities full capacity and full powers for the purpose of performing their role but that section applies subject to any other enactment: 10
- (5) Under the Wellington Regional Water Board Act 1972 the functions, powers, and duties transferred to the Wellington Regional Council are limited: 15
- (6) The Wellington Regional Council wishes to establish and operate electrical installations and electrical works (such as wind turbines) to meet the needs for renewable energy but the Wellington Regional Water Board Act 1972 does not authorise this to be done on land previously owned by the Wellington Regional Water Board and now vested in the Wellington Regional Council, including water collection areas and forestry areas under that Act: 20

The Parliament of New Zealand therefore enacts as follows: 25

1 Title
This Act is the Wellington Regional Council (Water Board Functions) Act **2004**.

Part 1
Preliminary provisions 30

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

3 Interpretation

In this Act, unless the context otherwise requires,—

council-controlled organisation and **council-controlled trading organisation** have the same meanings as in section 6 of the Local Government Act 2002

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electrical installation has the same meaning as in section 2 of the Electricity Act 1992

forestry area and **water collection area** have the same meaning as in section 2 of the Wellington Regional Water Board Act 1972

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works has the same meaning as in section 2 of the Electricity Act 1992.

Part 2

Electrical installations and works

4 Construction, operation, and maintenance of electrical installations and works

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(1) The Wellington Regional Council may construct, operate, and maintain electrical installations or works on the land specified in **subsection (2)**.

(2) The land—

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(a) is land previously owned by the Wellington Regional Water Board and vested in the Wellington Regional Council; and

(b) includes forestry areas and water collection areas.

(3) The Council has full powers for the purpose of performing the functions conferred by **subsection (1)**, including (but not limited to) the power—

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(a) to enter into any contract, agreement, or arrangement with any person; and

(b) to grant easements, leases, licences, or permits on any conditions that the Council thinks fit.

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(4) Before performing the functions conferred by **subsection (1)**, the Council must satisfy itself that the performance of the function will not impede the performance by the Council of its functions, duties, and powers under Part II of the Wellington Regional Water Board Act 1972.

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- 5 Performance of functions by council-controlled organisation or council-controlled trading organisation** 5
- The functions conferred by **section 4(1)** may be performed by a council-controlled organisation or council-controlled trading organisation if—
- (a) the Wellington Regional Council agrees; and
 - (b) the council-controlled organisation or council-controlled trading organisation is controlled by the Wellington Regional Council.
- 6 Relationship with Resource Management Act 1991** 10
- This Act does not limit or affect the Resource Management Act 1991.