

Version
as at 23 December 2023



Wellington Regional Council (Water Board Functions) Act 2005

Local Act 2005 No 1
Date of assent 24 March 2005
Commencement see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

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, p 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, p 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:
- (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:
- (5) Under the Wellington Regional Water Board Act 1972, the functions, powers, and duties transferred to the Wellington Regional Council are limited:
- (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.

1 Title

This Act is the Wellington Regional Council (Water Board Functions) Act 2005.

Part 1

Preliminary provisions

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,—

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

renewable energy has the same meaning as in section 2(1) of the Resource Management Act 1991

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

Section 3 **renewable energy**: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Part 2

Electrical installations and works

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

- (1) The Wellington Regional Council may construct, operate, and maintain electrical installations or works for renewable energy on the land specified in subsection (2).
- (2) The land—
 - (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—
 - (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.
- (4) Before performing the functions conferred by subsection (1), the Council must satisfy itself that the performance of the functions will not impede the perform-

ance by the Council of its functions, duties, and powers under Part 2 of the Wellington Regional Water Board Act 1972.

5 Performance of functions by another person

- (1) The functions conferred by section 4(1) may be performed by another person—
 - (a) if the Wellington Regional Council agrees; and
 - (b) subject to any terms and conditions specified by the Wellington Regional Council.
- (2) To avoid doubt, the Wellington Regional Council may agree to the other person performing the functions either on behalf of the Wellington Regional Council or in the other person's own right.

6 Consequential amendment

Amendment(s) incorporated in the Act(s).

7 Relationship with other enactments

Except as provided in section 6, this Act does not limit or affect the application of any other enactments.

Notes

1 *General*

This is a consolidation of the Wellington Regional Council (Water Board Functions) Act 2005 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6