



## ANALYSIS

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1996, No. 5—*Local*

**An Act to permit the Wellington Regional Council to contribute to the funding of a multi-purpose sporting and cultural venue for the benefit of the public of the Wellington Region** [2 September 1996]

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the Wellington Regional Council (Stadium Empowering) Act 1996.

**2. Interpretation**—In this Act, unless the context otherwise requires,—

“Constituent district” means any district of a territorial authority which is situated within the Region and, where only part of such a district is situated within the Region, means that part of that district:

“Constituent territorial authority” means the territorial authority for any constituent district:

“Council” means the Wellington Regional Council constituted by clause 9 of the Local Government (Wellington Region) Reorganisation Order 1989:

“Minister” means the Minister of Local Government:

“Region” means the Wellington Region constituted by clause 4 of the Local Government (Wellington Region) Reorganisation Order 1989:

“Stadium” means a multi-purpose sporting and cultural venue for the benefit of the public of the Region built or proposed to be built on the land described in the First Schedule to this Act:

“Territorial authority” has the same meaning as in section 2 of the Local Government Act 1974:

“Trust” means the Wellington Regional Stadium Trust referred to in section 6 of this Act.

**3. Purposes of Act**—The purposes of this Act are to—

- (a) Enable the Council to lend a sum not exceeding \$25 million to the Trust to facilitate the planning, development, and construction of the Stadium; and
- (b) Require the Council to participate in the establishment of, and act as one of the settlors of, the Trust before exercising any other powers conferred by this Act.

**4. Stadium contribution**—The Council may—

- (a) Contribute to meeting the costs of the planning, development, and construction of the Stadium by lending to the Trust, on such terms and conditions as the Council in its absolute discretion thinks fit, a sum or sums not exceeding \$25 million in total:
- (b) For the purpose of making any loan under paragraph (a) of this section—
  - (i) Borrow money by way of special loan under the Local Authorities Loans Act 1956; or
  - (ii) Raise a loan under Part VII B of the Local Government Act 1974,—
 as the case may be.

**5. Stadium purposes rate**—(1) The Council may from time to time, by resolution, make and levy a stadium purposes rate in accordance with this section for any or all of the purposes of—

- (a) Making any loan under section 4 (a) of this Act; or
- (b) Meeting the annual costs of any borrowing under section 4 (b) of this Act; or
- (c) Repaying part or all of any sum borrowed under section 4 (b) of this Act.

(2) Except as otherwise provided in this section, the provisions of the Rating Powers Act 1988, the Local Government Act 1974, and any other enactment shall apply to any rate made and levied under subsection (1) of this section as

if it were a works and services rate made and levied under section 34 of the Rating Powers Act 1988.

(3) A rate under subsection (1) of this section may be made and levied—

(a) Subject to subsection (4) of this section, as a uniform rate in the dollar on every rateable property within each constituent district or part thereof, so that the rate made and levied in any one or more of the constituent districts or parts thereof may vary from that in another or others; or

(b) On a differential basis in accordance with Part V of the Rating Powers Act 1988.

(4) No rate shall be levied in accordance with subsection (3) (a) of this section except pursuant to a special order of the Council, and sections 84 to 87 of the Rating Powers Act 1988 shall, with the necessary modifications, apply to any such special order and to any alteration or revocation of the basis on which any such rate is made and levied, as if that rate had been made and levied on a differential basis.

(5) In determining—

(a) Whether any rate under this section is to be made in accordance with subsection (3) (a) or (b) of this section; and

(b) Where any rate is to be made in accordance with subsection (3) (a) of this section, the rate to be made and levied in any constituent district or part thereof; and

(c) Where any rate is to be made in accordance with subsection (3) (b) of this section, the rate to be made and levied on any type or group of property—

the Council shall—

(d) Take account of the direct and indirect benefits that are, in the opinion of the Council, likely to accrue—

(i) In any constituent district or part thereof in which the rate is to be made and levied; and

(ii) To any property on which the rate is to be made and levied;—

by reason of the construction and development of the Stadium; and

(e) Satisfy itself that the rate or rates are fair and reasonable as between each constituent district or part thereof, or each respective specified type or group of property, as the case may be.

(6) The Council shall, in determining any rate made and levied in any constituent district, or part thereof, in accordance with subsection (3)(a) of this section, have regard to the net equalised capital value, population or related demographic characteristics, distance from the Stadium, and such other relevant characteristics of each constituent district, or part thereof, as the Council considers appropriate.

(7) Notwithstanding anything to the contrary in Part VI of the Rating Powers Act 1988 or in section 127 or section 129 of that Act, every rate made under subsection (1) of this section shall be levied in accordance with the basis and system of rating on which that rate was made.

**6. Establishment of Trust**—(1) The Council may, and shall before exercising any of the powers conferred by section 4 or section 5 of this Act, jointly with the Wellington City Council, establish a trust to be known as the Wellington Regional Stadium Trust.

(2) The Wellington Regional Stadium Trust—

(a) Shall be responsible for the planning, development, construction, ownership, operation, and maintenance of the Stadium as a multi-purpose sporting and cultural venue; and

(b) May undertake such additional functions as are specified in the trust deed establishing the Trust, being functions ancillary to the responsibilities in paragraph (a) of this subsection for the benefit of the public of the Region.

(3) The trust deed establishing the Trust—

(a) Shall include the matters set out in the Second Schedule to this Act; and

(b) Shall comply with and be registered under the provisions of the Charitable Trusts Act 1957; and

(c) May provide that the Council and the Wellington City Council shall not in any circumstances be liable for the debts, liabilities, or commitments of the Trust.

(4) The trust deed shall not be executed by the Council without the written approval of the Minister who shall, before giving such approval, be satisfied that the trust deed is consistent with the provisions of this section and such of the provisions of sections 225F to 225J of the Local Government Act 1974 as are appropriate and relevant to the purposes of the Trust.

(5) The Council is hereby empowered to exercise such rights, powers, and privileges, and to perform such duties and responsibilities, as are conferred on the Council under the provisions of the trust deed establishing the Trust.

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## SCHEDULES

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### FIRST SCHEDULE

Section 2

#### WELLINGTON LAND DISTRICT—WELLINGTON CITY

1.73 hectares, approximately, being part Lot 30, DP 80544. Part CT 47A/798, marked A on SO Plan 37605.

4.71 hectares, approximately, being part Lot 31, DP 80544 and part Lot 1, DP 11017. All CT 47A/799 and part CT 47C/565, marked B on SO Plan 37605.

560 square metres, approximately, being part Lot 30, DP 80544, part Lot 1, DP 10550 and part Lot 1, DP 17895. Balance CT 47A/798 and part CT 44A/19, marked C on SO Plan 37605.

1100 square metres, approximately, being part Lot 1, DP 11017. Balance CT 47C/565, marked D on SO Plan 37605.

1000 square metres, approximately, being part Lot 37, DP 79876, part Lot 1, DP 11017, and part Section 1, SO 20150. Part CT 45D/803, part CT 47C/565, and part Proc. 2764, marked E on SO Plan 37605.

666 square metres, more or less, below reduced level 8 metres and 210 square metres more or less above reduced level 8 metres, mean sea level, being Accessway. Vested DP 80544, marked F on SO Plan 37605.

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## Section 6

## SECOND SCHEDULE

## MATTERS TO BE INCLUDED IN TRUST DEED

- (1) The trust deed shall contain provisions—
- (a) Specifying the name of the Trust (“The Wellington Regional Stadium Trust”);
  - (b) Specifying the responsibilities of the Trust in accordance with section 6 (2) (a) of this Act;
  - (c) Specifying any additional functions of the Trust in accordance with section 6 (2) (b) of this Act;
  - (d) Specifying the maximum and minimum number of trustees;
  - (e) For the holding of, and voting at, meetings of trustees and specifying the quorum necessary for the holding of meetings of trustees;
  - (f) For the remuneration of trustees;
  - (g) Specifying the manner of appointment to or removal from the office of trustee;
  - (h) For the appointment of officers, employees, managers, and agents;
  - (i) Specifying the powers of investment of the trustees;
  - (j) Specifying the powers of the trustees to enter into contracts or arrangements which they consider conducive to the carrying out of the purposes of the Trust;
  - (k) Specifying the powers of the trustees to expend the income of the Trust, which powers shall be exercisable only for the purposes of administering and maintaining the Trust and for the purposes specified in the trust deed;
  - (l) For the keeping of accounts;
  - (m) Specifying the manner in which the trust deed may be varied.
- (2) The trust deed establishing the Trust—
- (a) Shall include such of the provisions required by sections 225f to 225k of the Local Government Act 1974 in respect of a community trust established under section 225D of that Act as are appropriate and relevant to the purposes of the Trust; and
  - (b) May contain such other provisions as are agreed between the Council and the Wellington City Council.
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