



Taranaki Regional Council Empowering Act 2001

Local Act 2001 No 6
Date of assent 13 November 2001
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Taranaki Regional Council Empowering Act 2001.

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 means the Taranaki Regional Council as constituted by clause 9 of the Local Government (Taranaki Region) Reorganisation Order 1989, and includes its legal successors

Fund means the proceeds from the sale of the Council's land described in the *Gazette*, 23 October 1997 at page 3609, and any accumulations of capital and income on those proceeds

New Plymouth District Council means the New Plymouth District Council as constituted by clause 36 of the Local

Government (Taranaki Region) Reorganisation Order 1989, and includes its legal successors

South Taranaki District Council means the South Taranaki District Council as constituted by clause 75 of the Local Government (Taranaki Region) Reorganisation Order 1989, and includes its legal successors

special consultative procedure means, in relation to the proposed exercise of powers under section 5(1), the procedure prescribed by section 716A of the Local Government Act 1974

specified project means any of the following projects:

- (a) the development of a stadium for use for different kinds of events at Rugby Park, New Plymouth;
- (b) the construction of a new combined library and museum facility in New Plymouth;
- (c) the development of the Pukeiti Rhododendron Trust gardens;
- (d) the development of the Tupare gardens;
- (e) the development of the Hollard gardens

Stratford District Council means the Stratford District Council as constituted by clause 61 of the Local Government (Taranaki Region) Reorganisation Order 1989, and includes its legal successors

Taranaki Region means the Taranaki Region as constituted by clause 4 of the Local Government (Taranaki Region) Reorganisation Order 1989.

4 Purposes of Act

The purposes of this Act are—

- (a) to widen the powers of the Council so that it is able to participate in a range of activities in the Taranaki Region; and
- (b) to widen the funding powers of the Council so that it is able to fund those activities; and
- (c) to enable the Fund to be used for a wider range of purposes; and
- (d) to enable the Council to borrow from its own funds for the development of a stadium at Rugby Park, New Plymouth.

5 Powers of Council

- (1) In addition to the functions, duties, and powers of a regional council under the Local Government Act 1974, the Council has the power to undertake, implement, encourage, or maintain, any services, works, projects, or facilities that are—
 - (a) for the recreation or cultural well-being of the residents and ratepayers of the Taranaki Region; or
 - (b) for preserving, or encouraging the reasonable enjoyment of, the physical and cultural heritage of the Taranaki Region.
- (2) To avoid any doubt, the Council may, in exercising its powers under subsection (1),—
 - (a) take, purchase, or otherwise acquire any land or buildings:
 - (b) make financial contributions towards the services, works, projects, or facilities as set out in subsection (1):
 - (c) enter into arrangements with other local authorities, persons, or groups of persons (whether incorporated or not).
- (3) Subsection (2) does not limit subsection (1).
- (4) The Council may not undertake or implement any services, works, projects, or facilities in reliance on the powers conferred by subsection (1) unless it first—
 - (a) completes the special consultative procedure in relation to the proposed exercise of the powers or, if the proposed exercise of the powers relates to any specified project, undertakes such consultation as it considers reasonable; and
 - (b) obtains the agreement of the New Plymouth District Council, the Stratford District Council, and the South Taranaki District Council in relation to the proposed exercise of the powers.
- (5) Subsection (4) is subject to section 9.

6 Funding powers of Council

- (1) For the purposes of exercising its additional powers under section 5, the Council may, by resolution, make and levy on every separately rateable property in the Region, a uniform annual general charge under section 19 of the Rating Powers Act 1988 as if the Council were a territorial authority.

- (2) For the purposes of exercising its additional powers under section 5, the Council may, by resolution, instead of, or in addition to, making and levying a regional works and services rate under section 34 of the Rating Powers Act 1988, make and levy a separate uniform annual charge under section 20 of that Act on every separately rateable property on which the Council could have made and levied a regional works and services rate for those purposes, as if the Council were a territorial authority.
- (3) The Rating Powers Act 1988 applies, with any necessary modifications, to any uniform annual general charge or separate uniform annual charge made and levied by the Council.

7 Use of Fund

Despite section 230 of the Local Government Act 1974, the Council may apply the Fund—

- (a) for the purposes of exercising its additional powers under section 5; or
- (b) for any of its other lawful purposes; or
- (c) for both.

8 Council's powers of borrowing

- (1) The Council may, instead of, or in addition to, borrowing under section 122ZA of the Local Government Act 1974, borrow in any manner, and on any terms and conditions as it considers appropriate, out of its own funds for the purposes of the development of a stadium at Rugby Park, New Plymouth.
- (2) Subsection (1) applies subject to—
 - (a) any other enactment regulating borrowing generally or borrowing by local authorities; and
 - (b) the Council's investment policy and borrowing management policy.
- (3) To avoid any doubt, if the Council borrows out of its own funds, it may—
 - (a) charge a rate as security for the borrowing;
 - (b) make and levy a rate or charge in accordance with this Act or the Rating Powers Act 1988 to recover the costs of the borrowing (including interest and principal).

9 Transitional provisions

- (1) Any consultation by the Council in relation to a specified project undertaken before the commencement of this Act, is to be treated as having been undertaken under section 5(4)(a).
- (2) Any agreement of a kind referred to in section 5(4)(b) that is obtained before the commencement of this Act, is to be treated as having been obtained in accordance with that provision.

Legislative history

29 January 2001	Introduction, first reading and referral to Local Government and Environment Committee (Bill 101-1)
25 October 2001	Reported from Local Government and Environment Committee (Bill 101-2)
7 November 2001	Second reading, third reading
13 November 2001	Royal assent
