

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, 29 May 1996

WELLINGTON REGIONAL COUNCIL (STADIUM EMPOWERING) BILL

*Proposed Amendments*

PAULINE GARDINER, in Committee, to move the following amendments:

*Clause 2:* To insert, after the definition of the term "Council", the following definition:

" 'Minister' means the Minister of Local Government: "

To insert, after the definition of the term "Stadium", the following definition:

" 'Stadium' means the multi-purpose sporting and cultural venue for the benefit of the public of the Region to be known as the Wellington Regional Stadium proposed to be built on the land described in the **First Schedule** to this Act: "

To omit the definition of the term "stadium related activity".

To insert, after the definition of the term "territorial authority", the following definition:

" 'Trust' means the Wellington Regional Stadium Trust established pursuant to **section 5** of this Act. "

*New clause 2A:* To insert, after clause 2, the following clause:

**2A. Purpose**—The purpose of this Act is to enable the Council to—

- (a) Lend a sum not exceeding \$25 million to the Trust to facilitate the planning, development, and construction of the Stadium which is to be built on the site described in the **First Schedule** to this Act; and
- (b) Participate in the establishment of and act as one of the settlers of the Trust and exercise such rights, powers, and privileges as are conferred on a settlor under the Trust owning the Stadium for the benefit of the Region.

*Clause 3:* To omit this clause (which appears on page 2), and substitute the following clause:

**3. Stadium contribution**—The Council may, for the purposes of funding the cost of the planning, development, and construction of the Stadium—

- (a) Lend to the Trust an amount not exceeding \$25 million; and
- (b) Borrow money for the purposes of making loans under **paragraph (a)** of this section.

*Clause 4:* To omit subclause (1), and substitute the following subclause:

(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 **paragraph (a) of section 3** of this Act; or
- (b) Meeting the annual costs of any borrowings under **paragraph (b) of section 3** of this Act; or
- (c) Repayments of part or all of the principal of any borrowings under **paragraph (b) of section 3** of this Act.

To insert in subclause (2), after the words “Rating Powers Act 1988”, the words “, the Local Government Act 1974”.

To omit paragraph (a) from subclause (3).

To omit subclause (5) (which appears on page 3), and substitute the following subclauses:

(5) In determining—

- (a) Whether any rate under this section is to be made in accordance with **paragraph (b) or paragraph (c) of subsection (3)** of this section; and
- (b) Where any rate is made in accordance with **paragraph (b) or paragraph (c) of subsection (3)** of this section, the rate to be levied in any constituent districts or parts thereof; and
- (c) Where any rate is made in accordance with **paragraph (b) or paragraph (c) of subsection (3)** of this section, the rate to be levied on each 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; or
  - (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.

(5A) The Council may and shall, in determining any rate made and levied on any constituent district, or part thereof, in accordance with **subsection (3) (b)** of this section, have regard to the net equalised capital values, the 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.

*New clause 5:* To add, after clause 4, the following clause:

**5. Establishment of Trust**—(1) The Council may, and shall before exercising any of the powers set out in the preceding

sections 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 shall undertake—

- (a) The planning, development, construction, ownership, operation, and maintenance of the Stadium as a multi-purpose sporting and cultural venue; and
- (b) Such ancillary purposes as may be contained in the trust deed establishing the Trust, within and 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, except as otherwise expressly authorised in writing by the Minister, contain all the provisions required by sections 225F to 225K of the Local Government Act 1974 for a community trust established under section 225D of that Act as if the Trust were a community trust; and
- (c) May contain such other provisions as are agreed between the Council and the Wellington City Council; and
- (d) Shall comply with and be registered under the provisions of the Charitable Trusts Act 1957.

(4) The trust deed shall come into effect after it has been approved in writing by the Minister and has been executed by the Council and the Wellington City Council.

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

*New Schedules:* To add the following Schedules:

## SCHEDULES

### FIRST SCHEDULE

Section 2

#### WELLINGTON LAND DISTRICT—WELLINGTON CITY

1.7472 hectares more or less being all Lot 30, Deposited Plan 80544, City of Wellington, situated in Wellington Survey District. Certificate of Title Volume 47A Folio 798 (Wellington Registry).

3.5736 hectares more or less being all Lot 31, Deposited Plan 80544, City of Wellington, situated in Wellington Survey District. Certificate of Title Volume 47A Folio 799 (Wellington Registry).

Part 37.8537 hectares more or less being Part Lot 1, Deposited Plan 16866, Part Lot 1, Deposited Plan 11041, Part Lot 1, Deposited Plan 1107, Part Lot 1, Deposited Plan 10550. Balance of land in Certificate of Title Volume 45D Folio 805 (Wellington Registry).

### SECOND SCHEDULE

Section 5

#### 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 purposes of the Trust which shall include the provision of the multi-purpose sporting and cultural venue for the benefit of the public of the Region;
  - (c) Specifying the activities to be undertaken by the Trust which shall be consistent with, but limited to, those necessary or ancillary to the planning, establishment, maintenance, and operation of the Regional Stadium:

SECOND SCHEDULE—*continued*MATTERS TO BE INCLUDED IN TRUST DEED—*continued*

- (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:
  - (l) For the keeping of accounts:
  - (m) Specifying the manner in which the trust deed may be varied.
- (2) Except as expressly authorised in writing by the Minister, the provisions of the trust deed shall not be inconsistent with the provisions of sections 225f to 225j of the Local Government Act 1974 as if the Trust were a community trust constituted under section 225d of that Act.
- (3) The trust deed establishing the Trust—
- (a) Shall, except as otherwise expressly authorised in writing by the Minister, contain all the provisions required by sections 225f to 225k of the Local Government Act 1974 for a community trust established under section 225d of that Act; and
  - (b) May contain such other provisions as are agreed between the Council and the Wellington City Council.

*Title:* To omit all the words after “An Act to”, and substitute the following:

**to permit the Wellington Regional Council to make and levy a rate (to be known as the Stadium Purposes Rate) to fund a contribution to the capital development of a multi-purpose sporting and cultural venue to be constructed in Aotea Quay, Wellington, for the benefit of the public of the Wellington Region**