



SUPPLEMENT
TO THE
NEW ZEALAND GAZETTE
OF

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Alteration of Boundaries of Wellington Water Region and Manawatu Catchment District and Water Region and Abolition of Out-District of Wellington Region Order 1982

DAVID BEATTIE, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington this 22nd day of March 1982

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to the Local Government Act 1974, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order:

ORDER

1. Title and commencement—(1) This order may be cited as the Alteration of Boundaries of Wellington Water Region and Manawatu Catchment District and Water Region and Abolition of Out-District of Wellington Region Order 1982.

(2) Subject to the prior depositing with the Secretary for Local Government and the Local Government Commission of a copy of an agreement to be made between the Kapiti Borough Council and the Horowhenua County Council for the supply of water in bulk and subject to clause 11 of this order, the provisions of this order shall come into force on the 1st day of April 1982.

PART I

ALTERATION OF BOUNDARIES

2. Boundaries of Wellington Water Region and Manawatu Catchment District and Water Region altered—The area described in the First Schedule to this order shall be excluded from the district of the Wellington Water Region and be included in the Manawatu Catchment District and Water Region.

Member representative of Borough of Kapiti and County of Horowhenua appointed—until the expiry of the term of office of members of catchment boards and regional water boards on the first general election of such boards conducted after the review of membership provided for in clause 4 of this order, there shall be appointed to the Manawatu Catchment Board and Regional Water Board, on the joint nomination of the Kapiti Borough Council and the Horowhenua County Council, a further member of that board who shall be deemed to be an elective member representative of the Borough of Kapiti and the County of Horowhenua.

4. Review of representation—A review of the basis of representation of the Manawatu Catchment Board and Regional Water Board shall be carried out in 1982 pursuant to section 41 of the Soil Conservation and Rivers Control Act 1941, and for the purposes of that review a request under subsection (3A) of that section shall be deemed to have been lodged by the Kapiti Borough Council and the Horowhenua County Council on the date this order comes into force.

5. Transitional provisions—In respect of the area described in the First Schedule to this order the Manawatu Catchment Board and Regional Water Board:

- (a) Shall have and may exercise and be responsible for all of the powers, duties, acts of authority, and functions pursuant to sections 5 and 68 of the Wellington Regional Water Board Act 1972 which were previously exercised, or which would have been so exercised, by the Wellington Regional Council, from whose water region the area is hereby excluded;
- (b) Shall have and may exercise and be responsible for all liabilities, obligations, engagements, and contracts pursuant to sections 5 and 68 of the Wellington Regional Water Board Act 1972 which previously were, or which would have been, the responsibility of the Wellington Regional Council from whose water region the area is hereby excluded;

- (c) Shall have and may exercise and be responsible for all actions, suits, and proceedings pursuant to sections 5 and 68 of the Wellington Regional Water Board Act 1972, pending by or against, or which would have been, the responsibility of the Wellington Regional Council from whose water region the area is hereby excluded;
- (d) Shall succeed to the bylaws in respect of functions pursuant to sections 5 and 68 of the Wellington Regional Water Board Act 1972 which are in force and which are applicable to its altered circumstances, and, until revoked or altered by such authority, every such bylaw shall remain in force in the area in which it was in force immediately before the alteration of boundaries; and every bylaw which cannot be restricted to the area shall be deemed inapplicable and revoked in respect of the area by the alteration of boundaries;
- (e) Shall succeed to all levies and other money in respect of functions pursuant to sections 5 and 68 of the Wellington Regional Water Board Act 1972, or apportionable to those functions, payable to the Wellington Regional Council from whose water region the area is hereby excluded.

6. Chairman, secretary and principal administrative officer—The chairman and secretary of the Manawatu Catchment Board and Regional Water Board shall in respect of the area described in the First Schedule to this order exercise the duties, powers and functions pursuant to sections 5 and 68 of the Wellington Regional Water Board Act 1972 of the chairman and principal administrative officer of the Wellington Regional Council from whose water region the area is hereby excluded.

7. Vesting of land—The Manawatu Catchment Board and Regional Water Board shall have vested in it, subject to all existing encumbrances, all the land described in the Second Schedule to this order.

8. Rating—Until the rating year first following completion by the Manawatu Catchment Board and Regional Water Board of the classification, for rating purposes, of the area of land referred to in the First Schedule to this order, the Manawatu Catchment Board and Regional Water Board may levy, and recover from the Kapiti Borough Council and the Horowhenua County Council contributions for the net cost of any works and/or services undertaken within the area described in the First Schedule to this order.

9. Creditors—Subject to section 37F of the Local Government Act 1974, the rights or interests of creditors of any districts affected by this order shall not be affected.

PART II

ABOLITION OF OUT-DISTRICT

10. Abolition of out-district—(1) The out-district of the Wellington Region under the jurisdiction of the Wellington Regional Council shall be abolished.

(2) Clause 8 of the Wellington Region Constitution Order 1980 is hereby revoked.

PART III

WATER SUPPLY

11. Commencement of this Part—Except to the extent necessary to enable charges to be established by the joint committee established in accordance with subclause (2) of clause 12 of this order for the supply of water in bulk this Part shall come into force on the 1st day of April 1982.

12. Water supply—(1) The Kapiti Borough Council and the Horowhenua County Council jointly shall be responsible for the supply of water in bulk to the Borough of Kapiti and the Waikanae Community of Horowhenua County, together with such additional area or areas as may from time to time be agreed by resolution of the joint committee established in accordance with subclause (2) of this clause.

(2) For the purpose of the supply of water in bulk a joint committee of Kapiti Borough Council and Horowhenua County Council, which shall comprise 4 persons, of whom 2 shall be appointed by resolution of the Kapiti Borough Council and "2 by resolution of the Horowhenua County Council on the recommendation of the Waikanae District Community Council, shall be established and maintained.

13. Part XXIII of Local Government Act 1974 to apply—The Kapiti Borough Council shall provide all services and facilities required for the supply of water in bulk in accordance with the recommendation of the joint committee and for the purposes of such supply the provisions of Part XXIII of the Local Government Act 1974 shall, with appropriate modifications, apply.

14. Land and assets—(1) The land and assets described in the Third Schedule to this order shall vest in the Kapiti Borough Council and the Horowhenua County Council as tenants in common in unequal shares of 75 percent to Kapiti Borough Council and 25 percent to Horowhenua County Council.

(2) The assets described in the Fourth Schedule to this order shall vest in the Kapiti Borough Council.

(3) The assets described in the Fifth Schedule to this order shall vest in the Horowhenua County Council.

15. Transfer of sundry plant and equipment, etc.—Notwithstanding clause 14 of this order sundry plant and equipment, stocks of chemicals and related materials of the Wellington Regional Council used or proposed to be used exclusively in relation to the waterworks supplying Kapiti Borough and the Waikanae Community of Horowhenua County shall be transferred to the Kapiti Borough Council at agreed valuation.

16. Transitional provisions—(1) In respect of the assets described in the Third, Fourth, and Fifth Schedules to this order and in carrying out its responsibilities under clause 13 of this order the Kapiti Borough Council:

- (a) Shall have and may exercise and be responsible for all of the powers, duties, acts of authority, and functions which were previously exercised or which would have been so exercised, by the Wellington Regional Council;
- (b) Shall, subject to clause 17 of this order, have and may exercise and be responsible for all liabilities, obligations, engagements, and contracts which previously were, or which would have been, the responsibility of the Wellington Regional Council;
- (c) Shall have and may exercise and be responsible for all actions, suits, and proceedings pending by or against, or which would have been, the responsibility of the Wellington Regional Council;
- (d) Shall succeed to the bylaws which are in force and which are applicable to its altered circumstances, and, until revoked or altered by such authority shall remain in force;
- (e) Shall succeed to all charges and other money payable to the Wellington Regional Council in respect of the supply of water in bulk to the area described in the First Schedule to this order.

(2) For the purposes of any matters arising from subclause (1) of this clause in respect of the supply of water in bulk to the area referred to in clause 12 of this order, the mayor and principal administrative officer of the Kapiti Borough Council shall, on the recommendation of the joint committee, exercise the duties, powers and functions of the chairman and principal administrative officer of the Wellington Regional Council.

17. Section 37F of Local Government Act 1974 to apply—The provisions of section 37F of the Local Government Act 1974 shall, with appropriate modifications apply as if the vesting of assets pursuant to clause 14 of this order were a transfer of part of a function to another local authority pursuant to subsection 2 (a) (iv) of section 37F of that Act.

FIRST SCHEDULE

AREA TO BE EXCLUDED FROM THE WELLINGTON WATER REGION AND INCLUDED IN THE MANAWATU CATCHMENT DISTRICT

ALL that area in the Wellington Land District, Horowhenua County and Kapiti Borough, bounded by a line commencing at a point on the Mean High Water Mark of the sea in line with the south-western boundary of Lot 4, D.P. 2392, in Block V, Kaitawa Survey District, and proceeding generally south-easterly to and along the generally south-western boundaries of the said Lot 4 and Lot 3, D.P. 2392, to the western side of No. 1 State Highway and its production to the eastern side of the North Island Main Trunk Railway; thence southerly along that boundary to the south-west corner of Section 9, Block VI, Kaitawa Survey District; thence south-easterly and generally north-easterly along the south-western and generally south-eastern boundaries of the said Section 9, Lot 2, D.P. 40552, and Lot 2, D.P. 43256, to the south-western boundary of Section 14, Block VII, Kaitawa Survey District; thence south-easterly along that boundary to the western watershed of the Waikanae River; thence northerly, easterly and southerly along the western, northern and eastern watershed of the Waikanae River; passing through Trig Station A, Kapakapanui, to the north-western corner of Lot 6, D.P. 10208, in Block III, Aakatarawa Survey District; thence southerly along the western boundary of the said Lot 6 and its production to the middle of an unnamed road, being the southern boundary of Section 3, Block III, Akatarawa Survey District; thence generally westerly along the middle of that road to a point in line with the generally southern boundary

of Section 1, Block III, Akatarawa Survey District; thence generally westerly and northerly to and along that boundary and the western boundary of the said Section 1 to the northern boundary of Section 412, Hutt District; thence generally southerly along the generally eastern side of Akatarawa Road to a point in line with the northern boundary of Section 410, Hutt District; thence westerly along a right line to and along that boundary to the eastern boundary of Section 3, Block II, Akatarawa Survey District; thence southerly along the eastern boundaries of Sections 3, 4 and 5, aforesaid and westerly along the southern boundary of Sections 3, 4 and 5, aforesaid and westerly along the southern boundary of Section 5 to an unnamed road and the production of the last-mentioned boundary to the generally north-eastern boundary of the land in D.P. 10581; thence generally north-westerly along that boundary and the generally north-eastern boundaries of Section 1, Titi District, to the south-eastern watershed of the Maungakotukutuku Stream; thence south-westerly along that watershed, passing through Trig Stations Maunganui and Titi C, to the north-western boundary of the said Section 1; thence south-westerly along that boundary to the southern-most corner of Section 97, Block IV, Paekakariki Survey District; thence generally westerly along a right line to Trig Station Wainui and the northern boundary of Lot 1, D.P. 11960; thence westerly along that boundary and its production to the middle of Paekakariki Hill Road; thence northerly up the middle of that road to a point in line with the northern boundary of Lot 1, D.P. 4268; thence westerly to and along that boundary to the northernmost corner of the said Lot 1 and its production to a point on the Mean High Water Mark of the sea; thence northerly along the Mean High Water Mark to the point of commencement.

SECOND SCHEDULE

LAND THAT IS TO BE VESTED IN THE MANAWATU CATCHMENT BOARD AND REGIONAL WATER BOARD

Lot 1, D.P. 32036 (C.T. 10C/1481); Lot 32, D.P. 28643 (C.T. 5C/656); Lot 31, D.P. 28643 (C.T. 5C/655).

THIRD SCHEDULE

ASSETS VESTING JOINTLY IN THE KAPITI BOROUGH COUNCIL AND THE HOROWHENUA COUNTY COUNCIL

THE river intake system in the Waikanae River and the associated water rights;

The land, water treatment plant, dwelling and outbuildings situated in Block X, Kaitawa Survey District, being part of Lot 1, D.P. 3432 (C.T. C2/1106); Lot 1, D.P. 28206 (C.T. F2/1023); Lot 2, D.P. 28206 (C.T. F2/1024); Lot 3, D.P. 28206 (C.T. F2/1025); Lot 2, D.P. 27528 (C.T. E2/1137); Lot 3, D.P. 27528 (C.T. 17C/577).

All other buildings, machinery and appliances including valves of every kind, excluding those referred to in the Fourth and Fifth Schedules to this order, vested in or acquired, or constructed or operated by or under the control of the Wellington Regional Council for or relating to the purpose of the bulk water supply.

FOURTH SCHEDULE

ASSETS VESTING IN KAPITI BOROUGH COUNCIL

THE pipeline from the water treatment plant to the Otaihangā Reservoir, the inlet and outlet valves to that reservoir and the easements associated therewith;

The Otaihangā Reservoir and site;

The pipeline from the Otaihangā Reservoir to the Paraparaumu Reservoir, the inlet and outlet valves to that reservoir and the associated easements.

FIFTH SCHEDULE

ASSETS VESTING IN HOROWHENUA COUNTY COUNCIL

THE pipeline from the water treatment plant to the Waikanae Reservoir, the inlet and outlet valves to that reservoir and the associated easements.

P. G. MILLEN, Clerk of the Executive Council.

(I.A. 103/326/1)

