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The New Zealand  
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**ORDERS IN COUNCIL**

**FOR**

**LOCAL GOVERNMENT**

**REORGANISATION**

## CONTENTS

	Page
Auckland Region .. .. .	2247
Bay of Plenty Region .. .. .	2275
Canterbury Region .. .. .	2296
Gisborne Region .. .. .	2328
Hawke's Bay Region .. .. .	2334
Manawatu-Wanganui Region .. .. .	2351
Nelson-Marlborough Region .. .. .	2375
Northland Region .. .. .	2391
Otago Region .. .. .	2408
Southland Region .. .. .	2430
Taranaki Region .. .. .	2445
Waikato Region .. .. .	2460
Wellington Region .. .. .	2491
West Coast Region .. .. .	2517

**The Local Government (Auckland Region) Reorganisation Order 1989**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 9th day of June 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to section 36 of 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.

**A n a l y s i s**

1 Commencement	33 Delegation of service delivery
2 Elections	PART III
3 Communities	<i>Rodney District</i>
<i>PART I</i>	34 Constitution of Rodney District
<i>Auckland Region</i>	35 Rodney District Council
4 Constitution of Auckland Region	36 Interpretation
5 Constituent authorities	37 Wards
6 Dissolution of existing local authorities and abolition of existing districts	38 Membership
7 References to former authority	39 First election
8 Dissolution of existing district community councils and community councils and abolition of existing communities	40 First meeting
<i>PART II</i>	41 Chief executive
<i>Auckland Regional Council</i>	42 Functions, duties, and powers
9 Auckland Regional Council	43 Administration headquarters
10 Interpretation	44 Service delivery centres
11 Application of Acts	45 Communities
12 Membership	46 Kawau Island advisory committee
13 First meeting	47 Rating
14 Chief executive	48 Town and country planning
15 Functions, duties, and powers	49 Civil defence
16 Waterworks	50 Vesting of property
17 Rural services committee	51 Title to property
18 Auckland-Waikato inter-regional committee	52 Consultation with Port Albert Reserve Board
19 Regional land transport committee	<i>PART IV</i>
20 Harbour committee	<i>North Shore City</i>
21 Administration headquarters	53 Constitution of North Shore City
22 Rating	54 North Shore City Council
23 Regional planning	55 Interpretation
24 Civil defence	56 Wards
25 Vesting of property	57 Membership
26 Title to property	58 First election
27 Transitional committee	59 First meeting
28 Membership of transitional committee	60 Chief executive
29 No casting vote	61 Functions, duties, and powers
30 Exclusion of non-voting members	62 Administration headquarters
31 Principal local authority	63 Service delivery centres
32 Costs of transitional committee	64 Communities
	65 Rating

- 66 Town and country planning
- 67 Civil defence
- 68 Vesting of property
- 69 Title to property
- 70 Transitional committee
- 71 Membership of transitional committee
- 72 No casting vote
- 73 Exclusion of non-voting members
- 74 Obligation of transitional committee to appoint chief executive
- 75 Principal local authority
- 76 Costs of transitional committee
- 77 Consultation with the North Shore Scenic Board

## PART V

*Waitakere City*

- 78 Constitution of Waitakere City
- 79 Waitakere City Council
- 80 Interpretation
- 81 Wards
- 82 Membership
- 83 First election
- 84 First meeting
- 85 Chief executive
- 86 Functions, duties, and powers
- 87 Administration headquarters
- 88 Service delivery centres
- 89 Communities
- 90 Rating
- 91 Town and country planning
- 92 Civil defence
- 93 Vesting of property
- 94 Title to property
- 95 Transitional committee
- 96 Membership of transitional committee
- 97 No casting vote
- 98 Exclusion of non-voting members
- 99 Obligation of transitional committee to appoint chief executive
- 100 Principal local authority
- 101 Costs of transitional committee

## PART VI

*Auckland City*

- 102 Constitution of Auckland City
- 103 Auckland City Council
- 104 Interpretation
- 105 Wards
- 106 Membership
- 107 First election
- 108 First meeting
- 109 Chief executive
- 110 Functions, duties, and powers
- 111 Watercourses
- 112 Administration headquarters
- 113 Service delivery centres
- 114 Communities
- 115 Hauraki Gulf Islands Committees

- 116 Rating
- 117 Town and country planning
- 118 Civil defence
- 119 Vesting of property
- 120 Title to property
- 121 Transitional committee
- 122 Membership of transitional committee
- 123 No casting vote
- 124 Exclusion of non voting members
- 125 Obligation of transitional committee to appoint chief executive
- 126 Principal local authority
- 127 Costs of transitional committee
- 128 Consultation with the One Tree Hill Domain Board

## PART VII

*Manukau City*

- 129 Constitution of Manukau City
- 130 Manukau City Council
- 131 Interpretation
- 132 Wards
- 133 Membership
- 134 First election
- 135 First meeting
- 136 Chief executive
- 137 Functions, duties, and powers
- 138 Administration headquarters
- 139 Service delivery centres
- 140 Communities
- 141 Rating
- 142 Town and country planning
- 143 Civil defence
- 144 Vesting of property
- 145 Title to property
- 146 Transitional committee
- 147 Membership of transitional committee
- 148 No casting vote
- 149 Exclusion of non-voting members
- 150 Obligation of transitional committee to appoint chief executive
- 151 Principal local authority
- 152 Costs of transitional committee

## PART VIII

*Papakura District*

- 153 Constitution of Papakura District
- 154 Papakura District Council
- 155 Interpretation
- 156 Wards
- 157 Membership
- 158 First election
- 159 First meeting
- 160 Chief executive
- 161 Functions, duties, and powers
- 162 Administration headquarters
- 163 Rating
- 164 Town and country planning
- 165 Civil defence



166	Vesting of property
167	Title to property
168	Transitional committee
169	Membership of transitional committee
170	No casting vote
171	Exclusion of non-voting members
172	Obligation of transitional committee to appoint chief executive
173	Principal local authority
174	Costs of transitional committee
175	Consultation with Kirk's Bush Scenic Reserve Board
PART IX	
<i>Franklin District</i>	
176	Constitution of Franklin District
177	Franklin District Council
178	Interpretation
179	Wards
180	Membership
181	First election
182	First meeting
183	Chief executive
184	Functions, duties, and powers
185	Administration headquarters
186	Service delivery centres
187	Communities
188	Rating
189	Town and country planning
190	Civil defence
191	Vesting of property
192	Title to property
193	Transitional committee

194	Membership of transitional committee
195	No casting vote
196	Exclusion of non-voting members
197	Obligation of transitional committee to appoint chief executive
198	Principal local authority
199	Costs of transitional committee
200	Consultation with administering authorities of reserves
PART X	
<i>Auckland Harbour Board</i>	
201	Vesting of property
201	Title to property
203	Ports of Auckland Limited
204	Liabilities in respect of port related commercial undertakings
205	Residual assets and liabilities
PART XI	
<i>General</i>	
206	Transfer of responsibilities
207	Creditors
208	Local authorities petroleum tax
209	Special funds
210	Loans
211	Assets and liabilities
212	Loan liabilities
213	Residual authorities
214	Conduct of affairs
PART XII	
<i>Miscellaneous</i>	
215	Council of the Auckland Institute and Museum
Schedules	

## Order

### 1 TITLE AND COMMENCEMENT

(1) This order may be cited as the as the Local Government (Auckland Region) Reorganisation Order 1989.

(2) Subject to subclause (3) of this clause, this order shall come into force on the 1st day of November 1989.

(3) Those provisions of this order necessary:

(a) To provide for the first election of the members of the local authorities, and the members of the community boards for the communities, constituted by this order; and

(b) For the purposes of clauses 27 to 33, 52, 70 to 77, 95 to 101, 121 to 128, 146 to 152, 168 to 175, and 193 to 200 and 211 of this order; and

(c) For the appointment of the principal administrative officers of the local authorities constituted by this order, shall come into force on the making of this order.

### 2 ELECTIONS

Subject to clause 12 of this order, the first elections of the local authorities, and the community boards for the communities, constituted by this order shall be held on the 14th day of October 1989.

### 3 COMMUNITIES

Each community constituted by this order shall come into existence on the day after the date on which the Returning Officer declares the result of the first election of members of the community board for that community, provided that no

such community shall come into existence prior to the 1st day of November 1989.

## PART I

### *Auckland Region*

#### 4 CONSTITUTION OF AUCKLAND REGION

There is hereby be constituted a region, to be known as "The Auckland Region", which shall comprise the area delineated on S.O. Plan No. 63484 deposited with the Chief Surveyor of the North Auckland Land District.

#### 5 CONSTITUENT AUTHORITIES

The constituent authorities of the Auckland Region shall comprise the territorial authorities constituted by Parts III to IX of this order.

#### 6 DISSOLUTION OF EXISTING LOCAL AUTHORITIES AND ABOLITION OF EXISTING DISTRICTS

(1) Every local authority named in Part I or Part II of the First Schedule to this order is hereby dissolved.

(2) Every district named in Part I of the First Schedule to this order is hereby abolished.

#### 7 REFERENCES TO FORMER AUTHORITY

(1) Every reference in this order to a former authority shall, where part only of the district of a former authority has been included within the district of a local authority, or any function of a former authority has been allocated to a local authority, be

read as a reference to the former authority only in relation to that part or, as the case may be, that function.

(2) Any reference in Part XI of this order to "the former authorities" or "former authority" shall be a reference to any of the former authorities defined in Parts II to IX of this order.

## **8 DISSOLUTION OF EXISTING DISTRICT COMMUNITY COUNCILS AND COMMUNITY COUNCILS AND ABOLITION OF EXISTING COMMUNITIES**

(1) Every district community council and community council named in the Second Schedule to this order is hereby dissolved.

(2) Every community named in the Second Schedule to this order is hereby abolished.

## **PART II**

### ***Auckland Regional Council***

## **9 AUCKLAND REGIONAL COUNCIL**

A regional council, to be known as "The Auckland Regional Council", is hereby constituted for the Auckland Region.

## **10 INTERPRETATION**

In this Part of this order:

"The former authorities" means—

- (a) The Auckland Regional Authority; and
- (b) The Rodney District Noxious Plants Authority; and
- (c) The Great Barrier District Noxious Plants Authority; and
- (d) The North Shore District Noxious Plants Authority; and
- (e) The West Auckland District Noxious Plants Authority; and
- (f) The Central Auckland District Noxious Plants Authority; and
- (g) The Waiheke Island District Noxious Plants Authority; and
- (h) The South Auckland District Noxious Plants Authority; and
- (i) The Rodney County Pest Destruction Board; and
- (j) The Great Barrier Island County Pest Destruction Board; and
- (k) The Waiheke County Pest Destruction Board; and
- (l) The Franklin-Manukau Pest Destruction Board; and
- (m) Subject to Part X of this order, the Auckland Harbour Board; and
- (n) The Waitemata Maritime Planning Authority; and
- (o) The Manukau Maritime Planning Authority,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Auckland Region" means the Auckland Region in existence immediately before the coming into force of this clause of this order:

"Auckland Region" means the Auckland Region constituted by this order.

## **11 APPLICATION OF ACTS**

Except as provided in this order, Part XLIVA of the Local Government Act 1974 and the Auckland Regional Authority Act 1963 shall, with the necessary modifications, apply to the Auckland Regional Council.

## **12 MEMBERSHIP**

(1) Subject to the provisions of the Local Elections and Polls Act 1976, and the Local Government Act 1974, those members of the Auckland Regional Authority who were elected on the 8th day of October 1988 shall continue in office as members of the Auckland Regional Council until the

triennial general election of members of local authorities to be held in October 1992.

(2) Notwithstanding anything in this order, the first Chairperson of the Auckland Regional Council shall be the person holding the position of Chairman of the Auckland Regional Authority immediately before the coming into force of this clause.

## **13 FIRST MEETING**

(1) The principal administrative officer of the Auckland Regional Council shall convene the first meeting of that Council.

(2) The first meeting of the Auckland Regional Council shall be held no later than the 14th day of November 1989.

## **14 CHIEF EXECUTIVE**

(1) The Chief Executive of the Auckland Regional Council shall be the person holding the position of General Manager of the Auckland Regional Authority immediately before the coming into force of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Auckland Regional Council.

## **15 FUNCTIONS, DUTIES, AND POWERS**

The functions, duties, and powers of the Auckland Regional Council shall be:

- (a) Except as otherwise provided in this order, the functions, duties, and powers of a regional council under—
  - (i) The Local Government Act 1974; and
  - (ii) The Urban Transport Act 1980; and
  - (iii) Any public Act relating to the Auckland Regional Council or any of the former authorities and not expressly referred to in this clause; and
  - (iv) Any local Act relating to the Auckland Regional Council or any of the former authorities; and
- (b) The functions, duties, and powers in relation to regional planning of a regional council under the Town and Country Planning Act 1977 or any other Act; and
- (c) The functions, duties, and powers in relation to maritime planning of a maritime planning authority under the Town and Country Planning Act 1977 or any other Act; and
- (d) The functions, duties, and powers of a catchment board and a regional water board under the Soil Conservation and Rivers Control Act 1941 and the Water and Soil Conservation Act 1967 or any other Act and of the Auckland Regional Authority under sections 42 and 43 of the Auckland Regional Authority Act 1963; and
- (e) The functions, duties, and powers in relation to civil defence of a regional council under the Civil Defence Act 1983 or any other Act; and
- (f) Except as otherwise provided in this order, the functions, duties, and powers of a harbour board under the Harbours Act 1950 and the Marine Pollution Act 1974 or any other Act; and
- (g) The functions, duties, and powers of a pest destruction board under the Agricultural Pests Destruction Act 1967 or any other Act; and
- (h) The functions, duties, and powers of a district noxious plants authority under the Noxious Plants Act 1978 or any other Act.

## **16 WATERWORKS**

(1) The functions of the Onehunga Borough Council, the Papakura City Council, and the Papatoetoe City Council in relation to bulk water supply are hereby transferred to the Auckland Regional Council.

(2) The assets and liabilities related to those functions transferred to the Auckland Regional Council by subclause (1) of this clause are hereby vested in that Council.

**17 RURAL SERVICES COMMITTEE**

(1) The Auckland Regional Council shall, at least until the 1st day of November 1995, establish and maintain a Rural Services Committee.

(2) The Rural Services Committee shall be responsible for:

- (a) Agricultural pests destruction; and
- (b) Noxious plants control; and

(c) Any other functions considered by the Auckland Regional Council to be of particular concern to the rural community.

(3) The persons appointed by the Auckland Regional Council to the Rural Services Committee established under this clause shall include not less than 2 persons:

- (a) Who are not members of that Council; but
- (b) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

**18 AUCKLAND-WAIKATO INTER-REGIONAL COMMITTEE**

(1) The Auckland Regional Council and the Waikato Regional Council shall, at least until the 1st day of November 1995, unite in appointing a joint committee to be known as "The Auckland-Waikato Inter-Regional Committee".

(2) The Auckland-Waikato Inter-Regional Committee shall consist of:

- (a) Three persons appointed by the Auckland Regional Council; and
- (b) Three persons appointed by the Waikato Regional Council.

(3) The functions of the Auckland-Waikato Inter-Regional Committee shall be:

(a) Considering and reporting to the Auckland Regional Council and the Waikato Regional Council on all matters which are functions of either regional council and which have a significance to both regions; and

(b) Co-ordinating action on such other matters as may be referred to the Committee by either regional council.

**19 REGIONAL LAND TRANSPORT COMMITTEE**

(1) The Auckland Regional Council shall establish and maintain a Regional Land Transport Committee.

(2) The Regional Land Transport Committee shall be responsible for:

(a) Regional roading under Part XXII of the Local Government Act 1974; and

(b) Such transport or other roading responsibilities as may from time to time, pursuant to any Act, become a function of a regional council; and

(c) Such other functions as the Auckland Regional Council considers appropriate.

**20 HARBOUR COMMITTEE**

(1) The Auckland Regional Council shall, at least until the 1st day of November 1995, establish and maintain an Auckland Harbour Committee.

(2) The Auckland Harbour Committee shall be responsible for:

(a) Navigation and safety within those areas within harbour limits for which the Auckland Regional Council is, from time to time, responsible; and

(b) Any other matter associated with the regulation of those areas other than maritime planning; and

(c) Such other functions as that Council considers appropriate.

(3) The persons appointed by the Auckland Regional Council to the Auckland Harbour Committee established under this clause shall include not less than 2 persons:

(a) Who are not members of that Council; but

(b) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

**21 ADMINISTRATION HEADQUARTERS**

The administration headquarters of the Auckland Regional Council shall be located in the Auckland City.

**22 RATING**

(1) This clause shall be read subject to the provisions of sections 58 to 67 of the Auckland Regional Authority Act 1963.

(2) Without limiting the powers of the Auckland Regional Council under the Rating Powers Act 1988 to make and levy any rate under a different system of rating, the system of rating in the Auckland Region shall be the land value system.

(3) The Auckland Regional Council shall exercise within the Auckland Region or any part thereof:

(a) Any rating powers possessed by any former authority; and

(b) Any powers to make and levy assessments relating to the functions and powers possessed by any former authority.

(4) Subject to subclause (8) of this clause, and until at least the 30th day of June 1992, all rates made by the Auckland Regional Council shall be levied and collected by the constituent authorities of the Auckland Region as if an agreement had been made under section 127(1) of the Rating Powers Act 1988.

(5) Where a rate to which subclause (4) of this clause applies has been made on a different rating system to that which applies in the district of the constituent authority by which the rate is to be collected, that rate shall be levied and collected by the constituent authority:

(a) On the system of rating in force in the district of the constituent authority; or

(b) On the system of rating upon which the rate was made by the Auckland Regional Council.

(6) Where any rate to which subclause (4) of this clause applies is made by the Auckland Regional Council in respect of an area of benefit, it shall be levied and collected by the constituent authority or authorities within which that area of benefit is located and, where appropriate, according to any graduated scale applying to that rate.

(7) Subject to subclause (8) of this clause, the Auckland Regional Council shall, for the purpose of:

(a) Reimbursing each constituent authority for costs incurred in the levying and collecting of rates (including goods and services tax); and

(b) Paying reasonable remuneration for clerical and other work,

pay to each constituent authority an amount equal to 2 percent of the total amount of rates, including goods and services tax, collected by that constituent authority on behalf of that Council.

(8) The Auckland Regional Council and the constituent authorities may, by unanimous agreement, resolve:

(a) That, at any time after the 1st day of July 1990, that Council shall levy and collect all or any rates directly; or

(b) That, at any time after the 1st day of July 1990, the amount payable by that Council to each constituent authority, pursuant to subclause (7) of this clause, may be increased or decreased or calculated in accordance with a formula not based upon a percentage.

**23 REGIONAL PLANNING**

(1) The Auckland Regional Council shall not be required to prepare a new regional planning scheme immediately.

(2) The approved regional planning scheme and the proposed

regional planning scheme under the Town and Country Planning Act 1977 of the Auckland Regional Authority shall be deemed to be the approved, or as the case may be the proposed, regional planning scheme of the Auckland Region.

(3) Where the Auckland Regional Authority had, prior to its dissolution, begun the preparation of any review of its regional planning scheme or any change or variation thereof, then, subject to any resolution of the Auckland Regional Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Auckland Regional Council, and may be adopted and acted upon by it.

#### **24 CIVIL DEFENCE**

The operative regional civil defence plan of the former Auckland Region shall continue in force in those areas included in the Auckland Region until a new plan is approved for the whole region, in accordance with the Civil Defence Act 1983.

#### **25 VESTING OF PROPERTY**

(1) Except as otherwise provided in this order, all property, real and personal, vested in the corporation of any former authority and situated in the Auckland Region is hereby vested in the corporation of the Auckland Regional Council, subject to all existing encumbrances.

(2) Except as otherwise provided in this order, all property, real and personal, vested in the corporation of any former authority and situated in a region in which that former authority is not also a former authority, is hereby vested in the corporation of the Auckland Regional Council, subject to all existing encumbrances.

#### **26 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Auckland Regional Council by clause 25 of this order shall, unless the context otherwise requires, be read as a reference to "The Auckland Regional Council".

#### **27 TRANSITIONAL COMMITTEE**

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Auckland Region.

(2) The local authorities to which this clause applies shall be:

- (a) The Auckland Regional Authority; and
- (b) The Rodney District Noxious Plants Authority; and
- (c) The Great Barrier District Noxious Plants Authority; and
- (d) The North Shore District Noxious Plants Authority; and
- (e) The West Auckland District Noxious Plants Authority; and
- (f) The Central Auckland District Noxious Plants Authority; and
- (g) The South Auckland District Noxious Plants Authority; and
- (h) The Waiheke Island District Noxious Plants Authority; and
- (i) The Rodney County Pest Destruction Board; and
- (j) The Great Barrier Island County Pest Destruction Board; and
- (k) The Waiheke County Pest Destruction Board; and
- (l) The Franklin-Manukau Pest Destruction Board; and
- (m) The Auckland Harbour Board.

#### **28 MEMBERSHIP OF TRANSITIONAL COMMITTEE**

The transitional committee for the Auckland Region shall consist of:

(a) Three members appointed by the Auckland Regional Authority; and

(b) Two members appointed by the Auckland Harbour Board; and

(c) One member appointed jointly by the district noxious plants authorities and the pest destruction boards named in paragraphs (b) to (l) of clause 27(2) of this order; and

(d) One officer appointed by each local authority named in paragraphs (a) and (m) of clause 27(2) of this order, who shall be non-voting members of the transitional committee; and

(e) One officer appointed jointly by the district noxious plants authorities and the pest destruction boards named in paragraphs (b) to (l) of clause 27(2) of this order, who shall be a non-voting member of the transitional committee; and

(f) The Chief Executive designate of the Auckland Regional Council, who shall be a non-voting member of the transitional committee; and

(g) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 27(2) of this order, who shall be a non-voting member of the transitional committee.

#### **29 NO CASTING VOTE**

The Chairperson of the transitional committee for the Auckland Region or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

#### **30 EXCLUSION OF NON-VOTING MEMBERS**

The transitional committee for the Auckland Region may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

#### **31 PRINCIPAL LOCAL AUTHORITY**

The principal local authority for the transitional committee for the Auckland Region shall be the Auckland Regional Authority.

#### **32 COSTS OF TRANSITIONAL COMMITTEE**

(1) The costs of the transitional committee for the Auckland Region (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 27(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the gross revenue of the local authority, for the year ended on the 31st day of March 1988, bears to the gross revenue of all the local authorities to which this clause applies for that year.

(2) For the purpose of this clause the gross revenue of a local authority shall be the gross revenue reasonably related to the area of a local authority which is included in the Auckland Region or any function of a local authority which is transferred to the Auckland Regional Council by this Part of this order, whichever is applicable.

#### **33 DELEGATION OF SERVICE DELIVERY**

The transitional committee for the Auckland Region shall meet with:

(a) Each of the other transitional committees specified in this order; and

(b) The Rodney County Council,

for the purpose of considering the most appropriate arrangements for the physical delivery of services relating

to the functions allocated to the Auckland Regional Council by this order.

### PART III

#### *Rodney District*

#### 34 CONSTITUTION OF RODNEY DISTRICT

There is hereby constituted a district, to be known as "The Rodney District", which shall comprise the area delineated on S.O. Plan No. 63491 deposited with the Chief Surveyor of the North Auckland Land District.

#### 35 RODNEY DISTRICT COUNCIL

A territorial authority, to be known as "The Rodney District Council", is hereby constituted for the Rodney District.

#### 36 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Rodney County Council; and
- (b) The Helensville Borough Council; and
- (c) The Waitemata City Council; and
- (d) The Port Albert Reserve Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

#### 37 WARDS

(1) The Rodney District is hereby divided into 6 wards.

(2) Those 6 wards are:

(a) The Wellsford Ward, comprising the area delineated on S.O. Plan No. 63523 deposited with the Chief Surveyor of the North Auckland Land District:

(b) The Warkworth Ward, comprising the area delineated on S.O. Plan No. 63524 deposited with the Chief Surveyor of the North Auckland Land District:

(c) The Matakana Ward, comprising the area delineated on S.O. Plan No. 63525 deposited with the Chief Surveyor of the North Auckland Land District:

(d) The Hibiscus Coast Ward, comprising the area delineated on S.O. Plan No. 63556 deposited with the Chief Surveyor of the North Auckland Land District:

(e) The Helensville Ward, comprising the area delineated on S.O. Plan No. 63557 deposited with the Chief Surveyor of the North Auckland Land District:

(f) The Kumeu Ward, comprising the area delineated on S.O. Plan No. 63558 deposited with the Chief Surveyor of the North Auckland Land District.

#### 38 MEMBERSHIP

(1) The Rodney District Council shall consist of a Mayor and 10 members.

(2) The members of the Rodney District Council to be elected at the first election of that Council shall be elected as follows:

(a) One member shall be elected by the electors of the Wellsford Ward; and

(b) One member shall be elected by the electors of the Warkworth Ward; and

(c) One member shall be elected by the electors of the Matakana Ward; and

(d) Four members shall be elected by the electors of the Hibiscus Coast Ward; and

(e) One member shall be elected by the electors of the Helensville Ward; and

(f) Two members shall be elected by the electors of the Kumeu Ward.

#### 39 FIRST ELECTION

(1) For the purposes of the first election of the Rodney District Council, the Returning Officer and the principal administrative

officer for the Rodney District shall be, respectively, the Returning Officer and the principal administrative officer for the Rodney County.

(2) The first election of the Rodney District Council shall be conducted by postal vote.

#### 40 FIRST MEETING

The first meeting of the Rodney District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

#### 41 CHIEF EXECUTIVE

(1) The Chief Executive of the Rodney District Council shall be the person holding the position of County Manager of the Rodney County Council immediately before the coming into force of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Rodney District Council.

#### 42 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Rodney District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Rodney District Council or any of the former authorities; and

(iii) Any local Act relating to the Rodney District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

#### 43 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Rodney District Council shall be located in Orewa.

#### 44 SERVICE DELIVERY CENTRES

The Rodney District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre, in:

(a) Warkworth; and

(b) Helensville; and

(c) Huapai,

in accordance with the provisions of the Third Schedule to this order.

#### 45 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of—

(i) The Wellsford Ward; and

(ii) The Warkworth Ward; and

(iii) The Matakana Ward,

to be known as "The Northern Community"; and

(b) The area of the Hibiscus Coast Ward, to be known as "The Hibiscus Coast Community"; and

(c) The area of the Helensville Ward and the Kumeu Ward, to be known as "The Helensville-Kumeu Community".

(2) The community board for the Northern Community shall consist of:

(a) Two members elected by the electors of the Wellsford Ward; and

(b) Two members elected by the electors of the Warkworth Ward; and

(c) Two members elected by the electors of the Matakana Ward; and

(d) The persons elected from time to time as members of the Rodney District Council, representing the wards comprising the area of the community, and appointed by the Rodney District Council to the community board.

(3) The community board for the Hibiscus Coast Community shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected from time to time as members of the Rodney District Council, representing the ward comprising the area of the community, and appointed by the Rodney District Council to the community board.

(4) The community board for the Helensville-Kumeu Community shall consist of:

(a) Two members elected by the electors of the Helensville Ward; and

(b) Four members elected by the electors of the Kumeu Ward; and

(c) The persons elected from time to time as members of the Rodney District Council, representing the wards comprising the area of the community, and appointed by the Rodney District Council to the community board.

(5) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Rodney County.

(6) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

#### **46 KAWAU ISLAND ADVISORY COMMITTEE**

(1) The Rodney District Council shall, at least until the 1st day of November 1995, establish and maintain a committee to be known as "The Kawau Island Advisory Committee".

(2) The Kawau Island Advisory Committee shall consist of:

(a) The member of the Rodney District Council, from time to time, representing the ward in which Kawau Island is situated; and

(b) Two other persons, appointed by the Rodney District Council, who are normally resident on Kawau Island.

(3) The function of the Kawau Island Advisory Committee shall be to provide a point of contact between the council and the residents of Kawau Island and to consult with the council on matters of particular concern to Kawau Island residents.

#### **47 RATING**

(1) The system of rating in the Rodney District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Rodney District, Part XIV of the Rating Powers Act 1988 shall apply as if the Rodney District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

#### **48 TOWN AND COUNTRY PLANNING**

(1) The Rodney District Council shall not be required to prepare a new district scheme, immediately, for the Rodney District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Rodney District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of

any change or variation thereof, then, subject to any resolution of the Rodney District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Rodney District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Rodney District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Rodney District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Rodney District Council or, as the case may require, a committee or delegate thereof.

#### **49 CIVIL DEFENCE**

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Rodney District until a new plan is approved for the Rodney District, in accordance with the Civil Defence Act 1983.

#### **50 VESTING OF PROPERTY**

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Rodney District is hereby vested in the corporation of the Rodney District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Waitemata City Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Rodney District Council, subject to all existing encumbrances.

#### **51 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Rodney District Council by clause 50 of this order shall, unless the context otherwise requires, be read as a reference to "The Rodney District Council".

#### **52 CONSULTATION WITH PORT ALBERT RESERVE BOARD**

(1) The Rodney County Council shall meet with the Port Albert Reserve Board for the purpose of discussing the possible establishment of a committee of management for the Port Albert Reserve.

(2) Where, following that consultation, the Rodney County Council considers it desirable that a committee of management be established, the Rodney County Council shall recommend to the Rodney District Council that it establish such a committee of management.

#### **PART IV**

##### **North Shore City**

#### **53 CONSTITUTION OF NORTH SHORE CITY**

There is hereby constituted a district, to be known as "The North Shore City", which shall comprise the area delineated on S.O. Plan No. 63497 deposited with the Chief Surveyor of the North Auckland Land District.

**54 NORTH SHORE CITY COUNCIL**

A territorial authority, to be known as "The North Shore City Council", is hereby constituted for the North Shore City.

**55 INTERPRETATION**

In this Part of this order, "the former authorities" means:

- (a) The East Coast Bays City Council; and
- (b) The Takapuna City Council; and
- (c) The Birkenhead City Council; and
- (d) The Northcote Borough Council; and
- (e) The Devonport Borough Council; and
- (f) The North Shore Drainage Board; and
- (g) The North Shore Scenic Board; and
- (h) Subject to Part X of this order, the Auckland Harbour Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

**56 WARDS**

(1) The North Shore City is hereby divided into 5 wards.

(2) These 5 wards are:

(a) The East Coast Bays Ward, comprising the area delineated on S.O. Plan No. 63519 deposited with the Chief Surveyor of the North Auckland Land District:

(b) The Glenfield Ward, comprising the area delineated on S.O. Plan No. 63521 deposited with the Chief Surveyor of the North Auckland Land District:

(c) The Takapuna Ward, comprising the area delineated on S.O. Plan No. 63520 deposited with the Chief Surveyor of the North Auckland Land District:

(d) The Onewa Ward, comprising the area delineated on S.O. Plan No. 63518 deposited with the Chief Surveyor of the North Auckland Land District:

(e) The Devonport Ward, comprising the area delineated on S.O. Plan No. 63522 deposited with the Chief Surveyor of the North Auckland Land District.

**57 MEMBERSHIP**

(1) The North Shore City Council shall consist of a Mayor and 18 members.

(2) The members of the North Shore City Council to be elected at the first election of that Council shall be elected as follows:

(a) Four members shall be elected by the electors of the East Coast Bays Ward; and

(b) Four members shall be elected by the electors of the Glenfield Ward; and

(c) Four members shall be elected by the electors of the Takapuna Ward; and

(d) Four members shall be elected by the electors of the Onewa Ward; and

(e) Two members shall be elected by the electors of the Devonport Ward.

**58 FIRST ELECTION**

(1) For the purposes of the first election of the North Shore City Council, the Returning Officer and the principal administrative officer for the North Shore City shall be, respectively, the Returning Officer and the principal administrative officer for the Takapuna City.

(2) The first election of the North Shore City Council shall be conducted by postal vote.

**59 FIRST MEETING**

The first meeting of the North Shore City Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

**60 CHIEF EXECUTIVE**

(1) The Chief Executive of the North Shore City Council shall be the person appointed to that position in accordance with clause 74 of this order.

(2) The Chief Executive shall be the principal administrative officer of the North Shore City Council.

**61 FUNCTIONS, DUTIES, AND POWERS**

The functions, duties, and powers of the North Shore City Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the North Shore City Council or any of the former authorities; and

(iii) Any local Act relating to the North Shore City Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the provision and maintenance of those marinas, wharves, jetties, boat ramps and other harbour facilities formerly the responsibility of the Auckland Harbour Board and transferred to it by Part X of this order; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the the reserves being administered by the former authorities immediately before the coming into force of this clause; and

(d) The functions, duties, and powers of the North Shore Drainage Board under the North Shore Drainage Act 1963, with respect to the area of the North Shore City.

**62 ADMINISTRATION HEADQUARTERS**

The administration headquarters of the North Shore City Council shall be located in Takapuna.

**63 SERVICE DELIVERY CENTRES**

The North Shore City Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre, in:

(a) Browns Bay; and

(b) Glenfield; and

(c) Birkenhead; and

(d) Devonport,

in accordance with the provisions of the Third Schedule to this order.

**64 COMMUNITIES**

(1) There is hereby constituted a community for each of the following:

(a) The area of the East Coast Bays Ward, to be known as "The East Coast Bays Community"; and

(b) The area of the the Glenfield Ward, to be known as "The Glenfield Community"; and

(c) The area of the Takapuna Ward, to be known as "The Takapuna Community"; and

(d) The area of the Onewa Ward, to be known as "The Onewa Community"; and

(e) The area of the Devonport Ward, to be known as "The Devonport Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected, from time to time, as members of the North Shore City Council, representing the ward comprising the area of the community, and appointed by the North Shore City Council to the community board.

(3) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Takapuna City.

(4) The first election of the community boards for those communities constituted by this order shall be conducted by postal vote.

### 65 RATING

(1) The system of rating in the North Shore City shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the North Shore City, Part XIV of the Rating Powers Act 1988 shall apply as if the North Shore City was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 66 TOWN AND COUNTRY PLANNING

(1) The North Shore City Council shall not be required to prepare a new district scheme, immediately, for the North Shore City.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme of the North Shore City.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the North Shore City Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the North Shore City Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the North Shore City Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the North Shore City Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the North Shore City Council or, as the case may require, a committee or delegate thereof.

### 67 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the North Shore City until a new plan is approved for the North Shore City, in accordance with the Civil Defence Act 1983.

### 68 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the North Shore City is hereby vested in the corporation of the North Shore City Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, and situated in a district in which that

former authority is not also a former authority, is hereby vested in the corporation of the North Shore City Council, subject to all existing encumbrances.

### 69 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the North Shore City Council by clause 68 of this order shall, unless the context otherwise requires, be read as a reference to "The North Shore City Council".

### 70 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the North Shore City.

(2) The local authorities to which this clause applies shall be:

- (a) The East Coast Bays City Council; and
- (b) The Takapuna City Council; and
- (c) The Birkenhead City Council; and
- (d) The Northcote Borough Council; and
- (e) The Devonport Borough Council; and
- (f) The North Shore Drainage Board.

### 71 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the North Shore City shall consist of:

- (a) Two members appointed by the East Coast Bays City Council; and
- (b) Three members appointed by the Takapuna City Council; and
- (c) Two members appointed by the Birkenhead City Council; and
- (d) One member appointed by the Northcote Borough Council; and
- (e) One member appointed by the Devonport Borough Council; and
- (f) One member appointed by the North Shore Drainage Board; and
- (g) One officer appointed by each local authority named in clause 70(2) of this order, who shall be non-voting members of the transitional committee; and
- (h) The Chief Executive designate, when appointed in accordance with clause 74 of this order, who shall be a non-voting member of the transitional committee; and
- (i) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 70(2) of this order, who shall be a non-voting member of the transitional committee.

(g) One officer appointed by each local authority named in clause 70(2) of this order, who shall be non-voting members of the transitional committee; and

(h) The Chief Executive designate, when appointed in accordance with clause 74 of this order, who shall be a non-voting member of the transitional committee; and

### 72 NO CASTING VOTE

The Chairperson of the transitional committee for the North Shore City or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

### 73 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the North Shore City may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 74 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the North Shore City shall appoint a person to be the Chief Executive of the North Shore City Council.



**75 PRINCIPAL LOCAL AUTHORITY**

The principal local authority for the transitional committee for the North Shore City shall be the Takapuna City Council.

**76 COSTS OF TRANSITIONAL COMMITTEE**

(1) The costs of the transitional committee for the North Shore City (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 70(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the gross revenue of the local authority, for the year ended on the 31st day of March 1988, bears to the total of the gross revenue of all the local authorities to which this clause applies, for that year.

(2) For the purpose of this clause the gross revenue of a local authority shall be the gross revenue reasonably related to the area of a local authority which is included in the North Shore City, or any function of a local authority which is transferred to the North Shore City Council, by this order, whichever is applicable.

**77 CONSULTATION WITH NORTH SHORE SCENIC BOARD**

(1) The transitional committee for the North Shore City shall consult with the North Shore Scenic Board, for the purpose of discussing the possible establishment of a committee of management for the North Shore Scenic Reserve.

(2) Where, following that consultation, the transitional committee for the North Shore City considers it desirable that a committee of management be established, the transitional committee shall recommend to the North Shore City Council that it establish such a committee of management.

**PART V****WAITAKERE CITY****78 CONSTITUTION OF WAITAKERE CITY**

There is hereby constituted a district, to be known as "The Waitakere City", which shall comprise the area delineated on S.O. Plan No. 63494 deposited with the Chief Surveyor of the North Auckland Land District.

**79 WAITAKERE CITY COUNCIL**

A territorial authority, to be known as "The Waitakere City Council", is hereby constituted for the Waitakere City.

**80 INTERPRETATION**

In this Part of this order, "the former authorities" means:

- (a) The Waitemata City Council; and
- (b) The Henderson Borough Council; and
- (c) The Glen Eden Borough Council; and
- (d) The New Lynn Borough Council; and

(e) Subject to Part X of this order, the Auckland Harbour Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

**81 WARDS**

(1) The Waitakere City is hereby divided into 4 wards.

(2) Those 4 wards are:

(a) The Waitakere Ward, comprising the area delineated on S.O. Plan No. 63528 deposited with the Chief Surveyor of the North Auckland Land District:

(b) The Massey Ward, comprising the area delineated on

S.O. Plan No. 63526 deposited with the Chief Surveyor of the North Auckland Land District:

(c) The Henderson Ward, comprising the area delineated on S.O. Plan No. 63527 deposited with the Chief Surveyor of the North Auckland Land District:

(d) The New Lynn Ward, comprising the area delineated on S.O. Plan No. 63529 deposited with the Chief Surveyor of the North Auckland Land District.

**82 MEMBERSHIP**

(1) The Waitakere City Council shall consist of a Mayor and 16 members.

(2) The members of the Waitakere City Council to be elected at the first election of that Council shall be elected as follows:

(a) Three members shall be elected by the electors of the Waitakere Ward; and

(b) Four members shall be elected by the electors of the Massey Ward; and

(c) Four members shall be elected by the electors of the Henderson Ward; and

(d) Five members shall be elected by the electors of the New Lynn Ward.

**83 FIRST ELECTION**

(1) For the purposes of the first election of the Waitakere City Council, the Returning Officer and the principal administrative officer for the Waitakere City shall be, respectively, the Returning Officer and the principal administrative officer for the Waitemata City.

(2) The first election of the Waitakere City Council shall be conducted by postal vote.

**84 FIRST MEETING**

The first meeting of the Waitakere City Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

**85 CHIEF EXECUTIVE**

(1) The Chief Executive of the Waitakere City Council shall be the person appointed to that position in accordance with clause 99 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Waitakere City Council.

**86 FUNCTIONS, DUTIES, AND POWERS**

The functions, duties, and powers of the Waitakere City Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Waitakere City Council or any of the former authorities; and

(iii) Any local Act relating to the Waitakere City Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the provision and maintenance of those marinas, wharves, jetties, boat ramps and other harbour facilities formerly the responsibility of the Auckland Harbour Board and transferred to it by Part X of this order; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

**87 ADMINISTRATION HEADQUARTERS**

Until the Waitakere City Council otherwise resolves, the administration headquarters of that Council shall be located in

the existing administration headquarters of the Waitemata City Council.

### 88 SERVICE DELIVERY CENTRES

The Waitakere City Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in locations determined by that Council, in accordance with the provisions of the Third Schedule to this order.

### 89 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Waitakere Ward, to be known as "The Waitakere Community"; and

(b) The area of the Massey Ward, to be known as "The Massey Community"; and

(c) The area of the Henderson Ward, to be known as "The Henderson Community"; and

(d) The area of the New Lynn Ward, to be known as "The New Lynn Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) Not more than four persons elected from time to time as members of the Waitakere City Council, representing the ward comprising the area of the community, and appointed by the Waitakere City Council to the community board.

(3) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Waitemata City.

(4) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

### 90 RATING

(1) The system of rating in the Waitakere City shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Waitakere City, Part XIV of the Rating Powers Act 1988 shall apply as if the Waitakere City was the district of a special purpose authority and the areas from which it was formed were constituent districts.

(3) For the purposes of subclause (4) of this clause, and for no other purposes, each of the districts of the former authorities and forming part of the Inner Area of the Auckland Metropolitan Drainage District as from time to time existing in accordance with the provisions of the Auckland Metropolitan Drainage Act 1960, shall be constituted as rating divisions.

(4) In each of the rating divisions constituted by subclause (3) of this clause, rates to be levied on residential land and on commercial and industrial land,

(a) In the case of residential land for the period commencing on the 1st day of July 1990 and ending on the 30th day of June 1993; and

(b) In the case of commercial and industrial land for the period commencing on the 1st day of July 1990 and ending on the 30th day of June 1992,

shall be made and levied on the basis of an agreement signed by those former authorities named in paragraphs (a) to (d) of clause 80 of this order following negotiations conducted by a conciliator appointed by the Local Government Commission pursuant to section 27 of the Local Government Act 1974 (as in force at the date that agreement was made) in respect of a proposal for the union of their districts.

### 91 TOWN AND COUNTRY PLANNING

(1) The Waitakere City Council shall not be required to

prepare a new district scheme, immediately, for the Waitakere City.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Waitakere City.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Waitakere City Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Waitakere City Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Waitakere City Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Waitakere City Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Waitakere City Council or, as the case may require, a committee or delegate thereof.

### 92 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Waitakere City until a new plan is approved for the Waitakere City, in accordance with the Civil Defence Act 1983.

### 93 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Waitakere City is hereby vested in the corporation of the Waitakere City Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Waitakere City Council, subject to all existing encumbrances.

### 94 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Waitakere City Council by clause 93 of this order shall, unless the context otherwise requires, be read as a reference to "The Waitakere City Council".

### 95 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Waitakere City.

(2) The local authorities to which this clause applies shall be:

- (a) The Waitemata City Council; and
- (b) The Henderson Borough Council; and
- (c) The Glen Eden Borough Council; and
- (d) The New Lynn Borough Council.

## 96 MEMBERSHIP OF TRANSITIONAL COMMITTEE

(1) The transitional committee for the Waitakere City shall consist of:

- (a) Two members appointed by the Waitemata City Council; and
- (b) Two members appointed by the Henderson Borough Council; and
- (c) Two members appointed by the Glen Eden Borough Council; and
- (d) Two members appointed by the New Lynn Borough Council; and
- (e) One officer appointed by each local authority named in clause 95(2) of this order, who shall be non-voting members of the transitional committee; and
- (f) The Chief Executive designate, when appointed in accordance with clause 99 of this order, who shall be a non-voting member of the transitional committee; and
- (g) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 95(2) of this order, who shall be a non-voting member of the transitional committee.

(2) Each member appointed by the Waitemata City Council shall have 3 votes.

## 97 NO CASTING VOTE

The Chairperson of the transitional committee for the Waitakere City or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

## 98 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Waitakere City may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

## 99 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Waitakere City shall appoint a person to be the Chief Executive of the Waitakere City Council.

## 100 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Waitakere City shall be the Waitemata City Council.

## 101 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Waitakere City (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 95(2) of this order either:

- (a) In accordance with a formula agreed to by that committee; or
- (b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Waitakere City,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities included in the Waitakere City by this Part of this order.

## PART VI

### *Auckland City*

## 102 CONSTITUTION OF AUCKLAND CITY

There is hereby constituted a district, to be known as "The Auckland City", which shall comprise the area delineated on S.O. Plan No. 63496 deposited with the Chief Surveyor of the North Auckland Land District.

## 103 AUCKLAND CITY COUNCIL

A territorial authority, to be known as "The Auckland City Council", is hereby constituted for the Auckland City.

## 104 INTERPRETATION

In this Part of this order:

"The former authorities" means—

- (a) The former Auckland City Council; and
- (b) The Newmarket Borough Council; and
- (c) The Mount Albert City Council; and
- (d) The Mount Roskill Borough Council; and
- (e) The Mount Eden Borough Council; and
- (f) The One Tree Hill Borough Council; and
- (g) The Onehunga Borough Council; and
- (h) The Ellerslie Borough Council; and
- (i) The Tamaki City Council; and
- (j) The Waiheke County Council; and
- (k) The Great Barrier Island County Council; and
- (l) The One Tree Hill Domain Board; and
- (m) Subject to Part X of this order, the Auckland Harbour Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Auckland City" means the Auckland City in existence immediately before the coming into force of this clause of this order:

"Former Auckland City Council" means the Auckland City Council in existence immediately before the coming into force of this clause of this order:

"Auckland City" means the Auckland City constituted by this order:

"Auckland City Council" means the Auckland City Council constituted by this order.

## 105 WARDS

(1) The Auckland City is hereby divided into 10 wards.

(2) Those 10 wards are:

(a) The Western Bays Ward, comprising the area delineated on S.O. Plan No. 63512 deposited with the Chief Surveyor of the North Auckland Land District:

(b) The Hobson Ward, comprising the area delineated on S.O. Plan No. 63510 deposited with the Chief Surveyor of the North Auckland Land District:

(c) The Eastern Bays Ward, comprising the area delineated on S.O. Plan No. 63509 deposited with the Chief Surveyor of the North Auckland Land District:

(d) The Avondale Ward, comprising the area delineated on S.O. Plan No. 63515 deposited with the Chief Surveyor of the North Auckland Land District:

(e) The Mount Albert Ward, comprising the area delineated on S.O. Plan No. 63514 deposited with the Chief Surveyor of the North Auckland Land District:

(f) The Mount Roskill Ward, comprising the area delineated on S.O. Plan No. 63513 deposited with the Chief Surveyor of the North Auckland Land District:

(g) The Mount Eden Ward, comprising the area delineated

on S.O. Plan No. 63516 deposited with the Chief Surveyor of the North Auckland Land District:

(h) The Maungakiekie Ward, comprising the area delineated on S.O. Plan No. 63517 deposited with the Chief Surveyor of the North Auckland Land District:

(i) The Tamaki Ward, comprising the area delineated on S.O. Plan No. 63511 deposited with the Chief Surveyor of the North Auckland Land District:

(j) The Hauraki Gulf Islands Ward, comprising the area delineated on S.O. Plan No. 63500 deposited with the Chief Surveyor of the North Auckland Land District.

### 106 MEMBERSHIP

(1) The Auckland City Council shall consist of a Mayor and 24 members.

(2) The members of the Auckland City Council to be elected at the first election of that Council shall be elected as follows:

(a) Three members shall be elected by the electors of the Western Bays Ward; and

(b) Two members shall be elected by the electors of the Hobson Ward; and

(c) Three members shall be elected by the electors of the Eastern Bays Ward; and

(d) Two members shall be elected by the electors of the Avondale Ward; and

(e) Two members shall be elected by the electors of the Mount Albert Ward; and

(f) Three members shall be elected by the electors of the Mount Roskill Ward; and

(g) Two members shall be elected by the electors of the Mount Eden Ward; and

(h) Three members shall be elected by the electors of the Maungakiekie Ward; and

(i) Three members shall be elected by the electors of the Tamaki Ward; and

(j) One member shall be elected by the electors of the Hauraki Gulf Islands Ward.

### 107 FIRST ELECTION

(1) For the purposes of the first election of the Auckland City Council, the Returning Officer and the principal administrative officer for the Auckland City shall be, respectively, the Returning Officer and the principal administrative officer for the former Auckland City.

(2) The first election of the Auckland City Council shall be conducted by postal vote.

### 108 FIRST MEETING

The first meeting of the Auckland City Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 109 CHIEF EXECUTIVE

(1) The Chief Executive of the Auckland City Council shall be the person appointed to that position in accordance with clause 125 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Auckland City Council.

### 110 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Auckland City Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Auckland City Council or any of the former authorities; and

(iii) Any local Act relating to the Auckland City Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the provision and maintenance of those marinas, wharves, jetties, boat ramps and other harbour facilities formerly the responsibility of the Auckland Harbour Board and transferred to it by Part X of this order; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 111 WATERCOURSES

(1) The control and management of the following watercourses is hereby transferred from the Auckland Regional Authority to the Auckland City Council:

(a) Meola Creek; and

(b) Motions Creek; and

(c) Oakley Creek; and

(d) Newmarket Stream; and

(e) Remuera Gully.

(2) All assets and liabilities related to the watercourses at the locations named in subclause (1) of this clause, are hereby vested in the Auckland City Council.

### 112 ADMINISTRATION HEADQUARTERS

Until the Auckland City Council otherwise resolves, the administration headquarters of the Auckland City Council shall be located in the existing administration headquarters of the former Auckland City Council.

### 113 SERVICE DELIVERY CENTRES

The Auckland City Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre:

(a) in Avondale; and

(b) in St Lukes; and

(c) in Surrey Crescent; and

(d) in Three Kings; and

(e) in Meadowbank; and

(f) in Otahuhu; and

(g) in Onehunga; and

(h) on Waiheke Island; and

(i) on Great Barrier Island,

in accordance with the provisions of the Third Schedule to this order.

### 114 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Western Bays Ward, to be known as "The Western Bays Community"; and

(b) The area of the Hobson Ward, to be known as "The Hobson Community"; and

(c) The area of the Eastern Bays Ward, to be known as "The Eastern Bays Community"; and

(d) The area of the Avondale Ward, to be known as "The Avondale Community"; and

(e) The area of the Mount Albert Ward, to be known as "The Mount Albert Community"; and

(f) The area of the Mount Roskill Ward, to be known as "The Mount Roskill Community"; and

(g) The area of the Mount Eden Ward, to be known as "The Mount Eden Community"; and

(h) The area of the Maungakiekie Ward, to be known as "The Maungakiekie Community"; and

(i) The area of the Tamaki Ward, to be known as "The Tamaki Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected, from time to time, as members of the Auckland City Council representing the ward comprising the area of the community, and appointed by the Auckland City Council to the community board.

(3) There is hereby constituted a community for each of the following areas:

(a) A community to be known as "The Waiheke Community", comprising the area delineated on S.O. Plan No. 63561 deposited with the Chief Surveyor of the North Auckland Land District; and

(b) A community to be known as "The Great Barrier Community", comprising the area delineated on S.O. Plan No. 63560 deposited with the Chief Surveyor of the North Auckland Land District.

(4) The community board for each community constituted by subclause (3) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) One person elected, from time to time, as a member of the Auckland City Council, representing the ward including the area of the community and appointed by the Auckland City Council to the community board.

(5) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the former Auckland City.

(6) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

### 115 HAURAKI GULF ISLANDS COMMITTEES

(1) The Auckland City Council shall at least until the 1st day of November 1995, establish and maintain the following three special committees:

- (a) The Hauraki Gulf Islands Committee; and
- (b) The Great Barrier Planning Committee; and
- (c) The Waiheke Planning Committee.

(2) The Hauraki Gulf Islands Committee shall have the function of considering matters of concern to the Hauraki Gulf as a whole.

(3) The Hauraki Gulf Islands Committee shall consist of not less than three members, of whom:

(a) One member shall be the person elected, from time to time, as a member of the Auckland City Council representing the Hauraki Gulf Islands Ward; and

(b) One member shall be appointed by the Waiheke Community Board; and

(c) One member shall be appointed by the Great Barrier Community Board.

(4) The Great Barrier Planning Committee shall consist of at least two members of the Great Barrier Community Board, appointed by the Auckland City Council.

(5) The Great Barrier Planning Committee shall, in accordance with the terms of any delegation to it by the Auckland City Council, hear and either as the case may be:

(a) Determine any planning application or other planning matter; or

(b) Make a recommendation in respect of any such planning application or other planning matter,

which may from time to time be referred to that Committee by the Auckland City Council.

(6) The Waiheke Planning Committee shall include at least four members of the Waiheke Community Board, appointed by the Auckland City Council.

(7) The Waiheke Planning Committee shall, in accordance with the terms of any delegation to it by the Auckland City Council, hear and either as the case may be:

(a) Determine any planning application or other planning matter; or

(b) Make a recommendation in respect of any such planning application or other planning matter,

which may from time to time be referred to that Committee by the Auckland City Council.

### 116 RATING

(1) The system of rating in the Auckland City shall be the annual value system.

(2) Until a new valuation roll is produced for the Auckland City, Part XIV of the Rating Powers Act 1988 shall apply as if the Auckland City was the district of a special purpose authority and the areas from which it was formed were constituent districts.

(3) Until the 30th day of June 1992:

(a) The capital value rating system shall apply in the area of the former Tamaki City and the former Mount Albert City; and

(b) The land value rating system shall apply in the areas of the former—

- (i) Onehunga Borough; and
- (ii) Mount Roskill Borough; and
- (iii) Waiheke County; and
- (iv) Great Barrier Island County.

### 117 TOWN AND COUNTRY PLANNING

(1) The Auckland City Council shall not be required to prepare a new district scheme, immediately, for the Auckland City.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme, or as the case may be, the proposed district scheme, of the Auckland City.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Auckland City Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Auckland City Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Auckland City Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Auckland City Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered

again by the Auckland City Council or, as the case may require, a committee or delegate thereof.

### 118 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Auckland City until a new plan is approved for the Auckland City, in accordance with the Civil Defence Act 1983.

### 119 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Auckland City is hereby vested in the corporation of the Auckland City Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Auckland City Council, subject to all existing encumbrances.

### 120 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Auckland City Council by clause 119 of this order shall, unless the context otherwise requires, be read as a reference to "The Auckland City Council".

### 121 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Auckland City.

(2) The local authorities to which this clause applies shall be:

- (a) The former Auckland City Council; and
- (b) The Newmarket Borough Council; and
- (c) The Mount Albert City Council; and
- (d) The Mount Roskill Borough Council; and
- (e) The Mount Eden Borough Council; and
- (f) The One Tree Hill Borough Council; and
- (g) The Onehunga Borough Council; and
- (h) The Ellerslie Borough Council; and
- (i) The Tamaki City Council; and
- (j) The Waiheke County Council; and
- (k) The Great Barrier Island County Council.

### 122 MEMBERSHIP OF TRANSITIONAL COMMITTEE

(1) The transitional committee for the Auckland City shall consist of:

- (a) Three members appointed by the former Auckland City Council; and
- (b) One member appointed by the Newmarket Borough Council; and
- (c) One member appointed by the Mount Albert City Council; and
- (d) One member appointed by the Mount Roskill Borough Council; and
- (e) One member appointed by the Mount Eden Borough Council; and
- (f) One member appointed by the One Tree Hill Borough Council; and
- (g) One member appointed by the Onehunga Borough Council; and
- (h) One member appointed by the Ellerslie Borough Council; and
- (i) One member appointed by the Tamaki City Council; and

(j) One member appointed jointly by the Waiheke County Council and the Great Barrier Island County Council; and

(k) One officer appointed by each local authority named in clause 121(2) of this order, who shall be non-voting members of the transitional committee; and

(l) The Chief Executive designate, when appointed in accordance with clause 125 of this order, who shall be a non-voting member of the transitional committee; and

(m) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 121(2) of this order, who shall be a non-voting member of the transitional committee.

(2) Each member appointed by the former Auckland City Council shall have three votes.

(3) Each member appointed by the Mount Roskill Borough Council, the Mount Albert City Council and the Tamaki City Council shall have two votes.

### 123 NO CASTING VOTE

The Chairperson of the transitional committee for the Auckland City or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

### 124 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Auckland City may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 125 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Auckland City shall appoint a person to be the Chief Executive of the Auckland City Council.

### 126 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Auckland City shall be the former Auckland City Council.

### 127 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Auckland City (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 121(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Auckland City,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities included in the Auckland City by this Part of this order.

### 128 CONSULTATION WITH ONE TREE HILL DOMAIN BOARD

(1) The transitional committee for the Auckland City shall consult with the One Tree Hill Domain Board for the purpose of discussing the possible establishment of a committee of management for the One Tree Hill Domain.

(2) Where, following that consultation, the transitional committee for the Auckland City considers it desirable that a committee of management be established, the transitional

committee shall recommend to the Auckland City Council that it establish such a committee of management.

## PART VII

### *Manukau City*

#### 129 CONSTITUTION OF MANUKAU CITY

There is hereby constituted a district, to be known as "The Manukau City", which shall comprise the area delineated on S.O. Plan No. 63495 deposited with the Chief Surveyor of the North Auckland Land District.

#### 130 MANUKAU CITY COUNCIL

A territorial authority, to be known as "The Manukau City Council", is hereby constituted for the Manukau City.

#### 131 INTERPRETATION

In this Part of this order:

"The former authorities" means—

- (a) The former Manukau City Council; and
- (b) The Papatoetoe City Council; and
- (c) The Howick Borough Council; and
- (d) The Tamaki City Council; and
- (e) Subject to Part X of this order, the Auckland Harbour Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Manukau City" means the Manukau City in existence immediately before the coming into force of this clause of this order:

"Former Manukau City Council" means the Manukau City Council in existence immediately before the coming into force of this clause of this order:

"Manukau City" means the Manukau City constituted by this order:

"Manukau City Council" means the Manukau City Council constituted by this order.

#### 132 WARDS

(1) The Manukau City is hereby divided into 7 wards.

(2) Those 7 wards are:

(a) The Pakuranga Ward, comprising the area delineated on S.O. Plan No. 63501 deposited with the Chief Surveyor of the North Auckland Land District:

(b) The Howick Ward, comprising the area delineated on S.O. Plan No. 63502 deposited with the Chief Surveyor of the North Auckland Land District:

(c) The Otara Ward, comprising the area delineated on S.O. Plan No. 63507 deposited with the Chief Surveyor of the North Auckland Land District:

(d) The Papatoetoe Ward, comprising the area delineated on S.O. Plan No. 63506 deposited with the Chief Surveyor of the North Auckland Land District:

(e) The Mangere Ward, comprising the area delineated on S.O. Plan No. 63505 deposited with the Chief Surveyor of the North Auckland Land District:

(f) The Manurewa Ward, comprising the area delineated on S.O. Plan No. 63504 deposited with the Chief Surveyor of the North Auckland Land District:

(g) The Clevedon Ward, comprising the area delineated on S.O. Plan No. 63503 deposited with the Chief Surveyor of the North Auckland Land District.

#### 133 MEMBERSHIP

(1) The Manukau City Council shall consist of a Mayor and 24 members.

(2) The members of the Manukau City Council to be elected at the first election of that Council shall be elected as follows:

(a) Three members shall be elected by the electors of the Pakuranga Ward; and

(b) Three members shall be elected by the electors of the Howick Ward; and

(c) Three members shall be elected by the electors of the Otara Ward; and

(d) Four members shall be elected by the electors of the Papatoetoe Ward; and

(e) Four members shall be elected by the electors of the Mangere Ward; and

(f) Five members shall be elected by the electors of the Manurewa Ward; and

(g) Two members shall be elected by the electors of the Clevedon Ward.

#### 134 FIRST ELECTION

(1) For the purposes of the first election of the Manukau City Council, the Returning Officer and the principal administrative officer for the Manukau City shall be, respectively, the Returning Officer and the principal administrative officer for the former Manukau City.

(2) The first election of the Manukau City Council shall be conducted by postal vote.

#### 135 FIRST MEETING

The first meeting of the Manukau City Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

#### 136 CHIEF EXECUTIVE

(1) The Chief Executive of the Manukau City Council shall be the person appointed to that position in accordance with clause 150 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Manukau City Council.

#### 137 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Manukau City Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Manukau City Council or any of the former authorities; and

(iii) Any local Act relating to the Manukau City Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the provision and maintenance of those marinas, wharves, jetties, boat ramps and other harbour facilities formerly the responsibility of the Auckland Harbour Board and transferred to it by Part X of this order; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

#### 138 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Manukau City Council shall be located in the existing administration headquarters of the former Manukau City Council.

#### 139 SERVICE DELIVERY CENTRES

The Manukau City Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in:



- (a) Pakuranga; and
- (b) Howick; and
- (c) Otago; and
- (d) Papatoetoe; and
- (e) Mangere; and
- (f) Manurewa,

in accordance with the provisions of the Third Schedule to this order.

### 140 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

- (a) The area of the Pakuranga Ward, to be known as "The Pakuranga Community"; and
- (b) The area of the Howick Ward, to be known as "The Howick Community"; and
- (c) The area of the Otago Ward, to be known as "The Otago Community"; and
- (d) The area of the Papatoetoe Ward, to be known as "The Papatoetoe Community"; and
- (e) The area of the Mangere Ward, to be known as "The Mangere Community"; and
- (f) The area of the Manurewa Ward, to be known as "The Manurewa Community"; and
- (g) The area of the Clevedon Ward, to be known as "The Clevedon Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

- (a) Six members elected by the electors of the community; and
  - (b) Not more than four persons elected from time to time as members of the Manukau City Council, representing the ward comprising the area of the community, and appointed by the Manukau City Council to the community board.
- (3) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the former Manukau City.
- (4) The first election of the community boards for the communities constituted by this clause shall be conducted by postal vote.

### 141 RATING

- (1) The system of rating in the Manukau City shall be the land value system.
- (2) Until the Valuer-General is able to produce a valuation roll for the Manukau City, Part XIV of the Rating Powers Act 1988 shall apply as if the Manukau City was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 142 TOWN AND COUNTRY PLANNING

- (1) The Manukau City Council shall not be required to prepare a new district scheme, immediately, for the Manukau City.
- (2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Manukau City.
- (3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Manukau City Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Manukau City Council and may be adopted and acted upon by it.
- (4) Where before the coming into force of this clause any

application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Manukau City Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Manukau City Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Manukau City Council or, as the case may require, a committee or delegate thereof.

### 143 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Manukau City until a new plan is approved for the Manukau City, in accordance with the Civil Defence Act 1983.

### 144 VESTING OF PROPERTY

- (1) All property, real and personal, vested in the corporation of any former authority and situated in the Manukau City is hereby vested in the corporation of the Manukau City Council, subject to all existing encumbrances.
- (2) All property, real and personal, vested in the corporation of any former authority, other than the Tamaki City Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Manukau City Council, subject to all existing encumbrances.
- (3) All that land described in Part Lot 4, D.P. 35916, (North Auckland Land District) is hereby vested in the corporation of the Manukau City Council, subject to all existing encumbrances.

### 145 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Manukau City Council by clause 144 of this order shall, unless the context otherwise requires, be read as a reference to "The Manukau City Council".

### 146 TRANSITIONAL COMMITTEE

- (1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Manukau City.
- (2) The local authorities to which this clause applies shall be:
- (a) The former Manukau City Council; and
  - (b) The Papatoetoe City Council; and
  - (c) The Howick Borough Council.

### 147 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Manukau City shall consist of:

- (a) Four members appointed by the former Manukau City Council; and
- (b) Two members appointed by the Papatoetoe City Council; and
- (c) Two members appointed by the Howick Borough Council; and
- (d) One officer appointed by each local authority named in



clause 146(2) of this order, who shall be non-voting members of the transitional committee; and

(e) The Chief Executive designate, when appointed in accordance with clause 150 of this order, who shall be a non-voting member of the transitional committee; and

(f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 146(2) of this order, who shall be a non-voting member of the transitional committee.

#### 148 NO CASTING VOTE

The Chairperson of the transitional committee for the Manukau City or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

#### 149 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Manukau City may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

#### 150 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Manukau City shall appoint a person to be the Chief Executive of the Manukau City Council.

#### 151 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Manukau City shall be the former Manukau City Council.

#### 152 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Manukau City (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 146(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

(i) The district of that local authority; or

(ii) Those parts of the district of that local authority to be included in the Manukau City,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts or parts of the districts of local authorities included in the Manukau City by this Part of this order.

### PART VIII

#### *Papakura District*

#### 153 CONSTITUTION OF PAPAOKURA DISTRICT

There is hereby constituted a district, to be known as "The Papakura District", which shall comprise the area delineated on S.O. Plan No. 63492 deposited with the Chief Surveyor of the North Auckland Land District.

#### 154 PAPAOKURA DISTRICT COUNCIL

A territorial authority, to be known as "The Papakura District Council", is hereby constituted for the Papakura District.

#### 155 INTERPRETATION

In this Part of this order, "the former authorities" means:

(a) The Papakura City Council; and

(b) The Manukau City Council; and

(c) The Franklin County Council; and

(d) The Kirk's Bush Scenic Reserve Board; and

(e) Subject to Part X of this order, the Auckland Harbour Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

#### 156 WARDS

(1) The Papakura District is hereby divided into 4 wards.

(2) Those 4 wards are:

(a) The Pahurehure Ward, comprising the area delineated on S.O. Plan No. 63532 deposited with the Chief Surveyor of the North Auckland Land District:

(b) The Ardmore Ward, comprising the area delineated on S.O. Plan No. 63533 deposited with the Chief Surveyor of the North Auckland Land District:

(c) The Red Hill Ward, comprising the area delineated on S.O. Plan No. 63531 deposited with the Chief Surveyor of the North Auckland Land District:

(d) The Drury Ward, comprising the area delineated on S.O. Plan No. 63530 deposited with the Chief Surveyor of the North Auckland Land District.

#### 157 MEMBERSHIP

(1) The Papakura District Council shall consist of a Mayor and 12 members.

(2) The members of the Papakura District Council to be elected at the first election of that Council shall be elected as follows:

(a) Three members shall be elected by the electors of the Pahurehure Ward; and

(b) Three members shall be elected by the electors of the Ardmore Ward; and

(c) Three members shall be elected by the electors of the Red Hill Ward; and

(d) Three members shall be elected by the electors of the Drury Ward.

#### 158 FIRST ELECTION

(1) For the purposes of the first election of the Papakura District Council, the Returning Officer and the principal administrative officer for the Papakura District shall be, respectively, the Returning Officer and the principal administrative officer for the Papakura City.

(2) The first election of the Papakura District Council shall be conducted by postal vote.

#### 159 FIRST MEETING

The first meeting of the Papakura District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

#### 160 CHIEF EXECUTIVE

(1) The Chief Executive of the Papakura District Council shall be the person appointed to that position in accordance with clause 172 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Papakura District Council.

#### 161 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Papakura District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Papakura District Council or any of the former authorities; and

(iii) Any local Act relating to the Papakura District Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the provision and maintenance of those marinas, wharves, jetties, boat ramps and other harbour facilities formerly the responsibility of the Auckland Harbour Board and transferred to it by Part X of this order; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

## 162 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Papakura District Council shall be located in Papakura.

## 163 RATING

(1) The system of rating in the Papakura District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Papakura District, Part XIV of the Rating Powers Act 1988 shall apply as if the Papakura District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

## 164 TOWN AND COUNTRY PLANNING

(1) The Papakura District Council shall not be required to prepare a new district scheme, immediately, for the Papakura District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Papakura District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Papakura District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Papakura District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee hereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Papakura District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Papakura District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision hereon had been given the application shall be heard or considered again by the Papakura District Council or, as the case may require, a committee or delegate thereof.

## 165 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Papakura District until a new plan is approved for the Papakura District, in accordance with the Civil Defence Act 1983.

## 166 VESTING OF PROPERTY

(1) Subject to clause 144(3) of this order, all property, real and personal, vested in the corporation of any former authority and situated in the Papakura District is hereby vested in the corporation of the Papakura District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Manukau City Council and the Franklin County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Papakura District Council, subject to all existing encumbrances.

## 167 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Papakura District Council by clause 166 of this order shall, unless the context otherwise requires, be read as a reference to "The Papakura District Council".

## 168 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Papakura District.

(2) The local authorities to which this clause applies shall be:

- (a) The Papakura City Council; and
- (b) The Manukau City Council; and
- (c) The Franklin County Council.

## 169 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Papakura District shall consist of:

- (a) Three members appointed by the Papakura City Council; and
- (b) One member appointed by the Manukau City Council; and
- (c) One member appointed by the Franklin County Council; and
- (d) One officer appointed by each local authority named in clause 168(2) of this order, who shall be non-voting members of the transitional committee; and
- (e) The Chief Executive designate, when appointed in accordance with clause 172 of this order, who shall be a non-voting member of the transitional committee; and
- (f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 168(2) of this order, who shall be a non-voting member of the transitional committee.

## 170 NO CASTING VOTE

The Chairperson of the transitional committee for the Papakura District or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

## 171 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Papakura District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

## 172 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Papakura District shall appoint a person to be the Chief Executive of the Papakura District Council.

**173 PRINCIPAL LOCAL AUTHORITY**

The principal local authority for the transitional committee for the Papakura District shall be the Papakura City Council.

**174 COSTS OF TRANSITIONAL COMMITTEE**

The costs of the transitional committee for the Papakura District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 168(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

(i) The district of that local authority; or

(ii) Those parts of the district of that local authority to be included in the Papakura District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities included in the Papakura District by this Part of this order.

**175 CONSULTATION WITH KIRK'S BUSH SCENIC RESERVE BOARD**

(1) The transitional committee for the Papakura District shall consult with the Kirk's Bush Scenic Reserve Board for the purpose of discussing the possible establishment of a committee of management for the Kirk's Bush Scenic Reserve.

(2) Where, following that consultation, the transitional committee for the Papakura District considers it desirable that a committee of management be established, the transitional committee shall recommend to the Papakura District Council that it establish such a committee of management.

**PART IX****Franklin District****176 CONSTITUTION OF FRANKLIN DISTRICT**

There is hereby constituted a district, to be known as "The Franklin District", which shall comprise the area delineated on S.O. Plan No. 63493 deposited with the Chief Surveyor of the North Auckland Land District.

**177 FRANKLIN DISTRICT COUNCIL**

A territorial authority, to be known as "The Franklin District Council", is hereby constituted for the Franklin District.

**178 INTERPRETATION**

In this Part of this order, "the former authorities" means:

(a) The Franklin County Council; and

(b) The Pukekohe Borough Council; and

(c) The Waiuku Borough Council; and

(d) The Tuakau Borough Council; and

(e) The Raglan County Council; and

(f) The Mercer Reserve Board; and

(g) The Onewhero Recreation Reserve Board; and

(h) Subject to Part X of this order, the Auckland Harbour Board,

and any reference to "former authority" is hereby a reference to any of the former authorities named in this clause.

**179 WARDS**

(1) The Franklin District is hereby divided into 6 wards.

(2) Those 6 wards are:

(a) The Awhitu Ward, comprising the area delineated on

S.O. Plan No. 63536 deposited with the Chief Surveyor of the North Auckland Land District:

(b) The Waiuku Ward, comprising the area delineated on S.O. Plan No. 63539 deposited with the Chief Surveyor of the North Auckland Land District:

(c) The Patumahoe Ward, comprising the area delineated on S.O. Plan No. 63537 deposited with the Chief Surveyor of the North Auckland Land District:

(d) The Pukekohe Ward, comprising the area delineated on S.O. Plan No. 63535 deposited with the Chief Surveyor of the North Auckland Land District:

(e) The Hunua Ward, comprising the area delineated on S.O. Plan No. 63534 deposited with the Chief Surveyor of the North Auckland Land District:

(f) The Onewhero Ward, comprising the area delineated on S.O. Plan No. 63538 deposited with the Chief Surveyor of the North Auckland Land District.

**180 MEMBERSHIP**

(1) The Franklin District Council shall consist of a Mayor and 14 members.

(2) The members of the Franklin District Council to be elected at the first election of that Council shall be elected as follows:

(a) Two members shall be elected by the electors of the Awhitu Ward; and

(b) Two members shall be elected by the electors of the Waiuku Ward; and

(c) Two members shall be elected by the electors of the Patumahoe Ward; and

(d) Four members shall be elected by the electors of the Pukekohe Ward; and

(e) Two members shall be elected by the electors of the Hunua Ward; and

(f) Two members shall be elected by the electors of the Onewhero Ward.

**181 FIRST ELECTION**

(1) For the purposes of the first election of the Franklin District Council, the Returning Officer and the principal administrative officer for the Franklin District shall be, respectively, the Returning Officer and the principal administrative officer for the Franklin County.

(2) The first election of the Franklin District Council shall be conducted by postal vote.

**182 FIRST MEETING**

The first meeting of the Franklin District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

**183 CHIEF EXECUTIVE**

(1) The Chief Executive of the Franklin District Council shall be the person appointed to that position in accordance with clause 197 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Franklin District Council.

**184 FUNCTIONS, DUTIES, AND POWERS**

The functions, duties, and powers of the Franklin District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Franklin District Council or any of the former authorities; and

(iii) Any local Act relating to the Franklin District Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the provision and maintenance of those marinas, wharves, jetties, boat ramps and other harbour facilities formerly the responsibility of the Auckland Harbour Board and transferred to it by Part X of this order; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 185 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Franklin District Council shall be located in Pukekohe.

### 186 SERVICE DELIVERY CENTRES

The Franklin District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in Waiuku and in Tuakau in accordance with the provisions of the Third Schedule to this order.

### 187 COMMUNITIES

(1) There is hereby constituted a community for the area of the Onewhero Ward, to be known as "The Onewhero Community".

(2) The community board for the Onewhero Community shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected from time to time as members of the Franklin District Council, representing the ward comprising the area of the community, and appointed by the Franklin District Council to the community board.

(3) There is hereby constituted a community for the area of the Waiuku Ward and the Awhitu Ward, to be known as

"The Waiuku-Awhitu Community".

(4) The community board for the Waiuku-Awhitu Community shall consist of:

(a) Three members elected by the electors of the Awhitu Ward; and

(b) Three members elected by the electors of the Waiuku Ward; and

(c) The persons elected from time to time as members of the Franklin District Council, representing the wards comprising the area of the community, and appointed by the Franklin District Council to the community board.

(5) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Franklin County.

(6) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

### 188 RATING

(1) The system of rating in the Franklin District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Franklin District, Part XIV of the Rating Powers Act 1988 shall apply as if the Franklin District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 189 TOWN AND COUNTRY PLANNING

(1) The Franklin District Council shall not be required to prepare a new district scheme, immediately, for the Franklin District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of

the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Franklin District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Franklin District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Franklin District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Franklin District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Franklin District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Franklin District Council or, as the case may require, a committee or delegate thereof.

### 190 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Franklin District until a new plan is approved for the Franklin District, in accordance with the Civil Defence Act 1983.

### 191 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Franklin District is hereby vested in the corporation of the Franklin District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Raglan County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Franklin District Council, subject to all existing encumbrances.

### 192 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Franklin District Council by clause 191 of this order shall, unless the context otherwise requires, be read as a reference to "The Franklin District Council".

### 193 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Franklin District.

(2) The local authorities to which this clause applies shall be:

(a) The Franklin County Council; and

(b) The Pukekohe Borough Council; and

(c) The Tuakau Borough Council; and

(d) The Waiuku Borough Council; and

(e) The Raglan County Council.

### 194 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Franklin District shall consist of:

- (a) Two members appointed by the Franklin County Council; and
- (b) Two members appointed by the Pukekohe Borough Council; and
- (c) One member appointed by the Tuakau Borough Council; and
- (d) One member appointed by the Waiuku Borough Council; and
- (e) One member appointed by the Raglan County Council; and
- (f) One officer appointed by each local authority named in clause 193(2) of this order, who shall be non-voting members of the transitional committee; and
- (g) The Chief Executive designate, when appointed in accordance with clause 197 of this order, who shall be a non-voting member of the transitional committee; and
- (h) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 193(2) of this order, who shall be a non-voting member of the transitional committee.

### 195 NO CASTING VOTE

The Chairperson of the transitional committee for the Franklin District or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

### 196 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Franklin District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 197 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Franklin District shall appoint a person to be the Chief Executive of the Franklin District Council.

### 198 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Franklin District shall be the Franklin County Council.

### 199 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Franklin District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 193(2) of this order either:

- (a) In accordance with a formula agreed to by that committee; or
- (b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Franklin District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities included in the Franklin District by this Part of this order.

### 200 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The transitional committee for the Franklin District shall

consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Franklin District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Franklin District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Franklin District Council that it establish such a committee or committees of management.

## PART X

### *Auckland Harbour Board*

#### 201 VESTING OF PROPERTY

(1) This clause shall apply to that property, real and personal, vested in the Auckland Harbour Board as at the 31st day of October 1989.

(2) Subject to subclauses (3), (7), (9), (10), and (11) of this clause, all property:

(a) Which is vested in the Auckland Harbour Board as at the 31st day of October 1989; and

(b) Which—

- (i) Is a reserve under the Reserves Act 1977; or
- (ii) Is principally used for recreational purposes, whether or not it is a reserve under the Reserves Act 1977; or
- (iii) Is a marina, wharf, jetty, boat ramp or other harbour facility used principally for recreational purposes; or
- (iv) Is an item of plant or equipment used principally in association with the maintenance, use or operation of the facilities referred to in sub-paragraphs (i), or (ii) or (iii) of this paragraph,

is hereby vested in the territorial authority, in whose district it is situated, for the purpose for which it is so reserved, or, where there is no such purpose, for the purposes of any function transferred by this order to that territorial authority.

(3) All those moorings vested in, or under the control of, the Auckland Harbour Board, except for those associated with any marina vested in a territorial authority pursuant to subclause (2) of this clause, is hereby vested in, or transferred to, the control of the Auckland Regional Council.

(4) Subject to subclauses (7), (9), (10), and (11) of this clause, all that property which is vested in the Auckland Harbour Board as at the 31st day of October 1989, which is situated in any district of a territorial authority, as constituted by this order, and which is adjacent to any harbour or the sea shall be vested in the territorial authority in whose district it is situated.

(5) Where there is any dispute over whether any property comes within a category of property referred to in this clause, the matter is hereby referred to the Local Government Commission for determination.

(6) Subject to subclauses (9) to (11) of this clause, any property which is vested in the Auckland Harbour Board as at the 31st day of October 1989 and which does not come within a category of property referred to in subclause (2) or subclause (4) of this clause is hereby vested in the Auckland Regional Council.

(7) Notwithstanding anything in subclauses (2), (3), and (4) of this clause, but subject to subclauses (10) and (11) of this clause, any land which is vested in the Auckland Harbour Board as at the 31st day of October 1989 and which is below the mean high water mark is hereby vested in the Auckland Regional Council.

(8) For the purposes of this clause, any property which is fixed to, or under or over, any land which is below the mean high water mark, and which is used for, or in conjunction with, any

purpose referred to in subclause (2) of this clause, and which is situated in the district of a territorial authority constituted by this order, shall be transferred to that territorial authority in whose district it is situated, whether or not any interest in the land is also transferred.

(9) Without limiting the provisions of subclauses (2), (3), (4), (6), and (7) of this clause, but subject to subclauses (10) and (11) of this clause:

(a) The land described in the Fourth Schedule to this order shall vest without cost in the North Shore City Council:

(b) The land described in the Fifth Schedule to this order shall vest without cost in the Waitakere City Council:

(c) The land described in the Sixth Schedule to this order shall vest without cost in the Auckland City Council:

(d) The land described in the Seventh Schedule to this order shall vest without cost in the Manukau City Council:

(e) The land described in the Eighth Schedule to this order shall vest without cost in the Papakura District Council:

(f) The land described in the Ninth Schedule to this order shall vest without cost in the Franklin District Council:

(g) The land described in the Tenth Schedule to this order shall vest without cost in the Auckland Regional Council,

(h) The land described in the Eleventh Schedule to this order shall vest without cost in the Auckland Regional Council and the Auckland City Council as Tenants in Common, with each respective interest in the land being:

(i) Auckland Regional Council seventy two and one half percent; and

(ii) Auckland City Council twenty seven and one half percent,

and, notwithstanding paragraphs (a), (b), (c), and (d) of this subclause, in respect of the marinas described in Part I of the Fourth, Fifth, Sixth and Seventh Schedules to this order and the land described in Part III of the Fourth and Sixth Schedules to this order, the vesting shall include any outstanding income and expenditure, and any stores, materials, plant and equipment, relating to those facilities, and that land.

(10) If any of the land specified in the Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth or Eleventh Schedules to this order is, between the 9th day of June 1989 and the 31st day of October 1989, allocated to the Ports of Auckland Limited pursuant to an approved port company plan within the meaning of the Port Companies Act 1988 then, notwithstanding subclause (8) of this clause, that land shall not vest in the local authority in which it has been vested by this clause.

(11) Notwithstanding anything in this clause, if, after the 31st day of October 1989:

(a) The Minister of Transport approves a port company plan within the meaning of the Port Companies Act 1988 pursuant to which any of the property, real or personal, identified in this clause is liable to be transferred to the Ports of Auckland Limited the local authority which has received that property shall transfer such property to the Ports of Auckland Limited at the cost of that company, subject to any appropriate adjustment for incomings and outgoings in relation to such property for the period beginning on the 1st day of November 1989 and ending on the date of the transfer of the property to the Ports of Auckland Limited; or

(b) Any approved port company plan is cancelled, withdrawn, re-issued or in any way altered and, as a result, property is deemed to be returned to the ownership (notional or otherwise) of the Auckland Harbour Board, that property shall be allocated under this order as if the property had been owned by the Auckland Harbour Board on the 31st day of October 1989.

## 202 TITLE TO PROPERTY

Any reference, express or implied, to "The Auckland Harbour Board" in any instrument or other document whatsoever, or in any entry or record made in any register in relation to any property whatsoever vested in any local authority by this order shall, unless the context otherwise requires, be read as a reference to that local authority.

## 203 PORTS OF AUCKLAND LIMITED

(1) All those shares in the Ports of Auckland Limited that are held by the Auckland Harbour Board as at the 31st day of October 1989 are hereby vested in the Auckland Regional Council and the Waikato Regional Council as follows:

Twelve-fifteenths of the number of those shares shall be vested in the Auckland Regional Council:

Three-fifteenths of the number of those shares shall be vested in the Waikato Regional Council.

(2) Fifty-one percent of the shares vested in each local authority by subclause (1) of this clause shall be shares that belong to the class of shares referred to in section 7(1) of the Port Companies Act 1988.

(3) The other forty-nine percent of the shares vested in each local authority by subclause (1) of this clause

shall be shares:

(a) Which carry voting rights; but

(b) Which do not belong to the class of shares referred to in section 7(1) of the Port Companies Act 1988.

## 204 LIABILITIES IN RESPECT OF PORT RELATED COMMERCIAL UNDERTAKINGS

(1) Subject to the issuing of debt securities by the Ports of Auckland Limited:

(a) All those liabilities of the Auckland Harbour Board as determined under section 29 of the Port Companies Act 1988 shall become liabilities of the Auckland Regional Council and the Waikato Regional Council in the same proportions specified in clause 203(1) of this order; and

(b) All those debt securities issued by the Ports of Auckland Limited to the Auckland Harbour Board under section 29 of the Port Companies Act 1988 are hereby transferred to the Auckland Regional Council and the Waikato Regional Council in the same proportions specified in clause 203(1) of this order.

(2) Failing the issue of debt securities by the Ports of Auckland Limited, all the public debt liabilities of the Auckland Harbour Board as at the 31st day of October 1989 are hereby transferred to the Auckland Regional Council.

## 205 RESIDUAL ASSETS AND LIABILITIES

All the assets and liabilities of the Auckland Harbour Board as at the close of the 31st day of October 1989 for which provision for vesting is not otherwise made in this order are declared to be assets and liabilities of the Auckland Regional Council.

## PART XI

### General

## 206 TRANSFER OF RESPONSIBILITIES

(1) Except as otherwise provided in this order, a local authority constituted by this order shall, in respect of the district of that local authority:

(a) Have and may exercise and be responsible for all the powers, duties, acts of authority and functions which were previously exercised, or which could have been so exercised, by the former authorities had they not been dissolved; and

(b) 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 former authorities had they not been dissolved; and

(c) 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 former authorities had they not been dissolved; and

(d) Succeed to the bylaws which are in force in the districts of the former authorities. Until revoked or altered by the newly constituted local authority each such bylaw shall remain in force in the area to which it applied immediately before the constitution of the district, and every bylaw which cannot be restricted to that area shall be deemed inapplicable and revoked by the dissolution of the former authorities; and

(e) Succeed to all rates and levies, and other money payable to the former authorities, had they not been dissolved; and

(f) Succeed to the valuation rolls and rate records in force in the districts of the former authorities. These shall remain in force in the district of the newly constituted local authority until new valuation rolls are made by that local authority.

(2) The Mayor or Chairperson of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the Mayors and Chairmen of the former authorities.

(3) The principal administrative officer of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the principal administrative officers of the former authorities.

## 207 CREDITORS

Subject to section 37F of the Local Government Act 1974, the rights or interests of creditors of the former authorities shall not be affected by this order.

## 208 LOCAL AUTHORITIES PETROLEUM TAX

For the purposes of Part XI of the Local Government Act 1974, the local authorities constituted by this order shall be successors to the former authorities.

## 209 SPECIAL FUNDS

(1) The special funds of the former authorities shall:

(a) Be expended only for the purposes for which they were set aside; and

(b) Except for any plant renewal fund, be expended for the benefit of the area in which they originated and, after provision has been made for all liabilities, any money required to be paid into any such fund, to meet any deficit, shall be found from within that area.

(2) After the 1st day of November 1996, the local authorities constituted by this order:

(a) Shall review any special fund provided for in subclause (1) of this clause; and

(b) May resolve that from a date to be determined by the council, such special fund may be applied for such other purpose or purposes as the council considers appropriate.

(3) Notwithstanding subclause (2) of this clause, the local authorities constituted by this order may at any time before the 1st day of November 1996, with the approval of the Local Government Commission, resolve to vary the use of any special funds.

(4) All funds held by the administering authorities of reserves under the Reserves Act 1977 shall be deemed to be special funds for the purposes of this clause.

## 210 LOANS

Any rate made and levied to meet the annual charges in respect of any loan secured over the district of any of the former authorities shall continue to be made and levied on the same basis as applied before the 1st day of November 1989:

Provided that the local authorities constituted by this order

may at any time before the 1st day of November 1996 review the basis upon which any such rate is made and levied and may, with the approval of the Local Government Commission, resolve to vary such basis.

## 211 ASSETS AND LIABILITIES

The provisions of section 60 of the Local Government Amendment Act (No. 2) 1989 shall apply in relation to the apportionment of the assets and liabilities of the former authorities, as defined in Parts II to IX of this order, as if this order did not make provision for the apportionment of those assets and liabilities.

Provided that there shall be no apportionment of the assets and liabilities of the Auckland Harbour Board pursuant to this clause.

## 212 LOAN LIABILITIES

Subject to section 37F(2) of the Local Government Act 1974, all loan liabilities existing immediately before the 1st day of November 1989 shall continue to be secured against the area over which they were secured at that date.

## 213 RESIDUAL AUTHORITIES

In the case of a former authority listed in the Twelfth Schedule to this order, the local authority that shall be responsible for:

(a) The preparation of the annual financial statement for that former local authority for the financial year commencing on the 1st day of April 1989 and for any earlier financial years for which an annual financial statement has not been prepared or, in the case of the Auckland Harbour Board, for the financial year commencing on the 1st day of October 1989 and for any earlier financial years for which an annual financial statement has not been prepared; and

(b) The documents (as defined in section 248 of the Local Government Act 1974) and local archives (as so defined) of that former local authority, other than those documents or local archives relating to a specified area or function, shall be the local authority designated in that Schedule as a residual authority in relation to that former authority.

## 214 CONDUCT OF AFFAIRS

The provisions of section 223C of the Local Government Act 1974 relating to the conduct of affairs of local authorities and community boards applies to the local authorities and community boards constituted by this order.

## PART XII

### *Miscellaneous*

## 215 COUNCIL OF THE AUCKLAND INSTITUTE AND MUSEUM

(1) Section 5 of the Auckland War Memorial Museum and Maintenance Act 1979 shall be modified as if the contributing authorities were entitled to representation on the Council of the Auckland Institute and Museum in the following manner:

(a) The Rodney District Council, by 1 member appointed triennially by it; and

(b) The North Shore City Council, by 2 members appointed triennially by it; and

(c) The Waitakere City Council, by 2 members appointed triennially by it; and

(d) The Auckland City Council, by 3 members appointed triennially by it; and

(e) The Manukau City Council, by 3 members appointed triennially by it; and

(f) The Papakura District Council, by 1 member appointed triennially by it; and

(g) The Franklin District Council, by 1 member appointed triennially by it.

(2) The Schedule to the Auckland War Memorial Museum



Maintenance Act 1979 shall be modified as if the following were substituted:

“SCHEDULE

Column 1 Name of Contributing Authority	Column 2 Differential Factor
Rodney District Council	0.6
North Shore City Council	1.0
Waitakere City Council	1.0
Auckland City Council	1.0
Manukau City Council	1.0
Papakura District Council	1.0
Franklin District Council	0.6”

**First Schedule**

**PART I**

**Local Authorities Dissolved and Districts Abolished**

Local Authorities	Districts
Auckland Regional Authority	Auckland Region
Rodney County Council	Rodney County
Helensville Borough Council	Helensville Borough
Great Barrier Island County Council	Great Barrier Island County
East Coast Bays City Council	East Coast Bays City
Takapuna City Council	Takapuna City
Devonport Borough Council	Devonport Borough
Northcote Borough Council	Northcote Borough
Birkenhead City Council	Birkenhead City
Henderson Borough Council	Henderson Borough
Glen Eden Borough Council	Glen Eden Borough
New Lynn Borough Council	New Lynn Borough
Waitemata City Council	Waitemata City
Auckland City Council	Auckland City
Newmarket Borough Council	Newmarket Borough
Mount Albert City Council	Mount Albert City
Mount Eden Borough Council	Mount Eden Borough
Mount Roskill Borough Council	Mount Roskill Borough
One Tree Hill Borough Council	One Tree Hill Borough
Onehunga Borough Council	Onehunga Borough
Ellerslie Borough Council	Ellerslie Borough
Tamaki City Council	Tamaki City
Waiheke County Council	Waiheke County
Franklin County Council	Franklin County
Howick Borough Council	Howick Borough
Papatoetoe City Council	Papatoetoe City
Manukau City Council	Manukau City
Papakura City Council	Papakura City
Pukekohe Borough Council	Pukekohe Borough
Tuakau Borough Council	Tuakau Borough
Waiuku Borough Council	Waiuku Borough
North Shore Drainage Board	North Shore Drainage District
Franklin-Manukau Pest Destruction Board	Franklin-Manukau Pest Destruction District
Auckland Harbour Board	Auckland Harbour District

**PART II**

**Local Authorities Dissolved**

Great Barrier Island District Noxious Plants Authority
Great Barrier Island County Pest Destruction Board
Waiheke County Pest Destruction Board
Rodney County Pest Destruction Board
Manukau Maritime Planning Authority
Waitemata Maritime Planning Authority
Central Auckland District Noxious Plants Authority
South Auckland District Noxious Plants Authority
West Auckland District Noxious Plants Authority

Waiheke Island District Noxious Plants Authority  
 North Shore District Noxious Plants Authority  
 Rodney District Noxious Plants Authority  
 Port Albert Reserve Board  
 One Tree Hill Domain Board  
 Kirk's Bush Scenic Reserve Board  
 Mercer Reserve Board  
 Onewhero Recreation Reserve Board  
 North Shore Scenic Board

**Second Schedule**

**District Community Councils and Community Councils Dissolved and Communities Abolished**

District Community Councils and Community Councils	Communities
Wellsford District Community Council	Wellsford Community
Warkworth District Community Council	Warkworth Community
Kawau Community Council	Kawau Community
Leigh Community Council	Leigh Community

**Third Schedule**

**Service Delivery Centres**

A service delivery centre shall provide services not less than those required for:

- The payment of money due to the council; and
- The provision of information relating to rates and other accounts due to the council; and
- The provision of information relating to the district planning scheme, bylaws or information otherwise necessary for the preparation of town planning applications, and permit applications; and
- The provision of information relating to community development and recreation; and
- The making of rates rebate applications; and
- The making of applications for housing accommodation; and
- The registration of dogs; and
- Such other purposes as the council considers appropriate.

**Fourth Schedule**

**Property to be Vested in the North Shore City Council**

**PART I**

**Harbour Facilities**

The marina situated at Bayswater.

**PART II**

**Land to be Vested**

Description	Certificate of Title (Auckland Registry)
Lots 1 to 3, and 4 to 9, D.P. 56196	8D/1370 to 1376, and 8D/1378
Lot 1, D.P. 58580	12A/785, 2D/86
Lots 1 and 2, D.P. 77578	33D/1198 and 1199
Lots 1 to 8, 11, 13, and Part Lots 15 to 17, D.P. 8553	608/142 to 149, 152, 154, and 156 to 158



Description	Certificate of Title (Auckland Registry)
Lots 1 to 3, D.P. 42384	43B/753 to 755
Lots 1 to 3, D.P. 68231	23C/937 to 939
Lots 99 and 100, D.P. 49307	2031/52
Part Bed Waitemata Harbour	24D/851
Lot 1, D.P. 92420	48D/1203
Lot 1, D.P. 82198	38D/614
Lot 1, D.P. 75059	30D/573
Lot 1, D.P. 69700, Lot 1, D.P. 72768	25C/842, 28D/1452
Part Bed Waitemata Harbour	Part 12A/786, 594/281
Part Allot 163 and Allot 164, Parish of Takapuna	211/85, Part 250/149
Lot 2, D.P. 22936	616/105

**PART III**

That area described as the Kauri Point—Chatswood Subdivision more particularly described as Lots 1 and 2, D.P. 125289

**PART IV**

All those areas within the North Shore City, as constituted by clause 53 of this order, described in the Auckland Harbour Board Property Register as being a "reserve", whether or not it is used for that purpose.

**Fifth Schedule****Property To Be Vested In The Waitakere City Council****PART I****Harbour Facilities**

The marina situated at Westpark.

**PART II****Land To Be Vested**

Description	Certificate of Title (Auckland Registry)
Part Lot 14	
Lots 15 and 16, D.P. 87346	45B/132
Lot 79, D.P. 15996	11B/1119
Lots 1 to 3, D.P. 58246	11B/504 to 506
Lots 19 to 21, D.P. 87346 and Lot 1 D.P. 100140	45B/135, 54C/755
Part Lots 82 to 86, D.P. Whau 14	17C/702, 762/170, 762/172, and 762/176
Part Lots 80 to 82, D.P. Whau 14	762/168, 173, and 17C/702
Part Lot 1, D.P. 31419	802/143
Lot 32, D.P. 71322	46A/1195
Lot 1, D.P. 92355	48D/1048
Lot 1, D.P. 74786	30C/984
Lot 1, D.P. 80535	37B/56
Lot 1, D.P. 90668	47D/951
Part Bed Waitemata Harbour	45A/821, Part 24C/455
Lot 1, D.P. 86331	44A/439

Description	Certificate of Title (Auckland Registry)
Part Lot 1, D.P. 44055, Lots 2 and Part Lot 3, D.P. 370	1331/21, 37/265

**Sixth Schedule****Property to be Vested in the Auckland City Council****PART I****Harbour Facilities**

The marina situated at Orakei.

**PART II****Land to be Vested**

Description	Certificate of Title (Auckland Registry)
Lot 1, D.P. 89239, Lot 2, D.P. 97591	46B/544, 53B/54
Part Lot 1, D.P. 45244	3A/687
Lot 1, D.P. 104635, Lot 1, D.P. 102710	56C/1018, 57B/433
Part Bed Waitemata Harbour	Part 45A/821, Part 55/236
Lot 1, D.P. 104515	57D/163

**PART III**

That area described as the Lynfield Estate bounded by Wairaki Stream to Commodore Drive and thence to Hillsborough Road, thence along Hillsborough Road to Canberra Avenue, thence along Canberra Avenue to the Eastern Boundary of lot 249, D.P. 53885; and thence along that boundary to the sea; and including lots 360 and 361, D.P. 45147 and Lots 233 to 249, D.P. 53885 adjacent to Canberra Avenue.

**PART IV**

All those areas within the Auckland City, as constituted by clause 102 of this order, described in the Auckland Harbour Board Property Register as being a "reserve", whether or not it is used for that purpose.

**Seventh Schedule****Property to be Vested in the Manukau City Council****PART I****Harbour Facilities**

Those marinas situated at:

- Bucklands Beach; and
- Halfmoon Bay.

**PART II****Land to be Vested**

Description	Certificate of Title (Auckland Registry)
Lot 1, D.P. 93566	49B/1422
Lot 1, D.P. 64826	20B/105
Allotment 219, Parish of Manurewa, D.P. 17966	408/119, 417/196

**PART III**

All those areas within the Manukau City, as constituted by clause 129 of this order, described in the Auckland Harbour

Board Property Register as being a "reserve", whether or not it is used for that purpose.

### **Eighth Schedule**

#### ***Land to be Vested in the Papakura District Council***

Description	Certificate of Title (Auckland Registry)
Lot 1, D.P. 89486 Part tidal lands of the Manukau Harbour	46B/1175 Part 9B/1172

### **Ninth Schedule**

#### ***Land to be Vested in the Franklin District Council***

Description	Certificate of Title (Auckland Registry)
Allotment 9, Awhiti Parish Lot 1, D.P. 78978 Lot 1, D.P. 81940 Part Bed of Manukau Harbour	768/17 34D/1197 38B/423 Part 45B/ 1410

### **Tenth Schedule**

#### ***Land to be Vested in the Auckland Regional Council***

Description	Certificate of Title (Auckland Registry)
Allotments 34, 123 and 124, and 161, Karangahape Parish Lots 1 to 3, D.P. 9553 Lots 1, and 4 to 6, D.P. 31743	19A/856, 945/245, 320/26 Part 237/2 977/58, 61A/ 601 and 602

### **Eleventh Schedule**

#### ***Land to be Vested Jointly in the Auckland Regional Council and the Auckland City Council***

All that area bounded by Fanshaw Street, Hardinge Street, Victoria Street West, and Halsey Street.

All that area bounded by Hobson Street, Fanshaw Street, and Bradnor Street.

All that area bounded by Hobson Street, Customs Street East, Queen Street, Fort Street, Customs Street East to Beach Road, Beach Road to Gittos Street, Augustus Terrace, the Strand, Kenwin Street, and Balfour Road extended to the sea.

### **Twelfth Schedule**

#### ***Residual Authorities***

Residual Authority	Former Authority
Auckland Regional Council	Auckland Harbour Board
Rodney District Council	Rodney County Council
Waitakere City Council	Waitemata City Council
Auckland City Council	Tamaki City Council
Manukau City Council	Manukau City Council
Franklin District Council	Franklin County Council
Auckland Regional Council	Franklin-Manukau Pest Destruction Board
Auckland Regional Council	South Auckland District Noxious Plants Authority
Auckland Regional Council	Rodney County Pest Destruction Board
Auckland Regional Council	Rodney District Noxious Plants Authority

C. J. HILL, Clerk of the Executive Council.

(I.A. 58/249)

**The Local Government (Bay of Plenty Region) Reorganisation Order 1989**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 9th day of June 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to section 36 of 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.

**A n a l y s i s**

- |  |  |
|--|--|
| 1 Title and commencement   | 32 Obligation of transitional committee to appoint chief executive |
| 2 Elections  | 33 Principal local authority                                       |
| 3 Communities  | 34 Costs of transitional committee                                 |
| PART I   | 35 Delegation of service delivery                                  |
| <i>Bay of Plenty Region</i>  | PART III   |
| 4 Constitution of Bay of Plenty Region   | <i>Tauranga District</i>   |
| 5 Constituent authorities  | 36 Constitution of Tauranga district                               |
| 6 Dissolution of existing local authorities and abolition of existing districts    | 37 Tauranga District Council                                       |
| 7 References to former authority   | 38 Interpretation  |
| 8 Dissolution of existing community councils and abolition of existing communities | 39 Wards   |
| PART II  | 40 Membership  |
| <i>Bay of Plenty Regional Council</i>  | 41 First election  |
| 9 Bay of Plenty Regional Council   | 42 First meeting   |
| 10 Interpretation  | 43 Chief executive   |
| 11 Constituencies  | 44 Functions, duties, and powers                                   |
| 12 Membership  | 45 Administration headquarters                                     |
| 13 First election  | 46 Service delivery centre   |
| 14 First meeting   | 47 Rating  |
| 15 Chief executive   | 48 Town and country planning                                       |
| 16 Functions, duties, and powers   | 49 Civil Defence   |
| 17 Rangitaiki Drainage Area  | 50 Vesting of property   |
| 18 Rural services committee  | 51 Title to property   |
| 19 Joint committees  | 52 Transitional committee  |
| 20 Regional land transport committee   | 53 Membership of transitional committee                            |
| 21 Harbour committee   | 54 No casting vote   |
| 22 Administration headquarters   | 55 Exclusion of non-voting members                                 |
| 23 Rating  | 56 Obligation of transitional committee to appoint chief executive |
| 24 Regional planning   | 57 Principal local authority                                       |
| 25 Civil defence   | 58 Costs of transitional committee                                 |
| 26 Vesting of property   | 59 Consultation with Tauranga Racecourse Reserve Board             |
| 27 Title to property   | PART IV  |
| 28 Transitional committee  | <i>Western Bay of Plenty District</i>                              |
| 29 Membership of transitional committee  | 60 Constitution of Western Bay of Plenty District                  |
| 30 No casting vote   | 61 Western Bay of Plenty District Council                          |
| 31 Exclusion of non-voting members   | 62 Interpretation  |
|  | 63 Wards   |

- 64 Membership  
 65 First election  
 66 First meeting  
 67 Chief executive  
 68 Functions, duties, and powers  
 69 Administration headquarters  
 70 Service delivery centres  
 71 Communities  
 72 Rating  
 73 Town and country planning  
 74 Civil defence  
 75 Vesting of property  
 76 Title to property  
 77 Transitional committee  
 78 Membership of transitional committee  
 79 No casting vote  
 80 Exclusion of non-voting members  
 81 Obligation of transitional committee to appoint chief executive  
 82 Principal local authority  
 83 Costs of transitional committee  
**PART V**  
*Rotorua District*  
 84 Constitution of Rotorua District  
 85 Rotorua District Council  
 86 Interpretation  
 87 Wards  
 88 Membership  
 89 First election  
 90 First meeting  
 91 Chief executive  
 92 Functions, duties, and powers  
 93 Administration headquarters  
 94 Rating  
 95 Town and country planning  
 96 Civil defence  
 97 Vesting of property  
 98 Title to property  
 99 Consultation with Horahora-Ngakura Recreation Reserve Board  
**PART VI**  
*Whakatane District*  
 100 Constitution of Whakatane District  
 101 Whakatane District Council  
 102 Interpretation  
 103 Wards  
 104 Membership  
 105 First election  
 106 First meeting  
 107 Chief executive  
 108 Functions, duties, and powers  
 109 Administration headquarters  
 110 Service delivery centre  
 111 Ohiwa harbour advisory committee  
 112 Communities  
 113 Rating  
 114 Town and country planning  
 115 Civil defence  
 116 Vesting of property  
 117 Title to property  
 118 Transitional committee  
 119 Membership of transitional committee  
 120 No casting vote  
 121 Exclusion of non-voting members  
 122 Principal local authority  
 123 Costs of transitional committee  
 124 Consultation with Galatea Domain Board  
**PART VII**  
*Kawerau District*  
 125 Constitution of Kawerau District  
 126 Kawerau District Council  
 127 Interpretation  
 128 Membership  
 129 First election  
 130 First meeting  
 131 Chief executive  
 132 Functions, duties, and powers  
 133 Administration headquarters  
 134 Rating  
 135 Town and country planning  
 136 Civil defence  
 137 Vesting of property  
 138 Title to property  
**PART VIII**  
*Opotiki District*  
 139 Constitution of Opotiki District  
 140 Opotiki District Council  
 141 Interpretation  
 142 Wards  
 143 Membership  
 144 First election  
 145 First meeting  
 146 Chief executive  
 147 Functions, duties, and powers  
 148 Administration headquarters  
 149 Ohiwa harbour advisory committee  
 150 Rating  
 151 Town and country planning  
 152 Civil defence  
 153 Vesting of property  
 154 Title to property  
**PART IX**  
*Bay of Plenty Harbour Board*  
 155 Vesting of property  
 156 Title to property  
 157 Port of Tauranga Limited  
 158 Liabilities in respect of port related commercial undertakings  
 159 Residual assets and liabilities  
**PART X**  
*General*  
 160 Transfer of responsibilities

161 Creditors  
 162 Local authorities petroleum tax  
 163 Special funds  
 164 Loans  
 165 Assets and liabilities

166 Loan liabilities  
 167 Residual authorities  
 168 Conduct of affairs  
 Schedules

## Order

### 1 TITLE AND COMMENCEMENT

(1) This order may be cited as the Local Government (Bay of Plenty Region) Reorganisation Order 1989.

(2) Subject to subclause (3) of this clause, this order shall come into force on the 1st day of November 1989.

(3) Those provisions of this order necessary:

(a) To provide for the first election of the members of the local authorities, and the members of the community boards for the communities, constituted by this order; and

(b) For the purposes of clauses 28 to 35, 52 to 59, 77 to 83, 99, 118 to 124, and 165 of this order; and

(c) For the appointment of the principal administrative officers of the local authorities constituted by this order, shall come into force on the making of this order.

### 2 ELECTIONS

(1) The first elections of the local authorities, and the community boards for the communities, constituted by this order shall be held on the 14th day of October 1989.

(2) For the purposes of the holding of elections for the members of the Bay of Plenty Regional Council to represent the Western Bay of Plenty Constituency and the Eastern Bay of Plenty Constituency, the provisions of the Local Elections and Polls Act 1976 and Part III of the Local Government Act 1974 shall apply as if:

(a) Those parts of each of those constituencies not within the district of a territorial authority (other than by virtue of section 2 of the Local Government Act 1974) constituted the district of a territorial authority; and

(b) The Returning Officer and the principal administrative officer for that district were, respectively, the Returning Officer and the principal administrative officer for the Tauranga County and the Whakatane District.

### 3 COMMUNITIES

Each community constituted by this order shall come into existence on the day after the date on which the Returning Officer declares the result of the first election of members of the community board for that community, provided that no such community shall come into existence prior to the 1st day of November 1989.

### PART I

#### *Bay of Plenty Region*

### 4 CONSTITUTION OF BAY OF PLENTY REGION

There is hereby constituted a region, to be known as "The Bay of Plenty Region", which shall comprise the area delineated on S.O. Plan No. 58080 deposited with the Chief Surveyor of the South Auckland Land District.

### 5 CONSTITUENT AUTHORITIES

The constituent authorities of the Bay of Plenty Region shall comprise:

(a) The territorial authorities constituted by Parts III to VIII of this order; and

(b) In relation to any part of the Taupo District constituted by the Local Government (Waikato Region) Reorganisation

Order 1989 that is within the Bay of Plenty Region, the Taupo District Council.

### 6 DISSOLUTION OF EXISTING LOCAL AUTHORITIES AND THE ABOLITION OF EXISTING DISTRICTS

(1) Every local authority named in Part I or Part II of the First Schedule to this order is hereby dissolved.

(2) Every district named in Part I of the First Schedule to this order is hereby abolished.

### 7 REFERENCES TO FORMER AUTHORITY

(1) Every reference in this order to a former authority shall, where part only of the district of a former authority has been included within the district of a local authority, or any function of a former authority has been allocated to a local authority, be read as a reference to the former authority only in relation to that part or, as the case may be, that function.

(2) Any reference in Part X of this order to "the former authorities" or "former authority" shall be a reference to any of the former authorities defined in Parts II to VIII of this order.

### 8 DISSOLUTION OF EXISTING COMMUNITY COUNCILS AND ABOLITION OF EXISTING COMMUNITIES

(1) Every community council named in the Second Schedule to this order is hereby dissolved.

(2) Every community named in the Second Schedule to this order is hereby abolished.

### PART II

#### *Bay of Plenty Regional Council*

### 9 BAY OF PLENTY REGIONAL COUNCIL

A regional council, to be known as "The Bay of Plenty Regional Council", is hereby constituted for the Bay of Plenty Region.

### 10 INTERPRETATION

In this Part of this order:

"The former authorities" means—

- (a) The Bay of Plenty United Council; and
- (b) The East Cape United Council; and
- (c) The Bay of Plenty Catchment Board and Regional Water Board; and
- (d) The East Cape Catchment Board and Regional Water Board; and
- (e) The Rangitaiki Drainage Board; and
- (f) Subject to Part IX of this order, The Bay of Plenty Harbour Board; and
- (g) The Tauranga County District Noxious Plants Authority; and
- (h) The Tauranga City District Noxious Plants Authority; and
- (i) The Mount Maunganui Borough District Noxious Plants Authority; and
- (j) The Te Puke Borough District Noxious Plants Authority; and
- (k) The Rotorua District Noxious Plants Authority; and

- (l) The Whakatane District Noxious Plants Authority; and
- (m) The Opotiki District Noxious Plants Authority; and
- (n) The Central North Island Pest Destruction Board; and
- (o) The Tauranga County Pest Destruction Board; and
- (p) The East Coast Pest Destruction Board; and
- (q) The Hauraki Catchment Board and Regional Water Board; and
- (r) The Thames Valley United Council; and
- (s) The Ohinemuri District Noxious Plants Authority; and
- (t) The Ohinemuri County Pest Destruction Board; and
- (u) The Waikato United Council; and
- (v) The Matamata District Noxious Plants Authority; and
- (w) The Matamata County Pest Destruction Board; and
- (x) The Tongariro United Council; and
- (y) The Taupo District Noxious Plants Authority,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Bay of Plenty Region" means the Bay of Plenty Region in existence immediately before the coming into force of this clause of this order:

"Bay of Plenty Region" means the Bay of Plenty Region constituted by this order.

## 11 CONSTITUENCIES

(1) The Bay of Plenty Region is hereby divided into 4 constituencies.

(2) Those 4 constituencies are:

(a) The Tauranga Constituency, comprising the area delineated on S.O. Plan No. 58082 deposited with the Chief Surveyor of the South Auckland Land District:

(b) The Western Bay of Plenty Constituency, comprising the area delineated on S.O. Plan No. 58081 deposited with the Chief Surveyor of the South Auckland Land District:

(c) The Rotorua Constituency, comprising the area delineated on S.O. Plan No. 58083 deposited with the Chief Surveyor of the South Auckland Land District:

(d) The Eastern Bay of Plenty Constituency, comprising the area delineated on S.O. Plan No. 58084 deposited with the Chief Surveyor of the South Auckland Land District.

## 12 MEMBERSHIP

The Bay of Plenty Regional Council shall consist of 12 members, of whom:

(a) Three members shall be elected by the electors of the Tauranga Constituency; and

(b) Two members shall be elected by the electors of the Western Bay of Plenty Constituency; and

(c) Four members shall be elected by the electors of the Rotorua Constituency; and

(d) Three members shall be elected by the electors of the Eastern Bay of Plenty Constituency.

## 13 FIRST ELECTION

(1) For the purposes of the first election of the Bay of Plenty Regional Council:

(a) The Returning Officer for the Tauranga Constituency shall be the Returning Officer for the Mount Maunganui Borough; and

(b) The Returning Officer for the Western Bay of Plenty Constituency shall be the Returning Officer for the Tauranga County; and

(c) The Returning Officer for the Rotorua Constituency shall be the Returning Officer for the Rotorua District; and

(d) The Returning Officer for the Eastern Bay of Plenty

Constituency shall be the Returning Officer for the Whakatane District.

(2) The first election of the Bay of Plenty Regional Council shall be conducted by postal vote.

## 14 FIRST MEETING

(1) The principal administrative officer of the Bay of Plenty Regional Council:

(a) Shall convene the first meeting of that Council; and

(b) Shall preside at the first meeting of that Council until the election of the Chairperson of that Council.

(2) The first meeting of the Bay of Plenty Regional Council shall be held no later than the 14th day of November 1989.

## 15 CHIEF EXECUTIVE

(1) The Chief Executive of the Bay of Plenty Regional Council shall be the person appointed to that position in accordance with clause 32 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Bay of Plenty Regional Council.

## 16 FUNCTIONS, DUTIES, AND POWERS

(1) The functions, duties, and powers of the Bay of Plenty Regional Council shall be:

(a) Except as otherwise provided in this order, the functions, duties, and powers of a regional council under—

(i) The Local Government Act 1974; and

(ii) The Urban Transport Act 1980; and

(iii) Any public Act relating to the Bay of Plenty Regional Council or any of the former authorities and not expressly referred to in this clause; and

(iv) Any local Act relating to the Bay of Plenty Regional Council or any of the former authorities; and

(b) The functions, duties, and powers in relation to regional planning of a regional council under the Town and Country Planning Act 1977 or any other Act; and

(c) The functions, duties, and powers in relation to maritime planning of a maritime planning authority under the Town and Country Planning Act 1977 or any other Act; and

(d) The functions, duties, and powers of a catchment board and a regional water board under the Soil Conservation and Rivers Control Act 1941 and the Water and Soil Conservation Act 1967 or any other Act; and

(e) The functions, duties, and powers in relation to civil defence of a regional council under the Civil Defence Act 1983 or any other Act; and

(f) Except as otherwise provided in this order, the functions, duties, and powers of a harbour board under the Harbours Act 1950 and the Marine Pollution Act 1974 or any other Act in respect of the Tauranga Harbour; and

(g) The functions, duties, and powers of a pest destruction board under the Agricultural Pests Destruction Act 1967 or any other Act; and

(h) The functions, duties, and powers of a district noxious plants authority under the Noxious Plants Act 1978 or any other Act; and

(i) In respect of the area of the Rangitaiki Drainage District, the functions, duties, and powers of a territorial authority under Part XXIX of the Local Government Act 1974 and the functions, duties, and powers of the Rangitaiki Drainage Board under the Rangitaiki Land Drainage Act 1956.

(2) For the purposes of subclause (1)(i) of this clause, any reference in Part XXIX of the Local Government Act 1974 to:

"Council" shall be deemed to include the Bay of Plenty Regional Council:

"District" shall be deemed to include the Bay of Plenty Region.

**17 RANGITAIKI DRAINAGE AREA**

(1) The area of the former Rangitaiki Drainage District shall be deemed to be a drainage area constituted under section 504 of the Local Government Act 1974.

(2) Notwithstanding anything else in this order, sections 9 to 16 and section 19 of the Rangitaiki Land Drainage Act 1956 shall continue to apply to the area of the former Rangitaiki Drainage District.

**18 RURAL SERVICES COMMITTEE**

(1) The Bay of Plenty Regional Council shall, at least until the 1st day of November 1995, establish and maintain a Rural Services Committee.

(2) The Rural Services Committee shall be responsible for:

(a) Agricultural pests destruction; and

(b) Noxious plants control; and

(c) Any other functions considered by the Bay of Plenty Regional Council to be of particular concern to the rural community.

(3) The persons appointed by the Bay of Plenty Regional Council to the Rural Services Committee established under this clause shall include not less than 2 persons:

(a) Who are not members of that Council; but

(b) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

**19 JOINT COMMITTEES**

(1) The Bay of Plenty Regional Council shall, at least until the 1st day of November 1995, unite with the Waikato Regional Council, the Manawatu-Wanganui Regional Council, the Taranaki Regional Council and the Hawke's Bay Regional Council in appointing a joint committee, comprising an equal number of representatives of those councils, for the purposes of:

(a) Co-ordinating planning for the control of those agricultural pests and noxious plants of particular concern in relation to their regions; and

(b) Co-ordinating action on such other matters as those councils are jointly interested in.

(2) The Bay of Plenty Regional Council shall, at least until the 1st day of November 1995, unite with the Hawke's Bay Regional Council and the Gisborne District Council in appointing a joint committee, comprising an equal number of representatives of those councils, for the purposes of:

(a) Co-ordinating planning for the control of those agricultural pests and noxious plants of particular concern in relation to their regions, and in the case of the Gisborne District Council, in relation to its district; and

(b) Co-ordinating the performance of the functions, duties, and powers of a catchment board and a regional water board in respect to those areas of the Gisborne District not wholly within a water catchment; and

(c) Co-ordinating action on such other matters as those councils are jointly interested in.

**20 REGIONAL LAND TRANSPORT COMMITTEE**

(1) The Bay of Plenty Regional Council shall establish and maintain a Regional Land Transport Committee.

(2) The Regional Land Transport Committee shall be responsible for:

(a) Regional roading under Part XXII of the Local Government Act 1974; and

(b) Such transport or other roading responsibilities as may from time to time, pursuant to any Act, become a function of a regional council; and

(c) Such other functions as the Bay of Plenty Regional Council considers appropriate.

**21 HARBOUR COMMITTEE**

(1) The Bay of Plenty Regional Council shall, at least until the 1st day of November 1995, establish and maintain a Tauranga Harbour Committee.

(2) The Tauranga Harbour Committee shall be responsible for:

(a) Navigation and safety within those areas within harbour limits for which the Bay of Plenty Regional Council is, from time to time, responsible; and

(b) Any other matter associated with the regulation of those areas other than maritime planning; and

(c) Such other functions as that Council considers appropriate.

(3) The persons appointed by the Bay of Plenty Regional Council to the Tauranga Harbour Committee established under this clause shall include not less than 2 persons:

(a) Who are not members of that Council; but

(b) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

**22 ADMINISTRATION HEADQUARTERS**

Until the Bay of Plenty Regional Council otherwise resolves, the administration headquarters of that Council shall be located in Whakatane.

**23 RATING**

(1) Without limiting the powers of the Bay of Plenty Regional Council under the Rating Powers Act 1988 to make and levy any rate under a different system of rating, the system of rating in the Bay of Plenty Region shall be the land value system.

(2) The Bay of Plenty Regional Council shall exercise within the Bay of Plenty Region or any part thereof:

(a) Any rating powers possessed by any former authority; and

(b) Any powers to make and levy assessments relating to the functions and powers possessed by any former authority.

(3) Subject to subclause (7) of this clause, and until at least the 30th day of June 1992, all rates made by the Bay of Plenty Regional Council shall be levied and collected by the constituent authorities of the Bay of Plenty Region as if an agreement had been made under section 127(1) of the Rating Powers Act 1988.

(4) Where a rate to which subclause (3) of this clause applies has been made on a different rating system to that which applies in the district of the constituent authority by which the rate is to be collected, that rate shall be levied and collected by the constituent authority:

(a) On the system of rating in force in the district of the constituent authority; or

(b) On the system of rating upon which the rate was made by the Bay of Plenty Regional Council.

(5) Where any rate to which subclause (3) of this clause applies is made by the Bay of Plenty Regional Council in respect to an area of benefit, it shall be levied and collected by the constituent authority or authorities within which that area of benefit is located and, where appropriate, according to any graduated scale applying to that rate.

(6) Subject to subclause (7) of this clause, the Bay of Plenty Regional Council shall, for the purpose of:

(a) Reimbursing each constituent authority for costs incurred in the levying and collecting of rates (including goods and services tax); and

(b) Paying reasonable remuneration for clerical and other work,

pay to each constituent authority an amount equal to 2 percent of the total amount of rates, including goods and services tax, collected by that constituent authority on behalf of that Council.

(7) The Bay of Plenty Regional Council and the constituent authorities may, by unanimous agreement, resolve:

(a) That, at any time after the 1st day of July 1990, that Council shall levy and collect all or any rates directly; or

(b) That, at any time after the 1st day of July 1990, the amount payable by that Council to each constituent authority, pursuant to subclause (6) of this clause, may be increased or decreased or calculated in accordance with a formula not based upon a percentage.

## 24 REGIONAL PLANNING

(1) The Bay of Plenty Regional Council shall not be required to prepare a new regional planning scheme immediately.

(2) The approved regional planning schemes and the proposed regional planning schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the approved, or as the case may be the proposed, regional planning scheme of the Bay of Plenty Region.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its regional planning scheme or of any change or variation thereof, then, subject to any resolution of the Bay of Plenty Regional Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Bay of Plenty Regional Council, and may be adopted and acted upon by it.

## 25 CIVIL DEFENCE

The operative regional civil defence plans of the Thames Valley, Waikato, Tongariro, East Cape and former Bay of Plenty Regions shall continue in force in those areas included in the Bay of Plenty Region until a new plan is approved for the whole region, in accordance with the Civil Defence Act 1983.

## 26 VESTING OF PROPERTY

(1) Except as otherwise provided in this order, all property, real and personal, vested in the corporation of any former authority and situated in the Bay of Plenty Region is hereby vested in the corporation of the Bay of Plenty Regional Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than those former authorities named in paragraphs (b), (d), (n), and (p) to (y) of clause 10 of this order, and situated in a region in which that former authority is not also a former authority, is hereby vested in the corporation of the Bay of Plenty Regional Council, subject to all existing encumbrances.

## 27 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Bay of Plenty Regional Council by clause 26 of this order shall, unless the context otherwise requires, be read as a reference to "The Bay of Plenty Regional Council".

## 28 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Bay of Plenty Region.

(2) The local authorities to which this clause applies shall be:

- (a) The Bay of Plenty United Council; and
- (b) The East Cape United Council; and
- (c) The Bay of Plenty Catchment Board and Regional Water Board; and
- (d) The East Cape Catchment Board and Regional Water Board; and
- (e) The Rangitaiki Drainage Board; and
- (f) The Bay of Plenty Harbour Board; and

(g) The Tauranga County District Noxious Plants Authority; and

(h) The Tauranga City District Noxious Plants Authority; and

(i) The Mount Maunganui Borough District Noxious Plants Authority; and

(j) The Te Puke Borough District Noxious Plants Authority; and

(k) The Rotorua District Noxious Plants Authority; and

(l) The Whakatane District Noxious Plants Authority; and

(m) The Opotiki District Noxious Plants Authority; and

(n) The Central North Island Pest Destruction Board; and

(o) The Tauranga County Pest Destruction Board; and

(p) The East Coast Pest Destruction Board.

## 29 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Bay of Plenty Region shall consist of:

(a) Two members appointed by the Bay of Plenty United Council; and

(b) One member appointed by the East Cape United Council; and

(c) Two members appointed by the Bay of Plenty Catchment Board and Regional Water Board; and

(d) One member appointed by the East Cape Catchment Board and Regional Water Board; and

(e) One member appointed by the Rangitaiki Drainage Board; and

(f) One member appointed by the Bay of Plenty Harbour Board; and

(g) One member appointed jointly by the district noxious plants authorities and the pest destruction boards named in paragraphs (g) to (p) of clause 28(2) of this order; and

(h) One officer appointed by each local authority named in paragraphs (a) to (f) of clause 28(2) of this order, who shall be non-voting members of the transitional committee; and

(i) One officer appointed jointly by the district noxious plants authorities and the pest destruction boards named in paragraphs (g) to (p) of clause 28(2) of this order, who shall be a non-voting member of the transitional committee; and

(j) The Chief Executive designate, when appointed in accordance with clause 32 of this order, who shall be a non-voting member of the transitional committee; and

(k) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 28(2) of this order, who shall be a non-voting member of the transitional committee.

## 30 NO CASTING VOTE

The Chairperson of the transitional committee for the Bay of Plenty Region or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

## 31 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Bay of Plenty Region may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

## 32 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Bay of Plenty Region shall appoint a person to be the Chief Executive of the Bay of Plenty Regional Council.



**33 PRINCIPAL LOCAL AUTHORITY**

The principal local authority for the transitional committee for the Bay of Plenty Region shall be the Bay of Plenty Catchment Board and Regional Water Board.

**34 COSTS OF TRANSITIONAL COMMITTEE**

(1) The costs of the transitional committee for the Bay of Plenty Region (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 28(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the gross revenue of the local authority, for the year ended on the 31st day of March 1988, bears to the gross revenue of all the local authorities to which this clause applies for that year.

(2) For the purpose of this clause the gross revenue of a local authority shall be the gross revenue reasonably related to the area of a local authority which is to be included in the Bay of Plenty Region or any function of a local authority which is to be transferred to the Bay of Plenty Regional Council, whichever is applicable.

**35 DELEGATION OF SERVICE DELIVERY**

The transitional committee for the Bay of Plenty Region shall meet with:

(a) Each of the other transitional committees specified in this order; and

(b) The following territorial authorities—

(i) The Rotorua District Council; and

(ii) The Kawerau District Council; and

(iii) The Opotiki District Council; and

(iv) The Taupo District Council; and

(c) The Rangitaiki Drainage Board,

for the purpose of considering the most appropriate arrangements for the physical delivery of services relating to the functions allocated to the Bay of Plenty Regional Council by this order.

**PART III*****Tauranga District*****36 CONSTITUTION OF TAURANGA DISTRICT**

There is hereby constituted a district, to be known as "The Tauranga District", which shall comprise the area delineated on S.O. Plan No. 58067 deposited with the Chief Surveyor of the South Auckland Land District.

**37 TAURANGA DISTRICT COUNCIL**

A territorial authority, to be known as "The Tauranga District Council", is hereby constituted for the Tauranga District.

**38 INTERPRETATION**

In this Part of this order, "the former authorities" means:

(a) The Tauranga City Council; and

(b) The Mount Maunganui Borough Council; and

(c) The Tauranga County Council; and

(d) Subject to Part IX of this order, the Bay of Plenty Harbour Board; and

(e) The Tauranga Racecourse Reserve Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

**39 WARDS**

(1) The Tauranga District is hereby divided into 5 wards.

(2) Those 5 wards are:

(a) The Otumoetai-Bethlehem Ward, comprising the area delineated on S.O. Plan No. 58068 deposited with the Chief Surveyor of the South Auckland Land District:

(b) The Mount Maunganui Ward, comprising the area delineated on S.O. Plan No. 58072 deposited with the Chief Surveyor of the South Auckland Land District:

(c) The Te Papa Ward, comprising the area delineated on S.O. Plan No. 58069 deposited with the Chief Surveyor of the South Auckland Land District:

(d) The Welcome Bay-Pyes Pa Ward, comprising the area delineated on S.O. Plan No. 58070 deposited with the Chief Surveyor of the South Auckland Land District:

(e) The Papamoa Ward, comprising the area delineated on S.O. Plan No. 58071 deposited with the Chief Surveyor of the South Auckland Land District.

**40 MEMBERSHIP**

(1) The Tauranga District Council shall consist of a Mayor and 14 members.

(2) The members of the Tauranga District Council to be elected at the first election of that Council shall be elected as follows:

(a) Four members shall be elected by the electors of the Otumoetai-Bethlehem Ward; and

(b) Three members shall be elected by the electors of the Mount Maunganui Ward; and

(c) Four members shall be elected by the electors of the Te Papa Ward; and

(d) Two members shall be elected by the electors of the Welcome Bay-Pyes Pa Ward; and

(e) One member shall be elected by the electors of the Papamoa Ward.

**41 FIRST ELECTION**

(1) For the purposes of the first election of the Tauranga District Council, the Returning Officer and the principal administrative officer for the Tauranga District shall be, respectively, the Returning Officer and the principal administrative officer for the Mount Maunganui Borough.

(2) The first election of the Tauranga District Council shall be conducted by postal vote.

**42 FIRST MEETING**

The first meeting of the Tauranga District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

**43 CHIEF EXECUTIVE**

(1) The Chief Executive of the Tauranga District Council shall be the person appointed to that position in accordance with clause 56 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Tauranga District Council.

**44 FUNCTIONS, DUTIES, AND POWERS**

(1) The functions, duties, and powers of the Tauranga District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Tauranga District Council or any of the former authorities; and

(iii) Any local Act relating to the Tauranga District Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the provision and maintenance of those marinas, wharves, jetties, boat ramps, and other harbour facilities formerly the responsibility of the Bay of Plenty Harbour Board and transferred to the Tauranga District Council by Part IX of this order; and

(c) The functions, duties and powers of the Tauranga City Council, the Mount Maunganui Borough Council and the Bay of Plenty Harbour Board under the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Act 1972; and

(d) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

(2) Any reference in the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Act 1972 to the "united councils" shall be read as a reference to "The Tauranga District Council".

#### 45 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Tauranga District Council shall be located within the Tauranga District.

#### 46 SERVICE DELIVERY CENTRE

The Tauranga District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in:

(a) Mount Maunganui, should the administration headquarters be located in Tauranga; or

(b) Tauranga, should the administration headquarters be located in Mount Maunganui,

in accordance with the provisions of the Third Schedule to this order.

#### 47 RATING

(1) The system of rating in the Tauranga District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Tauranga District, Part XIV of the Rating Powers Act 1988 shall apply as if the Tauranga District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

#### 48 TOWN AND COUNTRY PLANNING

(1) The Tauranga District Council shall not be required to prepare a new district scheme, immediately, for the Tauranga District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Tauranga District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Tauranga District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Tauranga District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Tauranga District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed

of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Tauranga District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Tauranga District Council or, as the case may require, a committee or delegate thereof.

#### 49 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Tauranga District until a new plan is approved for the Tauranga District, in accordance with the Civil Defence Act 1983.

#### 50 VESTING OF PROPERTY

(1) Subject to subclauses (3) and (4) of clause 75 of this order, all property, real and personal, vested in the corporation of any former authority and situated in the Tauranga District is hereby vested in the corporation of the Tauranga District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Tauranga County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Tauranga District Council, subject to all existing encumbrances.

#### 51 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Tauranga District Council by clause 50 of this order shall, unless the context otherwise requires, be read as a reference to "The Tauranga District Council".

#### 52 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Tauranga District.

(2) The local authorities to which this clause applies shall be:

- (a) The Tauranga City Council; and
- (b) The Mount Maunganui Borough Council; and
- (c) The Tauranga County Council.

#### 53 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Tauranga District shall consist of:

(a) Three members appointed by the Tauranga City Council; and

(b) Two members appointed by the Mount Maunganui Borough Council; and

(c) One member appointed by the Tauranga County Council; and

(d) One officer appointed by each local authority named in clause 52(2) of this order, who shall be non-voting members of the transitional committee; and

(e) The Chief Executive designate, when appointed in accordance with clause 56 of this order, who shall be a non-voting member of the transitional committee; and

(f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 52(2) of this order, who shall be a non-voting member of the transitional committee.

#### 54 NO CASTING VOTE

The Chairperson of the transitional committee for the

Tauranga District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

### 55 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Tauranga District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 56 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Tauranga District shall appoint a person to be the Chief Executive of the Tauranga District Council.

### 57 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Tauranga District shall be the Tauranga City Council.

### 58 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Tauranga District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 52(2) of this order either:

- (a) In accordance with a formula agreed to by that committee; or
- (b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Tauranga District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Tauranga District.

### 59 CONSULTATION WITH TAURANGA RACECOURSE RESERVE BOARD

(1) The transitional committee for the Tauranga District shall consult with the Tauranga Racecourse Reserve Board for the purpose of discussing the possible establishment of a committee of management for the Tauranga Racecourse Reserve.

(2) Where, following that consultation, the transitional committee for the Tauranga District considers it desirable that a committee of management be established, the transitional committee shall recommend to the Tauranga District Council that it establish such a committee of management.

## PART IV

### *Western Bay of Plenty District*

### 60 CONSTITUTION OF WESTERN BAY OF PLENTY DISTRICT

There is hereby constituted a district, to be known as "The Western Bay of Plenty District", which shall comprise the area delineated on S.O. Plan No. 58073 deposited with the Chief Surveyor of the South Auckland Land District.

### 61 WESTERN BAY OF PLENTY DISTRICT COUNCIL

A territorial authority, to be known as "The Western Bay of Plenty District Council", is hereby constituted for the Western Bay of Plenty District.

### 62 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Tauranga County Council; and
- (b) The Ohinemuri County Council; and
- (c) The Te Puke Borough Council; and
- (d) The Matamata County Council; and
- (e) Subject to Part IX of this order, the Bay of Plenty Harbour Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

### 63 WARDS

(1) The Western Bay of Plenty District is hereby divided into 5 wards.

(2) Those 5 wards are:

(a) The Waihi Beach Ward, comprising the area delineated on S.O. Plan No. 58078 deposited with the Chief Surveyor of the South Auckland Land District:

(b) The Katikati Ward, comprising the area delineated on S.O. Plan No. 58074 deposited with the Chief Surveyor of the South Auckland Land District:

(c) The Kaimai Ward, comprising the area delineated on S.O. Plan No. 58075 deposited with the Chief Surveyor of the South Auckland Land District:

(d) The Te Puke Ward, comprising the area delineated on S.O. Plan No. 58076 deposited with the Chief Surveyor of the South Auckland Land District:

(e) The Maketu Ward, comprising the area delineated on S.O. Plan No. 58077 deposited with the Chief Surveyor of the South Auckland Land District.

### 64 MEMBERSHIP

(1) The Western Bay of Plenty District Council shall consist of a Mayor and 12 members.

(2) The members of the Western Bay of Plenty District Council to be elected at the first election of that Council shall be elected as follows:

(a) One member shall be elected by the electors of the Waihi Beach Ward; and

(b) Two members shall be elected by the electors of the Katikati Ward; and

(c) Three members shall be elected by the electors of the Kaimai Ward; and

(d) Three members shall be elected by the electors of the Te Puke Ward; and

(e) Three members shall be elected by the electors of the Maketu Ward.

### 65 FIRST ELECTION

(1) For the purposes of the first election of the Western Bay of Plenty District Council, the Returning Officer and the principal administrative officer for the Western Bay of Plenty District shall be, respectively, the Returning Officer and the principal administrative officer for the Tauranga County.

(2) The first election of the Western Bay of Plenty District Council shall be conducted by postal vote.

### 66 FIRST MEETING

The first meeting of the Western Bay of Plenty District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 67 CHIEF EXECUTIVE

(1) The Chief Executive of the Western Bay of Plenty District Council shall be the person appointed to that position in accordance with clause 81 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Western Bay of Plenty District Council.

### 68 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Western Bay of Plenty District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

- (i) The Local Government Act 1974; and
- (ii) Any other public Act relating to the Western Bay of Plenty District Council or any of the former authorities; and
- (iii) Any local Act relating to the Western Bay of Plenty District Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the provision and maintenance of those marinas, wharves, jetties, boat ramps, and other harbour facilities formerly the responsibility of the Bay of Plenty Harbour Board and transferred to the Western Bay of Plenty District Council by Part IX of this order; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 69 ADMINISTRATION HEADQUARTERS

Until the Western Bay of Plenty District Council otherwise resolves, the administration headquarters of the Western Bay of Plenty District Council shall be located in Tauranga.

### 70 SERVICE DELIVERY CENTRES

The Western Bay of Plenty District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in Te Puke and in Katikati, in accordance with the provisions of the Third Schedule to this order.

### 71 COMMUNITIES

(1) There is hereby constituted a community for the area of the Waihi Beach Ward, to be known as "The Waihi Beach Community".

(2) The community board for the Waihi Beach Community shall consist of:

(a) Six members elected by the electors of the community; and

(b) One person elected from time to time as a member of the Western Bay of Plenty District Council, representing the ward comprising the area of the community, and appointed by the Western Bay of Plenty District Council to the community board.

(3) There is hereby constituted a community for each of the following areas:

(a) A community to be known as "The Katikati Community", comprising the area delineated on S.O. Plan No. 58101 deposited with the Chief Surveyor of the South Auckland Land District; and

(b) A community to be known as "The Omokoroa Community", comprising the area delineated on S.O. Plan No. 58107 deposited with the Chief Surveyor of the South Auckland Land District; and

(c) A community to be known as "The Te Puke Community", comprising the area delineated on S.O. Plan No. 58106 deposited with the Chief Surveyor of the South Auckland Land District; and

(d) A community to be known as "The Maketu Community", comprising the area delineated on S.O. Plan No. 58102 deposited with the Chief Surveyor of the South Auckland Land District.

(4) The community boards for the Katikati Community, the

Omokoroa Community, and the Maketu Community shall consist of:

(a) Six members elected by the electors of the community; and

(b) Not less than one person elected from time to time as a member of the Western Bay of Plenty District Council, representing the ward including the area of the community, and appointed by the Western Bay of Plenty District Council to the community board.

(5) The community board for the Te Puke Community shall consist of:

(a) Six members elected by the electors of the community; and

(b) Not less than two persons elected from time to time as members of the Western Bay of Plenty District Council, representing the ward including the area of the community, and appointed by the Western Bay of Plenty District Council to the community board.

(6) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Tauranga County.

(7) The first election of the community boards for the communities constituted by this clause shall be conducted by postal vote.

### 72 RATING

(1) The system of rating in the Western Bay of Plenty District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Western Bay of Plenty District, Part XIV of the Rating Powers Act 1988 shall apply as if the Western Bay of Plenty District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 73 TOWN AND COUNTRY PLANNING

(1) The Western Bay of Plenty District Council shall not be required to prepare a new district scheme, immediately, for the Western Bay of Plenty District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Western Bay of Plenty District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Western Bay of Plenty District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Western Bay of Plenty District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Western Bay of Plenty District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Western Bay of Plenty District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Western Bay of Plenty District Council or, as the case may require, a committee or delegate thereof.

**74 CIVIL DEFENCE**

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Western Bay of Plenty District until a new plan is approved for the Western Bay of Plenty District, in accordance with the *Civil Defence Act 1983*.

**75 VESTING OF PROPERTY**

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Western Bay of Plenty District is hereby vested in the corporation of the Western Bay of Plenty District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Ohinemuri County Council and the Matamata County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Western Bay of Plenty District Council, subject to all existing encumbrances.

(3) All that land described in Part Lot 3, Deeds Plan 239, Balance C.T. 575/84 (South Auckland Land District), together with all plant, fixtures, and fittings normally located or based thereon, shall be vested in the corporation of the Western Bay of Plenty District Council, subject to all existing encumbrances.

(4) The interest of the Tauranga County Council in Deferred Payment License 23D/805 (South Auckland Land District) being Allotment 851, Te Papa Parish, together with all plant, fixtures, and fittings normally located or based thereon, shall be vested in the corporation of the Western Bay of Plenty District Council, subject to all existing encumbrances.

**76 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Western Bay of Plenty District Council by clause 75 of this order shall, unless the context otherwise requires, be read as a reference to "The Western Bay of Plenty District Council".

**77 TRANSITIONAL COMMITTEE**

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Western Bay of Plenty District.

(2) The local authorities to which this clause applies shall be:

- (a) The Tauranga County Council; and
- (b) The Te Puke Borough Council; and
- (c) The Ohinemuri County Council.

**78 MEMBERSHIP OF TRANSITIONAL COMMITTEE**

The transitional committee for the Western Bay of Plenty District shall consist of:

- (a) Three members appointed by the Tauranga County Council; and
- (b) Two members appointed by the Te Puke Borough Council; and
- (c) One member appointed by the Ohinemuri County Council; and
- (d) One officer appointed by each local authority named in clause 77(2) of this order, who shall be non-voting members of the transitional committee; and
- (e) The Chief Executive designate, when appointed in accordance with clause 81 of this order, who shall be a non-voting member of the transitional committee; and
- (f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in

clause 77(2) of this order, who shall be a non-voting member of the transitional committee.

**79 NO CASTING VOTE**

The Chairperson of the transitional committee for the Western Bay of Plenty District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

**80 EXCLUSION OF NON-VOTING MEMBERS**

The transitional committee for the Western Bay of Plenty District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

**81 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE**

The transitional committee for the Western Bay of Plenty District shall appoint a person to be the Chief Executive of the Western Bay of Plenty District Council.

**82 PRINCIPAL LOCAL AUTHORITY**

The principal local authority for the transitional committee for the Western Bay of Plenty District shall be the Tauranga County Council.

**83 COSTS OF TRANSITIONAL COMMITTEE**

The costs of the transitional committee for the Western Bay of Plenty District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 77(2) of this order either:

- (a) In accordance with a formula agreed to by that committee; or
- (b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
  - (ii) Those parts of the district of that local authority to be included in the Western Bay of Plenty District,
- as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Western Bay of Plenty District.

**PART V*****Rotorua District*****84 CONSTITUTION OF ROTORUA DISTRICT**

There is hereby constituted a district, to be known as "The Rotorua District", which shall comprise the area delineated on S.O. Plan No. 58044 deposited with the Chief Surveyor of the South Auckland Land District.

**85 ROTORUA DISTRICT COUNCIL**

A territorial authority, to be known as "The Rotorua District Council", is hereby constituted for the Rotorua District.

**86 INTERPRETATION**

In this Part of this order:

"The former authorities" means—

- (a) The former Rotorua District Council; and
- (b) The Matamata County Council; and
- (c) The Taupo District Council; and
- (d) The Whakatane District Council; and
- (e) The Horahora-Ngakura Recreation Reserve Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Rotorua District" means the Rotorua District in existence immediately before the coming into force of this clause of this order:

"Former Rotorua District Council" means the Rotorua District Council in existence immediately before the coming into force of this clause of this order:

"Rotorua District" means the Rotorua District constituted by this order:

"Rotorua District Council" means the Rotorua District Council constituted by this order.

## 87 WARDS

(1) The Rotorua District is hereby divided into 4 wards.

(2) Those 4 wards are:

(a) The North Ward, comprising the area delineated on S.O. Plan No. 58045 deposited with the Chief Surveyor of the South Auckland Land District:

(b) The West Ward, comprising the area delineated on S.O. Plan No. 58046 deposited with the Chief Surveyor of the South Auckland Land District:

(c) The East Ward, comprising the area delineated on S.O. Plan No. 58047 deposited with the Chief Surveyor of the South Auckland Land District:

(d) The South Ward, comprising the area delineated on S.O. Plan No. 58048 deposited with the Chief Surveyor of the South Auckland Land District.

## 88 MEMBERSHIP

(1) The Rotorua District Council shall consist of a Mayor and 16 members.

(2) The members of the Rotorua District Council to be elected at the first election of that Council shall be elected as follows:

(a) Four members shall be elected by the electors of the North Ward; and

(b) Four members shall be elected by the electors of the West Ward; and

(c) Four members shall be elected by the electors of the East Ward; and

(d) Four members shall be elected by the electors of the South Ward.

## 89 FIRST ELECTION

(1) For the purposes of the first election of the Rotorua District Council, the Returning Officer and the principal administrative officer for the Rotorua District shall be, respectively, the Returning Officer and the principal administrative officer for the former Rotorua District.

(2) The first election of the Rotorua District Council shall be conducted by postal vote.

## 90 FIRST MEETING

The first meeting of the Rotorua District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

## 91 CHIEF EXECUTIVE

(1) The Chief Executive of the Rotorua District Council shall be the person holding the position of District Manager of the former Rotorua District Council immediately before the coming into force of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Rotorua District Council.

## 92 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Rotorua District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Rotorua District Council or any of the former authorities; and

(iii) Any local Act relating to the Rotorua District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

## 93 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Rotorua District Council shall be located in Rotorua.

## 94 RATING

(1) The system of rating in the Rotorua District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Rotorua District, Part XIV of the Rating Powers Act 1988 shall apply as if the Rotorua District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

## 95 TOWN AND COUNTRY PLANNING

(1) The Rotorua District Council shall not be required to prepare a new district scheme, immediately, for the Rotorua District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Rotorua District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Rotorua District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Rotorua District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Rotorua District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Rotorua District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Rotorua District Council or, as the case may require, a committee or delegate thereof.

## 96 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Rotorua District until a new plan is approved for

the Rotorua District, in accordance with the Civil Defence Act 1983.

### 97 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Rotorua District is hereby vested in the corporation of the Rotorua District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than those former authorities named in paragraphs (b) to (d) of clause 86 of this order, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Rotorua District Council, subject to all existing encumbrances.

### 98 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Rotorua District Council by clause 97 of this order shall, unless the context otherwise requires, be read as a reference to "The Rotorua District Council".

### 99 CONSULTATION WITH HORAHORA-NGAKURA RECREATION RESERVE BOARD

(1) The former Rotorua District Council shall consult with the Horahora-Ngakura Recreation Reserve Board for the purpose of discussing the possible establishment of a committee of management for the Horahora-Ngakura Recreation Reserve.

(2) Where, following that consultation, the former Rotorua District Council considers it desirable that a committee of management be established, the former Rotorua District Council shall recommend to the Rotorua District Council that it establish such a committee of management.

## PART VI

### *Whakatane District*

### 100 CONSTITUTION OF WHAKATANE DISTRICT

There is hereby constituted a district, to be known as "The Whakatane District", which shall comprise the area delineated on S.O. Plan No. 58054 deposited with the Chief Surveyor of the South Auckland Land District.

### 101 WHAKATANE DISTRICT COUNCIL

A territorial authority, to be known as "The Whakatane District Council", is hereby constituted for the Whakatane District.

### 102 INTERPRETATION

In this Part of this order:

"The former authorities" means—

- (a) The former Whakatane District Council; and
- (b) The Murupara Borough Council; and
- (c) The Taupo District Council; and
- (d) The Opotiki District Council; and
- (e) The Galatea Domain Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Whakatane District" means the Whakatane District in existence immediately before the coming into force of this clause of this order:

"Former Whakatane District Council" means the Whakatane District Council in existence immediately before the coming into force of this clause of this order:

"Whakatane District" means the Whakatane District constituted by this order:

"Whakatane District Council" means the Whakatane District Council constituted by this order.

### 103 WARDS

(1) The Whakatane District is hereby divided into 10 wards.

(2) Those 10 wards are:

(a) The Whakatane West Ward, comprising the area delineated on S.O. Plan No. 58058 deposited with the Chief Surveyor of the South Auckland Land District:

(b) The Whakatane East Ward, comprising the area delineated on S.O. Plan No. 58059 deposited with the Chief Surveyor of the South Auckland Land District:

(c) The Matata Ward, comprising the area delineated on S.O. Plan No. 58055 deposited with the Chief Surveyor of the South Auckland Land District:

(d) The Tarawera Ward, comprising the area delineated on S.O. Plan No. 58060 deposited with the Chief Surveyor of the South Auckland Land District:

(e) The Edgecumbe Ward, comprising the area delineated on S.O. Plan No. 58056 deposited with the Chief Surveyor of the South Auckland Land District:

(f) The Omataroa Ward, comprising the area delineated on S.O. Plan No. 58057 deposited with the Chief Surveyor of the South Auckland Land District:

(g) The Taneatua Ward, comprising the area delineated on S.O. Plan No. 58061 deposited with the Chief Surveyor of the South Auckland Land District:

(h) The Waimana Ward, comprising the area delineated on S.O. Plan No. 58063 deposited with the Chief Surveyor of the South Auckland Land District:

(i) The Galatea Ward, comprising the area delineated on S.O. Plan No. 58062 deposited with the Chief Surveyor of the South Auckland Land District:

(j) The Murupara Ward, comprising the area delineated on S.O. Plan No. 58064 deposited with the Chief Surveyor of the South Auckland Land District.

### 104 MEMBERSHIP

(1) The Whakatane District Council shall consist of a Mayor and 15 members.

(2) The members of the Whakatane District Council to be elected at the first election of that Council shall be elected as follows:

(a) Four members shall be elected by the electors of the Whakatane West Ward; and

(b) Three members shall be elected by the electors of the Whakatane East Ward; and

(c) One member shall be elected by the electors of the Matata Ward; and

(d) One member shall be elected by the electors of the Tarawera Ward; and

(e) One member shall be elected by the electors of the Edgecumbe Ward; and

(f) One member shall be elected by the electors of the Omataroa Ward; and

(g) One member shall be elected by the electors of the Taneatua Ward; and

(h) One member shall be elected by the electors of the Waimana Ward; and

(i) One member shall be elected by the electors of the Galatea Ward; and

(j) One member shall be elected by the electors of the Murupara Ward.

### 105 FIRST ELECTION

(1) For the purposes of the first election of the Whakatane District Council, the Returning Officer and the principal administrative officer for the Whakatane District shall be,



respectively, the Returning Officer and the principal administrative officer for the former Whakatane District.

(2) The first election of the Whakatane District Council shall be conducted by postal vote.

### 106 FIRST MEETING

The first meeting of the Whakatane District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 107 CHIEF EXECUTIVE

(1) The Chief Executive of the Whakatane District Council shall be the person holding the position of General Manager of the former Whakatane District Council immediately before the coming into force of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Whakatane District Council.

### 108 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Whakatane District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Whakatane District Council or any of the former authorities; and

(iii) Any local Act relating to the Whakatane District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 109 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Whakatane District Council shall be located in Whakatane.

### 110 SERVICE DELIVERY CENTRE

The Whakatane District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in Murupara, in accordance with the provisions of the Third Schedule to this order.

### 111 OHIWA HARBOUR ADVISORY COMMITTEE

The Whakatane District Council and the Opotiki District Council shall unite in appointing a joint committee, to be known as "The Ohiwa Harbour Advisory Committee", in accordance with the provisions of clause 149 of this order.

### 112 COMMUNITIES

(1) There is hereby constituted a community for the area of the Murupara Ward, to be known as "The Murupara Community".

(2) The community board for the Murupara Community shall consist of:

(a) Six members elected by the electors of the community; and

(b) One person elected from time to time as a member of the Whakatane District Council, representing the ward comprising the area of the community, and appointed by the Whakatane District Council to the community board.

(3) There is hereby constituted a community for each of the following areas:

(a) A community to be known as "The Taneatua Community", comprising the area delineated on S.O. Plan No. 58104 deposited with the Chief Surveyor of the South Auckland Land District; and

(b) A community to be known as "The Edgcombe Community", comprising the area delineated on S.O. Plan No. 58105 deposited with the Chief Surveyor of the South Auckland Land District; and

(c) A community to be known as "The Matata Community", comprising the area delineated on S.O. Plan No. 58103 deposited with the Chief Surveyor of the South Auckland Land District.

(4) The community board for each community constituted by subclause (3) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) One member elected from time to time as a member of the Whakatane District Council, representing the ward including the area of the community, and appointed by the Whakatane District Council to the community board.

(5) The Returning Officer for the first election of the community boards for the communities constituted by this clause shall be the Returning Officer for the former Whakatane District.

(6) The first election of the community boards for the communities constituted by this clause shall be conducted by postal vote.

### 113 RATING

(1) The system of rating in the Whakatane District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Whakatane District, Part XIV of the Rating Powers Act 1988 shall apply as if the Whakatane District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 114 TOWN AND COUNTRY PLANNING

(1) The Whakatane District Council shall not be required to prepare a new district scheme, immediately, for the Whakatane District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Whakatane District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Whakatane District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Whakatane District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Whakatane District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Whakatane District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Whakatane District Council or, as the case may require, a committee or delegate thereof.



**115 CIVIL DEFENCE**

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Whakatane District until a new plan is approved for the Whakatane District, in accordance with the Civil Defence Act 1983.

**116 VESTING OF PROPERTY**

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Whakatane District is hereby vested in the corporation of the Whakatane District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Taupo District Council and the Opotiki District Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Whakatane District Council, subject to all existing encumbrances.

**117 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Whakatane District Council by clause 116 of this order shall, unless the context otherwise requires, be read as a reference to "The Whakatane District Council".

**118 TRANSITIONAL COMMITTEE**

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Whakatane District.

(2) The local authorities to which this clause applies shall be:

- (a) The former Whakatane District Council; and
- (b) The Murupara Borough Council.

**119 MEMBERSHIP OF TRANSITIONAL COMMITTEE**

The transitional committee for the Whakatane District shall consist of:

- (a) Two members appointed by the former Whakatane District Council; and
- (b) One member appointed by the Murupara Borough Council; and
- (c) One officer appointed by each local authority named in clause 118(2) of this order, who shall be non-voting members of the transitional committee; and
- (d) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 118(2) of this order, who shall be a non-voting member of the transitional committee.

**120 NO CASTING VOTE**

The Chairperson of the transitional committee for the Whakatane District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

**121 EXCLUSION OF NON-VOTING MEMBERS**

The transitional committee for the Whakatane District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

**122 PRINCIPAL LOCAL AUTHORITY**

The principal local authority for the transitional committee for the Whakatane District shall be the former Whakatane District Council.

**123 COSTS OF TRANSITIONAL COMMITTEE**

The costs of the transitional committee for the Whakatane District (including the costs of providing administrative

services to it) shall be borne and paid by the local authorities named in clause 118(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Whakatane District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Whakatane District.

**124 CONSULTATION WITH GALATEA DOMAIN BOARD**

(1) The transitional committee for the Whakatane District shall consult with the Galatea Domain Board for the purpose of discussing the possible establishment of a committee of management for the Galatea Domain.

(2) Where, following that consultation, the transitional committee for the Whakatane District considers it desirable that a committee of management be established, the transitional committee shall recommend to the Whakatane District Council that it establish such a committee of management.

**PART VII*****Kawerau District*****125 CONSTITUTION OF KAWERAU DISTRICT**

There is hereby constituted a district, to be known as "The Kawerau District", which shall comprise the area delineated on S.O. Plan No. 57977 deposited with the Chief Surveyor of the South Auckland Land District.

**126 KAWERAU DISTRICT COUNCIL**

A territorial authority, to be known as "The Kawerau District Council", is hereby constituted for the Kawerau District.

**127 INTERPRETATION**

In this Part of this order:

"The former authority" means the former Kawerau District Council:

"Former Kawerau District" means the Kawerau District in existence immediately before the coming into force of this clause of this order:

"Former Kawerau District Council" means the Kawerau District Council in existence immediately before the coming into force of this clause of this order:

"Kawerau District" means the Kawerau District constituted by this order:

"Kawerau District Council" means the Kawerau District Council constituted by this order.

**128 MEMBERSHIP**

The Kawerau District Council shall consist of a Mayor and 10 members elected by the electors of the district as a whole.

**129 FIRST ELECTION**

(1) For the purposes of the first election of the Kawerau District Council, the Returning Officer and the principal administrative officer for the Kawerau District shall be, respectively, the Returning Officer and the principal administrative officer for the former Kawerau District.

(2) The first election of the Kawerau District Council shall be conducted by postal vote.

### 130 FIRST MEETING

The first meeting of the Kawerau District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 131 CHIEF EXECUTIVE

(1) The Chief Executive of the Kawerau District Council shall be the person holding the position of General Manager of the former Kawerau District Council immediately before the coming into force of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Kawerau District Council.

### 132 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Kawerau District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Kawerau District Council or the former authority; and

(iii) Any local Act relating to the Kawerau District Council or the former authority; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authority immediately before the coming into force of this clause.

### 133 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Kawerau District Council shall be located in Kawerau.

### 134 RATING

The system of rating in the Kawerau District shall be the capital value system.

### 135 TOWN AND COUNTRY PLANNING

(1) The Kawerau District Council shall not be required to prepare a new district scheme, immediately, for the Kawerau District.

(2) The district scheme and the proposed district scheme under the Town and Country Planning Act 1977 of the former authority shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Kawerau District.

(3) Where the former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Kawerau District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Kawerau District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to the former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by the former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Kawerau District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by the former authority and either the time for any appeal against such decision had not expired or notice of appeal had

been given, any such appeal shall be deemed to be against the Kawerau District Council; or

(c) Such application had been either partly or fully heard or considered by the former authority but no decision thereon had been given, the application shall be heard or considered again by the Kawerau District Council or, as the case may require, a committee or delegate thereof.

### 136 CIVIL DEFENCE

The operative local civil defence plan for the former Kawerau District shall continue in force in the Kawerau District until a new plan is approved for the Kawerau District, in accordance with the Civil Defence Act 1983.

### 137 VESTING OF PROPERTY

All property, real and personal, vested in the corporation of the former authority is hereby vested in the corporation of the Kawerau District Council, subject to all existing encumbrances.

### 138 TITLE TO PROPERTY

Any reference, express or implied, to the former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Kawerau District Council by clause 137 of this order shall, unless the context otherwise requires, be read as a reference to "The Kawerau District Council".

## PART VIII

### *Opotiki District*

### 139 CONSTITUTION OF OPOTIKI DISTRICT

There is hereby constituted a district, to be known as "The Opotiki District", which shall comprise the area delineated on S.O. Plan No. 8391 deposited with the Chief Surveyor of the Gisborne Land District.

### 140 OPOTIKI DISTRICT COUNCIL

A territorial authority, to be known as "The Opotiki District Council", is hereby constituted for the Opotiki District.

### 141 INTERPRETATION

In this Part of this order:

"The former authorities" means—

(a) The former Opotiki District Council; and

(b) The Ohiwa Harbour Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Opotiki District" means the Opotiki District in existence immediately before the coming into force of this clause of this order:

"Former Opotiki District Council" means the Opotiki District Council in existence immediately before the coming into force of this clause of this order:

"Opotiki District" means the Opotiki District constituted by this order:

"Opotiki District Council" means the Opotiki District Council constituted by this order.

### 142 WARDS

(1) The Opotiki District is hereby divided into 4 wards.

(2) Those 4 wards are:

(a) The Opotiki Ward, comprising the area delineated on S.O. Plan No. 8394 deposited with the Chief Surveyor of the Gisborne Land District:

(b) The Waiotahi Ward, comprising the area delineated on S.O. Plan No. 8395 deposited with the Chief Surveyor of the Gisborne Land District:

(c) The Waiioeka-Otara Ward, comprising the area delineated on S.O. Plan No. 8393 deposited with the Chief Surveyor of the Gisborne Land District:

(d) The Coast Ward, comprising the area delineated on S.O. Plan No. 8392 deposited with the Chief Surveyor of the Gisborne Land District.

#### 143 MEMBERSHIP

(1) The Opotiki District Council shall consist of a Mayor and 10 members.

(2) The members of the Opotiki District Council to be elected at the first election of that Council shall be elected as follows:

(a) Four members shall be elected by the electors of the Opotiki Ward; and

(b) Two members shall be elected by the electors of the Waiotahi Ward; and

(c) Two members shall be elected by the electors of the Waiioeka-Otara Ward; and

(d) Two members shall be elected by the electors of the Coast Ward.

#### 144 FIRST ELECTION

(1) For the purposes of the first election of the Opotiki District Council, the Returning Officer and the principal administrative officer for the Opotiki District shall be, respectively, the Returning Officer and the principal administrative officer for the former Opotiki District.

(2) The first election of the Opotiki District Council shall be conducted by postal vote.

#### 145 FIRST MEETING

The first meeting of the Opotiki District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

#### 146 CHIEF EXECUTIVE

(1) The Chief Executive of the Opotiki District Council shall be the person holding the position of District Manager of the former Opotiki District Council immediately before the coming into force of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Opotiki District Council.

#### 147 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Opotiki District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Opotiki District Council or any of the former authorities; and

(iii) Any local Act relating to the Opotiki District Council or any of the former authorities; and

(b) The functions, duties, and powers of the Ohiwa Harbour Board; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

#### 148 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Opotiki District Council shall be located in Opotiki.

#### 149 OHIWA HARBOUR ADVISORY COMMITTEE

(1) The Opotiki District Council and the Whakatane District Council shall, at least until the 1st day of November 1995, unite in appointing a joint committee to be known as "The Ohiwa Harbour Advisory Committee".

(2) The Ohiwa Harbour Advisory Committee shall consist of:

(a) Three persons appointed by the Opotiki District Council, whether or not those persons are members of that council; and

(b) Three persons appointed by the Whakatane District Council, whether or not those persons are members of that council; and

(c) Such other persons as may be appointed jointly by both councils.

(3) The function of the Ohiwa Harbour Advisory Committee shall be to advise the Opotiki District Council and the Whakatane District Council on matters affecting the Ohiwa Harbour and such other matters as may be referred to the Committee by those councils.

#### 150 RATING

The system of rating in the Opotiki District shall be the land value system.

#### 151 TOWN AND COUNTRY PLANNING

(1) The Opotiki District Council shall not be required to prepare a new district scheme, immediately, for the Opotiki District.

(2) The operative district scheme and the proposed district scheme under the Town and Country Planning Act 1977 of the former Opotiki District Council shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Opotiki District.

(3) Where the former Opotiki District Council had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Opotiki District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Opotiki District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to the former Opotiki District Council by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Opotiki District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Opotiki District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Opotiki District Council or, as the case may require, a committee or delegate thereof.

#### 152 CIVIL DEFENCE

The operative local civil defence plan for the former Opotiki District shall continue in force in the Opotiki District until a new plan is approved for the Opotiki District, in accordance with the Civil Defence Act 1983.

#### 153 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Opotiki District is hereby vested in the corporation of the Opotiki District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority and situated in a district in which that former authority is not also a former authority, is hereby vested in the Opotiki District Council, subject to all existing encumbrances.

**154 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Opotiki District Council by clause 153 of this order shall, unless the context otherwise requires, be read as a reference to "The Opotiki District Council".

**PART IX****Bay of Plenty Harbour Board****155 VESTING OF PROPERTY**

(1) This clause shall apply to that property, real and personal, vested in the Bay of Plenty Harbour Board as at the 31st day of October 1989.

(2) Subject to subclauses (6), (8), (9) and (10) of this clause, all property:

(a) Which is vested in the Bay of Plenty Harbour Board as at the 31st day of October 1989; and

(b) Which—

(i) Is a reserve under the Reserves Act 1977; or

(ii) Is principally used for recreational purposes, whether or not it is a reserve under the Reserves Act 1977; or

(iii) Is a marina, wharf, jetty, boat ramp or other harbour facility, used principally for recreational purposes; or

(iv) Is an item of plant or equipment used principally in association with the maintenance, use or operation of the facilities referred to in subparagraphs (i), or (ii) or (iii) of this paragraph,

is hereby vested in the territorial authority, in whose district it is situated, for the purpose for which it is so reserved, or, where there is no such purpose, for the purposes of any function transferred by this order to that territorial authority.

(3) Subject to clauses (6), (8), (9) and (10) of this clause, all that property which is vested in the Bay of Plenty Harbour Board as at the 31st day of October 1989 which is situated in any district of a territorial authority, as constituted by this order, and which is adjacent to any harbour or the sea is hereby vested in the territorial authority in whose district it is situated.

(4) Where there is any dispute over whether any property comes within a category of property referred to in this clause, the matter shall be referred to the Local Government Commission for determination.

(5) Subject to subclauses (8) to (10) of this clause, any property which is vested in the Bay of Plenty Harbour Board as at the 31st day of October 1989 and which does not come within a category of property referred to in subclause (2) or subclause (3) of this clause is hereby vested in the Bay of Plenty Regional Council.

(6) Notwithstanding anything in subclauses (2) and (3) of this clause, but subject to subclauses (9) and (10) of this clause, any land which is vested in the Bay of Plenty Harbour Board as at the 31st day of October 1989 and which is below the mean high water mark is hereby vested in the Bay of Plenty Regional Council.

(7) For the purposes of this clause, any property which is fixed to, or under or over, any land which is below the mean high water mark, and which is used for, or in conjunction with, any purpose referred to in subclause (2) of this clause, and which is situated in the district of a territorial authority constituted by this order is hereby transferred to that territorial authority whether or not any interest in the land is also transferred.

(8) Without limiting the provisions of subclauses (2), (3), (5) and (6) of this clause, but subject to subclauses (9) and (10) of this clause:

(a) That land described in the Fourth Schedule to this order shall vest without cost in the Tauranga District Council:

(b) That land described in the Fifth Schedule to this order shall vest without cost in the Western Bay of Plenty District Council:

(c) That land described in the Sixth Schedule to this order shall vest without cost in the Bay of Plenty Regional Council,

and, notwithstanding paragraphs (a) and (b) of this subclause, in respect of the harbour facilities described in Part I of the Fourth Schedule and the land described in Part II of the Fifth Schedule the vesting shall include:

(i) Any outstanding income and expenditure; and

(ii) Any stores, materials, plant and equipment, relating to those facilities, and that land.

(9) If any of the land specified in the Fourth, Fifth or Sixth Schedule to this order is, between the 9th day of June 1989 and the 31st day of October 1989, allocated to the Port of Tauranga Limited pursuant to an approved port company plan within the meaning of the Port Companies Act 1988 then, notwithstanding subclause (8) of this clause, that land shall not vest in the local authority in which it has been vested by this clause.

(10) Notwithstanding anything in this clause, if, after the 31st day of October 1989:

(a) The Minister of Transport approves a port company plan within the meaning of the Port Companies Act 1988 pursuant to which any of the property, real or personal, identified in this clause is liable to be transferred to the Port of Tauranga Limited, the local authority which has received that property shall transfer such property to the Port of Tauranga Limited at the cost of that company, subject to any appropriate adjustment for incomings and outgoings in relation to such property for the period beginning on the 1st day of November 1989 and ending on the date of the transfer of the property to the Port of Tauranga Limited; or

(b) Any approved port company plan is cancelled, withdrawn, re-issued or in any way altered and, as a result, property is deemed to be returned to the ownership (notional or otherwise) of the Bay of Plenty Harbour Board, that property shall be allocated under this order as if the property had been owned by the Bay of Plenty Harbour Board on the 31st day of October 1989.

**156 TITLE TO PROPERTY**

Any reference, express or implied, to the Bay of Plenty Harbour Board in any instrument or other document whatsoever, or in any entry or record made in any register made in relation to any property whatsoever vested in any local authority by this order shall, unless the context otherwise requires, be read as a reference to that local authority.

**157 PORT OF TAURANGA LIMITED**

(1) All those shares in the Port of Tauranga Limited that are held by the Bay of Plenty Harbour Board as at the 31st day of October 1989 are hereby vested in the Bay of Plenty Regional Council and the Waikato Regional Council as follows:

Ten-thirteenths of the number of those shares shall be vested in the Bay of Plenty Regional Council:

Three-thirteenths of the number of those shares shall be vested in the Waikato Regional Council.

(2) Fifty-one percent of the shares vested in each local authority by subclause (1) of this clause shall be shares that belong to the class of shares referred to in section 7(1) of the Port Companies Act 1988.

(3) The other 49 percent of the shares vested in each local authority by subclause (1) of this clause shall be shares:

(a) Which carry voting rights; but

(b) Which do not belong to the class of shares referred to in section 7(1) of the Port Companies Act 1988.

### 158 LIABILITIES IN RESPECT OF PORT RELATED COMMERCIAL UNDERTAKINGS

(1) All those liabilities of the Bay of Plenty Harbour Board as determined under section 29 of the Port Companies Act 1988 shall become liabilities of the Bay of Plenty Regional Council.

(2) All those debt securities issued by the Port of Tauranga Limited to the Bay of Plenty Harbour Board under section 29 of the Port Companies Act 1988 shall be transferred to the Bay of Plenty Regional Council.

### 159 RESIDUAL ASSETS AND LIABILITIES

All the assets and liabilities of the Bay of Plenty Harbour Board as at the close of the 31st day of October 1989 for which provision for vesting is not otherwise made in this order are declared to be assets and liabilities of the Bay of Plenty Regional Council.

## PART X

### General

### 160 TRANSFER OF RESPONSIBILITIES

(1) Except as otherwise provided in this order, a local authority constituted by this order shall, in respect of the district of that local authority:

(a) Have and may exercise and be responsible for all the powers, duties, acts of authority and functions which were previously exercised, or which could have been so exercised, by the former authorities had they not been dissolved; and

(b) 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 former authorities had they not been dissolved; and

(c) 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 former authorities had they not been dissolved; and

(d) Succeed to the bylaws which are in force in the districts of the former authorities. Until revoked or altered by the newly constituted local authority each such bylaw shall remain in force in the area to which it applied immediately before the constitution of the district, and every bylaw which cannot be restricted to that area shall be deemed inapplicable and revoked by the dissolution of the former authorities; and

(e) Succeed to all rates and levies, and other money payable to the former authorities, had they not been dissolved; and

(f) Succeed to the valuation rolls and rate records in force in the districts of the former authorities. These shall remain in force in the district of the newly constituted local authority until new valuation rolls are made by that local authority.

(2) The Mayor or Chairperson of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the Mayors and Chairmen of the former authorities.

(3) The principal administrative officer of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the principal administrative officers of the former authorities.

### 161 CREDITORS

Subject to section 37F of the Local Government Act 1974, the rights or interests of creditors of the former authorities shall not be affected by this order.

### 162 LOCAL AUTHORITIES PETROLEUM TAX

For the purposes of Part XI of the Local Government Act 1974, the local authorities constituted by this order shall be successors to the former authorities.

### 163 SPECIAL FUNDS

(1) The special funds of the former authorities shall:

(a) Be expended only for the purposes for which they were set aside; and

(b) Except for any plant renewal fund, be expended for the benefit of the area in which they originated and, after provision has been made for all liabilities, any money required to be paid into any such fund, to meet any deficit, shall be found from within that area.

(2) After the 1st day of November 1996, the local authorities constituted by this order:

(a) Shall review any special fund provided for in subclause (1) of this clause; and

(b) May resolve that from a date to be determined by the council, such special fund may be applied for such other purpose or purposes as the council considers appropriate.

(3) Notwithstanding subclause (2) of this clause, the local authorities constituted by this order may at any time before the 1st day of November 1996, with the approval of the Local Government Commission, resolve to vary the use of any special funds.

(4) All funds held by the administering authorities of reserves under the Reserves Act 1977 shall be deemed to be special funds for the purposes of this clause.

### 164 LOANS

Any rate made and levied to meet the annual charges in respect of any loan secured over the district of any of the former authorities shall continue to be made and levied on the same basis as applied before the 1st day of November 1989:

Provided that the local authorities constituted by this order may at any time before the 1st day of November 1996 review the basis upon which any such rate is made and levied and may, with the approval of the Local Government Commission, resolve to vary such basis.

### 165 ASSETS AND LIABILITIES

The provisions of section 60 of the Local Government Amendment Act (No. 2) 1989 shall apply in relation to the apportionment of the assets and liabilities of the former authorities, as defined in Parts II to VIII of this order, as if this order did not make provision for the apportionment of those assets and liabilities:

Provided that there shall be no apportionment of the assets and liabilities of the Bay of Plenty Harbour Board pursuant to this clause.

### 166 LOAN LIABILITIES

Subject to section 37F(2) of the Local Government Act 1974, all loan liabilities existing immediately before the 1st day of November 1989, shall continue to be secured against the area over which they were secured at that date.

### 167 RESIDUAL AUTHORITIES

In the case of a former authority listed in the Seventh Schedule to this order, the local authority that shall be responsible for:

(a) The preparation of the annual financial statement for that former authority for the financial year commencing on the 1st day of April 1989 and for any earlier financial years for which an annual financial statement has not been prepared or, in the case of the Bay of Plenty Harbour Board, for the financial year commencing on the 1st day of October 1989 and for any earlier financial years for which an annual financial statement has not been prepared; and

(b) The documents (as defined in section 248 of the Local Government Act 1974) and local archives (as so defined) of that former authority, other than those documents or local archives relating to a specified area or function,

shall be the local authority designated in that Schedule as a residual authority in relation to that former authority.

**168 CONDUCT OF AFFAIRS**

The provisions of section 223C of the Local Government Act 1974 relating to the conduct of affairs of local authorities and community boards applies to the local authorities and community boards constituted by this order.

**SCHEDULES****First Schedule****PART I****Local Authorities Dissolved and Districts Abolished**

Local authorities	Districts
Bay of Plenty United Council	Bay of Plenty Region
Bay of Plenty Catchment Board and Regional Water Board	Bay of Plenty Catchment District
Bay of Plenty Harbour Board	Bay of Plenty Harbour District
Tauranga County Council	Tauranga County
Tauranga City Council	Tauranga City
Mount Maunganui Borough Council	Mount Maunganui Borough
Te Puke Borough Council	Te Puke Borough
Rotorua District Council	Rotorua District
Whakatane District Council	Whakatane District
Kawerau District Council	Kawerau District
Murupara Borough Council	Murupara Borough
Opotiki District Council	Opotiki District
Rangitaiki Drainage Board	Rangitaiki Drainage District

**PART II****Local Authorities Dissolved**

Ohiwa Harbour Board  
 Tauranga County District Noxious Plants Authority  
 Tauranga City District Noxious Plants Authority  
 Mount Maunganui Borough District Noxious Plants Authority  
 Te Puke Borough District Noxious Plants Authority  
 Rotorua District Noxious Plants Authority  
 Whakatane District Noxious Plants Authority  
 Opotiki District Noxious Plants Authority  
 Tauranga County Pest Destruction Board  
 Tauranga Racecourse Reserve Board  
 Horahora-Ngakura Recreation Reserve Board  
 Galatea Domain Board

**Second Schedule****Community Councils Dissolved and Communities Abolished**

Community Councils	Communities
Waihi Beach Community Council	Waihi Beach Community
Island View-Pios Beach Community Council	Island View-Pios Beach Community
Athenree Community Council	Athenree Community
Katikati Community Council	Katikati Community
Omokoroa Community Council	Omokoroa Community
Papamoa Community Council	Papamoa Community
Maketu Community Council	Maketu Community
Matata Community Council	Matata Community
Taneatua Community Council	Taneatua Community
Edgecumbe Community Council	Edgecumbe Community
Ohope Community Council	Ohope Community

**Third Schedule****Service Delivery Centres**

A service delivery centre shall provide services not less than those required for:

- The payment of money due to the council; and
- The provision of information relating to rates and other accounts due to the council; and
- The provision of information relating to the district planning scheme, bylaws or information otherwise necessary for the preparation of town planning applications, and permit applications; and
- The provision of information relating to community development and recreation; and
- The making of rates rebate applications; and
- The making of applications for housing accommodation; and
- The registration of dogs; and
- Such other purposes as the council considers appropriate.

**Fourth Schedule****Property To Be Vested In The Tauranga District Council****PART I****Harbour Facilities**

First, those wharves situated at:

- Coronation Pier; and
- Railway Wharf; and
- Tauranga Wharf; and
- Fishermans Wharf; and
- Ferry Wharf.

Secondly, the marina situated at Tauranga.

**PART II****Land To Be Vested**

Description	Certificate of Title (South Auckland Registry)
Lot 1, D.P. 30759	27D/136
Part Lots 14 to 18, Lots 14 to 18, D.P. 23009	27D/939, 23D/496
Lot 1, D.P. L51679	
Lots 1 to 10 D.P.S. 18377	24C/1186, 17B/968 to 976
Allotment 890, Section 2, Tauranga Survey District	13B/966
Part Lot 1, D.P.S. 34961 and Allotments 397, 402, 420	35C/139
Allotments 410 and 411, Section 1, Tauranga Survey District	7A/1084
Allotment 416, Section 1, Tauranga Survey District	10A/1343
Lots 1 and 2, D.P.S. 12590	28B/864 and 865
Part Allotment 426, Section 1, Tauranga Survey District	35C/139
Part Lots 1 and 2, Lots 4 and 5, D.P.S. 2374, Part Allotment 406, Section 1, Tauranga Survey District	1224/47, 11C/1360, 17B/977, 12A/179
Part Lot 1, D.P.S. 13499	
Lot 2, D.P.S. 23573	17B/894

	Certificate of Title (South Auckland Registry)	Description	Certificate of Title (South Auckland Registry)
Description			
Lots 1 and 2, D.P.S. 18341	19A/358 and 359	Allotment 31A, Te Mania Parish	
Lot 1, D.P.S. 9002	17B/966	Allotments 354 and 355, Block 8, Te Puna Parish	14C/983
Lots 3 and 4, D.P.S. 25102	26A/211 and 212	Allotment 10A, Block 9, Tahawai Parish	
Lots 4 and 5, D.P.S. 16654	22A/39, 21C/ 39	Part Allotment 44, D.P.S. 42421	149/270
Lot 5, D.P.S. 11878	21C/38		
Lots 9 and 10, D.P.S. 30833	30C/28 and 29	<b>PART II</b>	
Lots 1, 2, and 4, D.P.S. 12876	10A/666, 667 and 669	Allotment 76, Blocks 5 and 6, Tahawai Parish and Allotment 17, S.O. Plan 417.	
Allotment 889, Section 2, Tauranga Survey District	13B/964 and 965	<b>Sixth Schedule</b>	
Lot 1, D.P.S. 12705	10A/664	<b>Land To Be Vested In The Bay of Plenty Regional Council</b>	
Lot 3, D.P.S. 6794	2015/59		Certificate of Title (South Auckland Registry)
Allotment 891, Section 2, Tauranga Survey District	13B/967	Description	
Lot 2, D.P.S. 16654 and Lot 2, D.P.S. 25102	26A/210	Lots 4 to 8, D.P. 30833	30C/23 to 27
Part Whareora 2E6A, 2E6B, 2E7, Section 14 Block X, Tauranga Survey District		Allotments 342 and 362, Aongetete Survey District	23B/280, 14A
<b>PART III</b>		Part Poike Block 6B, No 1, Block 14, Tauranga Survey District	706/195
<b>Interests in Respect of Tauranga Harbour Bridge</b>		Part Allotment 131, Te Papa Parish	575/24
All the interests of the Bay of Plenty Harbour Board under the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Act 1972.		Allotment 237, Block 7, and Allotment 363, Te Puna Parish	21D/1031
<b>Fifth Schedule</b>		<b>Seventh Schedule</b>	
<b>Land To Be Vested In The Western Bay of Plenty District Council</b>		<b>Residual Authorities</b>	
<b>PART I</b>	Certificate of Title (South Auckland Registry)	Residual authority	Former authority
Description		Western Bay of Plenty District Council	Tauranga County Council
Section 202, Block I, Katikati Survey District	21D/1033	Rotorua District Council	Rotorua District Council
Allotments 11B and 13, Allotments 107, 108, Katikati Parish	38/235-238, 15B/189	Whakatane District Council	Whakatane District Council
Allotment 216, Block 3, Apata Parish		Opotiki District Council	Opotiki District Council
Part Lot 4, D.P. 14325, Part Allotment 33	375/41	Bay of Plenty Regional Council	Tauranga County District Noxious Plants Authority
Allotment 108, Tahawai Parish		Bay of Plenty Regional Council	Rotorua District Noxious Plants Authority
Allotment 178, Tahawai Parish	37A/439	Bay of Plenty Regional Council	Tauranga County Pest Destruction Board
Allotment 133, Apata Parish		Bay of Plenty Regional Council	Bay of Plenty Harbour Board
Part Allotment 181, Te Puna Parish		Bay of Plenty Regional Council	Bay of Plenty Catchment Board and Regional Water Board
Allotment 40, Te Mania Parish	29A/262	Bay of Plenty Regional Council	Bay of Plenty United Council
Section 175, Block 6, Aongetete Survey District	7A/904		
		C. J. HILL, Acting for Clerk of the Executive Council. (I.A. 104/129)	

**The Local Government (Canterbury Region) Reorganisation Order 1989**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 9th day of June 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to section 36 of 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.

**ANALYSIS**

- |  |  |
|--|--|
| 1 Title and commencement   | 33 Obligation of transitional committee to appoint chief executive |
| 2 Elections  | 34 Principal local authority                                       |
| 3 Communities  | 35 Costs of transitional committee                                 |
| PART I   | 36 Delegation of service delivery                                  |
| <i>Canterbury Region</i>   | PART III   |
| 4 Constitution of Canterbury Region  | <i>Hurunui District</i>  |
| 5 Constituent authorities  | 37 Constitution of Hurunui District                                |
| 6 Dissolution of existing local authorities and abolition of existing districts                                    | 38 Hurunui District Council  |
| 7 References to former authority   | 39 Interpretation  |
| 8 Dissolution of existing district community councils and community councils and abolition of existing communities | 40 Wards   |
| PART II  | 41 Membership  |
| <i>Canterbury Regional Council</i>   | 42 First election  |
| 9 Canterbury Regional Council  | 43 First meeting   |
| 10 Interpretation  | 44 Chief executive   |
| 11 Constituencies  | 45 Functions, duties, and powers                                   |
| 12 Membership  | 46 Administration headquarters                                     |
| 13 First election  | 47 Service delivery centres  |
| 14 First meeting   | 48 Hanmer Springs Community  |
| 15 Chief executive   | 49 Rating  |
| 16 Functions, duties, and powers   | 50 Town and country planning                                       |
| 17 South Canterbury committee  | 51 Civil defence   |
| 18 Rural services committee  | 52 Vesting of property   |
| 19 Joint committees  | 53 Title to property   |
| 20 Regional land transport committee   | 54 Transitional committee  |
| 21 Harbour committee   | 55 Membership of transitional committee                            |
| 22 Administration headquarters   | 56 No casting vote   |
| 23 Regional service delivery centre  | 57 Exclusion of non-voting members                                 |
| 24 Rating  | 58 Obligation of transitional committee to appoint chief executive |
| 25 Regional planning   | 59 Principal local authority                                       |
| 26 Civil defence   | 60 Costs of transitional committee                                 |
| 27 Vesting of property   | 61 Consultation with Cheviot Reserve Board                         |
| 28 Title to property   | PART IV  |
| 29 Transitional committee  | <i>Waimakariri District</i>  |
| 30 Membership of transitional committee  | 62 Constitution of Waimakariri District                            |
| 31 No casting vote   | 63 Waimakariri District Council                                    |
| 32 Exclusion of non-voting members   | 64 Interpretation  |



65 Wards  
 66 Membership  
 67 First election  
 68 First meeting  
 69 Chief executive  
 70 Functions, duties, and powers  
 71 Administration headquarters  
 72 Service delivery centres  
 73 Kaiapoi Community  
 74 Rating  
 75 Town and country planning  
 76 Civil defence  
 77 Vesting of property  
 78 Title to property  
 79 Transitional committee  
 80 Membership of transitional committee  
 81 No casting vote  
 82 Exclusion of non-voting members  
 83 Obligation of transitional committee to appoint chief executive  
 84 Principal local authority  
 85 Costs of transitional committee  
 PART V

*Selwyn District*

86 Constitution of Selwyn District  
 87 Selwyn District Council  
 88 Interpretation  
 89 Wards  
 90 Membership  
 91 First election  
 92 First meeting  
 93 Chief executive  
 94 Functions, duties, and powers  
 95 Administration headquarters  
 96 Service delivery centres  
 97 Communities  
 98 Rating  
 99 Town and country planning  
 100 Civil defence  
 101 Vesting of property  
 102 Title to property  
 103 Transitional committee  
 104 Membership of transitional committee  
 105 No casting vote  
 106 Exclusion of non-voting members  
 107 Obligation of transitional committee to appoint chief executive  
 108 Principal local authority  
 109 Costs of transitional committee  
 110 Consultation with administering authorities of reserves  
 PART VI

*Christchurch City*

111 Constitution of Christchurch City  
 112 Christchurch City Council  
 113 Interpretation  
 114 Wards

115 Membership  
 116 First election  
 117 First meeting  
 118 Chief executive  
 119 Functions, duties, and powers  
 120 Christchurch urban drainage area  
 121 Administration headquarters  
 122 Service delivery centres  
 123 Communities  
 124 Rating  
 125 Town and country planning  
 126 Civil defence  
 127 Vesting of property  
 128 Title to property  
 129 Transitional committee  
 130 Membership of transitional committee  
 131 No casting vote  
 132 Exclusion of non-voting members  
 133 Obligation of transitional committee to appoint chief executive  
 134 Principal local authority  
 135 Costs of transitional committee  
 PART VII

*Banks Peninsula District*

136 Constitution of Banks Peninsula District  
 137 Banks Peninsula District Council  
 138 Interpretation  
 139 Wards  
 140 Membership  
 141 First election  
 142 First meeting  
 143 Chief executive  
 144 Functions, duties, and powers  
 145 Administration headquarters  
 146 Service delivery centres  
 147 Communities  
 148 Rating  
 149 Town and country planning  
 150 Civil defence  
 151 Vesting of property  
 152 Title to property  
 153 Transitional committee  
 154 Membership of transitional committee  
 155 No casting vote  
 156 Exclusion of non-voting members  
 157 Obligation of transitional committee to appoint chief executive  
 158 Principal local authority  
 159 Costs of transitional committee  
 160 Consultation with administering authorities of reserves  
 PART VIII

*Ashburton District*

161 Constitution of Ashburton District  
 162 Ashburton District Council  
 163 Interpretation  
 164 Wards

- 165 Membership  
 166 First election  
 167 First meeting  
 168 Chief executive  
 169 Functions, duties, and powers  
 170 Administration headquarters  
 171 Methven Community  
 172 Rating  
 173 Financial divisions  
 174 Town and country planning  
 175 Civil defence  
 176 Vesting of property  
 177 Title to property  
 178 Transitional committee  
 179 Membership of transitional committee  
 180 No casting vote  
 181 Exclusion of non-voting members  
 182 Obligation of transitional committee to appoint chief executive  
 183 Principal local authority  
 184 Costs of transitional committee  
 185 Consultation with administering authorities of reserves
- PART IX**
- Timaru District*
- 186 Constitution  
 187 Timaru District Council  
 188 Interpretation  
 189 Wards  
 190 Membership  
 191 First election  
 192 First meeting  
 193 Chief executive  
 194 Functions, duties, and powers  
 195 Administration headquarters  
 196 Service delivery centres  
 197 Communities  
 198 Rating  
 199 Town and country planning  
 200 Civil defence  
 201 Vesting of property  
 202 Title to property  
 203 Transitional committee  
 204 Membership of transitional committee  
 205 No casting vote  
 206 Exclusion of non-voting members  
 207 Obligation of transitional committee to appoint chief executive  
 208 Principal local authority  
 209 Costs of transitional committee  
 210 Consultation with administering authorities of reserves
- PART X Mackenzie District**
- 211 Constitution of Mackenzie District  
 212 Mackenzie District  
 213 Interpretation  
 214 Wards  
 215 Membership
- 216 First election  
 217 First meeting  
 218 Chief executive  
 219 Functions, duties, and powers  
 220 Communities  
 221 Administration headquarters  
 222 Service delivery centre  
 223 Rating  
 224 Town and country planning  
 225 Civil defence  
 226 Vesting of property  
 227 Title to property  
 228 Consultation with Mount Nessing Reserve Board
- PART XI**
- Waimate District*
- 229 Constitution of Waimate District  
 230 Waimate District  
 231 Interpretation  
 232 Wards  
 233 Membership  
 234 First meeting  
 235 Chief executive  
 236 Functions, duties, and powers  
 237 Wainono Drainage Area  
 238 Administration headquarters  
 239 Rating  
 240 Financial divisions and finance  
 241 Town and country planning  
 242 Civil defence  
 243 Vesting of property  
 244 Title to property  
 245 Consultation with Morven Reserve Board
- PART XII**
- Harbour Boards*
- Lyttelton Harbour Board*
- 246 Vesting of property  
 247 Title to property  
 248 Lyttelton Port Company Limited  
 249 Liabilities in respect of port related commercial undertakings  
 250 Residual assets and liabilities
- Timaru Harbour Board*
- 251 Vesting of property  
 252 Title to property  
 253 Port of Timaru Limited  
 254 Liabilities in respect of port related commercial undertakings  
 255 Residual assets and liabilities
- PART XIII**
- General*
- 256 Transfer of responsibilities  
 257 Creditors  
 258 Local authorities petroleum tax  
 259 Special funds  
 260 Loans  
 261 Assets and liabilities

262 Loan liabilities  
263 Residual authorities

264 Conduct of affairs  
Schedules

## Order

### 1 TITLE AND COMMENCEMENT

(1) This order may be cited as the Local Government (Canterbury Region) Reorganisation Order 1989.

(2) Subject to subclause (3) of this clause, this order shall come into force on the 1st day of November 1989.

(3) Those provisions of this order necessary:

(a) To provide for the first election of the members of the local authorities, and the members of the community boards for the communities constituted by this order; and

(b) For the purposes of clauses 29 to 36, 54 to 61, 79 to 85, 95, 103 to 110, 129 to 135, 153 to 160, 178 to 185, 203 to 210, 228, 245 and 261 of this order; and

(c) For the appointment of the principal administrative officers of those local authorities constituted by this order, shall come into force on the making of this order.

### 2 ELECTIONS

Except as provided in Part XI of this order, the first elections of the local authorities, and the community boards for the communities, constituted by this order shall be held on the 14th day of October 1989.

### 3 COMMUNITIES

Each community constituted by this order shall come into existence on the day after the date on which the Returning Officer declares the result of the first election of members of the community board for that community, provided that no such community shall come into existence prior to the 1st day of November 1989.

## PART I

### *Canterbury Region*

#### 4 CONSTITUTION OF CANTERBURY REGION

There is hereby constituted a region to be known as "The Canterbury Region", which shall comprise that area delineated on S.O. Plan No. 18043 deposited with the Chief Surveyor of the Canterbury Land District.

#### 5 CONSTITUENT AUTHORITIES

The constituent authorities of the Canterbury Region shall comprise:

(a) The territorial authorities constituted by Parts III to XI of this order; and

(b) In relation to any part of the Waitaki District constituted by the Local Government (Otago Region) Reorganisation Order 1989 that is within the Canterbury Region, the Waitaki District Council.

#### 6 DISSOLUTION OF EXISTING LOCAL AUTHORITIES AND ABOLITION OF EXISTING DISTRICTS

(1) Every local authority named in Part I or Part II of the First Schedule to this order is hereby dissolved.

(2) Every district named in Part I of the First Schedule to this order is hereby abolished.

#### 7 REFERENCES TO FORMER AUTHORITY

(1) Every reference in this order to a former authority shall, where part only of the district of a former authority has been included within the district of a local authority, or any function of a former authority has been allocated to a local authority, be read as a reference to the former authority only in relation to that part or, as the case may be, that function.

(2) Any reference in Part XIII of this order to "the former authorities" or "former authority" shall be a reference to any of the former authorities defined in Parts II to XI of this order.

#### 8 DISSOLUTION OF EXISTING DISTRICT COMMUNITY COUNCILS AND COMMUNITY COUNCILS AND ABOLITION OF EXISTING COMMUNITIES

(1) Every district community council and every community council named in the Second Schedule to this order is hereby dissolved.

(2) Every community named in the Second Schedule to this order is hereby abolished.

## PART II

### *Canterbury Regional Council*

#### 9 CANTERBURY REGIONAL COUNCIL

A regional council, to be known as "The Canterbury Regional Council", is hereby constituted for the Canterbury Region.

#### 10 INTERPRETATION

In this Part of this order:

"The former authorities" means—

- (a) The Canterbury United Council; and
- (b) The Aorangi United Council; and
- (c) The North Canterbury Catchment Board and Regional Water Board; and
- (d) The South Canterbury Catchment Board and Regional Water Board; and
- (e) The Waitaki Catchment Board and Regional Water Board; and
- (f) The Amuri District Noxious Plants Authority; and
- (g) The Malvern District Noxious Plants Authority; and
- (h) The Ellesmere District Noxious Plants Authority; and
- (i) The Banks Peninsula District Noxious Plants Authority; and
- (j) The Cheviot District Noxious Plants Authority; and
- (k) The Christchurch City District Noxious Plants Authority; and
- (l) The Hurunui District Noxious Plants Authority; and
- (m) The Paparua District Noxious Plants Authority; and
- (n) The Rangiora District Noxious Plants Authority; and
- (o) The Ashburton District Noxious Plants Authority; and
- (p) The Strathallan District Noxious Plants Authority; and
- (q) The Mackenzie District Noxious Plants Authority; and
- (r) The Waimate District Noxious Plants Authority; and
- (s) The North Canterbury Pest Destruction Board; and
- (t) The Central Canterbury Pest Destruction Board; and
- (u) The South Canterbury Pest Destruction Board; and
- (v) The Ashburton Pest Destruction Board; and
- (w) The South Canterbury Wallaby Board; and
- (x) The North Canterbury Nassella Tussock Board; and
- (y) Subject to Part XII of this order, the Lyttelton Harbour Board and the Timaru Harbour Board; and
- (z) The Waitaki Valley Pest Destruction Board; and
- (aa) The Waitaki District Noxious Plants Authority; and
- (ab) The Coastal-North Otago United Council; and
- (ac) The Marlborough United Council; and

(ad) The Kaikoura District Noxious Plants Authority; and  
 (ae) The Kaikoura Pest Destruction Board; and  
 (af) The Marlborough Nassella Tussock Board,  
 and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Canterbury Region" means the Canterbury Region in existence immediately before the coming into force of this clause of this order:

"Canterbury Region" means the Canterbury Region constituted by this order.

## 11 CONSTITUENCIES

(1) The Canterbury Regional Council is hereby divided into 7 constituencies.

(2) Those 7 constituencies are:

(a) The North Canterbury Constituency, comprising the area delineated on S.O. Plan No. 18044 deposited with the Chief Surveyor of the Canterbury Land District:

(b) The Selwyn Constituency, comprising the area delineated on S.O. Plan No. 18045 deposited with the Chief Surveyor of the Canterbury Land District:

(c) The Fitzgerald Constituency, comprising the area delineated on S.O. Plan No. 18046 deposited with the Chief Surveyor of the Canterbury Land District:

(d) The Godley Constituency, comprising the area delineated on S.O. Plan No. 18047 deposited with the Chief Surveyor of the Canterbury Land District:

(e) The Ashburton Constituency, comprising the area delineated on S.O. Plan No. 18048 deposited with the Chief Surveyor of the Canterbury Land District:

(f) The South Canterbury Constituency, comprising the area delineated on S.O. Plan No. 18049 deposited with the Chief Surveyor of the Canterbury Land District:

(g) The Waitaki Constituency, comprising the area delineated on S.O. Plan No. 18050 deposited with the Chief Surveyor of the Canterbury Land District.

## 12 MEMBERSHIP

The Canterbury Regional Council shall consist of 17 members, of whom:

(a) Two members shall be elected by the electors of the North Canterbury Constituency; and

(b) One member shall be elected by the electors of the Selwyn Constituency; and

(c) Five members shall be elected by the electors of the Fitzgerald Constituency; and

(d) Five members shall be elected by the electors of the Godley Constituency; and

(e) One member shall be elected by the electors of the Ashburton Constituency; and

(f) Two members shall be elected by the electors of the South Canterbury Constituency; and

(g) One member shall be elected by the electors of the Waitaki Constituency.

## 13 FIRST ELECTION

(1) For the purposes of the first election of the Canterbury Regional Council:

(a) The Returning Officer for the North Canterbury Constituency shall be the Returning Officer for the Rangiora District; and

(c) The Returning Officer for the Selwyn Constituency shall be the Returning Officer for the Ellesmere County; and

(d) The Returning Officer for the Fitzgerald Constituency shall be the Returning Officer for the Christchurch City; and

(e) The Returning Officer for the Godley Constituency shall be the Returning Officer for the Christchurch City; and

(f) The Returning Officer for the Ashburton Constituency shall be the Returning Officer for the Ashburton County; and

(g) The Returning Officer for the South Canterbury Constituency shall be the Returning Officer for the Timaru City; and

(h) The Returning Officer for the Waitaki Constituency shall be the Returning Officer for the Waimate District.

(2) The first election of the Canterbury Regional Council shall be conducted by postal vote.

## 14 FIRST MEETING

(1) The principal administrative officer of the Canterbury Regional Council:

(a) Shall convene the first meeting of that Council; and

(b) Shall preside at the first meeting of that Council until the election of the Chairperson of that Council.

(2) The first meeting of the Canterbury Regional Council shall be held no later than the 14th day of November 1989.

## 15 CHIEF EXECUTIVE

(1) The Chief Executive of the Canterbury Regional Council shall be the person appointed to that position in accordance with clause 33 of this order.

(2) The Chief Executive shall be the principal administrative officer for the Canterbury Regional Council.

## 16 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Canterbury Regional Council shall be:

(a) Except as otherwise provided in this order, the functions, duties, and powers of a regional council under—

(i) The Local Government Act 1974; and

(ii) The Urban Transport Act 1980; and

(iii) Any public Act relating to the Canterbury Regional Council or any of the former authorities and not expressly referred to in this clause; and

(iv) Any local Act relating to the Canterbury Regional Council or any of the former authorities; and

(b) The functions, duties, and powers in relation to regional planning of a regional council under the Town and Country Planning Act 1977 or any other Act; and

(c) The functions, duties, and powers in relation to maritime planning of a maritime planning authority under the Town and Country Planning Act 1977 or any other Act; and

(d) The functions, duties, and powers of a catchment board and a regional water board under the Soil Conservation and Rivers Control Act 1941 and the Water and Soil Conservation Act 1967 or any other Act; and

(e) The functions, duties, and powers in relation to civil defence of a regional council under the Civil Defence Act 1983 or any other Act; and

(f) Except as otherwise provided in this order, the functions, duties, and powers of a harbour board under the Harbours Act 1950 and the Marine Pollution Act 1974 or any other Act; and

(g) The functions, duties, and powers of a pest destruction board under the Agricultural Pests Destruction Act 1967 or any other Act; and

(h) The functions, duties, and powers of a district noxious plants authority under the Noxious Plants Act 1978 or any other Act.

## 17 SOUTH CANTERBURY COMMITTEE

(1) The Canterbury Regional Council shall at least until the 1st day of November 1992, establish and maintain, a committee to be known as "The South Canterbury Committee" comprising:

(a) Those members of the Canterbury Regional Council elected from the Waitaki and South Canterbury Constituencies; and

(b) Three other persons appointed by the Canterbury Regional Council, after consultation with the district councils in the Waitaki and South Canterbury Constituencies, who are themselves resident in those constituencies; and

(c) The Chairperson of the Canterbury Regional Council.

(2) The Chairperson of the South Canterbury Committee shall be appointed by the Canterbury Regional Council from the members elected to the Canterbury Regional Council from the Waitaki and South Canterbury Constituencies.

(3) The South Canterbury Committee may request the Canterbury Regional Council to appoint other persons from the Waitaki or South Canterbury Constituencies, with special knowledge of the Waitaki or South Canterbury Constituencies, to the South Canterbury Committee.

(4) The function of the South Canterbury Committee shall be to consider and make recommendations on all matters affecting the Waitaki and South Canterbury Constituencies which the Canterbury Regional Council refers to it.

(5) Subject to section 114Q of the Local Government Act 1974, the Canterbury Regional Council may delegate any matter to the South Canterbury Committee with power to act.

(6) The South Canterbury Committee may, of its own motion, consider any matter of concern to the Waitaki and South Canterbury Constituencies and refer it with a recommendation to the Canterbury Regional Council.

### 18 RURAL SERVICES COMMITTEE

(1) The Canterbury Regional Council shall, at least until the 1st day of November 1995, establish and maintain a Rural Services Committee.

(2) The Rural Services Committee shall be responsible for:

(a) Agricultural pests destruction; and

(b) Noxious plants including Nassella Tussock control; and

(c) Any other functions considered by the Canterbury Regional Council to be of particular concern to the rural community.

(3) The persons appointed by the Canterbury Regional Council to the Rural Services Committee established under this clause shall include not less than 2 persons:

(a) Who are not members of that Council; but

(b) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

### 19 JOINT COMMITTEES

(1) The Canterbury Regional Council shall, at least until the 1st day of November 1995, unite with:

First, the Nelson-Marlborough Regional Council; and

Secondly, the Otago Regional Council,

in appointing joint committees.

(2) Each joint committee shall comprise an equal number of representatives from the Councils comprising the respective joint committees and appointed by the appropriate Councils named in subclause (1) of this clause.

(3) The functions of these joint committees shall be:

(a) Co-ordinating planning for the control of those agricultural pests and noxious plants, including nassella tussock of particular concern in relation to their regions; and

(b) Co-ordinating action on such other matters as those councils are jointly interested in.

### 20 REGIONAL LAND TRANSPORT COMMITTEE

(1) The Canterbury Regional Council shall establish and maintain a Regional Land Transport Committee.

(2) The Regional Land Transport Committee shall be responsible for;

(a) Regional roading, under Part XXII of the Local Government Act 1974; and

(b) Such transport or other roading responsibilities as may from time to time, pursuant to any Act, become a function of a regional council; and

(c) Such other functions as the Canterbury Regional Council considers appropriate.

### 21 HARBOUR COMMITTEE

(1) The Canterbury Regional Council shall, at least until the 1st day of November 1995, establish and maintain a "Canterbury Harbour Committee".

(2) The Canterbury Harbour Committee shall be responsible for:

(a) Navigation and safety within those areas within harbour limits for which the Canterbury Regional Council is, from time to time, responsible; and

(b) Any other matter associated with the regulation of those areas, other than maritime planning; and

(c) Such other functions as the Council considers appropriate.

(3) The persons appointed by the Canterbury Regional Council to the Canterbury Harbour Committee established under this clause shall include not less than 2 persons:

(a) Who are not members of that Council; but

(b) Who, in the opinion of the Council, have knowledge that will assist the work of the committee.

### 22 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Canterbury Regional Council shall be located in Christchurch.

### 23 REGIONAL SERVICE CENTRE

The Canterbury Regional Council shall establish and maintain a regional service delivery centre in Timaru.

### 24 RATING

(1) Without limiting the powers of the Canterbury Regional Council under the Rating Powers Act 1988 to make and levy any rate under a different system of rating, the system of rating in the Canterbury Region shall be the capital value system.

(2) The Canterbury Regional Council shall exercise within the Canterbury Region or any part thereof:

(a) Any rating powers possessed by any former authority; and

(b) Any powers to make and levy assessments relating to the functions and powers possessed by any former authority.

(3) Subject to subclause (7) of this clause, and until at least the 30th day of June 1992, all rates made by the Canterbury Regional Council shall be levied and collected by the constituent authorities of the Canterbury Region as if an agreement had been made under section 127(1) of the Rating Powers Act 1988.

(4) Where a rate to which subclause (3) of this clause applies has been made on a different rating system to that which applies in the district of the constituent authority by which the rate is to be collected, that rate shall be levied and collected by the constituent authority:

(a) On the system of rating in force in the district of the constituent authority; or

(b) On the system of rating upon which the rate was made by the Canterbury Regional Council.

(5) Where any rate to which subclause (3) of this clause applies is made by the Canterbury Regional Council in respect to an area of benefit, it shall be levied and collected by the constituent authority or authorities within which that area of

benefit is located and, where appropriate, according to any graduated scale applying to that rate.

(6) Subject to subclause (7) of this clause, the Canterbury Regional Council shall, for the purpose of:

(a) Reimbursing each constituent authority for costs incurred in the levying and collecting of rates (including goods and services tax); and

(b) Paying reasonable remuneration for clerical and other work,

pay to each constituent authority an amount equal to 2 percent of the total amount of rates, including goods and services tax, collected by that constituent authority on behalf of that Council.

(7) The Canterbury Regional Council and the constituent authorities may, by unanimous agreement, resolve:

(a) That, at any time after the 1st day of July 1990, that Council shall levy and collect all or any rates directly; or

(b) That, at any time after the 1st day of July 1990, the amount payable by that Council to each constituent authority, pursuant to subclause (6) of this clause, may be increased or decreased or calculated in accordance with a formula not based upon a percentage.

## 25 REGIONAL PLANNING

(1) The Canterbury Regional Council shall not be required to prepare a new regional planning scheme immediately.

(2) The approved regional planning schemes and the proposed regional planning schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the approved, or as the case may be, the proposed, regional planning scheme of the Canterbury Region.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its regional planning scheme or any change or variation thereof, then subject to any resolution of the Canterbury Regional Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Canterbury Regional Council, and may be adopted and acted upon by it.

## 26 CIVIL DEFENCE

The operative regional civil defence plans of the former Canterbury Region, the Aorangi Region, the Coastal-North Otago Region and the Marlborough Region shall continue in force in those areas included in the Canterbury Region until a new plan is approved for the whole region, in accordance with the Civil Defence Act 1983.

## 27 VESTING OF PROPERTY

(1) Except as otherwise provided in this order, all property, real and personal, vested in the corporation of any former authority and situated in the Canterbury Region is hereby vested in the corporation of the Canterbury Regional Council, subject to all existing encumbrances.

(2) Except as otherwise provided in this order, all property, real and personal, vested in the corporation of any former authority other than those former authorities named in paragraphs (z) to (af) of clause 10 of this order, and situated in a region in which that former authority is not also a former authority is hereby vested in the corporation of the Canterbury Regional Council, subject to all existing encumbrances.

## 28 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Canterbury Regional Council by clause 27 of this order shall, unless the context otherwise requires, be read as a reference to "The Canterbury Regional Council".

## 29 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Canterbury Region.

(2) The local authorities to which this clause applies shall be:

(a) The Canterbury United Council; and

(b) The Aorangi United Council; and

(c) The North Canterbury Catchment Board and Regional Water Board; and

(d) The South Canterbury Catchment Board and Regional Water Board; and

(e) The Waitaki Catchment Board and Regional Water Board; and

(f) The Lyttelton Harbour Board; and

(g) The Timaru Harbour Board; and

(h) The Amuri District Noxious Plants Authority; and

(i) The Malvern District Noxious Plants Authority; and

(j) The Ellesmere District Noxious Plants Authority; and

(k) The Banks Peninsula District Noxious Plants Authority; and

(l) The Cheviot District Noxious Plants Authority; and

(m) The Christchurch City District Noxious Plants Authority; and

(n) The Hurunui District Noxious Plants Authority; and

(o) The Paparua District Noxious Plants Authority; and

(p) The Rangiora District Noxious Plants Authority; and

(q) The Ashburton District Noxious Plants Authority; and

(r) The Strathallan District Noxious Plants Authority; and

(s) The Mackenzie District Noxious Plants Authority; and

(t) The Waimate District Noxious Plants Authority; and

(u) The North Canterbury Pest Destruction Board; and

(v) The Central Canterbury Pest Destruction Board; and

(w) The South Canterbury Pest Destruction Board; and

(x) The Ashburton Pest Destruction Board; and

(y) The South Canterbury Wallaby Board; and

(z) the North Canterbury Nassella Tussock Board.

## 30 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Canterbury Region shall consist of:

(a) An independent person elected by the voting members of the transitional committee to be the Chairperson of the committee.

(b) Two members appointed by the Canterbury United Council; and

(c) Two members appointed by the Aorangi United Council; and

(d) Two members appointed by the North Canterbury Catchment Board and Regional Water Board; and

(e) Two members appointed by the South Canterbury Catchment Board and Regional Water Board; and

(f) One member appointed by the Waitaki Catchment Board and Regional Water Board; and

(g) One member appointed by the Lyttelton Harbour Board; and

(h) One member appointed by the Timaru Harbour Board; and

(i) Two members appointed jointly by the North Canterbury Nassella Tussock Board, the South Canterbury Wallaby Board, and those pest destruction boards and district noxious

plants authorities named in paragraphs (h) to (x) of clause 29(2) of this order; and

(j) One officer appointed by each local authority referred to in paragraphs (a) to (g) of clause 29(2) of this order, who shall be non-voting members of the transitional committee; and

(k) Two officers appointed jointly by those local authorities named in paragraphs (h) to (z) of clause 29(2) of this order, who shall be non-voting members of the transitional committee; and

(l) The Chief Executive designate, when appointed in accordance with clause 33 of this order, who shall be a non-voting member of the transitional committee; and

(m) One member appointed by the New Zealand Council of Trade Unions, being an employee of one of the local authorities named in clause 29(2) of this order, who shall be a non-voting member of the transitional committee.

### 31 NO CASTING VOTE

The Chairperson of the transitional committee for the Canterbury Region or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

### 32 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Canterbury Region may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 33 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Canterbury Region shall appoint a person to be the Chief Executive of the Canterbury Regional Council.

### 34 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Canterbury Region shall be the Canterbury United Council.

### 35 COSTS OF TRANSITIONAL COMMITTEE

(1) The costs of the transitional committee for the Canterbury Region (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 29(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the gross revenue of the local authority, for the year ended on the 31st day of March 1988, bears to the gross revenue of all the local authorities to which this clause applies for that year.

(2) For the purpose of this clause the gross revenue of a local authority shall be the gross revenue reasonably related to the area of a local authority which is to be included in the Canterbury Region or any function of a local authority which is to be transferred to the Canterbury Regional Council, whichever is applicable.

### 36 DELEGATION OF SERVICE DELIVERY

The transitional committee for the Canterbury Region shall meet with:

(a) Each of the other transitional committees specified in this order; and

(b) The Mackenzie District Council and the Waimate District Council; and

(c) The pest destruction boards named in clause 29(2) of this order, for the purpose of considering the most appropriate

arrangements for the physical delivery of services relating to the functions allocated to the Canterbury Regional Council by this order.

## PART III

### *Hurunui District*

### 37 CONSTITUTION OF HURUNUI DISTRICT

There is hereby constituted a district, to be known as "The Hurunui District", which shall comprise the area delineated on S.O. Plan No. 18052 deposited with the Chief Surveyor of the Canterbury Land District.

### 38 HURUNUI DISTRICT COUNCIL

A territorial authority, to be known as "The Hurunui District Council", is hereby constituted for the Hurunui District.

### 39 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Amuri County Council; and
- (b) The Hurunui County Council; and
- (c) The Cheviot County Council; and
- (d) The Kaikoura County Council; and
- (e) The Cheviot Reserve Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

### 40 WARDS

(1) The Hurunui District is hereby divided into 6 wards.

(2) Those 6 wards are:

(a) The Hanmer Springs Ward, comprising the area delineated on S.O. Plan No. 18053 deposited with the Chief Surveyor of the Canterbury Land District:

(b) The Amuri Ward, comprising the area delineated on S.O. Plan No. 18054 deposited with the Chief Surveyor of the Canterbury Land District:

(c) The Cheviot Ward, comprising the area delineated on S.O. Plan No. 18055 deposited with the Chief Surveyor of the Canterbury Land District:

(d) The Glenmark Ward, comprising the area delineated on S.O. Plan No. 18057 deposited with the Chief Surveyor of the Canterbury Land District:

(e) The Hurunui Ward, comprising the area delineated on S.O. Plan No. 18056 deposited with the Chief Surveyor of the Canterbury Land District:

(f) The Amberley Ward, comprising the area delineated on S.O. Plan No. 18058 deposited with the Chief Surveyor of the Canterbury Land District.

### 41 MEMBERSHIP

(1) The Hurunui District Council shall consist of a Mayor and 9 members.

(2) The members of the Hurunui District Council to be elected at the first election of that Council shall be elected as follows:

(a) One member shall be elected by the electors of the Hanmer Springs Ward; and

(b) Two members shall be elected by the electors the Amuri Ward; and

(c) Two members shall be elected by the electors of the Cheviot Ward; and

(d) One member shall be elected by the electors of the Glenmark Ward; and

(e) One member shall be elected by the electors of the Hurunui Ward; and

(f) Two members shall be elected by the electors of the Amberley Ward.

**42 FIRST ELECTION**

(1) For the purposes of the first election of the Hurunui District Council, the Returning Officer and the principal administrative officer for the Hurunui District shall be, respectively, the Returning Officer and the principal administrative officer for the Hurunui County.

(2) The first election of the Hurunui District Council shall be conducted by postal vote.

**43 FIRST MEETING**

The first meeting of the Hurunui District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

**44 CHIEF EXECUTIVE**

(1) The Chief Executive of the Hurunui District Council shall be the person appointed to that position in accordance with clause 58 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Hurunui District Council.

**45 FUNCTIONS, DUTIES, AND POWERS**

The functions, duties, and powers of the Hurunui District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Hurunui District Council or any of the former authorities; and

(iii) Any local Act relating to the Hurunui District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

**46 ADMINISTRATION HEADQUARTERS**

The administration headquarters of the Hurunui District Council shall be located in Amberley.

**47 SERVICE DELIVERY CENTRES**

The Hurunui District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in:

(a) Culverden; and

(b) Cheviot; and

(c) Waikari,

in accordance with the provisions of the Third Schedule to this order.

**48 HANMER SPRINGS COMMUNITY**

(1) There is hereby constituted a community for the area of the Hanmer Springs Ward, to be known as "The Hanmer Springs Community".

(2) The community board for the Hanmer Springs Community shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected, from time to time, as members of the Hurunui District Council representing the ward comprising the area of that community, and appointed by the Hurunui District Council to the community board.

(3) The Returning Officer for the first election of the community board for the community constituted by this clause shall be the Returning Officer for the Hurunui County.

(4) The first election of the community board for the

community constituted by this clause shall be conducted by postal vote.

**49 RATING**

(1) The system of rating in the Hurunui District shall be the capital value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Hurunui District, Part XIV of the Rating Powers Act 1988 shall apply as if the Hurunui District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

**50 TOWN AND COUNTRY PLANNING**

(1) The Hurunui District Council shall not be required to prepare a new district scheme, immediately, for the Hurunui District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Hurunui District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Hurunui District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Hurunui District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Hurunui District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Hurunui District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Hurunui District Council or, as the case may require, a committee or delegate thereof.

**51 CIVIL DEFENCE**

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Hurunui District until a new plan is approved for the Hurunui District, in accordance with the Civil Defence Act 1983.

**52 VESTING OF PROPERTY**

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Hurunui District is hereby vested in the corporation of the Hurunui District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Kaikoura County Council and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Hurunui District Council, subject to all existing encumbrances.

**53 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the



Hurunui District Council by clause 52 of this order shall, unless the context otherwise requires, be read as a reference to "The Hurunui District Council".

#### 54 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Hurunui District.

(2) The local authorities to which this clause applies shall be:

- (a) The Amuri County Council; and
- (b) The Hurunui County Council; and
- (c) The Cheviot County Council; and
- (d) The Kaikoura County Council.

#### 55 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Hurunui District shall consist of:

- (a) Two members appointed by the Hurunui County Council; and
- (b) Two members appointed by the Amuri County Council; and
- (c) Two members appointed by the Cheviot County Council; and
- (d) One member appointed by the Kaikoura County Council; and
- (e) One officer appointed by each local authority, named in paragraphs (a) to (d) of clause 54(2) of this order, who shall be non-voting members of the transitional committee; and
- (f) The Chief Executive designate, when appointed in accordance with clause 58 of this order, who shall be a non-voting member of the transitional committee; and
- (g) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 54(2) of this order, who shall be a non-voting member of the transitional committee.

#### 56 NO CASTING VOTE

The Chairperson of the transitional committee for the Hurunui District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

#### 57 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Hurunui District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

#### 58 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Hurunui District shall appoint a person to be the Chief Executive of the Hurunui District Council.

#### 59 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Hurunui District shall be the Hurunui County Council.

#### 60 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Hurunui District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 54(2) of this order either:

- (a) In accordance with a formula agreed to by that committee; or
- (b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each

local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in Hurunui District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in Hurunui District.

#### 61 CONSULTATION WITH CHEVIOT RESERVE BOARD

(1) The transitional committee for the Hurunui District shall consult with the Cheviot Reserve Board for the purpose of discussing the possible establishment of a committee of management for the Cheviot Reserve.

(2) Where, following that consultation, the transitional committee for the Hurunui District considers it desirable that a committee of management be established, the transitional committee shall recommend to the Hurunui District Council that it establish such a committee of management.

#### PART IV

##### *Waimakariri District*

#### 62 CONSTITUTION OF WAIMAKARIRI DISTRICT

There is hereby constituted a district, to be known as "The Waimakariri District", which shall comprise the area delineated on S.O. Plan No. 18059 deposited with the Chief Surveyor of the Canterbury Land District.

#### 63 WAIMAKARIRI DISTRICT COUNCIL

A territorial authority, to be known as "The Waimakariri District Council", is hereby constituted for the Waimakariri District.

#### 64 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Rangiora District Council; and
- (b) The Oxford County Council; and
- (c) The Kaiapoi Borough Council; and
- (d) The Hurunui County Council, and
- (e) The Waimakariri-Ashley Water Supply Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

#### 65 WARDS

(1) The Waimakariri District is hereby divided into 4 wards.

(2) Those 4 wards are:

- (a) The Rangiora Ward, comprising the area delineated on S.O. Plan No. 18062 deposited with the Chief Surveyor of the Canterbury Land District;
- (b) The Oxford Ward, comprising the area delineated on S.O. Plan No. 18060 deposited with the Chief Surveyor of the Canterbury Land District;
- (c) The Kaiapoi Ward, comprising the area delineated on S.O. Plan No. 18063 deposited with the Chief Surveyor of the Canterbury Land District;
- (d) The Ashley-Eyre Ward, comprising the area delineated on S.O. Plan No. 18061 deposited with the Chief Surveyor of the Canterbury Land District.

#### 66 MEMBERSHIP

(1) The Waimakariri District Council shall consist of a Mayor and 13 members.

(2) The members of the Waimakariri District Council to be

elected at the first election of that Council shall be elected as follows:

(a) Four members shall be elected by the electors of the Rangiora Ward; and

(b) Two members shall be elected by the electors of the Oxford Ward; and

(c) Four members shall be elected by the electors of the Kaiapoi Ward; and

(d) Three members shall be elected by the electors of the Ashley-Eyre Ward.

### 67 FIRST ELECTION

(1) For the purposes of the first election of the Waimakariri District Council, the Returning Officer and the principal administrative officer for the Waimakariri District shall be, respectively, the Returning Officer and the principal administrative officer for the Kaiapoi Borough.

(2) The first election of the Waimakariri District Council shall be conducted by postal vote.

### 68 FIRST MEETING

The first meeting of the Waimakariri District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 69 CHIEF EXECUTIVE

(1) The Chief Executive of the Waimakariri District Council shall be the person appointed to that position in accordance with clause 83 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Waimakariri District Council.

### 70 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Waimakariri District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Waimakariri District Council or any of the former authorities; and

(iii) Any local Act relating to the Waimakariri District Council or any of the former authorities; and

(b) The functions, duties, and powers of the Waimakariri-Ashley Water Supply Board in accordance with the Waimakariri-Ashley Water Supply Act 1961; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 71 ADMINISTRATION HEADQUARTERS

Until the Waimakariri District Council otherwise resolves, the administration headquarters of that Council shall be located in Rangiora.

### 72 SERVICE DELIVERY CENTRES

The Waimakariri District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in:

(a) Kaiapoi; and

(b) Oxford,

in accordance with the provisions of the Third Schedule to this order.

### 73 KAIAPOI COMMUNITY

(1) There is hereby constituted a community for the area of the Kaiapoi Ward to be known as "The Kaiapoi Community".

(2) The community board for the Kaiapoi Community shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected, from time to time, as members of the Waimakariri District Council representing the ward comprising the area of the community, and appointed by the Waimakariri District Council to the community board.

(3) The Returning Officer for the first election of the community board for the community constituted by this clause shall be the Returning Officer for the Kaiapoi Borough.

(4) The first election of the community board for the community constituted by this clause shall be conducted by postal vote.

### 74 RATING

(1) The system of rating in the Waimakariri District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Waimakariri District, Part XIV of the Rating Powers Act 1988 shall apply as if the Waimakariri District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 75 TOWN AND COUNTRY PLANNING

(1) The Waimakariri District Council shall not be required to prepare a new district scheme, immediately, for the Waimakariri District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Waimakariri District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Waimakariri District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Waimakariri District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Waimakariri District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Waimakariri District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Waimakariri District Council or, as the case may require, a committee or delegate thereof.

### 76 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Waimakariri District until a new plan is approved for the Waimakariri District, in accordance with the Civil Defence Act 1983.

### 77 VESTING OF PROPERTY

(1) Subject to subclause (3) of this clause, all property, real and personal, vested in the corporation of any former

authority and situated in the Waimakariri District is hereby vested in the corporation of the Waimakariri District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Hurunui County Council and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Waimakariri District Council, subject to all existing encumbrances.

(3) Notwithstanding anything else in this clause, all property, real and personal, vested in the corporation of the former Hurunui County and used for the purposes of the Ashley Water Supply Scheme, is hereby vested in the corporation of the Hurunui District Council, subject to all existing encumbrances.

## 78 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Waimakariri District Council by clause 77 of this order shall, unless the context otherwise requires, be read as a reference to "The Waimakariri District Council".

## 79 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Waimakariri District.

(2) The local authorities to which this clause applies shall be:

- (a) The Rangiora District Council; and
- (b) The Oxford County Council; and
- (c) The Kaiapoi Borough Council; and
- (d) The Hurunui County Council.

## 80 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee shall consist of:

- (a) An independent person elected by the voting members of the transitional committee to be the Chairperson of the committee.
- (b) Four members appointed by the Rangiora District Council; and
- (c) Two members appointed by the Kaiapoi Borough Council; and
- (d) Two members appointed by the Oxford County Council; and
- (e) One member appointed by the Hurunui County Council; and
- (f) One officer appointed by each local authority, named in clause 79(2) of this order, who shall be non-voting members of the transitional committee; and

(g) The Chief Executive designate, when appointed in accordance with clause 83 of this order, who shall be a non-voting member of the transitional committee; and

(h) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 79(2) of this order, who shall be a non-voting member of the transitional committee.

## 81 NO CASTING VOTE

The Chairperson of the transitional committee for the Waimakariri District or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

## 82 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Waimakariri District may resolve to exclude any non-voting member of that committee

from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

## 83 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Waimakariri District shall appoint a person to be the Chief Executive of the Waimakariri District Council.

## 84 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Waimakariri District shall be the Rangiora District Council.

## 85 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Waimakariri District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 79(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Waimakariri District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in Waimakariri District.

## PART V

### *Selwyn District*

## 86 CONSTITUTION OF SELWYN DISTRICT

There is hereby constituted a district, to be known as "The Selwyn District", which shall comprise the area delineated on S.O. Plan No. 18064 deposited with the Chief Surveyor of the Canterbury Land District.

## 87 SELWYN DISTRICT COUNCIL

A territorial authority to be known as "The Selwyn District Council", is hereby constituted for the Selwyn District.

## 88 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Malvern County Council; and
- (b) The Ellesmere County Council; and
- (c) The Paparua County Council; and
- (d) The Ellesmere Reserve Board; and
- (e) The Lincoln Park Reserve Board; and
- (f) The Springston Reserve Board; and
- (g) The Springston South Reserve Board; and
- (h) The Greendale Reserve Board; and
- (i) The Hororata Reserve Board; and
- (j) The Kowai Pass Reserve Board; and
- (k) The Sheffield Reserve Board; and
- (l) The Mead Reserve Board; and
- (m) The Waihora Reserve Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

## 89 WARDS

(1) The Selwyn District is hereby divided into 6 wards.

(2) Those 6 wards are:

(a) The Sheffield Ward, comprising the area delineated on S.O. Plan No. 18065 deposited with the Chief Surveyor of the Canterbury Land District; and

(b) The West Melton Ward, comprising the area delineated on S.O. Plan No. 18067 deposited with the Chief Surveyor of the Canterbury Land District; and

(c) The Darfield Ward, comprising the area delineated on S.O. Plan No. 18066 deposited with the Chief Surveyor of the Canterbury Land District; and

(d) The Lincoln-Prebbleton Ward, comprising the area delineated on S.O. Plan No. 18070 deposited with the Chief Surveyor of the Canterbury Land District; and

(e) The Leeston Ward, comprising the area delineated on S.O. Plan No. 18069 deposited with the Chief Surveyor of the Canterbury Land District; and

(f) The Rolleston Ward, comprising the area delineated on S.O. Plan No. 18068 deposited with the Chief Surveyor of the Canterbury Land District.

## 90 MEMBERSHIP

(1) The Selwyn District Council shall consist of a Mayor and 13 members.

(2) The members of the Selwyn District Council to be elected at the first election of that Council shall be elected as follows:

(a) Two members shall be elected by the electors of the Sheffield Ward; and

(b) One member shall be elected by the electors of the West Melton Ward; and

(c) Two members shall be elected by the electors of the Darfield Ward; and

(d) Three members shall be elected by the electors of the Lincoln-Prebbleton Ward; and

(e) Three members shall be elected by the electors of the Leeston Ward; and

(f) Two members shall be elected by the electors of the Rolleston Ward.

## 91 FIRST ELECTION

(1) For the purposes of the first election of the Selwyn District Council, the Returning Officer and the principal administrative officer for the Selwyn District shall be, respectively, the Returning Officer and the principal administrative officer for the Ellesmere County.

(2) The first election of the Selwyn District Council shall be conducted by postal vote.

## 92 FIRST MEETING

The first meeting of the Selwyn District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

## 93 CHIEF EXECUTIVE

(1) The Chief Executive of the Selwyn District Council shall be the person appointed to that position in accordance with clause 107 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Selwyn District Council.

## 94 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Selwyn District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Selwyn District Council or any of the former authorities; and

(iii) Any local Act relating to the Selwyn District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

## 95 ADMINISTRATION HEADQUARTERS

The location of the administration headquarters of the Selwyn District Council shall be determined by those former authorities named in paragraphs (a), (b), and (c) of clause 88 of this order.

Provided that if no such determination is made prior to the 1st day of November 1989 the headquarters of the Selwyn District Council shall be located in the existing office of the Paparua County Council, at Sockburn.

## 96 SERVICE DELIVERY CENTRES

The Selwyn District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in:

(a) Darfield; and

(b) Leeston,

in accordance with the provisions of the Third Schedule to this order.

## 97 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of—

(i) The Leeston Ward; and

(ii) The Lincoln-Prebbleton Ward; and

(iii) The Rolleston Ward,

to be known as "The Lincoln Community"; and

(b) The area of—

(i) The Sheffield Ward; and

(ii) The Darfield Ward; and

(iii) The West Melton Ward,

to be known as "The Darfield Community".

(2) The community board for the Lincoln Community shall consist of:

(a) Two members elected by the electors of the Leeston Ward; and

(b) Two members elected by the electors of the Lincoln-Prebbleton Ward; and

(c) Two members elected by the electors of the Rolleston Ward; and

(d) Four persons elected, from time to time, as members of the Selwyn District Council, representing the wards comprising the area of the community, and appointed by the Selwyn District Council to the community board.

(3) The community board for the Darfield Community shall consist of:

(a) Two members elected by the electors of the Sheffield Ward; and

(b) Two members elected by the electors of the Darfield Ward; and

(c) Two members elected by the electors of the West Melton Ward; and

(d) Four persons elected, from time to time, as members of the Selwyn District Council, representing the wards comprising the area of the community, and appointed by the Selwyn District Council to the community board.

(4) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Ellesmere County.

(5) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

### 98 RATING

(1) The system of rating in the Selwyn District shall be the capital value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Selwyn District, Part XIV of the Rating Powers Act 1988 shall apply as if the Selwyn District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 99 TOWN AND COUNTRY PLANNING

(1) The Selwyn District Council shall not be required to prepare a new district scheme, immediately, for the Selwyn District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Selwyn District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Selwyn District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Selwyn District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Selwyn District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Selwyn District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Selwyn District Council or, as the case may require, a committee or delegate thereof.

### 100 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Selwyn District until a new plan is approved for the Selwyn District, in accordance with the Civil Defence Act 1983.

### 101 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Selwyn District is hereby vested in the corporation of the Selwyn District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Selwyn District Council, subject to all existing encumbrances.

### 102 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Selwyn District Council by clause 101 of this order shall, unless the context otherwise requires, be read as a reference to "The Selwyn District Council".

### 103 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Selwyn District.

(2) The local authorities to which this clause applies shall be:

- (a) The Ellesmere County Council; and
- (b) The Malvern County Council; and
- (c) The Paparua County Council.

### 104 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Selwyn District shall consist of:

- (a) Three members appointed by the Ellesmere County Council; and
- (b) Two members appointed by the Malvern County Council; and
- (c) Two members appointed by the Paparua County Council; and
- (d) One officer appointed by each local authority, named in clause 103(2), who shall be non-voting members of the transitional committee; and

(e) The Chief Executive designate, when appointed in accordance with clause 107 of this order, who shall be a non-voting member of the transitional committee; and

(f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 103(2) of this order, who shall be a non-voting member of the transitional committee.

### 105 NO CASTING VOTE

The Chairperson of the transitional committee for the Selwyn District Council or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

### 106 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Selwyn District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 107 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Selwyn District shall appoint a person to be the Chief Executive of the Selwyn District Council.

### 108 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Selwyn District shall be the Paparua County Council.

### 109 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Selwyn District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 103(2) of this order either:

- (a) In accordance with a formula agreed to by that committee; or
- (b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Selwyn District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Selwyn District.

### 110 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The transitional committee for the Selwyn District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Selwyn District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Selwyn District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Selwyn District Council that it establish such a committee or committees of management.

## PART VI

### Christchurch City

#### 111 CONSTITUTION OF CHRISTCHURCH CITY

There is hereby constituted a district, to be known as "The Christchurch City", which shall comprise the area delineated on S.O. Plan No. 18071 deposited with the Chief Surveyor of the Canterbury Land District.

#### 112 CHRISTCHURCH CITY COUNCIL

A territorial authority to be known as "The Christchurch City Council", is hereby constituted for the Christchurch City.

#### 113 INTERPRETATION

In this Part of this order:

"The former authorities" means—

- (a) The former Christchurch City Council; and
- (b) The Riccarton Borough Council; and
- (c) The Waimairi District Council; and
- (d) The Heathcote County Council; and
- (e) The Paparua County Council; and
- (f) The Rangiora District Council; and
- (g) The Christchurch Drainage Board; and
- (h) The Christchurch Transport Board; and
- (i) The Christchurch Town Hall Board of Management,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

"Former Christchurch City" means the Christchurch City in existence immediately before the coming into force of this clause of this order:

"Former Christchurch City Council" means the Christchurch City Council in existence immediately before the coming into force of this clause of this order:

"Christchurch City" means the Christchurch City constituted by this order:

"Christchurch City Council" means the Christchurch City Council constituted by this order.

#### 114 WARDS

(1) The Christchurch City is hereby divided into 12 wards.

(2) Those 12 wards are:

(a) The Burwood Ward, comprising the area delineated on S.O. Plan No. 18077 deposited with the Chief Surveyor of the Canterbury Land District:

(b) The Fendalton Ward, comprising the area delineated on S.O. Plan No. 18075 deposited with the Chief Surveyor of the Canterbury Land District:

(c) The Ferrymead Ward, comprising the area delineated on S.O. Plan No. 18083 deposited with the Chief Surveyor of the Canterbury Land District:

(d) The Hagley Ward, comprising the area delineated on S.O. Plan No. 18079 deposited with the Chief Surveyor of the Canterbury Land District:

(e) The Heathcote Ward, comprising the area delineated on S.O. Plan No. 18082 deposited with the Chief Surveyor of the Canterbury Land District:

(f) The Papanui Ward, comprising the area delineated on S.O. Plan No. 18073 deposited with the Chief Surveyor of the Canterbury Land District:

(g) The Pegasus Ward, comprising the area delineated on S.O. Plan No. 18080 deposited with the Chief Surveyor of the Canterbury Land District:

(h) The Riccarton Ward, comprising the area delineated on S.O. Plan No. 18078 deposited with the Chief Surveyor of the Canterbury Land District:

(i) The Shirley Ward, comprising the area delineated on S.O. Plan No. 18076 deposited with the Chief Surveyor of the Canterbury Land District:

(j) The Spreydon Ward, comprising the area delineated on S.O. Plan No. 18081 deposited with the Chief Surveyor of the Canterbury Land District:

(k) The Waimairi Ward, comprising the area delineated on S.O. Plan No. 18072 deposited with the Chief Surveyor of the Canterbury Land District:

(l) The Wigram Ward, comprising the area delineated on S.O. Plan No. 18074 deposited with the Chief Surveyor of the Canterbury Land District.

#### 115 MEMBERSHIP

(1) The Christchurch City Council shall consist of a Mayor and 24 members.

(2) The members of the Christchurch City Council to be elected at the first election of that Council shall be elected as follows:

(a) Two members shall be elected by the electors of the Burwood Ward; and

(b) Two members shall be elected by the electors of the Fendalton Ward; and

(c) Two members shall be elected by the electors of the Ferrymead Ward; and

(d) Two members shall be elected by the electors of the Hagley Ward; and

(e) Two members shall be elected by the electors of the Heathcote Ward; and

(f) Two members shall be elected by the electors of the Papanui Ward; and

(g) Two members shall be elected by the electors of the Pegasus Ward; and

(h) Two members shall be elected by the electors of the Riccarton Ward; and

(i) Two members shall be elected by the electors of the Shirley Ward; and

(j) Two members shall be elected by the electors of the Spreydon Ward; and

(k) Two members shall be elected by the electors of the Waimairi Ward; and

(l) Two members shall be elected by the electors of the Wigram Ward.

### 116 FIRST ELECTION

(1) For the purposes of the first election of the Christchurch City Council, the Returning Officer and principal administrative officer for the Christchurch City shall be, respectively, the Returning Officer and the principal administrative officer for the former Christchurch City.

(2) The first election of the Christchurch City Council shall be conducted by postal vote.

### 117 FIRST MEETING

The first meeting of the Christchurch City Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 118 CHIEF EXECUTIVE

(1) The Chief Executive of the Christchurch City Council shall be the person appointed to that position in accordance with clause 133 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Christchurch City Council.

### 119 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Christchurch City Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Christchurch City Council or any of the former authorities; and

(iii) Any local Act relating to the Christchurch City Council or any of the former authorities; and

(b) The functions, duties and powers of the Christchurch Transport Board pursuant to the Christchurch Tramway District Act 1920; and

(c) The functions, duties and powers of the Christchurch Town Hall Board of Management pursuant to the Christchurch Town Hall Board of Management Act 1976; and

(d) The functions, duties and powers of the Christchurch Drainage Board pursuant to the Christchurch District Drainage Act 1951; and

(e) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 120 CHRISTCHURCH URBAN DRAINAGE AREA

The district of the former Christchurch Drainage Board shall be deemed to be an urban drainage area constituted pursuant to section 443 of the Local Government Act 1974.

### 121 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Christchurch City Council shall be located in Christchurch.

### 122 SERVICE DELIVERY CENTRES

The Christchurch City Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre, in 6 locations to be determined by the Christchurch City Council, in accordance with the provisions of the Third Schedule to this order.

## 123 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Burwood Ward and the Pegasus Ward to be known as "The Burwood-Pegasus Community"; and

(b) The area of the Fendalton Ward and the Waimairi Ward to be known as "The Fendalton-Waimairi Community"; and

(c) The area of the Hagley Ward and the Ferrymead Ward to be known as "The Hagley-Ferrymead Community"; and

(d) The area of the Riccarton Ward and the Wigram Ward to be known as "The Riccarton-Wigram Community"; and

(e) The area of the Shirley Ward and the Papanui Ward to be known as "The Shirley-Papanui Community"; and

(f) The area of the Spreydon Ward and the Heathcote Ward to be known as "The Spreydon-Heathcote Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members, of whom 3 shall be elected by the electors of each of the 2 wards comprising each community named in subclause (1) of this clause.

(b) The persons elected, from time to time, as members of the Christchurch City Council representing the wards which are within the area of each of those communities, and appointed by the Christchurch City Council to the community board.

(3) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the former Christchurch City.

(4) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

## 124 RATING

(1) The system of rating in the Christchurch City shall be the capital value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Christchurch City, Part XIV of the Rating Powers Act 1988 shall apply as if the Christchurch City was the district of a special purpose authority and the areas from which it was formed were constituent districts.

## 125 TOWN AND COUNTRY PLANNING

(1) The Christchurch City Council shall not be required to prepare a new district scheme, immediately, for the Christchurch City.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme, or as the case may be, the proposed district scheme, of the Christchurch City.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Christchurch City Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Christchurch City Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Christchurch City Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed



of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Christchurch City Council; or

(c) Such application had been either partly or fully heard or considered by the former authority but no decision thereon had been given, the application shall be heard or considered again by the Christchurch City Council or, as the case may require, a committee or delegate thereof.

### 126 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Christchurch City until a new plan is approved for the Christchurch City, in accordance with the Civil Defence Act 1983.

### 127 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Christchurch City is hereby vested in the corporation of the Christchurch City Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Paparua County Council and the Rangiora District Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Christchurch City Council, subject to all existing encumbrances.

### 128 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Christchurch City Council by clause 127 of this order shall, unless the context otherwise requires, be read as a reference to "The Christchurch City Council".

### 129 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Christchurch City.

(2) The local authorities to which this clause applies shall be:

- (a) The former Christchurch City Council; and
- (b) The Riccarton Borough Council; and
- (c) The Waimairi District Council; and
- (d) The Heathcote County Council; and
- (e) The Paparua County Council; and
- (f) The Christchurch Transport Board; and
- (g) The Christchurch Drainage Board.

### 130 MEMBERSHIP OF TRANSITIONAL COMMITTEE

(1) The transitional committee for the Christchurch City shall consist of:

- (a) Five members appointed by the former Christchurch City Council; and
- (b) One member appointed by the Riccarton Borough Council; and
- (c) Four members appointed by the Waimairi District Council; and
- (d) One member appointed by the Paparua County Council; and
- (e) One member appointed by the Heathcote County Council; and
- (f) One member appointed by the Christchurch Transport Board; and

(g) One member appointed by the Christchurch Drainage Board; and

(h) One officer appointed by each local authority, named in clause 129(2) of this order, who shall be non-voting members of the transitional committee; and

(i) The Chief Executive designate, when appointed in accordance with clause 133 of this order, who shall be a non-voting member of the transitional committee; and

(j) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 129(2) of this order, who shall be a non-voting member of the transitional committee.

(2) Each member appointed by the former Christchurch City Council shall have 2 votes.

### 131 NO CASTING VOTE

The Chairperson of the transitional committee for the Christchurch City or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

### 132 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Christchurch City may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 133 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Christchurch City shall appoint a person to be the Chief Executive of the Christchurch City Council.

### 134 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Christchurch City shall be the former Christchurch City Council.

### 135 COSTS OF TRANSITIONAL COMMITTEE

(1) The costs of the transitional committee for the Christchurch City (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 129(2) of this order either:

- (a) In accordance with a formula agreed to by that committee; or
- (b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the gross revenue of the local authority for the year ended on the 31st day of March 1988, bears to the gross revenue of all the local authorities to which this clause applies for that year.

(2) For the purposes of this clause, the gross revenue of a local authority shall be the gross revenue reasonably related to the area of a local authority which is to be included in Christchurch City or any function of a local authority which is to be transferred to the Christchurch City Council, whichever is applicable.

## PART VII

### *Banks Peninsula District*

### 136 CONSTITUTION OF BANKS PENINSULA DISTRICT

There is hereby constituted a district, to be known as "The Banks Peninsula District", which shall comprise the area delineated on S.O. Plan No. 18084 deposited with the Chief Surveyor of the Canterbury Land District.

### 137 BANKS PENINSULA DISTRICT COUNCIL

A territorial authority, to be known as "The Banks Peninsula



District Council", is hereby constituted for the Banks Peninsula District.

### 138 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Akaroa County Council; and
- (b) The Wairewa County Council; and
- (c) The Lyttelton Borough Council; and
- (d) The Mount Herbert County Council; and
- (e) The Le Bons Bay Reserve Board; and
- (f) The Little Akaloa Reserve Board; and
- (g) The Okains Bay Reserve Board; and
- (h) The Pigeon Bay Reserve Board; and
- (i) Subject to Part XII of this order, the Lyttelton Harbour Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

### 139 WARDS

(1) The Banks Peninsula District is hereby divided into 3 wards.

(2) Those 3 wards are:

(a) The Lyttelton-Mount Herbert Ward, comprising the area delineated on S.O. Plan No. 18085 deposited with the Chief Surveyor of the Canterbury Land District:

(b) The Wairewa Ward, comprising the area delineated on S.O. Plan No. 18086 deposited with the Chief Surveyor of the Canterbury Land District:

(c) The Akaroa Ward, comprising the area delineated on S.O. Plan No. 18087 deposited with the Chief Surveyor of the Canterbury Land District:

### 140 MEMBERSHIP

(1) The Banks Peninsula District Council shall consist of a Mayor and 10 members.

(2) The members of the Banks Peninsula District Council to be elected at the first election of that Council shall be elected as follows:

(a) Five members shall be elected by the electors of the Lyttelton-Mount Herbert Ward; and

(b) Two members shall be elected by the electors of the Wairewa Ward; and

(c) Three members shall be elected by the electors of the Akaroa Ward.

### 141 FIRST ELECTION

(1) For the purposes of the first election of the Banks Peninsula District, the Returning Officer and principal administrative officer for the Banks Peninsula District shall be, respectively, the Returning Officer and principal administrative officer for the Lyttelton Borough.

(2) The first election for the Banks Peninsula District Council shall be conducted by postal vote.

### 142 FIRST MEETING

The first meeting of the Banks Peninsula District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 143 CHIEF EXECUTIVE

(1) The Chief Executive of the Banks Peninsula District Council shall be the person appointed to that position in accordance with clause 157 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Banks Peninsula District Council.

### 144 FUNCTIONS, DUTIES, AND POWERS

The functions, duties and powers of the Banks Peninsula District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Banks Peninsula District Council or any of the former authorities; and

(iii) Any local Act relating to the Banks Peninsula District Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the provision and maintenance of those marinas, wharves, jetties, boat ramps and other harbour facilities formerly the responsibility of the Lyttelton Harbour Board and transferred to the Banks Peninsula District by Part XII of this order.

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 145 ADMINISTRATION HEADQUARTERS

Until the Banks Peninsula District Council otherwise resolves, the administration headquarters of the Council shall be located in Lyttelton.

### 146 SERVICE DELIVERY CENTRES

The Banks Peninsula District Council shall, at least until the 1st day of November 1995, establish and maintain, a service delivery centre in:

(a) Duvauchelle in accordance with the provisions of the Third Schedule to this order; and

(b) Little River, providing services to be determined by the Banks Peninsula District Council.

### 147 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Lyttelton-Mount Herbert Ward, to be known as "The Lyttelton-Mount Herbert Community"; and

(b) The area of the Akaroa Ward and the Wairewa Ward to be known as "The Akaroa-Wairewa Community".

(2) The community board for the Lyttelton-Mount Herbert Community shall consist of:

(a) Six members elected by the electors of the community; and

(b) Four persons elected, from time to time, as members of the Banks Peninsula District Council, representing the Lyttelton-Mount Herbert Ward, and appointed by the Banks Peninsula District Council to the community board.

(3) The community board for the Akaroa-Wairewa Community shall consist of:

(a) Four members elected by the electors of the Akaroa Ward; and

(b) Two members elected by the electors of the Wairewa Ward; and

(c) Four persons elected from time to time as members of the Banks Peninsula District Council, representing the wards comprising the area of the community, and appointed by the Banks Peninsula District Council to the community board.

(4) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Lyttelton Borough.

(5) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

**148 RATING**

(1) The system of rating in the Banks Peninsula District shall be the capital value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Banks Peninsula District, Part XIV of the Rating Powers Act 1988 shall apply as if the Banks Peninsula District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

(3) Subject to section 103 of the Rating Powers Act 1988 until the 30th day of June 1992 or unless the Banks Peninsula District Council resolves otherwise and with the approval of the Local Government Commission pursuant to section 35(1)(k) of the Local Government Act 1974, the system of rating:

(a) In the area of the former Lyttelton Borough shall be the annual value system; and

(b) In those parts of the former Akaroa County in which the rates are made and collected on the land value system, that system shall apply.

**149 TOWN AND COUNTRY PLANNING**

(1) The Banks Peninsula District Council shall not be required to prepare a new district scheme, immediately, for the Banks Peninsula District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme, or as the case may be, the proposed district scheme, of the Banks Peninsula District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Banks Peninsula District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Banks Peninsula District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Banks Peninsula District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Banks Peninsula District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Banks Peninsula District Council or, as the case may require, a committee or delegate thereof.

**150 CIVIL DEFENCE**

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Banks Peninsula District until a new plan is approved for the Banks Peninsula District, in accordance with the Civil Defence Act 1983.

**151 VESTING OF PROPERTY**

All property, real and personal, vested in the corporation of any former authority is hereby vested in the corporation of the Banks Peninsula District Council, subject to all existing encumbrances.

**152 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Banks Peninsula District Council by clause 151 of this order shall, unless the context otherwise requires, be read as a reference to "The Banks Peninsula District Council".

**153 TRANSITIONAL COMMITTEE**

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Banks Peninsula District.

(2) The local authorities to which this clause applies shall be:

- (a) The Lyttelton Borough Council; and
- (b) The Mount Herbert County Council; and
- (c) The Wairewa County Council; and
- (d) The Akaroa County Council.

**154 MEMBERSHIP OF TRANSITIONAL COMMITTEE**

The transitional committee shall consist of:

- (a) Two members appointed by the Lyttelton Borough Council; and
- (b) One member appointed by the Mount Herbert County Council; and
- (c) One member appointed by the Wairewa County Council; and
- (d) Two members appointed by the Akaroa County Council; and
- (e) One officer appointed by each local authority, named in clause 153(2) of this order, who shall be non-voting members of the transitional committee; and
- (f) The Chief Executive designate, when appointed in accordance with clause 157 of this order, who shall be a non-voting member of the transitional committee; and
- (h) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 153(2) of this order, who shall be a non-voting member of the transitional committee.

**155 NO CASTING VOTE**

The Chairperson of the transitional committee for the Banks Peninsula District or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

**156 EXCLUSION OF NON-VOTING MEMBERS**

The transitional committee for the Banks Peninsula District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

**157 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE**

The transitional committee for the Banks Peninsula District shall appoint a person to be the Chief Executive of the Banks Peninsula District Council.

**158 PRINCIPAL LOCAL AUTHORITY**

The principal local authority for the transitional committee for the Banks Peninsula District shall be the Akaroa County Council.

**159 COSTS OF TRANSITIONAL COMMITTEE**

The costs of the transitional committee for the Banks Peninsula District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 153(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
  - (ii) Those parts of the district of that local authority to be included in the Banks Peninsula District,
- as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Banks Peninsula District.

### 160 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The transitional committee for the Banks Peninsula District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Banks Peninsula District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Banks Peninsula District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Banks Peninsula District Council that it establish such a committee or committees of management.

## PART VIII

### *Ashburton District*

### 161 CONSTITUTION OF ASHBURTON DISTRICT

There is hereby constituted a district, to be known as "The Ashburton District", which shall comprise the area delineated on S.O. Plan No. 18088 deposited with the Chief Surveyor of the Canterbury Land District.

### 162 ASHBURTON DISTRICT COUNCIL

A territorial authority, to be known as "The Ashburton District Council", is hereby constituted for the Ashburton District.

### 163 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Ashburton Borough Council; and
- (b) The Ashburton County Council; and
- (c) The Dorie Reserve Board; and
- (d) The Ealing Reserve Board; and
- (e) The Tinwald Reserve Board; and
- (f) The Seaford Reserve Board; and
- (g) The Ruapuna Reserve Board; and
- (h) The Pendarves Reserve Board; and
- (i) The Maronan Reserve Board; and
- (j) The Hinds Reserve Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

### 164 WARDS

- (1) The Ashburton District is hereby divided into 5 wards.
- (2) Those 5 wards are:
  - (a) The Mount Hutt Ward, comprising the area delineated

on S.O. Plan No. 18089 deposited with the Chief Surveyor of the Canterbury Land District:

(b) The Rangitata Ward, comprising the area delineated on S.O. Plan No. 18090 deposited with the Chief Surveyor of the Canterbury Land District:

(c) The Ashburton Ward, comprising the area delineated on S.O. Plan No. 18091 deposited with the Chief Surveyor of the Canterbury Land District:

(d) The Central Rural Ward, comprising the area delineated on S.O. Plan No. 18092 deposited with the Chief Surveyor of the Canterbury Land District:

(e) The Rakaia Ward, comprising the area delineated on S.O. Plan No. 18093 deposited with the Chief Surveyor of the Canterbury Land District:

### 165 MEMBERSHIP

(1) Until the 10th day of October 1992, the Ashburton District Council shall consist of a Mayor and 18 members.

(2) The members of the Ashburton District Council to be elected at the first election of that Council shall be elected as follows:

(a) Two members shall be elected by the electors of the Mount Hutt Ward; and

(b) Two members shall be elected by the electors of the Rangitata Ward; and

(c) Nine members shall be elected by the electors of the Ashburton Ward; and

(d) Two members shall be elected by the electors of the Central Rural Ward; and

(e) Three members shall be elected by the electors of the Rakaia Ward.

(3) The number of members of the Ashburton District Council to be elected at the triennial general election of members of local authorities to be conducted in October 1992, in addition to the Mayor, shall be 12.

### 166 FIRST ELECTION

(1) For the purposes of the first election of the Ashburton District Council, the Returning Officer and the principal administrative officer for the Ashburton District shall be, respectively, the Returning Officer and the principal administrative officer for the Ashburton County.

(2) The first election of the Ashburton District Council shall be conducted by postal vote.

### 167 FIRST MEETING

The first meeting of the Ashburton District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 168 CHIEF EXECUTIVE

(1) The Chief Executive of the Ashburton District Council shall be the person appointed to that position in accordance with clause 182 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Ashburton District Council.

### 169 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Ashburton District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Ashburton District Council or any of the former authorities; and

(iii) Any local Act relating to the Ashburton District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 170 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Ashburton District Council shall be located in Ashburton.

### 171 METHVEN COMMUNITY

(1) There is hereby constituted a community, to be known as "The Methven Community" comprising that area delineated on S.O. Plan No. 18135 deposited with the Chief Surveyor of the Canterbury Land District.

(2) The community board for the Methven Community shall consist of:

(a) Six members elected by the electors of that community; and

(b) The persons elected, from time to time, as members of the Ashburton District Council, representing the ward including the area of that community, and appointed by the Ashburton District Council to the community board.

(3) The Returning Officer for the first election of the community board for the community constituted by this clause shall be the Returning Officer for the Ashburton County.

(4) The first election of the community board for the community constituted by this clause shall be conducted by postal vote.

### 172 RATING

(1) The system of rating in the Ashburton District shall be the capital value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Ashburton District, Part XIV of the Rating Powers Act 1988 shall apply as if the Ashburton District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

(3) Subject to section 103 of the Rating Powers Act 1988 until the 30th day of June 1994 or unless the Ashburton District Council resolves otherwise and with the approval of the Local Government Commission pursuant to section 35(1)(k) of the Local Government Act 1974, the system of rating in the area of the former Ashburton Borough shall be the land value system.

### 173 FINANCIAL DIVISIONS

(1) During such time as the system of rating in the Ashburton Ward differs from the system of rating in the rest of the Ashburton District, the district shall be divided into the following financial divisions:

(a) The Urban Financial Division, comprising the Ashburton Ward; and

(b) The Rural Financial Division, comprising the Central Rural Ward, the Mount Hutt Ward, the Rakaia Ward, and the Rangitata Ward.

(2) While the district is divided into financial divisions in accordance with the provisions of subclause (1) of this clause:

(a) The forestry operations undertaken by the former Ashburton County Council shall be operated in accordance with the agreement between the former Ashburton Borough Council and the former Ashburton County Council dated the 8th day of April 1988; any surplus income from such operations shall be made available as a contribution towards other expenditure in the rural division;

(b) The public library situated in the former Ashburton Borough shall be adopted and maintained as the Ashburton Library by the district council, and its facilities shall be made

available to all the residents of the Ashburton District. The library shall be financed by the urban division provided that the rural division shall contribute to the cost of library services on the following basis:

(i) For the 1989-1990 financial year—

An amount of which 25 percent shall be calculated under the terms of the agreement referred to in paragraph (a) of this subclause and the balance being 75% of 21.6% of the net cost chargeable to rates for all library services within the Ashburton District;

(ii) For the 1990-1991 financial year—

An amount equal to 23.1 percent of the net cost chargeable to rates for all library services within the Ashburton District;

(iii) For the 1991-1992 financial year—

An amount equal to 24.6 percent of the net cost chargeable to rates for all library services within the Ashburton District;

(iv) For the 1992-1993 financial year—

An amount equal to 26.1 percent of the net cost chargeable to rates for all library services within the Ashburton District;

(v) For the 1993-1994 financial year—

An amount equal to the percentage that the number of rural members (adult and children) bears to the total membership of the Ashburton Library of the net cost chargeable to rates for all library services within the Ashburton District.

(c) The proportions of the contribution from each financial division to the net payments of a general nature applicable to the whole district, shall be on such basis as is agreed upon by the uniting authorities in accordance with the agreement referred to in paragraph (a) of this subclause.

(d) The level of rating in each financial division shall be determined by the sharing of payments of a general nature, and all other receipts and payments shall be allocated to the financial division from which the income is derived or in which the expenditure is incurred.

### 174 TOWN AND COUNTRY PLANNING

(1) The Ashburton District Council shall not be required to prepare a new district scheme, immediately, for the Ashburton District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of any former authority shall be deemed to be the operative district scheme, or as the case may be, the proposed district scheme, of the Ashburton District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Ashburton District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Ashburton District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Ashburton District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Ashburton District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Ashburton District Council or, as the case may require, a committee or delegate thereof.

### 175 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Ashburton District until a new plan is approved for the Ashburton District, in accordance with the Civil Defence Act 1983.

### 176 VESTING OF PROPERTY

All property, real and personal, vested in the corporation of any former authority is hereby vested in the corporation of the Ashburton District Council, subject to all existing encumbrances.

### 177 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Ashburton District Council by clause 176 of this order shall, unless the context otherwise requires, be read as a reference to "The Ashburton District Council".

### 178 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Ashburton District.

(2) The local authorities to which this clause applies shall be:

- (a) The Ashburton Borough Council; and
- (b) The Ashburton County Council.

### 179 MEMBERSHIP OF TRANSITIONAL COMMITTEE

(1) The transitional committee for the Ashburton District shall consist of:

- (a) Three members appointed by the Ashburton Borough Council; and
- (b) Three members appointed by the Ashburton County Council; and
- (c) Two officers appointed by each local authority named in clause 178(2) of this order, who shall be non-voting members of the transitional committee; and
- (d) The Chief Executive designate, when appointed in accordance with clause 182 of this order, who shall be a non-voting member of the transitional committee.
- (f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 178(2) of this order, who shall be a non-voting member of the transitional committee.

### 180 NO CASTING VOTE

The Chairperson of the transitional committee for the Ashburton District or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

### 181 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Ashburton District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 182 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Ashburton District shall appoint a person to be the Chief Executive of the Ashburton District Council.

### 183 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Ashburton District shall be the Ashburton County Council.

### 184 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Ashburton District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 178(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
  - (ii) Those parts of the district of that local authority to be included in the Ashburton District,
- as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Ashburton District.

### 185 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The transitional committee for the Ashburton District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Ashburton District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Ashburton District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Ashburton District Council that it establish such a committee or committees of management.

### PART IX

#### *Timaru district*

### 186 CONSTITUTION

There is hereby constituted a district, to be known as "The Timaru District", which shall comprise the area delineated on S.O Plan No. 18094 deposited with the Chief Surveyor of the Canterbury Land District.

### 187 TIMARU DISTRICT COUNCIL

A territorial authority, to be known as "The Timaru District Council", is hereby constituted for the Timaru District.

### 188 INTERPRETATION

In this Part of the order, "the former authorities" means:

- (a) The Timaru City Council; and
- (b) The Strathallan County Council; and
- (c) The Geraldine Borough Council; and
- (d) The Temuka Borough Council; and
- (e) The Cave Reserve Board; and
- (f) The Arundel Reserve Board; and
- (g) The Orari Reserve Board; and
- (h) The Upper Waitohi Reserve Board; and
- (i) The Winchester Reserve Board; and
- (j) The Woodbury Reserve Board; and
- (k) The Rosewill Reserve Board; and

(l) The Rangitaita Reserve Board; and

(m) Subject to Part XII of this order, the Timaru Harbour Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

### 189 WARDS

(1) The Timaru District is hereby divided into 6 wards:

(2) Those 6 wards are:

(a) The Geraldine Ward, comprising the area delineated on S.O. Plan No. 18095 deposited with the Chief Surveyor of the Canterbury Land District:

(b) The Pleasant Point Ward, comprising the area delineated on S.O. Plan No. 18096 deposited with the Chief Surveyor of the Canterbury Land District;

(c) The Temuka Ward, comprising the area delineated on S.O. Plan No. 18097 deposited with the Chief Surveyor of the Canterbury Land District:

(d) The Levels Ward, comprising the area delineated on S.O. Plan No. 18098 deposited with the Chief Surveyor of the Canterbury Land District:

(e) The Caroline Ward, comprising the area delineated on S.O. Plan No. 18099 deposited with the Chief Surveyor of the Canterbury Land District:

(f) The Pareora Ward, comprising the area delineated on S.O. Plan No. 18100 deposited with the Chief Surveyor of the Canterbury Land District.

### 190 MEMBERSHIP

(1) The Timaru District Council shall consist of a Mayor and 16 members.

(2) The members of the Timaru District Council to be elected at the first election of that Council shall be elected as follows:

(a) Two members shall be elected by the electors of the Geraldine Ward; and

(b) Two members shall be elected by the electors of the Pleasant Point Ward; and

(c) Three members shall be elected by the electors of the Temuka Ward; and

(d) Two members shall be elected by the electors of the Levels Ward; and

(e) Four members shall be elected by the electors of the Caroline Ward; and

(f) Three members shall be elected by the electors of the Pareora Ward.

### 191 FIRST ELECTION

(1) For the purposes of the first election of the Timaru District Council, the Returning Officer and the principal administrative officer for the Timaru District shall be, respectively, the Returning Officer and the principal administrative officer for the Timaru City.

(2) The first election of the Timaru District Council shall be conducted by postal vote.

### 192 FIRST MEETING

The first meeting of the Timaru District Council:

(a) Shall be convened by the principal administrative officer of that Council;

(b) Shall be held no later than the 14th day of November 1989.

### 193 CHIEF EXECUTIVE

(1) The Chief Executive of the Timaru District Council shall be the person appointed to that position in accordance with clause 207 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Timaru District Council.

### 194 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Timaru District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Timaru District Council or any of the former authorities; and

(iii) Any local Act relating to the Timaru District Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the provision and maintenance of those marinas, wharves, jetties, boatramps and harbour facilities formerly the responsibility of the Timaru Harbour Board and transferred to the district council by Part XII of this order; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 195 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Timaru District Council shall be located in Timaru.

### 196 SERVICE DELIVERY CENTRES

The Timaru District Council shall, at least until the 1st day of November 1995, establish and maintain, a service delivery centre in:

(a) Geraldine; and

(b) Temuka,

in accordance with the provisions of the Third Schedule to this order.

### 197 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Geraldine Ward, to be known as "The Geraldine Community"; and

(b) The area of the Temuka Ward, to be known as "The Temuka Community"; and

(c) The area of the Pleasant Point Ward, to be known as "The Pleasant Point Community".

(2) The community board for each community constituted by this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected, from time to time, as members of the Timaru District Council, representing the ward comprising the area of that community, and appointed by the Timaru District Council to the community board.

(3) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Timaru City.

(4) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

### 198 RATING

(1) The system of rating in the Timaru District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Timaru District, Part XIV of the Rating Powers Act 1988 shall apply as if the Timaru District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

(3) Subject to section 103 of the Rating Powers Act 1988, until the 30th day of June 1994 or unless the Timaru District Council resolves otherwise and with the approval of the Local Government Commission pursuant to section 35(1)(k) of the Local Government Act 1974, the system of rating in the area of the former Strathallan County shall be the capital value system.

### 199 TOWN AND COUNTRY PLANNING

(1) The Timaru District Council shall not be required to prepare a new district scheme, immediately, for the Timaru District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme, or as the case may be, the proposed district scheme, of the Timaru District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Timaru District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Timaru District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Timaru District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Timaru District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Timaru District Council or, as the case may require, a committee or delegate thereof.

### 200 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Timaru District until a new plan is approved for the Timaru District, in accordance with the Civil Defence Act 1983.

### 201 VESTING OF PROPERTY

All property, real and personal, vested in the corporation of any former authority is hereby vested in the corporation of the Timaru District Council, subject to all existing encumbrances.

### 202 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Timaru District Council by clause 201 of this order shall, unless the context otherwise requires, be read as a reference to "The Timaru District Council".

### 203 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Timaru District.

(2) The local authorities to which this clause applies shall be:

- (a) The Timaru City Council; and
- (b) The Strathallan County Council; and

(c) The Geraldine Borough Council; and

(d) The Temuka Borough Council.

### 204 MEMBERSHIP OF TRANSITIONAL COMMITTEE

(1) The transitional committee for the Timaru District shall consist of:

(a) Three members appointed by the Timaru City Council; and

(b) Three members appointed by the Strathallan County Council; and

(c) One member appointed by the Geraldine Borough Council; and

(d) Two members appointed by the Temuka Borough Council; and

(e) One officer appointed by each local authority, named in clause 203(2) of this order, who shall be non-voting members of the transitional committee; and

(f) The Chief Executive designate, when appointed in accordance with clause 207 of this order, who shall be a non-voting member of the transitional committee; and

(g) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 203(2) of this order, who shall be a non-voting member of the transitional committee.

(2) Each member appointed by the Timaru City Council shall have 2 votes.

### 205 NO CASTING VOTE

The Chairperson of the transitional committee for the Timaru District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

### 206 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Timaru District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 207 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Timaru District shall appoint a person to be the Chief Executive of the Timaru District Council.

### 208 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Timaru District shall be the Timaru City Council.

### 209 COSTS OF TRANSITIONAL COMMITTEE

(1) The costs of the transitional committee for the Timaru District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 203(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

(i) The district of that local authority; or

(ii) Those parts of the district of that local authority to be included in the Timaru District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local



authorities or parts of the districts of the local authorities to be included in the Timaru District.

### **210 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES**

(1) The transitional committee for the Timaru District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Timaru District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Timaru District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Timaru District Council that it establish such a committee or committees of management.

### **PART X**

#### ***Mackenzie District***

### **211 CONSTITUTION OF MACKENZIE DISTRICT**

There is hereby constituted a district, to be known as "The Mackenzie District", which shall comprise the area delineated on S.O. Plan No. 18101 deposited with the Chief Surveyor of the Canterbury Land District.

### **212 MACKENZIE DISTRICT**

A territorial authority, to be known as "The Mackenzie District Council" is hereby constituted for the Mackenzie District.

### **213 INTERPRETATION**

In this Part of the order, "the former authorities" means:

- (a) The Mackenzie County Council; and
- (b) The Mount Nessing Reserve Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

### **214 WARDS**

(1) The Mackenzie District is hereby divided into 4 wards.

(2) Those 4 wards are:

(a) The Twizel Ward, comprising the area delineated on S.O. Plan No. 18102 deposited with the Chief Surveyor of the Canterbury Land District;

(b) The Tekapo Ward, comprising the area delineated on S.O. Plan No. 18103 deposited with the Chief Surveyor of the Canterbury Land District;

(c) The Fairlie Ward, comprising the area delineated on S.O. Plan No. 18104 deposited with the Chief Surveyor of the Canterbury Land District;

(d) The Albury Ward, comprising the area delineated on S.O. Plan No. 18105 deposited with the Chief Surveyor of the Canterbury Land District.

### **215 MEMBERSHIP**

(1) The Mackenzie District Council shall consist of a Mayor and 10 members.

(2) The members of the Mackenzie District Council to be elected at the first election of that Council shall be elected as follows:

(a) Three members shall be elected by the electors of the Twizel Ward; and

(b) Two members shall be elected by the electors of the Tekapo Ward; and

(c) Four members shall be elected by the electors of the Fairlie Ward; and

(d) One member shall be elected by the electors of the Albury Ward.

### **216 FIRST ELECTION**

(1) For the purposes of the first election of the Mackenzie District Council, the Returning Officer and the principal administrative officer for the Mackenzie District shall be, respectively, the Returning Officer and the principal administrative officer for the Mackenzie County.

(2) The first election of the Mackenzie District Council shall be conducted by postal vote.

### **217 FIRST MEETING**

The first meeting of the Mackenzie District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### **218 CHIEF EXECUTIVE**

(1) The Chief Executive of the Mackenzie District Council shall be the person holding the position of Chief Executive of the Mackenzie County Council immediately before the coming into force of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Mackenzie District Council.

### **219 FUNCTIONS, DUTIES, AND POWERS**

The functions, duties, and powers of the Mackenzie District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Mackenzie District Council or any of the former authorities; and

(iii) Any local Act relating to the Mackenzie District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authority immediately before the coming into force of this clause.

### **220 COMMUNITIES**

(1) There is hereby constituted a community to be known as "The Twizel Community", comprising the area delineated on S.O. Plan No. 18136 deposited with the Chief Surveyor of the Canterbury Land District.

(2) The community board for the Twizel Community shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected, from time to time, as members of the Mackenzie District Council representing the ward including the area of the community, and appointed by the Mackenzie District Council to the community board.

(3) There is hereby constituted a community for the area of the Tekapo Ward to be known as "The Tekapo Community".

(4) The community board for the Tekapo Community shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected, from time to time, as members of the Mackenzie District Council, representing the ward comprising the area of the community, and appointed by the Mackenzie District Council to the community board.

(5) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Mackenzie County.

(6) The first election of the community boards for those



communities constituted by this clause shall be conducted by postal vote.

### 221 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Mackenzie District Council shall be located in Fairlie.

### 222 SERVICE DELIVERY CENTRE

The Mackenzie District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in Twizel, in accordance with the provisions of the Third Schedule to this order.

### 223 RATING

(1) The system of rating in the Mackenzie District shall be the capital value system.

(2) Subject to section 103 of the Rating Powers Act 1988, until the 30th day of June 1994 or unless the Mackenzie District Council otherwise resolves and with the approval of the Local Government Commission pursuant to section 35(1)(k) of the Local Government Act 1974, the land value system of rating shall continue to apply in those areas of the former Mackenzie County in which that system of rating applied, before the coming into force of this clause.

### 224 TOWN AND COUNTRY PLANNING

(1) The Mackenzie District Council shall not be required to prepare a new district scheme, immediately, for the Mackenzie District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authority shall be deemed to be the operative district scheme, or as the case may be, the proposed district scheme, of the Mackenzie District.

(3) Where the former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Mackenzie District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Mackenzie District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to the former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and,

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Mackenzie District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Mackenzie District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Mackenzie District Council or, as the case may require, a committee or delegate thereof.

### 225 CIVIL DEFENCE

The operative local civil defence plan for the district of the former authority shall continue in force in the Mackenzie District until a new plan is approved for the Mackenzie District, in accordance with the Civil Defence Act 1983.

### 226 VESTING OF PROPERTY

All property, real and personal, vested in the corporation of any former authority is hereby vested in the corporation of the Mackenzie District Council, subject to all existing encumbrances.

### 227 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Mackenzie District Council by clause 226 of this order shall, unless the context otherwise requires, be read as a reference to "The Mackenzie District Council".

### 228 CONSULTATION WITH MOUNT NESSING RESERVE BOARD

(1) The Mackenzie County Council shall consult with the Mount Nessing Reserve Board for the purpose of discussing the possible establishment of a committee of management for the Mount Nessing Reserve.

(2) Where, following that consultation, the Mackenzie County Council considers it desirable that a committee of management be established, the Mackenzie County Council shall recommend to the Mackenzie District Council that it establish such a committee of management.

## PART XI

### *Waimate District*

### 229 CONSTITUTION OF WAIMATE DISTRICT

There is hereby constituted a district, to be known as "The Waimate District", which shall comprise the area delineated on S.O. Plan No. 18106 deposited with the Chief Surveyor of the Canterbury Land District.

### 230 WAIMATE DISTRICT

A territorial authority, to be known as "The Waimate District Council" is hereby constituted for the Waimate District.

### 231 INTERPRETATION

In this Part of this order:

"The former authorities" means—

- (a) The former Waimate District Council; and
- (b) The Elephant Hill River Board; and
- (c) The Wainono Drainage Board; and
- (d) The Morven Reserve Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

"Former Waimate District" means the Waimate District in existence immediately before the coming into force of this clause of this order:

"Former Waimate District Council" means the Waimate District Council in existence immediately before the coming into force of this clause of this order:

"The Waimate District" means the Waimate District constituted by this order:

"The Waimate District Council" means the Waimate District Council constituted by this order.

### 232 WARDS

(1) The Waimate District is hereby divided into 9 wards.

(2) Those 9 wards are:

(a) The Hakataramea Ward, comprising the area delineated on S.O. Plan No. 18107 deposited with the Chief Surveyor of the Canterbury Land District:

(b) The Upper Pareora Ward, comprising the area delineated on S.O. Plan No. 18108 deposited with the Chief Surveyor of the Canterbury Land District:

(c) The Upper Waihao Ward, comprising the area delineated on S.O. Plan No. 18109 deposited with the Chief Surveyor of the Canterbury Land District:

(d) The Lower Pareora Ward, comprising the area delineated on S.O. Plan No. 18110 deposited with the Chief Surveyor of the Canterbury Land District:

(e) The Otaio Ward, comprising the area delineated on S.O. Plan No. 18111 deposited with the Chief Surveyor of the Canterbury Land District:

(f) The Makikihi Ward, comprising the area delineated on S.O. Plan No. 18112 deposited with the Chief Surveyor of the Canterbury Land District:

(g) The Waimate Ward, comprising the area delineated on S.O. Plan No. 18113 deposited with the Chief Surveyor of the Canterbury Land District:

(h) The Deep Creek Ward, comprising the area delineated on S.O. Plan No. 18114 deposited with the Chief Surveyor of the Canterbury Land District:

(i) The Lower Waihao Ward, comprising the area delineated on S.O. Plan No. 18115 deposited with the Chief Surveyor of the Canterbury Land District:

### 233 MEMBERSHIP

(1) The Waimate District Council shall consist of a Mayor and 13 members.

(2) Subject to the provisions of the Local Elections and Polls Act 1976, and the Local Government Act 1974, the Mayor, and those members of the Waimate District Council who were first elected on the 29th day of March 1989 to represent:

- (a) The Hakataramea Ward; and
- (b) The Upper Pareora Ward; and
- (c) The Upper Waihao Ward; and
- (d) The Lower Pareora Ward; and
- (e) The Otaio Ward; and
- (f) The Makikihi Ward; and
- (g) The Waimate Ward; and
- (h) The Deep Creek Ward; and
- (i) The Lower Waihao Ward,

shall continue in office until the triennial general election of members of local authorities to be conducted in October 1992.

### 234 FIRST MEETING

The first meeting of the Waimate District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 235 CHIEF EXECUTIVE

(1) The Chief Executive of the Waimate District shall be the person holding the position of Chief Executive of the former Waimate District Council immediately before the coming into force of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Waimate District Council.

### 236 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Waimate District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

- (i) The Local Government Act 1974; and
- (ii) Any other public Act relating to the Waimate District Council or any of the former authorities; and
- (iii) Any local Act relating to the Waimate District Council or any of the former authorities; and

(b) The functions, duties, and powers of the Elephant Hill River Board pursuant to the River Boards Act 1908; and

(c) The functions, duties, and powers of the Wainono Drainage Board pursuant to the Land Drainage Act 1908; and

(d) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves

being administered by the former authority immediately before the coming into force of this clause.

### 237 WAINONO DRAINAGE AREA

The area of the former Wainono Drainage District is hereby deemed to be a drainage area constituted under section 504 of the Local Government Act 1974.

### 238 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Waimate District Council shall be located in Waimate.

### 239 RATING

(1) The system of rating in the Waimate District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Waimate District, Part XIV of the Rating Powers Act 1988 shall apply as if the Waimate District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 240 FINANCIAL DIVISIONS AND FINANCE

Notwithstanding anything in this order, the provisions of clause 10 of the Waimate Borough-Waimate County Union Order 1988 relating to financial divisions, loan liabilities, and the special funds of the former Waimate District, shall continue to apply within the Waimate District until the 30th day of June 1993.

### 241 TOWN AND COUNTRY PLANNING

(1) The Waimate District Council shall not be required to prepare a new district scheme, immediately, for the Waimate District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authority shall be deemed to be the operative district scheme, or as the case may be, the proposed district scheme, of the Waimate District.

(3) Where the former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Waimate District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Waimate District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to the former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and,

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Waimate District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Waimate District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Waimate District Council or, as the case may require, a committee or delegate thereof.

### 242 CIVIL DEFENCE

The operative local civil defence plan for the former Waimate District shall continue in force in the respective parts of the Waimate District until a new plan is approved for the Waimate District, in accordance with the Civil Defence Act 1983.

**243 VESTING OF PROPERTY**

All property, real and personal, vested in the corporation of any former authority is hereby vested in the corporation of the Waimate District Council, subject to all existing encumbrances.

**244 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Waimate District Council by clause 243 of this order shall, unless the context otherwise requires, be read as a reference to "The Waimate District Council".

**245 CONSULTATION WITH MORVEN RESERVE BOARD**

(1) The former Waimate District Council shall consult with the Morven Reserve Board for the purpose of discussing the possible establishment of a committee of management for the Morven Reserve Board.

(2) Where, following that consultation, the former Waimate District Council considers it desirable that a committee of management be established, the former Waimate District Council shall recommend to the Waimate District Council that it establish such a committee of management.

**PART XII****Harbour Boards****Lyttelton Harbour Board****246 VESTING OF PROPERTY**

(1) This clause shall apply to that property, real and personal, vested in the Lyttelton Harbour Board as at the 31st day of October 1989.

(2) Subject to subclauses (6), (8), (9) and (10) of this clause, all property:

(a) Which is vested in the Lyttelton Harbour Board as at the 31st day of October 1989; and

(b) Which is situated within the area of the Banks Peninsula District constituted by this order; and

(c) Which—

(i) Is a reserve under the Reserves Act 1977; or

(ii) Is principally used for recreational purposes, whether or not it is a reserve under the Reserves Act 1977; or

(iii) Is a marina, wharf, jetty, boat ramp or other harbour facility, used principally for recreational purposes; or

(iv) Is an item of plant or equipment used principally in association with the maintenance, use or operation of the facilities referred to in subparagraphs (i) or (ii) or (iii) of this paragraph,

is hereby vested in the Banks Peninsula District Council for the purpose for which it is so reserved, or, where there is no such purpose, for the purposes of any function transferred by this order to the Banks Peninsula District Council.

(3) Subject to subclauses (6), (8), (9) and (10) of this clause, all that property which is vested in the Lyttelton Harbour Board as at the 31st day of October 1989 which is situated in the Banks Peninsula District as constituted by this order, and which is adjacent to any harbour or the sea, is hereby vested in the Banks Peninsula District Council.

(4) Where there is any dispute over whether any property comes within a category of property referred to in this clause, the matter shall be referred to the Local Government Commission for determination.

(5) Subject to subclauses (8) to (10) of this clause, any property which is vested in the Lyttelton Harbour Board as at the 31st day of October 1989 and which does not come within a category of property referred to in subclause (2) or subclause

(3) of this clause is hereby vested in the Canterbury Regional Council.

(6) Notwithstanding anything in subclauses (2) and (3) of this clause, but subject to subclauses (9) and (10) of this clause, any land which is vested in the Lyttelton Harbour Board as at the 31st day of October 1989 and which is below the mean high water mark is hereby vested in the Canterbury Regional Council.

(7) For the purposes of this clause, any property which is fixed to, or under or over, any land which is below the mean high water mark, and which is used for, or in conjunction with, any purpose referred to in subclause (2) of this clause, and which is situated within the Banks Peninsula District as constituted by this order is hereby transferred to the Banks Peninsula District Council, whether or not any interest in the land is also transferred.

(8) Without limiting the provisions of subclauses (2), (3), (5) and (6) of this clause, but subject to subclauses (9) and (10) of this clause:

(a) That property described in the Fourth Schedule to this order shall vest without cost in the Banks Peninsula District Council; and

(b) That property described in the Sixth Schedule to this order shall vest without cost in the Canterbury Regional Council,

and in respect of the marina described in Part I of the Fourth Schedule that marina shall include:

(i) Any cash balances; and

(ii) Any outstanding income and expenditure; and

(iii) Any stores, materials, plant and equipment, relating to that marina.

(9) If any of the land specified in the Fourth and Sixth Schedules to this order is, between the 9th day of June 1989 and the 31st day of October 1989, allocated to the Lyttelton Port Company Limited pursuant to an approved port company plan within the meaning of the Port Companies Act 1988 then, notwithstanding subclause (8) of this clause, that land shall not vest in the local authority in which it has been vested by that clause.

(10) Notwithstanding anything in this clause, if, after the 31st day of October 1989:

(a) The Minister of Transport approves a port company plan within the meaning of the Port Companies Act 1988 pursuant to which any of the property, real or personal, identified in this clause is liable to be transferred to the Lyttelton Port Company Limited, the local authority which has received that property pursuant to this clause, shall transfer such property to the Lyttelton Port Company Limited at the cost of that company, subject to any appropriate adjustment for incomings and outgoings in relation to such property for the period beginning on the 1st day of November 1989 and ending on the date of the transfer of the property to the Lyttelton Port Company Limited; or

(b) Any approved port company plan is cancelled, withdrawn, re-issued or in any way altered and, as a result, property is deemed to be returned to the ownership (notional or otherwise) of the Lyttelton Harbour Board that property shall be allocated under this order as if the property had been owned by the Lyttelton Harbour Board on the 31st day of October 1989.

**247 TITLE TO PROPERTY**

Any reference, express or implied, to the Lyttelton Harbour Board in any instrument or other document whatsoever, or in any entry or record made in any register in relation to any property whatsoever vested in any local authority by this order shall, unless the context otherwise requires, be read as a reference to that local authority.

**248 LYTTTELTON PORT COMPANY LIMITED**

(1) All those shares in the Lyttelton Port Company Limited that are held by the Lyttelton Harbour Board as at the 31st day of October 1989 are hereby vested in the Waimakariri District Council, the Ashburton District Council, the Hurunui District Council, the Selwyn District Council, the Christchurch City Council and the Banks Peninsula District Council as follows:

1/13 of the number of those shares shall be vested in the Waimakariri District Council; and

2/13 of the number of those shares shall be vested in the Ashburton District Council; and

1/13 of the number of those shares shall be vested in the Hurunui District Council; and

1/13 of the number of those shares shall be vested in the Selwyn District Council; and

7/13 of the number of those shares shall be vested in the Christchurch City Council; and

1/13 of the number of those shares shall be vested in the Banks Peninsula District Council.

(2) Fifty-one percent of the shares vested in each local authority by subclause (1) of this clause shall be shares that belong to the class of shares referred to in section 7(1) of the Port Companies Act 1988.

(3) The other 49 percent of the shares vested in each local authority by subclause (1) of this clause shall be shares:

(a) Which carry voting rights; but

(b) Which do not belong to the class of shares referred to in section 7(1) of the Port Companies Act 1988.

**249 LIABILITIES IN RESPECT OF PORT RELATED COMMERCIAL UNDERTAKINGS**

(1) All those liabilities of the Lyttelton Harbour Board as determined under section 29 of the Port Companies Act 1988 shall become liabilities of the Waimakariri District Council, the Ashburton District Council, the Hurunui District Council, the Selwyn District Council, the Christchurch City Council and the Banks Peninsula District Council, in the same proportions specified in clause 248(1) of this order.

(2) All those debt securities issued by the Lyttelton Port Company Limited to the Lyttelton Harbour Board under section 29 of the Port Companies Act 1988 are hereby transferred to the Waimakariri District Council, the Ashburton District Council, the Hurunui District Council, the Selwyn District Council, the Christchurch City Council and the Banks Peninsula District Council in the same proportions specified in clause 248(1) of this order.

**250 RESIDUAL ASSETS AND LIABILITIES**

All the assets and liabilities of the Lyttelton Harbour Board as at the close of the 31st day of October 1989 for which provision for vesting is not otherwise made in this order are declared to be assets and liabilities of the Canterbury Regional Council.

**Timaru Harbour Board****251 VESTING OF PROPERTY**

(1) This clause shall apply to that property, real and personal, vested in the Timaru Harbour Board as at the 31st day of October 1989.

(2) Subject to subclauses (6), (8), (9) and (10) of this clause, all property:

(a) Which is vested in the Timaru Harbour Board as at the 31st day of October 1989; and

(b) Which is situated within the area of the Timaru District constituted by this order; and

(c) Which—

(i) Is a reserve under the Reserves Act 1977; or

(ii) Is principally used for recreational purposes, whether or not it is a reserve under the Reserves Act 1977; or

(iii) Is a marina, wharf, jetty, boat ramp or other harbour facility, used principally for recreational purposes,

is hereby vested in the Timaru District Council for the purpose for which it is so reserved, or, where there is no such purpose, for the purposes of any function transferred by this order to the Timaru District Council.

(3) Subject to subclauses (6), (8), (9) and (10) of this clause, all that property which is vested in the Timaru Harbour Board as at the 31st day of October 1989 which is situated in the Timaru District as constituted by this order, and which is adjacent to any harbour or the sea, is hereby vested in the Timaru District Council.

(4) Where there is any dispute over whether any property comes within a category of property referred to in this clause, the matter shall be referred to the Local Government Commission for determination.

(5) Subject to subclauses (8) to (10) of this clause, any property which is vested in the Timaru Harbour Board as at the 31st day of October 1989 and which does not come within a category of property referred to in subclause (2) or subclause (3) of this clause is hereby vested in the Canterbury Regional Council.

(6) Notwithstanding anything in subclauses (2) and (3) of this clause, but subject to subclauses (9) and (10) of this clause, any land which is vested in the Timaru Harbour Board as at the 31st day of October 1989 and which is below the mean high water mark is hereby vested in the Canterbury Regional Council.

(7) For the purposes of this clause, any property which is fixed to, or under or over, any land which is below the mean high water mark, and which is used for, or in conjunction with, any purpose referred to in subclause (2) of this clause, and which is situated within Timaru District as constituted by this order is hereby transferred to the Timaru District Council, whether or not any interest in the land is also transferred.

(8) Without limiting the provisions of subclauses (2), (3), (5) and (6) of this clause, but subject to subclauses (9) and (10) of this clause, that land described in the Fifth Schedule to this order shall vest without cost in the Timaru District Council.

(9) If any of the land specified in the Fifth Schedule to this order is, between the 9th day of June 1989 and the 31st day of October 1989, allocated to the Port of Timaru Limited pursuant to an approved port company plan within the meaning of the Port Companies Act 1988 then, notwithstanding subclause (8) of this clause, that land shall not vest in the Timaru District Council.

(10) Notwithstanding anything in this clause, if, after the 31st day of October 1989:

(a) The Minister of Transport approves a port company plan within the meaning of the Port Companies Act 1988 pursuant to which any of the property, real or personal, identified in this clause is liable to be transferred to the Port of Timaru Limited, the local authority which has received that property pursuant to this clause, shall transfer such property to the Port of Timaru Limited at the cost of that company, subject to any appropriate adjustment for incomings and outgoings in relation to such property for the period beginning on the 1st day of November 1989 and ending on the date of the transfer of the property to the Port of Timaru Limited; or

(b) Any approved port company plan is cancelled, withdrawn, re-issued or in any way altered and, as a result, property is deemed to be returned to the ownership (notional or otherwise) of the Timaru Harbour Board that property shall be allocated under this order as if the property had been owned by the Timaru Harbour Board on the 31st day of October 1989.

**252 TITLE TO PROPERTY**

Any reference, express or implied, to the Timaru Harbour Board in any instrument or other document whatsoever, or in any entry or record made in any register in relation to any property whatsoever vested in any local authority by this order shall, unless the context otherwise requires, be read as a reference to that local authority.

**253 PORT OF TIMARU LIMITED**

(1) All those shares in the Port of Timaru Limited that are held by the Timaru Harbour Board as at the 31st day of October 1989 are hereby vested in the Mackenzie District Council, the Waimate District Council and the Timaru District Council as follows:

1/14 of the number of those shares shall be vested in the Mackenzie District Council; and

3/14 of the number of those shares shall be vested in the Waimate District Council; and

10/14 of the number of those shares shall be vested in the Timaru District Council.

(2) Fifty-one percent of the shares vested in each local authority by subclause (1) of this clause shall be shares that belong to the class of shares referred to in section 7(1) of the Port Companies Act 1988.

(3) The other 49 percent of the shares vested in each local authority by subclause (1) of this clause shall be shares:

(a) Which carry voting rights; but

(b) Which do not belong to the class of shares referred to in section 7(1) of the Port Companies Act 1988.

**254 LIABILITIES IN RESPECT OF PORT RELATED COMMERCIAL UNDERTAKINGS**

(1) All those liabilities of the Timaru Harbour Board as determined under section 29 of the Port Companies Act 1988 shall become liabilities of the Mackenzie District Council, the Waimate District Council, and the Timaru District Council, in the same proportions specified in clause 253(1) of this order.

(2) All those debt securities issued by the Port of Timaru Limited to the Timaru Harbour Board under section 29 of the Port Companies Act 1988 are hereby transferred to the Mackenzie District Council, the Waimate District Council, and the Timaru District Council, in the same proportions specified in clause 253(1) of this order.

**255 RESIDUAL ASSETS AND LIABILITIES**

All the assets and liabilities of the Timaru Harbour Board as at the close of the 31st day of October 1989 for which provision for vesting is not otherwise made in this order are declared to be assets and liabilities of the Canterbury Regional Council.

**PART XIII****General****256 TRANSFER OF RESPONSIBILITIES**

(1) Except as otherwise provided in this order, a local authority constituted by this order shall, in respect of the district of that local authority:

(a) Have and may exercise and be responsible for all the powers, duties, acts of authority and functions which were previously exercised, or which could have been so exercised, by the former authorities had they not been dissolved; and

(b) 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 former authorities had they not been dissolved; and

(c) 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 former authorities had they not been dissolved; and

(d) Succeed to the bylaws which are in force in the districts of the former authorities. Until revoked or altered by the newly constituted local authority each such bylaw shall remain in force in the area to which it applied immediately before the constitution of the district, and every bylaw which cannot be restricted to that area shall be deemed inapplicable and revoked by the dissolution of the former authorities; and

(e) Succeed to all rates and levies, and other money payable to the former authorities, had they not been dissolved; and

(f) Succeed to the valuation rolls and rate records in force in the districts of the former authorities. These shall remain in force in the district of the newly constituted local authority until new valuation rolls are made by that local authority.

(3) The Mayor or Chairperson of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the Mayors and Chairmen of the former authorities.

(4) The principal administrative officer of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the principal administrative officers of the former authorities.

**257 CREDITORS**

Subject to section 37F of the Local Government Act 1974, the rights or interests of creditors of the former authorities shall not be affected by this order.

**258 LOCAL AUTHORITIES PETROLEUM TAX**

For the purposes of Part XI of the Local Government Act 1974, the local authorities constituted by this order shall be successors to the former authorities.

**259 SPECIAL FUNDS**

(1) The special funds of the former authorities shall:

(a) Be expended only for the purposes for which they were set aside; and

(b) Except for any plant renewal fund, be expended for the benefit of the area in which they originated, and, after provision has been made for all liabilities, any money required to be paid into any such fund, to meet any deficit, shall be found from within that area.

(2) After the 1st day of November 1996, the local authorities constituted by this order:

(a) Shall review any special fund provided for in subclause (1) of this clause; and

(b) May resolve that from a date to be determined by the council, such special fund may be applied for such other purpose or purposes as the council considers appropriate.

(3) Notwithstanding subclause (2) of this clause, the local authorities constituted by this order may at any time before the 1st day of November 1996, with the approval of the Local Government Commission, resolve to vary the use of any special funds.

(4) Nothing in this clause shall apply to:

(a) the Ashburton District Council (as constituted by Part VIII of this order); or

(b) the Waimate District Council (as constituted by Part XI of this order).

(5) All funds held by the administering authorities of reserves under the Reserves Act 1977 shall be deemed to be special funds for the purpose of this clause.

**260 LOANS**

(1) Any rate made and levied to meet the annual charges in respect of any loan secured over the district of any of the former authorities shall continue to be made and levied on the same basis as applied before the 1st day of November 1989:

Provided that the local authorities constituted by this order may at any time before the 1st day of November 1996 review

the basis upon which any such rate is made and levied and may, with the approval of the Local Government Commission, resolve to vary such basis.

(2) Nothing in this clause shall apply to:

(a) the Ashburton District Council (as constituted by Part VIII of this order); or

(b) the Waimate District Council (as constituted by Part XI of this order).

## 261 ASSETS AND LIABILITIES

The provisions of section 60 of the Local Government Amendment Act (No. 2) 1989 shall apply in relation to the apportionment of the assets and liabilities of the former authorities, as defined in Parts II to XI of this order, as if this order did not make provision for the apportionment of those assets and liabilities:

Provided that there shall be no apportionment of the assets and liabilities of the Lyttelton Harbour Board or the Timaru Harbour Board pursuant to this clause.

## 262 LOAN LIABILITIES

Subject to section 37F(2) of the Local Government Act 1974, all loan liabilities existing immediately before the 1st day of November 1989, shall continue to be secured against the area over which they were secured at that date.

## 263 RESIDUAL AUTHORITIES

In the case of a former authority listed in the Seventh Schedule to this order, the local authority that shall be responsible for:

(a) The preparation of the annual financial statement for that former authority for the financial year commencing on the 1st day of April 1989 and for any earlier financial years for which an annual financial statement has not been prepared or, in the case of the Lyttelton and Timaru Harbour Boards, for the financial year commencing on the 1st day of October 1989 and for any earlier financial years for which an annual financial statement has not been prepared; and

(b) The documents (as defined in section 248 of the Local Government Act 1974) and local archives (as so defined) of that former authority, other than those documents or local archives, relating to a specified area or function, shall be the local authority designated in that Schedule as a residual authority in relation to that former authority.

## 264 CONDUCT OF AFFAIRS

The provisions of section 223C of the Local Government Act 1974 relating to the conduct of affairs of local authorities and community boards applies to the local authorities and community boards constituted by this order.

## SCHEDULES

### First Schedule

#### PART I

#### *Local Authorities Dissolved and Districts Abolished*

Local Authorities	Districts
Canterbury United Council	Canterbury Region
Aorangi United Council	Aorangi Region
North Canterbury	North Canterbury
Catchment Board and Regional Water Board	Catchment District
South Canterbury	South Canterbury
Catchment Board and Regional Water Board	Catchment District
Waitaki Catchment Board and Regional Water Board	Waitaki Catchment District
Amuri County Council	Amuri County
Hurunui County Council	Hurunui County
Cheviot County Council	Cheviot County
Rangiora District Council	Rangiora District
Oxford County Council	Oxford County

Kaiapoi Borough Council  
Waimairi District Council  
Riccarton Borough Council  
Christchurch City Council  
Mount Herbert County Council

Lyttelton Borough Council  
Heathcote County Council  
Malvern County Council  
Paparua County Council  
Ellesmere County Council  
Wairewa County Council  
Akaroa County Council  
Ashburton Borough Council  
Ashburton County Council  
Strathallan County Council  
Temuka Borough Council  
Timaru City Council  
Geraldine Borough Council  
Mackenzie County Council  
Waimate District Council  
North Canterbury Pest Destruction Board  
Central Canterbury Pest Destruction Board  
South Canterbury Pest Destruction Board  
Ashburton Pest Destruction Board  
South Canterbury Wallaby Board  
North Canterbury Nassella Tussock Board  
Wainono Drainage Board  
Elephant Hill River Board  
Lyttelton Harbour Board  
Timaru Harbour Board

Kaiapoi Borough  
Waimairi District  
Riccarton Borough  
Christchurch City  
Mount Herbert County

Lyttelton Borough  
Heathcote County  
Malvern County  
Paparua County  
Ellesmere County  
Wairewa County  
Akaroa County  
Ashburton Borough  
Ashburton County  
Strathallan County  
Temuka Borough  
Timaru City  
Geraldine Borough  
Mackenzie County  
Waimate District  
North Canterbury Pest Destruction District  
Central Canterbury Pest Destruction District  
South Canterbury Pest Destruction District  
Ashburton Pest Destruction District  
South Canterbury Wallaby District  
North Canterbury Nassella Tussock District  
Wainono Drainage District  
Elephant Hill River District  
Lyttelton Harbour District  
Timaru Harbour District

#### PART II

#### *Local Authorities Dissolved*

Christchurch Drainage Board  
Christchurch Transport Board  
Waimakariri-Ashley Water Supply Board  
Amuri District Noxious Plants Authority  
Banks Peninsula District Noxious Plants Authority  
Malvern District Noxious Plants Authority  
Ellesmere District Noxious Plants Authority  
Cheviot District Noxious Plants Authority  
Christchurch City District Noxious Plants Authority  
Hurunui District Noxious Plants Authority  
Paparua District Noxious Plants Authority  
Rangiora District Noxious Plants Authority  
Ashburton District Noxious Plants Authority  
Strathallan District Noxious Plants Authority  
Mackenzie District Noxious Plants Authority  
Waimate District Noxious Plants Authority  
Le Bons Bay Reserve Board  
Little Akaloa Reserve Board  
Okains Bay Reserve Board  
Pigeon Bay Reserve Board  
Dorie Reserve Board  
Ealing Reserve Board  
Tinwald Reserve Board  
Seafield Reserve Board  
Ruapuna Reserve Board  
Pendarves Reserve Board  
Maronan Reserve Board  
Hinds Reserve Board  
Cheviot Reserve Board  
Mead Reserve Board  
Ellesmere Reserve Board  
Lincoln Park Reserve Board

Springston Reserve Board  
 Springston South Reserve Board  
 Waihora Reserve Board  
 Mount Nething Reserve Board  
 Greendale Reserve Board  
 Hororata Reserve Board  
 Kowai Pass Reserve Board  
 Sheffield Reserve Board  
 Arundel Reserve Board  
 Orari Reserve Board  
 Rangitata Reserve Board  
 Upper Waitohi Reserve Board  
 Winchester Reserve Board  
 Woodbury Reserve Board  
 Rosewill Reserve Board  
 Cave Reserve Board  
 Morven Reserve Board  
 Christchurch Town Hall Board of Management

## Second Schedule

### *District Community Councils and Community Councils Dissolved and Communities Abolished*

District Community Councils and Community Councils	Communities
Halswell District Community Council	Halswell Community
Hornby District Community Council	Hornby Community
Sockburn District Community Council	Sockburn Community
Woodend Community Council	Woodend Community
Darfield Community Council	Darfield Community
Akaroa Community Council	Akaroa Community
Leeston Community Council	Leeston Community
Southbridge Community Council	Southbridge Community
Methven Community Council	Methven Community
Winchester Community Council	Winchester Community
Pleasant Point Community Council	Pleasant Point Community
Twizel Community Council	Twizel Community
Fairlie Community Council	Fairlie Community
Lake Tekapo Community Council	Lake Tekapo Community
St Andrews Community Council	St Andrews Community
Waikuku Community Council	Waikuku Community
Pines/Kairaki Community Council	Pines/Kairaki Community

## Third Schedule

### *Service Delivery Centres*

A service delivery centre shall provide services not less than those required for:

- the payment of money due to the council; and
- the provision of information relating to rates and other accounts due to the council; and
- the provision of information relating to the district planning scheme, bylaws or information otherwise necessary for the preparation of town planning applications, and permit applications; and
- the provision of information relating to community development and recreation; and
- the making of rates rebate applications; and

(f) the making of applications for housing accommodation; and

(g) the registration of dogs; and

(h) such other purposes as the council considers appropriate.

## Fourth Schedule

### *Property to be Vested in the Banks Peninsula District Council*

#### Part I

##### *Harbour Facilities*

That marina at Magazine Bay.

#### Part II

##### *Land to be Vested*

Description	Certificate of Title (Canterbury Registry)
Lots 1, 2, 5, D.P. 13580, Lot 1	711/38
D.P. 19176, Part Lot 1 D.P. 8044 and 8045	
Part of Reserve 32	433/263

## Fifth Schedule

### *Land to be Vested in the Timaru District Council*

Description	Certificate of Title (Canterbury Region)
Part Lot 2, D.P. 22232, Part Caroline Bay	4C/14
Part Section 2 to 4, Part Lot 1, D.P. 25101	6D/845

## Sixth Schedule

### *Land to be Vested in the Canterbury Regional Council*

Description	Certificate of Title (Canterbury Region)
Part Town Sections 7-8, Lyttelton, Lot 1 D.P. 14434	117/207, 532/236, 404/114
Part Rural Section 258, Lot 1 D.P. 27278	159/55, 9F/949
Part Rural Section 120 and 122	26F/560, 8F/1252

## Seventh Schedule

### *Residual Authorities*

Residual Authority	Former Authority
Christchurch City Council	Paparua County Council
Hurunui District Council	Hurunui County Council
Christchurch City Council	Lyttelton Harbour Board
Timaru District Council	Timaru Harbour Board
Hurunui District Council	Amuri County Council
Waimakariri District Council	Rangiora District Council
Canterbury Regional Council	Canterbury United Council
Canterbury Regional Council	Amuri District Noxious Plants Authority
Canterbury Regional Council	North Canterbury Pest Destruction Board
Canterbury Regional Council	Waitaki Catchment Board and Regional Water Board
Canterbury Regional Council	North Canterbury Nassella Tussock Board

C. J. HILL, Acting for Clerk of the Executive Council.

(I.A. 104/122)

**The Local Government (Gisborne Region) Reorganisation Order 1989**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 9th day of June 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to section 36 of 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.

**A n a l y s i s**

1 Title and commencement	22 Civil defence
2 Dissolution of existing local authorities and abolition of existing districts	23 Vesting of property
3 Constitution of Gisborne District and Gisborne Region	24 Title to property
4 Gisborne District Council	25 Transitional committee
5 Interpretation	26 Membership of the transitional committee
6 Wards	27 No casting vote
7 Membership	28 Exclusion of non-voting members
8 First election	29 Obligation of transitional committee to appoint chief executive
9 First meeting	30 Principal local authority
10 Chief executive	31 Costs of transitional committee
11 Functions, duties, and powers of territorial authority	32 Consultation with administering authorities of reserves
12 Functions, duties, and powers of regional council	33 Transfer of responsibilities
13 Rural services committee	34 Creditors
14 Joint committee	35 Local authorities petroleum tax
15 Regional land transport committee	36 Special funds
16 Harbour committee	37 Loans
17 Administration headquarters	38 Assets and liabilities
18 Service delivery centres	39 Loan liabilities
19 Rating	40 Residual authorities
20 Regional planning	41 Conduct of affairs
21 Town and country planning	Schedules

**O r d e r**

**1 TITLE AND COMMENCEMENT**

(1) This order may be cited as the Local Government (Gisborne Region) Reorganisation Order 1989.

(2) Subject to subclause (3) of this clause, this order shall come into force on the 1st day of November 1989.

(3) Those provisions of this order necessary—

(a) To provide for the first election of the members of the Gisborne District Council;

(b) For the purposes of clauses 25 to 32, and 38 of this order; and

(c) For the appointment of the principal administrative officer of the Gisborne District Council—

shall come into force on the making of this order.

**2 DISSOLUTION OF EXISTING LOCAL AUTHORITIES AND COMMUNITY COUNCIL AND ABOLITION OF EXISTING DISTRICTS AND COMMUNITY**

(1) Every local authority named in Part I or Part II of the First Schedule to this order is hereby dissolved.

(2) Every district named in Part I of the First Schedule to this order is hereby abolished.

(3) The Patutahi Community Council is hereby dissolved.

(4) The Patutahi Community is hereby abolished.

**3 CONSTITUTION OF GISBORNE DISTRICT AND GISBORNE REGION**

There is hereby constituted a district, to be known as "The Gisborne District" and a region to be known as "The Gisborne Region", which shall comprise the area delineated on S.O.



Plan No. 8378 deposited with the Chief Surveyor of the Gisborne Land District.

#### 4 GISBORNE DISTRICT COUNCIL

A territorial authority to be known as "The Gisborne District Council", is hereby constituted for the Gisborne District and Gisborne Region.

#### 5 INTERPRETATION

(1) In this order:

"The former authorities" means—

- (a) The Waiapu County Council; and
- (b) The Waikohu County Council; and
- (c) The Cook County Council; and
- (d) The Gisborne City Council; and
- (e) The East Cape Catchment Board and Regional Water Board; and
- (f) The East Cape United Council; and
- (g) The Gisborne Harbour Board; and
- (h) The Hicks Bay Harbour Board; and
- (i) The Cook District Noxious Plants Authority; and
- (j) The Waikohu District Noxious Plants Authority; and
- (k) The East Coast District Noxious Plants Authority; and
- (l) The Waiapu District Noxious Plants Authority; and
- (m) The East Coast Pest Destruction Board; and
- (n) The Hatea A Rangi Recreation Reserve Board; and
- (o) The Patutahi Recreation Reserve Board; and
- (p) The Waipiro Bay Recreation Reserve Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

(2) Every reference in this scheme to a former authority shall, where part only of the district of a former authority has been included within the Gisborne District and the Gisborne Region, or any function of a former authority has been allocated to the Gisborne District Council, be read as a reference to the former authority only in relation to that part, or as the case may be that function.

#### 6 WARDS

(1) The Gisborne District is hereby divided into 11 wards.

(2) Those 11 wards are:

- (a) The Matakaoa Ward, comprising the area delineated on S.O. Plan No. 8380 deposited with the Chief Surveyor of the Gisborne Land District;
- (b) The Waiapu Ward, comprising the area delineated on S.O. Plan No. 8381 deposited with the Chief Surveyor of the Gisborne Land District;
- (c) The Waikohu Ward, comprising the area delineated on S.O. Plan No. 8382 deposited with the Chief Surveyor of the Gisborne Land District;
- (d) The Uawa Ward, comprising the area delineated on S.O. Plan No. 8383 deposited with the Chief Surveyor of the Gisborne Land District;
- (e) The Taruheru Ward, comprising the area delineated on S.O. Plan No. 8384 deposited with the Chief Surveyor of the Gisborne Land District;
- (f) The Wainui Ward, comprising the area delineated on S.O. Plan No. 8385 deposited with the Chief Surveyor of the Gisborne Land District;
- (g) The Whataupoko Ward, comprising the area delineated on S.O. Plan No. 8386 deposited with the Chief Surveyor of the Gisborne Land District;
- (h) The Kaiti Ward, comprising the area delineated on S.O. Plan No. 8387 deposited with the Chief Surveyor of the Gisborne Land District;

(i) The Waikanae Ward, comprising the area delineated on S.O. Plan No. 8388 deposited with the Chief Surveyor of the Gisborne Land District;

(j) The Cook Ward, comprising the area delineated on S.O. Plan No. 8390 deposited with the Chief Surveyor of the Gisborne Land District;

(k) The Patutahi Ward, comprising the area delineated on S.O. Plan No. 8389 deposited with the Chief Surveyor of the Gisborne Land District.

#### 7 MEMBERSHIP

(1) The Gisborne District Council shall consist of a Mayor and 16 members.

(2) The members of the Gisborne District Council to be elected at the first election of the district council shall be elected as follows:

- (a) One member shall be elected by the electors of the Matakaoa Ward; and
- (b) One member shall be elected by the electors of the Waiapu Ward; and
- (c) One member shall be elected by the electors of the Waikohu Ward; and
- (d) One member shall be elected by the electors of the Uawa Ward; and
- (e) One member shall be elected by the electors of the Taruheru Ward; and
- (f) One member shall be elected by the electors of the Wainui Ward; and
- (g) Two members shall be elected by the electors of the Whataupoko Ward; and
- (h) Three members shall be elected by the electors of the Kaiti Ward; and
- (i) Three members shall be elected by the electors of the Waikanae Ward; and
- (j) One member shall be elected by the electors of the Cook Ward; and
- (k) One member shall be elected by the electors of the Patutahi Ward.

#### 8 FIRST ELECTION

(1) The first election of the Gisborne District Council shall be held on the 14th day of October 1989.

(2) For the purposes of arranging the first election of the Gisborne District Council, the Returning Officer and the principal administrative officer for the Gisborne District shall be, respectively, the Returning Officer and the principal administrative officer for the Gisborne City.

(3) The first election of the Gisborne District Council shall be conducted by postal vote.

#### 9 FIRST MEETING

The first meeting of the Gisborne District Council:

- (a) Shall be convened by the principal administrative officer of that Council; and
- (b) Shall be held no later than the 14th day of November 1989.

#### 10 CHIEF EXECUTIVE

(1) The Chief Executive of the Gisborne District Council shall be the person appointed to that position in accordance with clause 29 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Gisborne District Council.

#### 11 FUNCTIONS, DUTIES, AND POWERS OF TERRITORIAL AUTHORITY

The Gisborne District Council shall have:

(a) The functions, duties, and powers of a territorial authority under—

- (i) The Local Government Act 1974; and
- (ii) Any other public Act relating to the Gisborne District Council or any of the former authorities; and
- (iii) Any local Act relating to the Gisborne District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

## 12 FUNCTIONS, DUTIES, AND POWERS OF REGIONAL COUNCIL

(1) The Gisborne District Council shall have:

(a) The functions, duties, and powers of a regional council under—

- (i) The Local Government Act 1974; and
- (ii) The Urban Transport Act 1980; and
- (iii) Any public Act relating to a regional council or any of the former authorities and not expressly referred to in this clause; and
- (iv) Any local Act relating to the Gisborne District Council or any of the former authorities; and

(b) The functions, duties, and powers in relation to regional planning of a regional council under the Town and Country Planning Act 1977 or any other Act; and

(c) The functions, duties, and powers in relation to maritime planning of a maritime planning authority under the Town and Country Planning Act 1977 or any other Act; and

(d) The functions, duties, and powers of a catchment board and a regional water board under the Soil Conservation and Rivers Control Act 1941 and the Water and Soil Conservation Act 1967 or any other Act; and

(e) The functions, duties, and powers in relation to civil defence of a regional council under the Civil Defence Act 1983 or any other Act; and

(f) The functions, duties, and powers of a harbour board under the Harbours Act 1950 and the Marine Pollution Act 1974 or any other Act; and

(g) The functions, duties, and powers of a pest destruction board under the Agricultural Pests Destruction Act 1967 or any other Act; and

(h) The functions, duties, and powers of a district noxious plants authority under the Noxious Plants Act 1978 or any other Act.

(2) For the purposes of paragraphs (a) to (e) of subclause (1) of this clause, that area of territorial sea delineated on S.O. plan 8379 deposited with the Chief Surveyor of the Gisborne Land District, shall be included within the jurisdiction of the Gisborne District Council.

(3) Subject to the provisions of this order, any Act, whether expressly referred to in this clause or not, shall apply, according to its tenor, to the Gisborne District and the Gisborne District Council as if the district was a region and the district council was a regional council.

## 13 RURAL SERVICES COMMITTEE

(1) The Gisborne District Council shall, at least until the 1st day of November 1995, establish and maintain a Rural Services Committee.

(2) The Rural Services Committee shall be responsible for:

- (a) Agricultural pests destruction; and
- (b) Noxious plants control; and
- (c) Any other functions considered by the Gisborne District Council to be of particular concern to the rural community.

(3) The persons appointed by the Gisborne District Council to the Rural Services Committee established under this clause shall include not less than 2 persons:

- (a) Who are not members of that Council; but
- (b) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

## 14 JOINT COMMITTEE

The Gisborne District Council shall, until the 1st day of November 1995, unite with the Hawke's Bay Regional Council and the Bay of Plenty Regional Council in appointing a joint committee, comprising an equal number of representatives of the Gisborne District Council and those Regional Councils, for the purposes of:

(a) Co-ordinating planning for the control of those agricultural pests and noxious plants of particular concern in relation to the Gisborne District, the Hawke's Bay Region and the Bay of Plenty Region; and

(b) Co-ordinating the performance of the functions, duties, and powers of a catchment board and a regional water board in respect of those areas of the Gisborne District not wholly within a water catchment; and

(c) Co-ordinating action on such other matters as the Councils jointly decide.

## 15 REGIONAL LAND TRANSPORT COMMITTEE

(1) The Gisborne District Council shall establish and maintain a Regional Land Transport Committee.

(2) The Regional Land Transport Committee shall be responsible for:

(a) Regional roading under Part XXII of the Local Government Act 1974; and

(b) Such transport or other roading responsibilities as may from time to time, pursuant to any Act, become a function of a regional council; and

(c) Such other functions as the Gisborne District Council considers appropriate.

## 16 HARBOUR COMMITTEE

(1) The Gisborne District Council shall, at least until the 1st day of November 1995, establish and maintain a Gisborne Harbour Committee.

(2) The Gisborne Harbour Committee shall be responsible for:

(a) Navigation and safety within those areas within harbour limits for which the Gisborne District Council is from time to time responsible; and

(b) Any other matter associated with the regulation of those areas other than maritime planning; and

(c) Such other functions as that Council considers appropriate.

(3) The persons appointed by the Gisborne District Council to the Gisborne Harbour Committee established under this clause shall include not less than 2 persons:

- (a) Who are not members of that council; but
- (b) Who, in the opinion of the Council, have knowledge that will assist the work of that Committee.

## 17 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Gisborne District Council shall be located in Gisborne.

## 18 SERVICE DELIVERY CENTRES

The Gisborne District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in,

- (a) Te Karaka; and
- (b) Te Puia Springs,

in accordance with the provisions of the Second Schedule to this order.

### 19 RATING

(1) The system of rating in the Gisborne District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Gisborne District, Part XIV of the Rating Powers Act 1988 shall apply as if the Gisborne District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

(3) The Gisborne District Council shall exercise within the Gisborne District or any part thereof—

(a) Any rating powers possessed by any former territorial authority; and

(b) Any rating powers possessed by any former authority other than a former territorial authority; and

(c) Any powers to make and levy assessments relating to the functions and powers possessed by any former authority.

### 20 REGIONAL PLANNING

(1) The Gisborne District Council shall not be required to prepare a new regional planning scheme immediately.

(2) The approved regional planning scheme and the proposed regional planning scheme under the Town and Country Planning Act 1977 of the East Cape United Council shall be deemed to be the approved, or as the case may be the proposed, regional planning scheme of the Gisborne District.

(3) If the East Cape United Council had, prior to its dissolution, begun the preparation of any review of its regional planning scheme or of any change or variation thereof, then subject to any resolution of the Gisborne District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Gisborne District Council, and may be adopted and acted upon by it.

### 21 TOWN AND COUNTRY PLANNING

(1) The Gisborne District Council shall not be required to prepare a new district scheme, immediately, for the Gisborne District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme, or as the case may be, the proposed district scheme, of the Gisborne District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Gisborne District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Gisborne District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977; and

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Gisborne District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Gisborne District Council; or

(c) Such application had been either partly or fully heard or considered by the former authority but no decision thereon had been given, the application shall be heard or considered

again by the Gisborne District Council or, as the case may require, a committee or delegate thereof.

### 22 CIVIL DEFENCE

The operative regional civil defence plan of the former East Cape Region and the operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Gisborne District until a new regional civil defence plan and local civil defence plan is approved for the Gisborne District, in accordance with the Civil Defence Act 1983.

### 23 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporations of the former authorities and situated in the Gisborne District is hereby vested in the corporation of the Gisborne District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of a former authority, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Gisborne District Council, subject to all existing encumbrances.

### 24 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Gisborne District Council by clause 23 of this order shall, unless the context otherwise requires, be read as a reference to "The Gisborne District Council".

### 25 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Gisborne District.

(2) The local authorities to which this clause applies shall be:

(a) The Waiapu County Council; and

(b) The Waikohu County Council; and

(c) The Cook County Council; and

(d) The Gisborne City Council; and

(e) The East Cape Catchment Board and Regional Water Board; and

(f) The East Cape Pest Destruction Board; and

(g) The Gisborne Harbour Board.

### 26 MEMBERSHIP OF THE TRANSITIONAL COMMITTEE

The transitional committee for the Gisborne District shall consist of:

(a) One member appointed by the Waiapu County Council; and

(b) One member appointed by the Waikohu County Council; and

(c) Two members appointed by the Cook County Council; and

(d) Three members appointed by the Gisborne City Council; and

(e) One member appointed by the East Cape Catchment Board and Regional Water Board; and

(f) One member appointed by the East Cape Pest Destruction Board; and

(g) One member appointed by the Gisborne Harbour Board; and

(h) One officer appointed by each local authority, named in clause 25(2) of this order, each of whom shall be a non-voting member of the transitional committee; and

(i) the Chief Executive designate, when appointed in

accordance with clause 29 of this order, who shall be a non-voting member of the transitional committee; and

(j) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 25(2) of this order, who shall be a non-voting member of the transitional committee.

### **27 NO CASTING VOTE**

The Chairperson of the transitional committee for the Gisborne District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

### **28 EXCLUSION OF NON-VOTING MEMBERS**

The transitional committee for the Gisborne District may resolve to exclude any non-voting member of the committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### **29 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE**

The transitional committee for the Gisborne District shall appoint a person to be the Chief Executive of the Gisborne District Council.

### **30 PRINCIPAL LOCAL AUTHORITY**

The principal local authority for the transitional committee for the Gisborne District shall be the Gisborne City Council.

### **31 COSTS OF TRANSITIONAL COMMITTEE**

(1) The costs of the transitional committee for the Gisborne District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 25(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the gross revenue of the local authority for the year ended on the 31st day of March 1988 bears to the gross revenue of all the local authorities to which this clause applies for that year.

(2) For the purpose of this clause the gross revenue of a local authority shall be the gross revenue reasonably related to the area of a local authority which is to be included in the Gisborne District or any function of a local authority which is to be transferred to the Gisborne District Council, whichever is applicable.

### **32 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES**

(1) The transitional committee for the Gisborne District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Gisborne District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Gisborne District Council considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Gisborne District Council that it establish such a committee or committees of management.

### **33 TRANSFER OF RESPONSIBILITIES**

(1) Except as otherwise provided in this order, the Gisborne District Council shall, in respect of the Gisborne District—

(a) Have and may exercise and be responsible for all the

powers, duties, acts of authority and functions which were previously exercised, or which could have been so exercised, by the former authorities had they not been dissolved; and

(b) 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 former authorities had they not been dissolved; and

(c) 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 former authorities had they not been dissolved; and

(d) Succeed to the bylaws which are in force in the districts of the former authorities. Until revoked or altered by the Gisborne District Council each such bylaw shall remain in force in the area to which it applied immediately before the constitution of the Gisborne District and every bylaw which cannot be restricted to that area shall be deemed inapplicable and revoked by the dissolution of the former authorities; and

(e) Succeed to all rates and levies, and other money payable to the former authorities, had they not been dissolved; and

(f) Succeed to the valuation rolls, and rate records in force in the districts of the former authorities. These shall remain in force in the Gisborne District until new rolls or records are made by the Gisborne District Council.

(2) The Mayor of the Gisborne District shall have and may exercise the duties, powers, and functions of the Mayor and Chairmen of the former authorities.

(3) The principal administrative officer of the Gisborne District Council shall have and may exercise the duties, powers, and functions of the principal administrative officers of the former authorities.

### **34 CREDITORS**

Subject to section 37F of the Local Government Act 1974, the rights or interests of creditors of the former authorities shall not be affected by this order.

### **35 LOCAL AUTHORITIES PETROLEUM TAX**

For the purposes of Part XI of the Local Government Act 1974, the Gisborne District Council shall be the successor to the former authorities.

### **36 SPECIAL FUNDS**

(1) The special funds of the former authorities shall:

(a) Be expended only for the purposes for which they were set aside; and

(b) Except for any plant renewal fund, be expended for the benefit of the area in which they originated, and after provision has been made for all liabilities, any money required to be paid into any such fund, to meet any deficit, shall be found from within that area.

(2) After the 1st day of November 1996, the Gisborne District Council:

(a) shall review any special fund provided for in subclause (1) of this clause; and

(b) may resolve that, from a date to be determined by that council, such special fund may be applied for such other purpose or purposes as the council considers appropriate.

(3) Notwithstanding subclause (2) of this clause, the Gisborne District Council may at any time before the 1st day of November 1996, with the approval of the Local Government Commission, resolve to vary the use of any special funds.

(4) All funds held by the administering authorities of reserves under the Reserves Act 1977 shall be deemed to be special funds for the purposes of this clause.

### **37 LOANS**

Any rate made and levied to meet the annual charges in respect of any loan secured over the district of any of the

former authorities shall continue to be made and levied on the same basis as applied before the 1st day of November 1989:

Provided that the Gisborne District Council may at any time before the 1st day of November 1996 review the basis upon which any such rate is made and levied and may, with the approval of the Local Government Commission, resolve to vary such basis.

### 38 ASSETS AND LIABILITIES

The provisions of section 60 of the Local Government Amendment Act (No. 2) 1989 shall apply in relation to the apportionment of the assets and liabilities of the former authorities, as defined in clause 5 of this order, as if this order did not make provision for the apportionment of those assets and liabilities.

### 39 LOAN LIABILITIES

Subject to section 37F(2) of the Local Government Act 1974, all loan liabilities existing immediately before the 1st day of November 1989, shall continue to be secured against the areas over which they were secured at that date.

### 40 RESIDUAL AUTHORITIES

In the case of the East Cape Catchment Board and Regional Water Board, the East Cape United Council and the East Coast Pest Destruction Board, the local authority that shall be responsible for—

(a) The preparation of the annual financial statement for that former authority for the financial year commencing on the 1st day of April 1989 and for any earlier financial years for which an annual financial statement has not been prepared; and

(b) The documents (as defined in section 248 of the Local Government Act 1974) and local archives (as so defined) of that former authority, other than those documents or local archives relating to a specified area or functions,

shall be the Gisborne District Council as a residual authority in relation to those former authorities.

### 41 CONDUCT OF AFFAIRS

The provisions of section 223C of the Local Government Act 1974 relating to the conduct of affairs of local authorities and community boards applies to the local authorities and community boards constituted by this order.

## SCHEDULES

### First Schedule

#### PART I

#### *Local Authorities Dissolved and Districts Abolished*

Local Authorities

Districts

East Cape United Council	East Cape Region
East Cape Catchment Board and Regional Water Board	East Cape Catchment District
Waiapu County Council	Waiapu County
Waikohu County Council	Waikohu County
Cook County Council	Cook County
Gisborne City Council	Gisborne City
Gisborne Harbour Board	Gisborne Harbour District
Hicks Bay Harbour Board	Hicks Bay Harbour District
East Coast Pest Destruction Board	East Coast Pest Destruction District

#### PART II

#### *Local Authorities Dissolved*

Cook District Noxious Plants Authority  
 Waikohu District Noxious Plants Authority  
 Waiapu District Noxious Plants Authority  
 East Coast District Noxious Plants Authority  
 Hatea A Rangi Recreation Reserve Board  
 Waipiro Bay Recreation Reserve Board  
 Patutahi Recreation Reserve Board

#### Second Schedule

#### *Service Delivery Centres*

A service delivery centre shall provide services not less than those required for:

- (a) the payment of money due to the council; and
- (b) the provision of information relating to rates and other accounts due to the council; and
- (c) the provision of information relating to the district planning scheme, bylaws or information otherwise necessary for the preparation of town planning applications, and permit applications; and
- (d) the provision of information relating to community development and recreation; and
- (e) the making of rates rebates applications; and
- (f) the making of applications for housing accommodation; and
- (g) the registration of dogs; and
- (h) such other purposes as the council considers appropriate.

C. J. HILL, Acting for Clerk of the Executive Council.

The Local Government (Hawke's Bay Region) Reorganisation Order 1989

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 9th day of June 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to section 36 of 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.

**A n a l y s i s**

- |   |   |
|---|---|
| 1 Title and commencement  | PART III                                |
| 2 Elections   | <i>Wairoa District</i>                  |
| PART I  | 34 Constitution of Wairoa District      |
| <i>Hawke's Bay Region</i>   | 35 Wairoa District Council              |
| 3 Constitution of Hawke's Bay Region  | 36 Interpretation                       |
| 4 Constituent authorities   | 37 Wards                                |
| 5 Dissolution of existing local authorities and abolition of existing districts | 38 Membership                           |
| 6 References to former authority  | 39 First election                       |
| 7 Dissolution of existing community council and abolition of existing community | 40 First meeting                        |
| PART II   | 41 Chief executive                      |
| <i>Hawke's Bay Regional Council</i>   | 42 Functions, duties, and powers        |
| 8 Hawke's Bay Regional Council  | 43 Whakaki drainage area                |
| 9 Interpretation  | 44 Whakaki drainage committee           |
| 10 Constituencies   | 45 Administration headquarters          |
| 11 Membership   | 46 Rating                               |
| 12 First election   | 47 Town and country planning            |
| 13 First meeting  | 48 Civil defence                        |
| 14 Chief executive  | 49 Vesting of property                  |
| 15 Functions, duties, and powers  | 50 Title to property                    |
| 16 Rural services committee   | PART IV                                 |
| 17 Joint committees   | <i>Napier City</i>                      |
| 18 Regional land transport committee  | 51 Constitution of Napier City          |
| 19 Harbour committee  | 52 Napier City Council                  |
| 20 Administration headquarters  | 53 Interpretation                       |
| 21 Rating   | 54 Wards                                |
| 22 Regional planning scheme   | 55 Membership                           |
| 23 Civil defence  | 56 First election                       |
| 24 Vesting of property  | 57 First meeting                        |
| 25 Title to property  | 58 Chief executive                      |
| 26 Transitional committee   | 59 Functions, duties, and powers        |
| 27 Membership of transitional committee   | 60 Administration headquarters          |
| 28 No casting vote  | 61 Rating                               |
| 29 Exclusion of non-voting members  | 62 Town and country planning            |
| 30 Obligation of transitional committee to appoint Chief Executive              | 63 Civil defence                        |
| 31 Principal local authority  | 64 Vesting of property                  |
| 32 Costs of transitional committee  | 65 Title to property                    |
| 33 Delegation of service delivery   | 66 Transitional committee               |
|   | 67 Membership of transitional committee |
|   | 68 No casting vote                      |

- 69 Exclusion of non-voting members  
 70 Obligation of transitional committee to appoint chief executive  
 71 Principal local authority  
 72 Costs of transitional committee  
 73 Consultation with Petane domain board

## PART V

*Hastings District*

- 74 Constitution of Hastings District  
 75 Hastings District Council  
 76 Interpretation  
 77 Wards  
 78 Membership  
 79 First election  
 80 First meeting  
 81 Chief executive  
 82 Functions, duties, and powers  
 83 Hawke's Bay crematorium committee  
 84 Administration headquarters  
 85 Service delivery centres  
 86 Rating  
 87 Town and country planning  
 88 Civil defence  
 89 Vesting of property  
 90 Title to property  
 91 Transitional committee  
 92 Membership of transitional committee  
 93 No casting vote  
 94 Exclusion of non-voting members  
 95 Obligation of transitional committee to appoint chief executive  
 96 Principal local authority  
 97 Costs of transitional committee  
 98 Consultation with administering authorities of reserves

## PART VI

*Central Hawke's Bay District*

- 99 Constitution of Central Hawke's Bay District  
 100 Central Hawke's Bay District Council  
 101 Interpretation  
 102 Wards  
 103 Membership

- 104 First election  
 105 First meeting  
 106 Chief executive  
 107 Functions, duties, and powers  
 108 Administration headquarters  
 109 Service delivery centre  
 110 Rating  
 111 Town and country planning  
 112 Civil defence  
 113 Vesting of property  
 114 Title to property  
 115 Transitional committee  
 116 Membership of transitional committee  
 117 No casting vote  
 118 Exclusion of non-voting members  
 119 Obligation of transitional committee to appoint chief executive  
 120 Principal local authority  
 121 Costs of transitional committee  
 122 Consultation with administering authorities of reserves

## PART VII

*Hawke's Bay Harbour Board*

- 123 Vesting of property  
 124 Title to property  
 125 Port of Napier Limited  
 126 Liabilities in respect of port related commercial undertakings  
 127 Residual assets and liabilities

## PART VIII

*General*

- 128 Transfer of responsibilities  
 129 Creditors  
 130 Local authorities petroleum tax  
 131 Special funds  
 132 Loans  
 133 Assets and liabilities  
 134 Loan liabilities  
 135 Residual authorities  
 136 Conduct of affairs

## Schedules

**Order****1 TITLE AND COMMENCEMENT**

- (1) This order may be cited as the Local Government (Hawke's Bay Region) Reorganisation Order 1989.  
 (2) Subject to subclause (3) of this clause, this order shall come into force on the 1st day of November 1989.  
 (3) Those provisions of this order necessary:  
 (a) To provide for the first election of the members of the local authorities constituted by this order; and  
 (b) For the purposes of clauses 26 to 33, 66 to 73, 91 to 98, 115 to 122 and 133 of this order; and  
 (c) For the appointment of the principal administrative officers of the local authorities constituted by this order, shall come into force on the making of this order.

**2 ELECTIONS**

The first elections of the local authorities constituted by this order shall be held on the 14th day of October 1989.

**PART I***Hawke's Bay Region***3 CONSTITUTION OF HAWKE'S BAY REGION**

There is hereby constituted a region, to be known as "The Hawke's Bay Region", which shall comprise the area delineated on S.O. Plan No. 9816 deposited with the Chief Surveyor of the Hawke's Bay Land District.

**4 CONSTITUENT AUTHORITIES**

The constituent authorities of the Hawke's Bay Region shall comprise:

(a) The territorial authorities constituted by Parts III to VI of this order; and

(b) In relation to any part of the Taupo District constituted by the Local Government (Waikato) Reorganisation Order 1989 that is within the Hawke's Bay Region, the Taupo District Council; and

(c) In relation to any part of the Rangitikei District constituted by the Local Government (Manawatu-Wanganui Region) Reorganisation Order 1989 that is within the Hawke's Bay Region, the Rangitikei District Council.

## 5 DISSOLUTION OF EXISTING LOCAL AUTHORITIES AND ABOLITION OF EXISTING DISTRICTS

(1) Every local authority named in Part I or Part II of the First Schedule to this order is hereby dissolved.

(2) Every district named in Part I of the First Schedule to this order is hereby abolished.

## 6 REFERENCES TO FORMER AUTHORITY

(1) Every reference in this order to a former authority shall, where part only of the district of a former authority has been included within the district of a local authority, or any function of a former authority has been allocated to a local authority, be read as a reference to the former authority only in relation to that part or, as the case may be, that function.

(2) Any reference in Part VIII of this order to "the former authorities" or "former authority" shall be a reference to any of the former authorities defined in Parts II to VI of this order.

## 7 DISSOLUTION OF EXISTING COMMUNITY COUNCIL AND ABOLITION OF EXISTING COMMUNITY

(1) The Takapau Community Council is hereby dissolved.

(2) The Takapau Community is hereby abolished.

## PART II

### *Hawke's Bay Regional Council*

## 8 HAWKE'S BAY REGIONAL COUNCIL

A regional council, to be known as "The Hawke's Bay Regional Council", is hereby constituted for the Hawke's Bay Region.

## 9 INTERPRETATION

In this Part of this order:

"The former authorities" means,

- (a) The Hawke's Bay United Council; and
- (b) The Hawke's Bay Catchment Board and Regional Water Board; and
- (c) The Hawke's Bay District Noxious Plants Authority; and
- (d) The Wairoa District Noxious Plants Authority; and
- (e) The Waipukurau District Noxious Plants Authority; and
- (f) The Waipawa District Noxious Plants Authority; and
- (g) The Hawke's Bay Pest Destruction Board; and
- (h) Subject to Part VII of this order, The Hawke's Bay Harbour Board; and
- (i) The South-east Coast North Island Pest Destruction Board; and
- (j) The Tongariro United Council; and
- (k) The Taupo District Noxious Plants Authority; and
- (l) The Central North Island Pest Destruction Board; and
- (m) The Manawatu United Council; and
- (n) The Dannevirke-Woodville Noxious Plants Authority,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

"Former Hawke's Bay Region" means the Hawke's Bay

Region in existence immediately before the coming into force of this clause of this order; and

"Hawke's Bay Region" means the Hawke's Bay Region constituted by this order.

## 10 CONSTITUENCIES

(1) The Hawke's Bay Region is hereby divided into 5 constituencies.

(2) Those 5 constituencies are:

(a) The Wairoa Constituency, comprising the area delineated on S.O. Plan No. 9853 deposited with the Chief Surveyor of the Hawke's Bay Land District:

(b) The Napier Constituency, comprising the area delineated on S.O. Plan No. 9855 deposited with the Chief Surveyor of the Hawke's Bay Land District:

(c) The Ngaruroro Constituency, comprising the area delineated on S.O. Plan No. 9854 deposited with the Chief Surveyor of the Hawke's Bay Land District:

(d) The Hastings Constituency, comprising the area delineated on S.O. Plan No. 9856 deposited with the Chief Surveyor of the Hawke's Bay Land District:

(e) The Central Hawke's Bay Constituency, comprising the area delineated on S.O. Plan No. 9857 deposited with the Chief Surveyor of the Hawke's Bay Land District.

## 11 MEMBERSHIP

The Hawke's Bay Regional Council shall consist of 14 members, of whom:

(a) Two members shall be elected by the electors of the Wairoa Constituency; and

(b) Four members shall be elected by the electors of the Napier Constituency; and

(c) Two members shall be elected by the electors of the Ngaruroro Constituency; and

(d) Four members shall be elected by the electors of the Hastings Constituency; and

(e) Two members shall be elected by the electors of the Central Hawke's Bay Constituency.

## 12 FIRST ELECTION

(1) For the purposes of the first election of the Hawke's Bay Regional Council:

(a) The Returning Officer for the Wairoa Constituency shall be the Returning Officer for the Wairoa District; and

(b) The Returning Officer for the Napier Constituency shall be the Returning Officer for the Napier City; and

(d) The Returning Officer for the Ngaruroro Constituency and the Hastings Constituency shall be the Returning Officer for the Hastings City; and

(e) The Returning Officer for the Central Hawke's Bay Constituency shall be the Returning Officer for the Waipukurau District.

(2) The first election of the Hawke's Bay Regional Council shall be conducted by postal vote.

## 13 FIRST MEETING

(1) The principal administrative officer of the Hawke's Bay Regional Council:

(a) Shall convene the first meeting of that Council; and

(b) Shall preside at the first meeting of that Council until the election of the Chairperson of that Council.

(2) The first meeting of the Hawke's Bay Regional Council shall be held no later than the 14th day of November 1989.

## 14 CHIEF EXECUTIVE

(1) The Chief Executive of the Hawke's Bay Regional Council



shall be the person appointed to that position in accordance with clause 30 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Hawke's Bay Regional Council.

### 15 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Hawke's Bay Regional Council shall be:

(a) Except as otherwise provided in this order, the functions, duties, and powers of a regional council under—

- (i) The Local Government Act 1974; and
- (ii) The Urban Transport Act 1980; and
- (iii) Any public Act relating to the Hawke's Bay Regional Council or any of the former authorities and not expressly referred to in this clause; and
- (iv) Any local Act relating to the Hawke's Bay Regional Council or any of the former authorities; and

(b) The functions, duties, and powers in relation to regional planning of a regional council under the Town and Country Planning Act 1977 or any other Act; and

(c) The functions, duties, and powers in relation to maritime planning of a maritime planning authority under the Town and Country Planning Act 1977 or any other Act; and

(d) The functions, duties, and powers of a catchment board and a regional water board under the Soil Conservation and Rivers Control Act 1941 and the Water and Soil Conservation Act 1967 or any other Act; and

(e) The functions, duties, and powers in relation to civil defence of a regional council under the Civil Defence Act 1983 or any other Act; and

(f) Except as otherwise provided in this order, the functions, duties, and powers of a harbour board under the Harbours Act 1950 and the Marine Pollution Act 1974 or any other Act; and

(g) The functions, duties, and powers of a pest destruction board under the Agricultural Pests Destruction Act 1967 or any other Act; and

(h) The functions, duties, and powers of a district noxious plants authority under the Noxious Plants Act 1978 or any other Act.

### 16 RURAL SERVICES COMMITTEE

(1) The Hawke's Bay Regional Council shall at least until the 1st day of November 1995, establish and maintain a Rural Services Committee.

(2) The Rural Services Committee shall be responsible for:

- (a) Agricultural pests destruction; and
- (b) Noxious plants control; and
- (c) Any other functions considered by the Hawke's Bay Regional Council to be of particular concern to the rural community.

(3) The persons appointed by the Hawke's Bay Regional Council to the Rural Services Committee established under this clause shall include not less than 2 persons:

- (a) Who are not members of that Council; but
- (b) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

### 17 JOINT COMMITTEES

(1) The Hawke's Bay Regional Council shall, at least until the 1st day of November 1995, unite with the Waikato Regional Council, the Manawatu-Wanganui Regional Council, the Taranaki Regional Council and the Bay of Plenty Regional Council in appointing a joint committee, comprising an equal number of representatives of those councils, for the purposes of:

- (a) Co-ordinating planning for the control of those

agricultural pests and noxious plants of particular concern in relation to those regions; and

(b) Co-ordinating action on such other matters as those Councils are jointly interested in.

(2) The Hawke's Bay Regional Council shall, at least until the 1st day of November 1995, unite with the Bay of Plenty Regional Council and the Gisborne District Council in appointing a joint committee, comprising an equal number of representatives of those councils, for the purposes of:

(a) Co-ordinating planning for the control of those agricultural pests and noxious plants of particular concern in relation to their regions, and in the case of the Gisborne District Council, in relation to its district; and

(b) Co-ordinating the performance of the functions, duties, and powers of a catchment board and a regional water board in respect to those areas of the Gisborne District not wholly within a water catchment; and

(c) Co-ordinating action on such other matters as those Councils are jointly interested in.

### 18 REGIONAL LAND TRANSPORT COMMITTEE

(1) The Hawke's Bay Regional Council shall establish and maintain a Regional Land Transport Committee.

(2) The Regional Land Transport Committee shall be responsible for:

(a) Regional roading under Part XXII of the Local Government Act 1974; and

(b) Such transport or other roading responsibilities as may from time to time, pursuant to any Act, become a function of a regional council; and

(c) Such other functions as the Hawke's Bay Regional Council considers appropriate.

### 19 HARBOUR COMMITTEE

(1) The Hawke's Bay Regional Council shall, at least until the 1st day of November 1995, establish and maintain a Napier Harbour Committee.

(2) The Napier Harbour Committee shall be responsible for:

(a) Navigation and safety within those areas within harbour limits for which the Hawke's Bay Regional Council is, from time to time, responsible; and

(b) Any other matter associated with the regulation of those areas, other than maritime planning; and

(c) Such other functions as that Council considers appropriate.

(3) The persons appointed by the Hawke's Bay Regional Council to the Napier Harbour Committee established under this clause shall include not less than 2 persons:

- (a) Who are not members of the Council; but
- (b) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

### 20 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Hawke's Bay Regional Council shall be located in Napier.

### 21 RATING

(1) Without limiting the powers of the Hawke's Bay Regional Council under the Rating Powers Act 1988 to make and levy any rate under a different system of rating, the system of rating in the Hawke's Bay Region shall be the land value system.

(2) The Hawke's Bay Regional Council shall exercise within the Hawke's Bay Region or any part thereof:

- (a) Any rating powers possessed by any former authority;
- (b) Any powers to make and levy assessments relating to the functions and powers possessed by any former authority.

(3) Subject to subclause (7) of this clause, and until at least the

30th day of June 1992, all rates made by the Hawke's Bay Regional Council shall be levied and collected by the constituent authorities of the Hawke's Bay Region as if an agreement had been made under section 127(1) of the Rating Powers Act 1988.

(4) Where a rate to which subclause (3) of this clause applies has been made on a different rating system to that which applies in the district of the constituent authority by which the rate is to be collected, that rate shall be levied and collected by the constituent authority:

(a) On the system of rating in force in the district of the constituent authority; or

(b) On the system of rating upon which the rate was made by the Hawke's Bay Regional Council.

(5) Where any rate to which subclause (3) of this clause applies is made by the Hawke's Bay Regional Council in respect of an area of benefit, it shall be levied and collected by the constituent authority or authorities within which that area of benefit is located and, where appropriate, according to any graduated scale applying to the rate.

(6) Subject to subclause (7) of this clause, the Hawke's Bay Regional Council shall, for the purpose of:

(a) Reimbursing each constituent authority for costs incurred in the levying and collecting of rates (including goods and services tax); and

(b) Paying reasonable remuneration for clerical and other work,

pay to each constituent authority an amount equal to 2 percent of the total amount of rates, inclusive of the goods and services tax, collected by that constituent authority on behalf of that Council.

(7) The Hawke's Bay Regional Council and the constituent authorities may, by unanimous agreement, resolve:

(a) That, at any time after the 1st day of July 1990, that Council shall levy and collect all or any rates made by it directly; or

(b) That, at any time after the 1st day of July 1990, the amount payable by that Council to each constituent authority, pursuant to subclause (6) of this clause, may be increased or decreased or calculated in accordance with a formula not based upon a percentage.

## 22 REGIONAL PLANNING SCHEME

(1) The Hawke's Bay Regional Council shall not be required to prepare a new regional planning scheme immediately.

(2) The approved regional planning schemes or the proposed regional planning schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be approved or, as the case may be, the proposed regional planning scheme of the Hawke's Bay Region.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its regional planning scheme or of any change or variation thereof, then subject to any resolution of the Hawke's Bay Regional Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Hawke's Bay Regional Council, and may be adopted and acted upon by it.

## 23 CIVIL DEFENCE

The operative regional civil defence plan of the former Hawke's Bay Region shall continue in force in those areas included in the Hawke's Bay Region until a new plan is approved for the whole region, in accordance with the Civil Defence Act 1983.

## 24 VESTING OF PROPERTY

(1) Except as otherwise provided in this order, all property, real and personal, vested in the corporation of any former authority and situated in the Hawke's Bay Region is hereby

vested in the corporation of the Hawke's Bay Regional Council, subject to all existing encumbrances.

(2) Except as otherwise provided in this order, all property, real and personal, vested in the corporation of any former authority other than those former authorities named in paragraphs (i) to (n) of clause 9 of this order, and situated in a region in which that former authority is not also a former authority is hereby vested in the corporation of the Hawke's Bay Regional Council, subject to all existing encumbrances.

## 25 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Hawke's Bay Regional Council by clause 24 of this order shall, unless the context otherwise requires, be read as a reference to "The Hawke's Bay Regional Council".

## 26 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Hawke's Bay Region.

(2) The local authorities to which this clause applies shall be:

(a) The Hawke's Bay United Council; and

(b) The Hawke's Bay Catchment Board and Regional Water Board; and

(c) The Hawke's Bay Harbour Board; and

(d) The Hawke's Bay District Noxious Plants Authority; and

(e) The Wairoa District Noxious Plants Authority; and

(f) The Waipukurau District Noxious Plants Authority; and

(g) The Waipawa District Noxious Plants Authority; and

(h) The South-east Coast North Island Pest Destruction Board; and

(i) The Hawke's Bay Pest Destruction Board.

## 27 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Hawke's Bay Region shall consist of:

(a) Two members appointed by the Hawke's Bay United Council; and

(b) Two members appointed by the Hawke's Bay Catchment Board and Regional Water Board; and

(c) One member appointed by the Hawke's Bay Harbour Board; and

(d) One member appointed jointly by the district noxious plants authorities and the pest destruction boards named in paragraphs (d) to (i) of clause 26(2) of this order; and

(e) One officer appointed by each local authority named in paragraphs (a) to (c) of clause 26(2) of this order, who shall be non-voting members of the transitional committee; and

(f) One officer appointed jointly by the district noxious plants authorities and the pest destruction boards named in paragraphs (d) to (i) of clause 26(2) of this order, who shall be a non-voting member of the transitional committee; and

(g) The Chief Executive designate, when appointed in accordance with clause 30 of this order, who shall be a non-voting member of the transitional committee; and

(h) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 26(2) of this order, who shall be a non-voting member of the transitional committee.

## 28 NO CASTING VOTE

The Chairperson of the transitional committee for the Hawke's Bay Region or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

### 29 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Hawke's Bay Region may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 30 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Hawke's Bay Region shall appoint a person to be the Chief Executive of the Hawke's Bay Regional Council.

### 31 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Hawke's Bay Region shall be the Hawke's Bay United Council.

### 32 COSTS OF TRANSITIONAL COMMITTEE

(1) The costs of the transitional committee for the Hawke's Bay Region (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 26(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the gross revenue of the local authority for the year ended on the 31st day of March 1988 bears to the gross revenue of all the local authorities to which this clause applies for that year.

(2) For the purpose of this clause, the gross revenue of a local authority shall be the gross revenue reasonably related to the area of a local authority which is to be included in the Hawke's Bay Region or any function of a local authority which is to be transferred to the Hawke's Bay Regional Council, whichever is applicable.

### 33 DELEGATION OF SERVICE DELIVERY

The transitional committee for the Hawke's Bay Region shall meet with:

(a) Each of the other transitional committees specified in this order; and

(b) The Wairoa District Council,

for the purpose of considering the most appropriate arrangements for the physical delivery of services relating to the functions allocated to the Hawke's Bay Regional Council by this order.

## PART III

### *Wairoa District*

### 34 CONSTITUTION OF WAIROA DISTRICT

(1) There is hereby constituted a district, to be known as

"The Wairoa District", which shall comprise the area delineated on S.O. Plan No. 9817 deposited with the Chief Surveyor of the Hawke's Bay Land District.

### 35 WAIROA DISTRICT COUNCIL

A territorial authority, to be known as "The Wairoa District Council", is hereby constituted for the Wairoa District.

### 36 INTERPRETATION

In this Part of this order:

"The former authorities" means—

(a) The former Wairoa District Council; and

(b) The Whakaki Drainage Board; and

(c) The Kotemaori Domain Board, and any reference to "former authority" shall be a reference to any of the former authorities named above in this clause.

"Former Wairoa District" means the Wairoa District in existence immediately before the coming into force of this clause of this order;

"Former Wairoa District Council" means the Wairoa District Council in existence immediately before the coming into force of this clause of this order;

"The Wairoa District" means the Wairoa District constituted by this order;

"The Wairoa District Council" means the Wairoa District Council constituted by this order.

### 37 WARDS

(1) The Wairoa District is hereby divided into 5 wards:

(2) Those 5 wards are:

(a) The Wairoa Ward, comprising the area delineated on S.O. Plan No. 9821 deposited with the Chief Surveyor of the Hawke's Bay Land District:

(b) The Tuhara-Frasertown Ward, comprising the area delineated on S.O. Plan No. 9820 deposited with the Chief Surveyor of the Hawke's Bay Land District:

(c) The Mohaka-Waiiau Ward, comprising the area delineated on S.O. Plan No. 9819 deposited with the Chief Surveyor of the Hawke's Bay Land District:

(d) The Mahia-Nuhaka Ward, comprising the area delineated on S.O. Plan No. 9818 deposited with the Chief Surveyor of the Hawke's Bay Land District:

(e) The Waikaremoana-Ruakituri Ward, comprising the area delineated on S.O. Plan No. 9860 deposited with the Chief Surveyor of the Gisborne Land District.

### 38 MEMBERSHIP

(1) The Wairoa District Council shall consist of a Mayor and 9 members.

(2) The members of the Wairoa District Council to be elected at the first election of that Council shall be elected as follows:

(a) Four members shall be elected by the electors of the Wairoa Ward; and

(b) Two members shall be elected by the electors of the Tuhara-Frasertown Ward; and

(c) One member shall be elected by the electors of the Mohaka-Waiiau Ward; and

(d) One member shall be elected by the electors of the Mahia-Nuhaka Ward; and

(e) One member shall be elected by the electors of the Waikaremoana-Ruakituri Ward.

### 39 FIRST ELECTION

(1) For the purposes of the first election of the Wairoa District Council, the Returning Officer and the principal administrative officer for the Wairoa District shall be, respectively, the Returning Officer and the principal administrative officer for the former Wairoa District.

(2) The first election of the Wairoa District Council shall be conducted by postal vote.

### 40 FIRST MEETING

The first meeting of the Wairoa District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 41 CHIEF EXECUTIVE

(1) The Chief Executive of the Wairoa District Council shall be the person holding the position of District Manager for the former Wairoa District Council immediately before the coming into effect of this order.

(2) The Chief Executive shall be the principal administrative officer of the Wairoa District Council.

#### 42 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Wairoa District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

- (i) The Local Government Act 1974; and
- (ii) Any other public Act relating to the Wairoa District Council or any of the former authorities; and
- (iii) Any local Act relating to the Wairoa District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

#### 43 WHAKAKI DRAINAGE AREA

The area of the former Whakaki Drainage District is hereby deemed to be a drainage area constituted under section 504 of the Local Government Act 1974 to be known as the "The Whakaki Drainage Area".

#### 44 WHAKAKI DRAINAGE COMMITTEE

(1) The Wairoa District Council shall establish and maintain a committee to be known as "The Whakaki Drainage Committee" which shall consist of not less than four persons who are ratepayers in respect of the Whakaki Drainage District who shall be appointed by the Wairoa District Council.

(2) The functions of the Whakaki Drainage Committee shall be:

(a) To express the views of the ratepayers of the Whakaki Drainage District to the Wairoa District Council; and

(b) To perform such functions and exercise such powers, in respect of the Whakaki Drainage District, as may from time to time be delegated to it by the Wairoa District Council.

(3) All funds held by the former Whakaki Drainage Board shall be deemed to be a special fund of the Wairoa District Council.

#### 45 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Wairoa District Council shall be located in Wairoa.

#### 46 RATING

(1) The system of rating in the Wairoa District shall be the land value system:

Provided that for the purposes of any separate rate to be levied over the Whakaki Drainage District constituted pursuant to clause 44 of this order, the system of rating shall be the capital value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Wairoa District, Part XIV of the Rating Powers Act 1988 shall apply as if the Wairoa District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

#### 47 TOWN AND COUNTRY PLANNING

(1) The Wairoa District Council shall not be required to prepare a new district scheme, immediately, for the Wairoa District.

(2) The operative district scheme and the proposed district scheme under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Wairoa District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Wairoa District Council to the contrary, all such

preparation shall be deemed to have been done by, or on behalf of, the Wairoa District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Wairoa District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Wairoa District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Wairoa District Council or, as the case may require, a committee or delegate thereof.

#### 48 CIVIL DEFENCE

The operative local civil defence plan for the district of the former authority shall continue in force in the Wairoa District until a new plan is approved for the Wairoa District, in accordance with the Civil Defence Act 1983.

#### 49 VESTING OF PROPERTY

All property, real and personal, vested in the corporation of any former authority and situated in the Wairoa District is hereby vested in the corporation of the Wairoa District Council, subject to all existing encumbrances.

#### 50 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Wairoa District Council by clause 49 of this order shall, unless the context otherwise requires, be read as a reference to "the Wairoa District Council".

### PART IV

#### *Napier City*

#### 51 CONSTITUTION OF NAPIER CITY

There is hereby constituted a district, to be known as "The Napier City", which shall comprise the area delineated on S.O. Plan No. 9830 deposited with the Chief Surveyor of the Hawke's Bay Land District.

#### 52 NAPIER CITY COUNCIL

A territorial authority, to be known as "The Napier City Council", is hereby constituted for the Napier City.

#### 53 INTERPRETATION

In this Part of this order:

"The former authorities" means—

- (a) The former Napier City Council; and
- (b) The Hawke's Bay County Council; and
- (c) The Petane Domain Board; and
- (d) Subject to Part VII of this order, the Hawke's Bay Harbour Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

"Former Napier City" means the Napier City in existence immediately before the coming into force of this Part of this order.

"Former Napier City Council" means the Napier City

Council in existence immediately before the coming into force of this Part of this order.

“The Napier City” means the Napier City constituted by this order.

“The Napier City Council” means the Napier City Council constituted by this order.

#### 54 WARDS

(1) The Napier City is hereby divided into 3 wards:

(2) Those 3 wards are:

(a) The Ahuriri Ward, comprising the area delineated on S.O. Plan No. 9832 deposited with the Chief Surveyor of the Hawke's Bay Land District:

(b) The Onekawa Ward, comprising the area delineated on S.O. Plan No. 9832 deposited with the Chief Surveyor of the Hawke's Bay Land District:

(c) The Taradale Ward, comprising the area delineated on S.O. Plan No. 9833 deposited with the Chief Surveyor of the Hawke's Bay Land District.

#### 55 MEMBERSHIP

(1) The Napier City Council shall consist of a Mayor and 12 members.

(2) The members of the Napier City Council to be elected at the first election of that Council shall be elected as follows:

(a) Four members shall be elected by the electors of the Ahuriri Ward; and

(b) Four members shall be elected by the electors of the Onekawa Ward; and

(c) Four members shall be elected by the electors of the Taradale Ward.

#### 56 FIRST ELECTION

(1) For the purposes of the first election of the Napier City Council, the Returning Officer and the principal administrative officer for the Napier City shall be, respectively, the Returning Officer and the principal administrative officer for the former Napier City.

(2) The first election of the Napier City Council shall be conducted by postal vote.

#### 57 FIRST MEETING

The first meeting of the Napier City Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

#### 58 CHIEF EXECUTIVE

(1) The Chief Executive of the Napier City Council shall be the person appointed to that position in accordance with clause 70 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Napier City Council.

#### 59 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Napier City Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Napier City Council or any of the former authorities; and

(iii) Any local Act relating to the Napier City Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the provision and maintenance of those marinas, wharves, jetties, boat ramps and other harbour facilities,

formerly the responsibility of the Hawke's Bay Harbour Board and transferred to the Napier City Council by Part VII of this order; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

#### 60 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Napier City Council shall be located in Napier.

#### 61 RATING

(1) The system of rating in the Napier City shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Napier City, Part XIV of the Rating Powers Act 1988 shall apply as if the Napier City was the district of a special purpose authority and the areas from which it was formed were constituent districts.

#### 62 TOWN AND COUNTRY PLANNING

(1) The Napier City Council shall not be required to prepare a new district scheme, immediately, for the Napier City.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Napier City.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Napier City Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Napier City Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Napier City Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Napier City Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Napier City Council or, as the case may require, a committee or delegate thereof.

#### 63 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of Napier City until a new plan is approved for Napier City, in accordance with the Civil Defence Act 1983.

#### 64 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in Napier City is hereby vested in the corporation of the Napier City Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Hawke's Bay County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the

corporation of the Napier City Council, subject to all existing encumbrances.

### 65 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Napier City Council by clause 64 of this order shall, unless the context otherwise requires, be read as a reference to "the Napier City Council".

### 66 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Napier City.

(2) The local authorities to which this clause applies shall be:

- (a) the Napier City Council; and
- (b) the Hawke's Bay County Council.

### 67 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Napier City shall consist of:

- (a) Three members appointed by the Napier City Council; and
- (b) Two members appointed by the Hawke's Bay County Council; and
- (c) One officer to be appointed by each local authority named in clause 66(2) of this clause who shall be non-voting members of the transitional committee; and
- (d) The Chief Executive designate, when appointed in accordance with clause 70 if this order, who shall be a non-voting member of the transitional committee; and
- (e) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 66(2) of this order, who shall be a non-voting member of the transitional committee.

### 68 NO CASTING VOTE

The Chairperson of the transitional committee for the Napier City or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

### 69 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Napier City may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 70 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Napier City shall appoint a person to be the Chief Executive of the Napier City Council.

### 71 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Napier City shall be the Napier City Council.

### 72 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Napier City (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 66(2) of this order either;

- (a) In accordance with a formula agreed to by that committee; or
- (b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Napier City,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in Napier City.

### 73 CONSULTATION WITH PETANE DOMAIN BOARD

(1) The transitional committee for the Napier City shall consult with the Petane Domain Board.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for the Petane Domain.

(3) Where, following that consultation, the transitional committee for the Napier City considers it desirable that a committee of management be established, the transitional committee shall recommend to the Napier City Council that it establish such a committee of management.

## PART V

### *Hastings District*

### 74 CONSTITUTION OF HASTINGS DISTRICT

There is hereby constituted a district, to be known as "The Hastings District", which shall comprise the area delineated on S.O. Plan No. 9822 deposited with the Chief Surveyor of the Hawke's Bay Land District.

### 75 HASTINGS DISTRICT COUNCIL

A territorial authority, to be known as "The Hastings District Council", is hereby constituted for the Hastings District.

### 76 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Hastings City Council; and
- (b) The Hawke's Bay County Council; and
- (c) The Havelock North Borough Council; and
- (d) The Taupo District Council; and
- (e) The Rangitikei County Council; and
- (f) The Hawke's Bay Crematorium Board; and
- (g) The Clifton No. 2 Domain Board; and
- (h) The Farndon Park Domain Board; and
- (i) The Hutchinson Domain Board; and
- (j) The Putorino Domain Board; and
- (k) The Te Pohue-Upper Mohaka Domain Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

### 77 WARDS

(1) The Hastings District is hereby divided into 7 wards:

(2) Those 7 wards are:

- (a) The Kaweka Ward, comprising the area delineated on S.O. Plan No. 9823 deposited with the Chief Surveyor of the Hawke's Bay Land District;
- (b) The Maraekakaho Ward, comprising the area delineated on S.O. Plan No. 9829 deposited with the Chief Surveyor of the Hawke's Bay Land District;
- (c) The Flaxmere Ward, comprising the area delineated on S.O. Plan No. 9825 deposited with the Chief Surveyor of the Hawke's Bay Land District;
- (d) The Clive Ward, comprising the area delineated on S.O. Plan No. 9824 deposited with the Chief Surveyor of the Hawke's Bay Land District;
- (e) The Hastings Ward, comprising the area delineated on

S.O. Plan No. 9826 deposited with the Chief Surveyor of the Hawke's Bay Land District:

(f) The Havelock North Ward, comprising the area delineated on S.O. Plan No. 9828 deposited with the Chief Surveyor of the Hawke's Bay Land District:

(g) The Twyford Ward, comprising the area delineated on S.O. Plan No. 9827 deposited with the Chief Surveyor of the Hawke's Bay Land District.

### 78 MEMBERSHIP

(1) The Hastings District Council shall consist of a Mayor and 14 members.

(2) The members of the Hastings District Council to be elected at the first election of that Council shall be elected as follows:

(a) Two members shall be elected by the electors of the Kaweka Ward; and

(b) Two members shall be elected by the electors of the Maraekakaho Ward; and

(c) Two members shall be elected by the electors of the Flaxmere Ward; and

(d) Two members shall be elected by the electors of the Clive Ward; and

(e) Two members shall be elected by the electors of the Hastings Ward; and

(f) Two members shall be elected by the electors of the Havelock North Ward; and

(g) Two members shall be elected by the electors of the Twyford Ward.

### 79 FIRST ELECTION

(1) For the purposes of the first election of the Hastings District Council, the Returning Officer and the principal administrative officer for the Hastings District shall be, respectively, the Returning Officer and the principal administrative officer for the Hastings City.

(2) The first election of the Hastings District Council shall be conducted by postal vote.

### 80 FIRST MEETING

The first meeting of the Hastings District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 81 CHIEF EXECUTIVE

(1) The Chief Executive of the Hastings District Council shall be the person appointed to that position in accordance with clause 95 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Hastings District Council.

### 82 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Hastings District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Hastings District Council or any of the former authorities; and

(iii) Any local Act relating to the Hastings District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause; and

(c) The functions, duties, and powers of the Hawke's Bay

Crematorium Board pursuant to the Hawke's Bay Crematorium Act 1944.

### 83 HAWKE'S BAY CREMATORIUM COMMITTEE

(1) The Hastings District Council shall establish and maintain a committee to be called the Hawke's Bay Crematorium Committee.

(2) The membership of the Committee shall consist of:

(a) Two members to be appointed by the Napier City Council; and

(b) Two members to be appointed by the Hastings District Council; and

(c) One member to be appointed by the Central Hawke's Bay District Council.

(3) The Hastings District Council shall delegate to the Hawke's Bay Crematorium Committee such functions, duties, and powers in respect of the supervision and operation of the Hawke's Bay Crematorium as the Council considers appropriate.

### 84 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Hastings District Council shall be located in Hastings.

### 85 SERVICE DELIVERY CENTRES

The Hastings District Council shall, at least until the 1st day of November 1995, establish and maintain service delivery centres, in

(a) Havelock North; and

(b) Flaxmere,

in accordance with the provisions of the Second Schedule to this order.

### 86 RATING

(1) The system of rating in the Hastings District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Hastings District, Part XIV of the Rating Powers Act 1988 shall apply as if the Hastings District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 87 TOWN AND COUNTRY PLANNING

(1) The Hastings District Council shall not be required to prepare a new district scheme, immediately, for the Hastings District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Hastings District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Hastings District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Hastings District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Hastings District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed



of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Hastings District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Hastings District Council or, as the case may require, a committee or delegate thereof.

### 88 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Hastings District until a new plan is approved for the Hastings District, in accordance with the Civil Defence Act 1983.

### 89 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Hastings District is hereby vested in the corporation of the Hastings District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Taupo District Council and the Rangitikei County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Hastings District Council, subject to all existing encumbrances.

### 90 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Hastings District Council by clause 89 of this order shall, unless the context otherwise requires, be read as a reference to "the Hastings District Council".

### 91 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Hastings District.

(2) The local authorities to which this clause applies shall be:

- (a) the Hastings City Council; and
- (b) the Havelock North Borough Council; and
- (c) the Hawke's Bay County Council.

### 92 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Hastings District shall consist of:

(a) Three members appointed by the Hastings City Council; and

(b) Two members appointed by the Hawke's Bay County Council; and

(c) One member appointed by the Havelock North Borough Council; and

(d) One officer appointed by each local authority named in clause 91(2) of this order, who shall be non-voting members of the transitional committee; and

(e) The Chief Executive designate, when appointed in accordance with clause 95 of this order, who shall be a non-voting member of the transitional committee; and

(f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 91(2) of this order, who shall be a non-voting member of the transitional committee.

### 93 NO CASTING VOTE

The Chairperson of the transitional committee for the Hastings District or other person presiding at any meeting of

the committee shall not have a casting vote in the case of equality of votes.

### 94 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Hastings District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 95 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Hastings District shall appoint a person to be the Chief Executive of the Hastings District Council.

### 96 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Hastings District shall be the Hastings City Council.

### 97 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Hastings District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 91(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula:

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of—

(i) The district of that local authority; or

(ii) Those parts of the district of that local authority to be included in the Hastings District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in Hastings District.

### 98 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The transitional committee for the Hastings District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Hastings District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Hastings District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Hastings District Council that it establish such a committee or committees of management.

## PART VI

### *Central Hawke's Bay District*

### 99 CONSTITUTION OF CENTRAL HAWKE'S BAY DISTRICT

There is hereby constituted a district, to be known as "The Central Hawke's Bay District", which shall comprise the area delineated on S.O. Plan No. 9834 deposited with the Chief Surveyor of the Hawke's Bay Land District.

### 100 CENTRAL HAWKE'S BAY DISTRICT COUNCIL

A territorial authority, to be known as "The Central Hawke's Bay District Council", is hereby constituted for the Central Hawke's Bay District.



**101 INTERPRETATION**

In this Part of this order, "the former authorities" means:

- (a) The Waipawa District Council; and
- (b) The Waipukurau District Council; and
- (c) The Dannevirke District Council; and
- (d) The Waipawa River Board; and
- (e) The Hatuma Domain Board; and
- (f) The Pourerere Domain Board; and
- (g) The Elsthorpe Reserve Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

**102 WARDS**

(1) The Central Hawke's Bay District is hereby divided into 5 wards:

(2) Those 5 wards are:

(a) The Aramoana Ward, comprising the area delineated on S.O. Plan No. 9835 deposited with the Chief Surveyor of the Hawke's Bay Land District:

(b) The Waipukurau Ward, comprising the area delineated on S.O. Plan No. 9839 deposited with the Chief Surveyor of the Hawke's Bay Land District:

(c) The Takapau Ward, comprising the area delineated on S.O. Plan No. 9836 deposited with the Chief Surveyor of the Hawke's Bay Land District:

(d) The Waipawa Ward, comprising the area delineated on S.O. Plan No. 9838 deposited with the Chief Surveyor of the Hawke's Bay Land District:

(e) the Tikokino Ward, comprising the area delineated on S.O. Plan No. 9837 deposited with the Chief Surveyor of the Hawke's Bay Land District.

**103 MEMBERSHIP**

(1) The Central Hawke's Bay District Council shall consist of a Mayor and 12 members.

(2) The members of the Central Hawke's Bay District Council to be elected at the first election of that Council shall be elected as follows:

(a) Two members shall be elected by the electors of the Aramoana Ward; and

(b) Four members shall be elected by the electors of the Waipukurau Ward; and

(c) Two members shall be elected by the electors of the Takapau Ward; and

(d) Two members shall be elected by the electors of the Waipawa Ward; and

(e) Two members shall be elected by the electors of the Tikokino Ward.

**104 FIRST ELECTION**

(1) For the purposes of the first election of the Central Hawke's Bay District Council, the Returning Officer and the principal administrative officer for the Central Hawke's Bay District shall be, respectively, the Returning Officer and the principal administrative officer for the Waipukurau District.

(2) The first election of the Central Hawke's Bay District Council shall be conducted by postal vote.

**105 FIRST MEETING**

The first meeting of the Central Hawke's Bay District Council:

(1) Shall be convened by the principal administrative officer of that Council; and

(2) Shall be held no later than the 14th day of November 1989.

**106 CHIEF EXECUTIVE**

(1) The Chief Executive of the Central Hawke's Bay District Council shall be the person appointed to that position in accordance with clause 119 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Central Hawke's Bay District Council.

**107 FUNCTIONS, DUTIES, AND POWERS**

The functions, duties, and powers of the Central Hawke's Bay District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Central Hawke's Bay District Council or any of the former authorities; and

(iii) Any local Act relating to the Central Hawke's Bay District Council or any of the former authorities; and

(b) The functions, duties, and powers of a river board under the River Boards Act 1908 in respect of the area of the former Waipawa River District; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

**108 ADMINISTRATION HEADQUARTERS**

Until the Central Hawke's Bay District Council otherwise resolves, the administration headquarters of the Council shall be located in Waipawa.

**109 SERVICE DELIVERY CENTRE**

The Central Hawke's Bay District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre, in Waipukurau, in accordance with the provisions of the Second Schedule to this order.

**110 RATING**

(1) The system of rating in the Central Hawke's Bay District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Central Hawke's Bay District, Part XIV of the Rating Powers Act 1988 shall apply as if the Central Hawke's Bay District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

**111 TOWN AND COUNTRY PLANNING**

(1) The Central Hawke's Bay District Council shall not be required to prepare a new district scheme, immediately, for the Central Hawke's Bay District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Central Hawke's Bay District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Central Hawke's Bay District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Central Hawke's Bay District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Central Hawke's Bay District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Central Hawke's Bay District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Central Hawke's Bay District Council or, as the case may require, a committee or delegate thereof.

### 112 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Central Hawke's Bay District until a new plan is approved for the Central Hawke's Bay District, in accordance with the Civil Defence Act 1983.

### 113 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Central Hawke's Bay District is hereby vested in the corporation of the Central Hawke's Bay District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than Dannevirke District Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Central Hawke's Bay District Council, subject to all existing encumbrances.

### 114 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Central Hawke's Bay District Council by clause 113 of this order shall, unless the context otherwise requires, be read as a reference to "the Central Hawke's Bay District Council".

### 115 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Central Hawke's Bay District.

(2) The local authorities to which this clause applies shall be:

- (a) The Waipawa District Council; and
- (b) The Waipukurau District Council.

### 116 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Central Hawke's Bay District shall consist of:

- (a) Two members appointed by the Waipawa District Council; and
- (b) Two members appointed by the Waipukurau District Council; and
- (c) One officer to be appointed by each local authority named in clause 115(2) of this order, who shall be non-voting members of the transitional committee; and
- (d) The Chief Executive designate, when appointed in accordance with Clause 119 of this order, who shall be a non-voting member of the transitional committee; and

(e) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in Clause 115(2) of this order, who shall be a non-voting member of the transitional committee.

### 117 NO CASTING VOTE

The Chairperson of the transitional committee for the Central Hawke's Bay District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

### 118 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Central Hawke's Bay District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 119 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Central Hawke's Bay District shall appoint a person to be the Chief Executive of the Central Hawke's Bay District Council.

### 120 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Central Hawke's Bay District shall be the Waipukurau District Council.

### 121 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Central Hawke's Bay District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 115(2) of this order either:

- (a) In accordance with a formula agreed to by that committee; or
- (b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
  - (ii) Those parts of the district of that local authority to be included in the Central Hawke's Bay District,
- as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Central Hawke's Bay District.

### 122 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The transitional committee for the Central Hawke's Bay District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Central Hawke's Bay District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Central Hawke's Bay District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Central Hawke's Bay District Council that it establish such a committee or committees of management.

## PART VII

### *Hawke's Bay Harbour Board*

### 123 VESTING OF PROPERTY

(1) This clause shall apply to that property, real and personal, vested in the Hawke's Bay Harbour Board as at the 31st day of October 1989.

(2) Subject to subclauses (6), (8), (9) and (10) of this clause, all property—

(a) Which is vested in the Hawke's Bay Harbour Board as at the 31st day of October 1989; and

(b) Which is situated within the area of the Napier City constituted by this order; and

(c) Which—

- (i) Is a reserve under the Reserves Act 1977; or
- (ii) Is principally used for recreational purposes, whether or not it is a reserve under the Reserves Act 1977; or
- (iii) Is a marina, wharf, jetty, boat ramp or other harbour facility principally used for recreational purposes; or
- (iv) Is an item of plant or equipment used principally in association with the maintenance, use or operation of the facilities referred to in subparagraphs (i), or (ii) or (iii) of this paragraph—

is hereby vested in the Napier City Council for the purpose for which it is so reserved, or, where there is no such purpose, for the purposes of any function transferred by this order to the Napier City Council.

(3) Subject to subclauses (6), (8), (9) and (10) of this clause all that property which is vested in the Hawke's Bay Harbour Board as at the 31st day of October 1989 and which is situated in the Napier City as constituted by this order and which is adjacent to any harbour or the sea is hereby vested in the Napier City Council.

(4) Where there is any dispute over whether any property comes within a category of property referred to in this clause, the matter shall be referred to the Local Government Commission for determination.

(5) Subject to subclauses (8) to (10) of this clause any property which is vested in the Hawke's Bay Harbour Board as at 31st day of October 1989 and which does not come within a category of property referred to in subclause (2) or subclause (3) of this clause is hereby vested in the Hawke's Bay Regional Council.

(6) Notwithstanding anything in subclauses (2) and (3) of this clause, but subject to subclauses (9) and (10) of this clause, any land which is vested in the Hawke's Bay Harbour Board as at 31st day of October 1989 and which is below the mean high water mark is hereby vested in the Hawke's Bay Regional Council.

(7) For the purposes of this clause, any property which is fixed to, or under or over, any land which is below the mean high water mark, and which is used for, or in conjunction with, any purpose referred to in subclause (2) of this clause and which is situated in the Napier City as constituted by this order is hereby transferred to the Napier City Council, whether or not any interest in the land is also transferred.

(8) Without limiting the provisions of subclauses (2), (3), (5) and (6) of this clause, but subject to subclauses (9) and (10) of this clause, the property described in the Fourth Schedule to this order and, in respect of the harbour facilities described in Part I of that Schedule:

- (a) Any cash balances; and
- (b) Any outstanding income and expenditure; and
- (c) Any stores, materials, plant and equipment,

relating to those facilities shall, subject to paragraphs (a) and (b) of this subclause, shall vest without cost in the Napier City Council.

(9) If any of the land specified in the Fourth Schedule to this order is, between the 9th day of June and the 31st day of October 1989, allocated to the Port of Napier Limited pursuant to an approved port company plan within the meaning of the Port Companies Act 1988 then, notwithstanding subclause (8) of this clause, that land shall not vest in the Napier City Council.

(10) Notwithstanding anything in this clause, if, after the 31st day of October 1989:

(a) The Minister of Transport approves a port company plan within the meaning of the Port Companies Act 1988 pursuant to which any of the property, real or personal, identified in this clause is liable to be transferred to the Port of

Napier Limited, the local authority which has received that property pursuant to this clause, shall transfer such property to Port of Napier Limited at the cost of that company, subject to any appropriate adjustment for incomings and outgoings in relation to such property for the period beginning on the 1st day of November 1989 and ending on the date of the transfer of the property to Port of Napier Limited; or

(b) Any approved port company plan is cancelled, withdrawn, re-issued, or in any way altered and, as a result, property is deemed to be returned to the ownership (notional or otherwise) of the Hawke's Bay Harbour Board, that property shall be allocated under this order as if the property had been owned by the Hawke's Bay Harbour Board on the 31st day of October 1989.

## 124 TITLE TO PROPERTY

Any reference, express or implied, to the Hawke's Bay Harbour Board in any instrument or other document whatsoever, or in any entry or record made in any register in relation to any land whatsoever vested in any local authority by this order shall, unless the context otherwise requires, be read as a reference to that local authority.

## 125 PORT OF NAPIER LIMITED

(1) All those shares in the Port of Napier Limited that are held by the Hawke's Bay Harbour Board as at the 31st day of October 1989 are hereby vested in the Hawke's Bay Regional Council and the Manawatu-Wanganui Regional Council as follows:

Eleven-twelfths of the number of those shares shall be vested in the Hawke's Bay Regional Council.

One twelfth of the number of those shares shall be vested in the Manawatu-Wanganui Regional Council.

(2) Fifty-one percent of the shares vested in each local authority by sub clause (1) of this clause shall be shares that belong to the class of shares referred to in section 7(1) of the Port Companies Act 1988.

(3) The other 49 percent of the shares vested in each local authority by subclause (1) of this clause shall be shares:

- (a) Which carry voting rights; but
- (b) Which do not belong to the class of shares referred to in section 7(1) of the Port Companies Act 1988.

## 126 LIABILITIES IN RESPECT OF PORT RELATED COMMERCIAL UNDERTAKINGS

(1) All those liabilities of the Hawke's Bay Harbour Board as determined under section 29 of the Port Companies Act 1988 shall become liabilities of the Hawke's Bay Regional Council.

(2) All those debt securities issued by the Port of Napier Limited to the Hawke's Bay Harbour Board under section 29 of the Port Companies Act 1988, is hereby transferred to the Hawke's Bay Regional Council.

## 127 RESIDUAL ASSETS AND LIABILITIES

All the assets and liabilities of the Hawke's Bay Harbour Board as at the close of the 31st day of October 1989 for which provision for vesting is not otherwise made in this order are declared to be assets and liabilities of the Hawke's Bay Regional Council.

## PART VIII

### General

## 128 TRANSFER OF RESPONSIBILITIES

(1) Except as otherwise provided in this order, a local authority constituted by this order shall, in respect of the district of that local authority:

(a) Have and may exercise and be responsible for all the powers, duties, acts of authority and functions which were previously exercised, or which could have been so exercised, by the former authorities had they not been dissolved; and

(b) 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 former authorities had they not been dissolved; and

(c) 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 former authorities had they not been dissolved; and

(d) Succeed to the bylaws which are in force in the districts of the former authorities. Until revoked or altered by the newly constituted local authority each such bylaw shall remain in force in the area to which it applied immediately before the constitution of the district and every bylaw which cannot be restricted to that area shall be deemed inapplicable and revoked by the dissolution of the former authorities; and

(e) Succeed to all rates and levies, and other money payable to the former authorities, had they not been dissolved; and

(f) Succeed to the valuation rolls, and rate records in force in the districts of the former authorities. These shall remain in force in the district of the newly constituted local authority until new valuation rolls are made by that local authority.

(2) The Mayor or Chairperson of each local authority constituted by this order shall have and may exercise the duties, powers, and functions of the Mayors and Chairmen of the former authorities.

(3) The principal administrative officer of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the principal administrative officers of the former authorities.

### 129 CREDITORS

Subject to section 37F of the Local Government Act 1974, the rights or interests of creditors of the former authorities shall not be affected by this order.

### 130 LOCAL AUTHORITIES PETROLEUM TAX

For the purposes of Part XI of the Local Government Act 1974, the local authorities constituted by this order shall be successors to the former authorities.

### 131 SPECIAL FUNDS

(1) The special funds of the former authorities shall:

(a) Be expended only for the purposes for which they were set aside; and

(b) Except for any plant renewal fund, be expended for the benefit of the area in which they originated and, after provision has been made for all liabilities, any money required to be paid into any such fund, to meet any deficit, shall be found from within that area.

(2) After the 1st day of November 1996, the local authorities constituted by this order:

(a) Shall review any special fund provided for in subclause (1) of this clause; and

(b) May resolve that from a date to be determined by the council, such special fund may be applied for such other purpose or purposes as the council considers appropriate.

(3) Notwithstanding subclause (2) of this clause, the local authorities constituted by this order may at any time before the 1st day of November 1996, with the approval of the Local Government Commission, resolve to vary the use of any special funds.

(4) All funds held by the administering authorities of reserves under the Reserves Act 1977 shall be deemed to be special funds for the purposes of this clause.

### 132 LOANS

(1) Any rate made and levied to meet the annual charges in respect of any loan secured over the district of any of the

former authorities shall continue to be made and levied on the same basis as applied before the 1st day of November 1989:

Provided that the local authorities constituted by this order may at any time before the 1st day of November 1996 review the basis upon which any such rate is made and levied and may, with the approval of the Local Government Commission, resolve to vary such basis.

### 133 ASSETS AND LIABILITIES

The provisions of section 60 of the Local Government Amendment Act (No. 2) 1989 shall apply in relation to the apportionment of the assets and liabilities of the former authorities, as defined in Parts II to VI of this order, as if this order did not make provision for the apportionment of those assets and liabilities:

Provided that there shall be no apportionment of the assets and liabilities of the Hawke's Bay Harbour Board pursuant to this clause.

### 134 LOAN LIABILITIES

Subject to section 37F(2) of the Local Government Act 1974, all loan liabilities existing immediately before the 1st day of November 1989 shall continue to be secured against the area over which they were secured at that date:

### 135 RESIDUAL AUTHORITIES

In the case of a former authority listed in the Third Schedule to this order, the local authority that shall be responsible for:

(a) The preparation of the annual financial statement for that former local authority for the financial year commencing on the 1st day of April 1989 and for any earlier financial years for which an annual financial statement has not been prepared or, in the case of the Hawke's Bay Harbour Board, for the financial year commencing on the 1st day of October 1989 and for any earlier financial years for which an annual financial statement has not been prepared; and

(b) The documents (as defined in section 248 of the Local Government Act 1974) and local archives (as so defined) of that former local authority, other than those documents or local archives relating to specified area or function, shall be the local authority designated in that Schedule as a residual authority in relation to that former authority.

### 136 CONDUCT OF AFFAIRS

The provisions of section 223C of the Local Government Act 1974 relating to the conduct of affairs of local authorities and community boards applies to the local authorities and community boards constituted by this order.

## SCHEDULES

### First Schedule

#### PART I

#### *Local Authorities Dissolved and Districts Abolished*

Local Authorities	Districts
Hawke's Bay United Council	Hawke's Bay Region
Wairoa District Council	Wairoa District
Hawke's Bay County Council	Hawke's Bay County
Napier City Council	Napier City
Hastings City Council	Hastings City
Havelock North Borough Council	Havelock North Borough
Waipawa District Council	Waipawa District
Waipukurau District Council	Waipukurau District
Hawke's Bay Catchment Board and Regional Water Board	Hawke's Bay Catchment District
Hawke's Bay Harbour Board	Hawke's Bay Harbour District
Whakaki Drainage Board	Whakaki Drainage District
Waipawa River Board	Waipawa River District

Local Authorities

Districts

Hawke's Bay Pest  
Destruction Board

Hawke's Bay Pest  
Destruction District

**PART II**

**Local Authorities to be Dissolved**

Hawke's Bay District Noxious Plants Authority  
Waipawa District Noxious Plants Authority  
Waipukurau District Noxious Plants Authority  
Wairoa District Noxious Plants Authority  
Hawke's Bay Crematorium Board  
Clifton No 2 Domain Board  
Elsthorpe Reserve Board  
Farndon Park Domain Board  
Hutchinson Domain Board  
Hatuma Domain Board  
Kotemaori Domain Board  
Petane Domain Board  
Pourerere Domain Board  
Putorino Domain Board  
Te Pohue-Upper Mohaka Domain Board

**Second Schedule**

**Service Delivery Centres**

A service delivery centre shall provide services not less than those required for:

- (a) the payment of money due to the council; and
- (b) the provision of information relating to rates and other accounts due to the council; and
- (c) the provision of information relating to the district planning scheme, bylaws or information otherwise necessary for the preparation of town planning applications, and permit applications; and
- (d) the provision of information relating to community development and recreation; and
- (e) the making of rates rebates applications; and
- (f) the making of applications for housing accommodation; and
- (g) the registration of dogs; and
- (h) such other purposes as the council considers appropriate.

**Third Schedule**

**Residual Authorities**

Residual Authority	Former Authority
Hastings District Council	Hawke's Bay County Council
Hawke's Bay Regional Council	Hawke's Bay Harbour Board
Hawke's Bay Regional Council	Hawke's Bay United Council
Hawke's Bay Regional Council	Waipawa District Noxious Plants Authority
Hawke's Bay Regional Council	Waipukurau District Noxious Plants Authority
Hawke's Bay Regional Council	Hawke's Bay Catchment Board and Regional Water Board
Central Hawke's Bay District Council	Waipawa District Council
Central Hawke's Bay District Council	Waipukurau District Council

**Fourth Schedule**

**Property to be Vested in the Napier City Council**

**PART I**

**Wharves To Be Vested**

Those wharves situated at the Inner Harbour at Napier

**PART II**

**Land To Be Vested**

Description	Certificate of Title (Hawke's Bay Registry)
All that area of foreshore between a point at the intersection of Coote Road and Marine Parade and the southern boundary of Section 24, Block 8, Heretaunga Survey District.	
Part Lot 6, D.P. 6121	A3/609
Lot 1, D.P. 11354 and Part Town Section 664, Napier	H4/1197
Lot 1, D.P. 2183, Lot 2, D.P. 6121, Part D.P. 1066	L3/678
All that area of foreshore between the West Pier and the northern boundary of Town Section 271, Napier	
All that area of foreshore on the northern side of the Ahuriri Lagoon between the Pandora Bridge and the Embankment Bridge	
Lots 1 to 9, D.P. 11351 and Part Ahuriri Lagoon	B4/788
All that area of foreshore reserve on the northern and southern foreshore of the Ahuriri Lagoon, being part Ahuriri Lagoon	
Lots 14 and 15, D.P. 3006	33/249
Part Town Section 664	H4/1197
Lots 1, 3, 4 and 5, D.P. 211 Lots 1 and 2, D.P. 7553 and Right of Way	129/205
Lots 36 to 44, 50 and 1 Foreshore, D.P. 2436, D.P. 4661, D.P. 4798	57/18
Lots 22, 23, 24 and 25, D.P. 2436 and Lot 51, D.P. 4798	E2/359, 57/16, and 57/17
Lot 2, Foreshore, D.P. 11185	K1/41
Part Lots 1 and 2, D.P. 14906	J3/130 and K1/991
Lots 1 and 2, D.P. 6408, Lots 1, 3, 4 and 5, D.P. 211 and Lots 1 and 2, D.P. 7533 and Right of Way	129/205
Lot 1, 2 and 3, Hawke's Bay Harbour Board Plan 2587	
Lots 36 to 44 and 50 and 1 Foreshore, D.P. 2436, D.P. 4661 and D.P. 4798	57/18
Lot 22, 23, 24 and 25, D.P. 2436	
Lot 1, D.P. 2183	
Part Foreshore, D.P. 1066	
Lot 1, 4, 5, 6 and 7, D.P. 11354 and D.P. 6121	
Lots 1 and 2, D.P. 16242	
All that area leased by the Napier Sailing Club and described on Hawke's Bay Harbour Board Plan 3482	
That area leased by the Napier Fisherman's Association at the Tanksite, West Quay	
Lot 13, D.P. 13543	
Lot 5, D.P. 7310	
Lot 4, D.P. 9474	
Lot 2, D.P. 11863	
Lots 4, 14, and 28, D.P. 12936	

Description	Certificate of Title (Hawke's Bay Registry)	Description	Certificate of Title (Hawke's Bay Registry)
Lot 4, D.P. 11415 Lot 459, D.P. 6175 Lot 1, 13, 19, and 31, D.P. 6055 Lot 2, D.P. 6517 Awaiaototo Block, D.P. 6055 Lot 10, D.P. 17249		All those properties owned by the Hawke's Bay Harbour Board and situated in that area bounded by Gardner Street, Embankment Road, Hyderabad Road and Battery Road and Breakwater Road.	
		C. J. HILL, Acting for Clerk of the Executive Council. (I.A. 104/111)	

**The Local Government (Manawatu-Wanganui Region) Reorganisation Order 1989**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 9th day of June 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to section 36 of the Local Government Act 1974, the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

**A N A L Y S I S**

1 Title and commencement

2 Elections

3 Communities

**PART I**

*Manawatu-Wanganui Region*

4 Constitution of Manawatu-Wanganui Region

5 Constituent authorities

6 Dissolution of existing local authorities and abolition of existing districts

7 References to former authority

8 Dissolution of existing district community councils and community councils and abolition of existing communities

**PART II**

*Manawatu-Wanganui Regional Council*

9 Manawatu-Wanganui Regional Council

10 Interpretation

11 Constituencies

12 Membership

13 First election

14 First meeting

15 Chief executive

16 Functions, duties, and powers

17 Drainage areas

18 Rural services committee

19 Joint committees

20 Regional land transport committee

21 Administration headquarters

22 Rating

23 Regional planning

24 Civil defence

25 Vesting of property

26 Title to property

27 Transitional committee

28 Membership of transitional committee

29 No casting vote

30 Exclusion of non-voting members

31 Obligation of transitional committee to appoint chief executive

32 Principal local authority

33 Costs of transitional committee

34 Delegation of service delivery

**PART III**

*Tararua District*

35 Constitution of Tararua District

36 Tararua District Council

37 Interpretation

38 Wards

39 Membership

40 First election

41 First meeting

42 Chief executive

43 Functions, duties, and powers

44 Administration headquarters

45 Service delivery centres

46 Communities

47 Rating

48 Town and country planning

49 Civil defence

50 Vesting of property

51 Title to property

52 Transitional committee

53 Membership of transitional committee

54 No casting vote

55 Exclusion of non-voting members

56 Obligation of transitional committee to appoint chief executive

57 Principal local authority

58 Costs of transitional committee

59 Consultation with administering authorities of reserves

**PART IV**

*Horowhenua District*

60 Constitution of Horowhenua District

61 Horowhenua District Council

62 Interpretation

63 Wards

64 Membership

- 65 First election  
 66 First meeting  
 67 Chief executive  
 68 Functions, duties, and powers  
 69 Administration headquarters  
 70 Service delivery centres  
 71 Foxton Community  
 72 Rating  
 73 Town and country planning  
 74 Civil defence  
 75 Vesting of property  
 76 Title to property  
 77 Transitional committee  
 78 Membership of transitional committee  
 79 No casting vote  
 80 Exclusion of non-voting members  
 81 Obligation of transitional committee to appoint chief executive  
 82 Principal local authority  
 83 Costs of transitional committee  
**PART V**  
*Palmerston North City*  
 84 Constitution of Palmerston North City  
 85 Palmerston North City Council  
 86 Interpretation  
 87 Wards  
 88 Membership  
 89 First election  
 90 First meeting  
 91 Chief executive  
 92 Functions, duties, and powers  
 93 Administration headquarters  
 94 Service delivery centre  
 95 Ashhurst Community  
 96 Rating  
 97 Town and country planning  
 98 Civil defence  
 99 Vesting of property  
 100 Title to property  
 101 Transitional committee  
 102 Membership of transitional committee  
 103 No casting vote  
 104 Exclusion of non-voting members  
 105 Obligation of transitional committee to appoint chief executive  
 106 Principal local authority  
 107 Costs of transitional committee  
**PART VI**  
*Manawatu District*  
 108 Constitution of Manawatu District  
 109 Manawatu District Council  
 110 Interpretation  
 111 Wards  
 112 Membership  
 113 First election  
 114 First meeting  
 115 Chief executive  
 116 Functions  
 117 Administration headquarters  
 118 Service delivery centres  
 119 Rating  
 120 Town and country planning  
 121 Civil defence  
 122 Vesting of property  
 123 Title to property  
 124 Transitional committee  
 125 Membership of transitional committee  
 126 No casting vote  
 127 Exclusion of non-voting members  
 128 Obligation of transitional committee to appoint chief executive  
 129 Principal local authority  
 130 Costs of transitional committee  
**PART VII**  
*Rangitikei District*  
 131 Constitution of Rangitikei District  
 132 Rangitikei District Council  
 133 Interpretation  
 134 Wards  
 135 Membership  
 136 First election  
 137 First meeting  
 138 Chief executive  
 139 Functions, duties, and powers  
 140 Administration headquarters  
 141 Service delivery centre  
 142 Communities  
 143 Rating  
 144 Town and country planning  
 145 Civil defence  
 146 Vesting of property  
 147 Title to property  
 148 Transitional committee  
 149 Membership of transitional committee  
 150 No casting vote  
 151 Exclusion of non-voting members  
 152 Obligation of transitional committee to appoint chief executive  
 153 Principal local authority  
 154 Costs of transitional committee  
 155 Consultation with administering authorities of reserves  
**PART VIII**  
*Wanganui District*  
 156 Constitution of Wanganui District  
 157 Wanganui District Council  
 158 Interpretation  
 159 Wards  
 160 Membership  
 161 First election  
 162 First meeting  
 163 Chief executive  
 164 Functions, duties, and powers



165 Administration headquarters  
 166 Communities  
 167 Rating  
 168 Town and country planning  
 169 Civil defence  
 170 Vesting of property  
 171 Title to property  
 172 Transitional committee  
 173 Membership of transitional committee  
 174 No casting vote  
 175 Exclusion of non-voting members  
 176 Obligation of transitional committee to appoint chief executive  
 177 Principal local authority  
 178 Costs of transitional committee

**PART IX***Ruapehu District*

179 Constitution of Ruapehu District  
 180 Ruapehu District Council  
 181 Interpretation  
 182 Wards  
 183 Membership  
 184 First election  
 185 First meeting  
 186 Chief executive  
 187 Functions, duties, and powers  
 188 Administration headquarters

189 Service delivery centre  
 190 Communities  
 191 Rating  
 192 Town and country planning  
 193 Civil defence  
 194 Vesting of property  
 195 Title to property  
 196 Transitional committee  
 197 Membership of transitional committee  
 198 No casting vote  
 199 Exclusion of non-voting members  
 200 Obligation of transitional committee to appoint chief executive  
 201 Principal local authority  
 202 Costs of transitional committee

**PART X***General*

203 Transfer of responsibilities  
 204 Creditors  
 205 Local authorities petroleum tax  
 206 Special funds  
 207 Loans  
 208 Assets and liabilities  
 209 Loan liabilities  
 210 Residual authorities  
 211 Conduct of affairs  
 Schedules

**Order****1 TITLE AND COMMENCEMENT**

(1) This order may be cited as the Local Government (Manawatu-Wanganui Region) Reorganisation Order 1989.

(2) Subject to subclause (3) of this clause, this order shall come into force on the 1st day of November 1989.

(3) Those provisions of this order necessary:

(a) To provide for the first election of the members of the local authorities, and the members of the community boards for the communities, constituted by this order; and

(b) For the purposes of clauses 27 to 34, 52 to 59, 77 to 83, 101 to 107, 124 to 130, 148 to 155, 172 to 178, 196 to 202, and 208 of this order; and

(c) For the appointment of the principal administrative officers of the local authorities constituted by this order,

shall come into force on the making of this order.

**2 ELECTIONS**

The first elections of the local authorities, and the community boards for the communities, constituted by this order shall be held on the 14th day of October 1989.

**3 COMMUNITIES**

Each community constituted by this order shall come into existence on the day after the date on which the Returning Officer declares the result of the first election of members of the community board for that community, provided that no such community shall come into existence prior to the 1st day of November 1989.

**PART I*****Manawatu-Wanganui Region*****4 CONSTITUTION OF MANAWATU-WANGANUI REGION**

There is hereby constituted a region, to be known as "The Manawatu-Wanganui Region", which shall comprise the area delineated on S.O. Plan No. 36010 deposited with the Chief Surveyor of the Wellington Land District.

**5 CONSTITUENT AUTHORITIES**

The constituent authorities of the Manawatu-Wanganui Region shall comprise:

(a) The territorial authorities constituted by Parts III to IX of this order; and

(b) In relation to any part of the Stratford District constituted by the Local Government (Taranaki Region) Reorganisation Order 1989 that is within the Manawatu-Wanganui Region, the Stratford District Council; and

(c) In relation to any part of the Waitomo District constituted by the Local Government (Waikato Region) Reorganisation Order 1989 that is within the Manawatu-Wanganui Region, the Waitomo District Council; and

(d) In relation to any part of the Taupo District constituted by the Local Government (Waikato Region) Reorganisation Order 1989 that is within the Manawatu-Wanganui Region, the Taupo District Council.

**6 DISSOLUTION OF EXISTING LOCAL AUTHORITIES AND ABOLITION OF EXISTING DISTRICTS**

(1) Every local authority named in Part I or Part II of the First Schedule to this order is hereby dissolved.

(2) Every district named in Part I of the First Schedule to this order is hereby abolished.

## 7 REFERENCES TO FORMER AUTHORITY

(1) Every reference in this order to a former authority shall, where part only of the district of a former authority has been included within the district of a local authority or any function of a former authority has been allocated to a local authority, be read as a reference to the former authority only in relation to that part or, as the case may be, that function.

(2) Any reference in Part X of this order to "the former authorities" or "former authority" shall be a reference to any of the former authorities defined in Parts II to IX of this order.

## 8 DISSOLUTION OF EXISTING DISTRICT COMMUNITY COUNCILS AND COMMUNITY COUNCILS AND ABOLITION OF EXISTING COMMUNITIES

(1) Every district community council and community council named in the Second Schedule to this order is hereby dissolved.

(2) Every community named in the Second Schedule to this order is hereby abolished.

## PART II

### *Manawatu-Wanganui Regional Council*

## 9 MANAWATU-WANGANUI REGIONAL COUNCIL

A regional council, to be known as "The Manawatu-Wanganui Regional Council", is hereby constituted for the Manawatu-Wanganui Region.

## 10 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Manawatu United Council; and
- (b) The Wanganui United Council; and
- (c) The Horowhenua United Council; and
- (d) The Wairarapa United Council; and
- (e) The Tongariro United Council; and
- (f) The Manawatu Catchment Board and Regional Water Board; and
- (g) The Rangitikei-Wanganui Catchment Board and Regional Water Board; and
- (h) The Wairarapa Catchment Board and Regional Water Board; and
- (i) The Taumarunui District Noxious Plants Authority; and
- (j) The Waimarino District Noxious Plants Authority; and
- (k) The Wanganui District Noxious Plants Authority; and
- (l) The KIWITEA-POHANGINA District Noxious Plants Authority; and
- (m) The Oroua District Noxious Plants Authority; and
- (n) The Palmerston North District Noxious Plants Authority; and
- (o) The Manawatu District Noxious Plants Authority; and
- (p) The Horowhenua District Noxious Plants Authority; and
- (q) The Dannevirke-Woodville District Noxious Plants Authority; and
- (r) The Pahiataua District Noxious Plants Authority; and
- (s) The Eketahuna District Noxious Plants Authority; and
- (t) The Rangitikei District Noxious Plants Authority; and
- (u) The South-west North Island Pest Destruction Board; and
- (v) The Central North Island Pest Destruction Board; and
- (w) The South-east Coast North Island Pest Destruction Board; and

- (x) The Moutoa Drainage Board; and
- (y) The Makerua Drainage Board; and
- (z) The Manawatu Drainage Board; and
- (aa) The Oroua Drainage Board; and
- (ab) The Sluggish River Drainage Board; and
- (ac) The Waitomo District Pest Destruction Board; and
- (ad) The Waitomo District Noxious Plants Authority; and
- (ae) The Taupo District Noxious Plants Authority; and
- (af) The Waikato Catchment Board and Regional Water Board; and
- (ag) The Stratford District Noxious Plants Authority; and
- (ah) The Stratford District Pest Destruction Board; and
- (ai) The Taranaki United Council; and
- (aj) The Hawke's Bay United Council; and
- (ak) The Hawke's Bay Pest Destruction Board; and
- (al) The Waipawa District Noxious Plants Authority; and
- (am) The Waipukurau District Noxious Plants Authority; and
- (an) The Waikato United Council,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

## 11 CONSTITUENCIES

(1) The Manawatu-Wanganui Region is hereby divided into 7 constituencies.

(2) Those 7 constituencies are:

- (a) The Tararua Constituency, comprising the area delineated on S.O. Plan No. 36011 deposited with the Chief Surveyor of the Wellington Land District;
- (b) The Horowhenua Constituency, comprising the area delineated on S.O. Plan No. 36012 deposited with the Chief Surveyor of the Wellington Land District;
- (c) The Palmerston North Constituency, comprising the area delineated on S.O. Plan No. 36013 deposited with the Chief Surveyor of the Wellington Land District;
- (d) The Manawatu Constituency, comprising the area delineated on S.O. Plan No. 36014 deposited with the Chief Surveyor of the Wellington Land District;
- (e) The Rangitikei Constituency, comprising the area delineated on S.O. Plan No. 36015 deposited with the Chief Surveyor of the Wellington Land District;
- (f) The Wanganui Constituency, comprising the area delineated on S.O. Plan No. 36016 deposited with the Chief Surveyor of the Wellington Land District;
- (g) The Ruapehu Constituency, comprising the area delineated on S.O. Plan No. 36017 deposited with the Chief Surveyor of the Wellington Land District.

## 12 MEMBERSHIP

The Manawatu-Wanganui Regional Council shall consist of 16 members, of whom:

- (a) Two members shall be elected by the electors of the Tararua Constituency; and
- (b) Two members shall be elected by the electors of the Horowhenua Constituency; and
- (c) Four members shall be elected by the electors of the Palmerston North Constituency; and
- (d) Two members shall be elected by the electors of the Manawatu Constituency; and
- (e) One member shall be elected by the electors of the Rangitikei Constituency; and
- (f) Three members shall be elected by the electors of the Wanganui Constituency; and

(g) Two members shall be elected by the electors of the Ruapehu Constituency.

### 13 FIRST ELECTION

(1) For the purposes of the first election of the Manawatu-Wanganui Regional Council:

(a) The Returning Officer for the Tararua Constituency shall be the Returning Officer for the Dannevirke District; and

(b) The Returning Officer for the Horowhenua Constituency shall be the Returning Officer for the Levin Borough; and

(c) The Returning Officer for the Palmerston North Constituency shall be the Returning Officer for the Palmerston North City; and

(d) The Returning Officer for the Manawatu Constituency shall be the Returning Officer for the Manawatu District; and

(e) The Returning Officer for the Rangitikei Constituency shall be the Returning Officer for the Rangitikei County; and

(f) The Returning Officer for the Wanganui Constituency shall be the Returning Officer for the Wanganui City; and

(g) The Returning Officer for the Ruapehu Constituency shall be the Returning Officer for the Taumarunui County.

(2) The first election of the Manawatu-Wanganui Regional Council shall be conducted by postal vote.

### 14 FIRST MEETING

(1) The principal administrative officer of the Manawatu-Wanganui Regional Council:

(a) Shall convene the first meeting of that Council; and

(b) Shall preside at the first meeting of that Council until the election of the Chairperson of that Council.

(2) The first meeting of the Manawatu-Wanganui Regional Council shall be convened no later than the 14th day of November 1989.

### 15 CHIEF EXECUTIVE

(1) The Chief Executive for the Manawatu-Wanganui Regional Council shall be the person appointed to that position in accordance with clause 31 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Manawatu-Wanganui Regional Council.

### 16 FUNCTIONS, DUTIES, AND POWERS

(1) The functions, duties, and powers of the Manawatu-Wanganui Regional Council shall be:

(a) Except as otherwise provided by this order, the functions, duties, and powers of a regional council under—

(i) The Local Government Act 1974; and

(ii) The Urban Transport Act 1980; and

(iii) Any public Act relating to the Manawatu-Wanganui Regional Council or any of the former authorities and not expressly referred to in this clause; and

(iv) Any local Act relating to the Manawatu-Wanganui Regional Council or any of the former authorities; and

(b) The functions, duties, and powers in relation to regional planning of a regional council under the Town and Country Planning Act 1977 or any other Act; and

(c) The functions, duties, and powers in relation to maritime planning of a maritime planning authority under the Town and Country Planning Act 1977 or any other Act; and

(d) The functions, duties, and powers of a catchment board and a regional water board under the Soil Conservation and Rivers Control Act 1941 and the Water and Soil Conservation Act 1967 or any other Act; and

(e) The functions, duties, and powers in relation to civil defence of a regional council under the Civil Defence Act 1983 or any other Act; and

(f) The functions, duties, and powers of a pest destruction

board under the Agricultural Pests Destruction Act 1967 or any other Act; and

(g) The functions, duties, and powers of a district noxious plants authority under the Noxious Plants Act 1978 or any other Act; and

(h) In respect of those drainage areas named in clause 17 of this order, the functions, duties, and powers of a territorial authority under Part XXIX of the Local Government Act 1974.

(2) For the purposes of subclause (1)(h) of this clause, any reference in Part XXIX of the Local Government Act 1974 to:

“Council” shall be deemed to include the Manawatu-Wanganui Regional Council:

“District” shall be deemed to include the Manawatu-Wanganui Region.

### 17 DRAINAGE AREAS

The areas of the former drainage districts named in paragraphs (a) to (e) of this clause shall be deemed to be drainage areas constituted under section 504 of the Local Government Act 1974:

(a) The Moutoa Drainage District; and

(b) The Makerua Drainage District; and

(c) The Manawatu Drainage District; and

(d) The Oroua Drainage District; and

(e) The Sluggish River Drainage District.

### 18 RURAL SERVICES COMMITTEE

(1) The Manawatu-Wanganui Regional Council shall, at least until the 1st day of November 1995, establish and maintain a Rural Services Committee.

(2) The Rural Services Committee shall be responsible for:

(a) Agricultural pests destruction; and

(b) Noxious plants control; and

(c) Any other functions considered by the Manawatu-Wanganui Regional Council to be of particular concern to the rural community.

(3) The persons appointed by the Manawatu-Wanganui Regional Council to the Rural Services Committee established under this clause shall include not less than two persons:

(a) Who are not members of that Council; but

(b) Who, in the opinion of the Council, have knowledge which will assist the work of the Committee.

### 19 JOINT COMMITTEES

(1) The Manawatu-Wanganui Regional Council shall, at least until the 1st day of November 1995, unite with:

First, the Taranaki Regional Council, the Hawke's Bay Regional Council, the Waikato Regional Council, and the Bay of Plenty Regional Council; and

Secondly, the Wellington Regional Council, in appointing joint committees.

(2) Each joint committee shall comprise an equal number of representatives from the Councils comprising the respective joint committees, appointed by the appropriate Councils named in subclause (1) of this clause.

(3) The functions of those joint committees shall be:

(a) Co-ordinating planning for the control of the agricultural pests and noxious plants of particular concern in relation to their regions; and

(b) Co-ordinating action on such other matters as those councils are jointly interested in.

### 20 REGIONAL LAND TRANSPORT COMMITTEE

(1) The Manawatu-Wanganui Regional Council shall establish and maintain a Regional Land Transport Committee.

(2) The Regional Land Transport Committee shall be responsible for:

(a) Regional roading, under Part XXII of the Local Government Act 1974; and

(b) Such transport or other roading responsibilities as may, from time to time, pursuant to any Act, become a function of a regional council; and

(c) Such other functions as the Manawatu-Wanganui Regional Council considers appropriate.

## 21 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Manawatu-Wanganui Regional Council shall be located in Palmerston North.

## 22 RATING

(1) Without limiting the powers of the Manawatu-Wanganui Regional Council under the Rating Powers Act 1988 to make and levy any rate under a different system of rating, the system of rating in the Manawatu-Wanganui Region shall be the capital value system.

(2) The Manawatu-Wanganui Regional Council may exercise within the Manawatu-Wanganui Region or any part thereof:

(a) Any rating powers possessed by any former authority; and

(b) Any powers to make and levy assessments relating to the functions and powers possessed by any former authority.

(3) Subject to subclause (7) of this clause, and until at least the 30th day of June 1992, all rates made by the Manawatu-Wanganui Regional Council shall be levied and collected by the constituent authorities of the Manawatu-Wanganui Region as if an agreement had been made under section 127(1) of the Rating Powers Act 1988.

(4) Where a rate to which subclause (3) of this clause applies has been made on a different rating system to that which applies in the district of the constituent authority by which the rate is to be collected, that rate shall be levied and collected by the constituent authority:

(a) On the system of rating in force in the district of the constituent authority; or

(b) On the system of rating upon which the rate was made by the Manawatu-Wanganui Regional Council.

(5) Where any rate to which subclause (3) of this clause applies is made by the Manawatu-Wanganui Regional Council in respect of an area of benefit, it shall be levied and collected by the constituent authority or authorities within which that area of benefit is located and, where appropriate, according to any graduated scale applying to that rate.

(6) Subject to subclause (7) of this clause, the Manawatu-Wanganui Regional Council shall, for the purpose of:

(a) Reimbursing each constituent authority for costs incurred in the levying and collecting of rates (including goods and services tax); and

(b) Paying reasonable remuneration for clerical and other work,

pay to each constituent authority an amount equal to 2 percent of the total amount of the rates, including goods and services tax, collected by that constituent authority on behalf of that Council.

(7) The Manawatu-Wanganui Regional Council and the constituent authorities may, by unanimous agreement, resolve:

(a) That, at any time after the 1st day of July 1990, that Council shall levy and collect all or any rates directly; or

(b) That, at any time after the 1st day of July 1990, the amount payable by that Council to each constituent authority, pursuant to subclause (6) of this clause, may be increased or decreased or calculated in accordance with a formula not based upon a percentage.

## 23 REGIONAL PLANNING

(1) The Manawatu-Wanganui Regional Council shall not be required to prepare a new regional planning scheme immediately.

(2) The approved regional planning schemes and the proposed regional planning schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the approved, or as the case may be the proposed, regional planning scheme of the Manawatu-Wanganui Region.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its regional planning scheme or of any change or variation thereof, then subject to any resolution of the Manawatu-Wanganui Regional Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Manawatu-Wanganui Regional Council, and may be adopted and acted upon by it.

## 24 CIVIL DEFENCE

The operative regional civil defence plans of the Horowhenua Region, the Wairarapa Region, the Hawke's Bay Region, the Manawatu Region, the Wanganui Region, and the Tongariro Region shall continue in force in those areas included in the Manawatu-Wanganui Region until a new plan is approved for the whole region, in accordance with the Civil Defence Act 1983.

## 25 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Manawatu-Wanganui Region is hereby vested in the corporation of the Manawatu-Wanganui Regional Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than those former authorities named in paragraphs (d), (e), (h), (v), (w), (ac), (ad), (ae), (af), (ag), (ah), (ai), (aj), (ak), (al), (am), and (an) of clause 10 of this order, and situated in a region in which that former authority is not also a former authority is hereby vested in the corporation of the Manawatu-Wanganui Regional Council, subject to all existing encumbrances.

## 26 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Manawatu-Wanganui Regional Council by clause 25 of this order shall, unless the context otherwise requires, be read as a reference to "The Manawatu-Wanganui Regional Council".

## 27 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Manawatu-Wanganui Region.

(2) The local authorities to which this clause applies shall be:

(a) The Manawatu United Council; and

(b) The Wanganui United Council; and

(c) The Horowhenua United Council; and

(d) The Tongariro United Council; and

(e) The Manawatu Catchment Board and Regional Water Board; and

(f) The Rangitikei-Wanganui Catchment Board and Regional Water Board; and

(g) The Wairarapa Catchment Board and Regional Water Board; and

(h) The Taumarunui District Noxious Plants Authority; and

(i) The Waimarino District Noxious Plants Authority; and

(j) The Wanganui District Noxious Plants Authority; and

- (k) The Kiwitea-Pohangina District Noxious Plants Authority; and
- (l) The Oroua District Noxious Plants Authority; and
- (m) The Palmerston North District Noxious Plants Authority; and
- (n) The Manawatu District Noxious Plants Authority; and
- (o) The Horowhenua District Noxious Plants Authority; and
- (p) The Dannevirke-Woodville District Noxious Plants Authority; and
- (q) The Pahiatua District Noxious Plants Authority; and
- (r) The Eketahuna District Noxious Plants Authority; and
- (s) The Rangitikei District Noxious Plants Authority; and
- (t) The South-west North Island Pest Destruction Board; and
- (u) The Central North Island Pest Destruction Board; and
- (v) The South-east Coast North Island Pest Destruction Board; and
- (w) The Moutoa Drainage Board; and
- (x) The Makerua Drainage Board; and
- (y) The Manawatu Drainage Board; and
- (z) The Oroua Drainage Board; and
- (aa) The Sluggish River Drainage Board.

## **28 MEMBERSHIP OF TRANSITIONAL COMMITTEE**

The transitional committee for the Manawatu-Wanganui Region shall consist of:

- (a) Two members appointed by the Manawatu United Council; and
- (b) Two members appointed by the Wanganui United Council; and
- (c) One member appointed by the Tongariro United Council; and
- (d) One member appointed by the Horowhenua United Council; and
- (e) Two members appointed by the Manawatu Catchment Board and Regional Water Board; and
- (f) Two members appointed by the Rangitikei-Wanganui Catchment Board and Regional Water Board; and
- (g) One member appointed jointly by the district noxious plants authorities and the pest destruction boards named in paragraphs (h) to (v) of clause 27(2) of this order; and
- (h) One member appointed jointly by the drainage boards named in paragraphs (w) to (aa) of clause 27(2) of this order; and
- (i) One officer appointed by each local authority, named in paragraphs (a) to (g) of clause 27(2) of this order, who shall be non-voting members of the transitional committee; and
- (j) One officer appointed jointly by the district noxious plants authorities and the pest destruction boards named in paragraphs (h) to (v) of clause 27(2) of this order, who shall be a non-voting member of the transitional committee; and
- (k) One officer appointed jointly by the drainage boards named in paragraphs (w) to (aa) of clause 27(2) of this order, who shall be a non-voting member of the transitional committee; and
- (l) The Chief Executive designate, when appointed in accordance with clause 31 of this order, who shall be a non-voting member of the transitional committee; and
- (m) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 27(2) of this order, who shall be a non-voting member of the transitional committee.

## **29 NO CASTING VOTE**

The Chairperson of the transitional committee for the Manawatu-Wanganui Region or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

## **30 EXCLUSION OF NON-VOTING MEMBERS**

The transitional committee for the Manawatu-Wanganui Region may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

## **31 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE**

The transitional committee for the Manawatu-Wanganui Region shall appoint a person to be the Chief Executive of the Manawatu-Wanganui Regional Council.

## **32 PRINCIPAL LOCAL AUTHORITY**

The principal local authority for the transitional committee for the Manawatu-Wanganui Region shall be the Manawatu Catchment Board and Regional Water Board.

## **33 COSTS OF THE TRANSITIONAL COMMITTEE**

(1) The costs of the transitional committee for the Manawatu-Wanganui Region (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 27(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula:

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the gross revenue of the local authority for the year ended on the 31st day of March 1988 bears to the gross revenue of all the local authorities to which this clause applies for that year.

(2) For the purposes of this clause, the gross revenue of a local authority shall be the gross revenue reasonably related to the area of a local authority which is to be included in the Manawatu-Wanganui Region or a function of a local authority which is to be transferred to the Manawatu-Wanganui Regional Council, whichever is applicable.

## **34 DELEGATION OF SERVICE DELIVERY**

The transitional committee for the Manawatu-Wanganui Region shall meet with each of the other transitional committees specified in this order, the Waitomo District Council, the Stratford District Council, and the Taupo District Council, for the purpose of considering the most appropriate arrangements for the physical delivery of services relating to the functions allocated to the Manawatu-Wanganui Regional Council by this order.

## **PART III**

### ***Tararua District***

## **35 CONSTITUTION OF TARARUA DISTRICT**

There is hereby constituted a district, to be known as "The Tararua District", which shall comprise the area delineated on S.O. Plan No. 36018 deposited with the Chief Surveyor of the Wellington Land District.

## **36 TARARUA DISTRICT COUNCIL**

A territorial authority, to be known as "The Tararua District Council", is hereby constituted for the Tararua District.

## **37 INTERPRETATION**

In this Part of this order, "the former authorities" means:

- (a) The Dannevirke District Council; and

- (b) The Woodville District Council; and
- (c) The Pahiatua Borough Council; and
- (d) The Pahiatua County Council; and
- (e) The Eketahuna County Council; and
- (f) The Ngaturi Recreation Reserve Board; and
- (g) The Mangatainoka Recreation Reserve Board; and
- (h) The Tutaekara Recreation Reserve Board; and
- (i) The Kaitawa Recreation Reserve Board; and
- (j) The Makuri Recreation Reserve Board; and
- (k) The Marima Recreation Reserve Board; and
- (l) The Carnival Park Recreation Reserve Board; and
- (m) The Rakaunui Recreation Reserve Board; and
- (n) The Mangamutu Recreation Reserve Board; and
- (o) The Kohinui Recreation Reserve Board; and
- (p) The Newman Recreation Reserve Board; and
- (q) The Hukanui Recreation Reserve Board; and
- (r) The Kumeroa Recreation Reserve Board; and
- (s) The Woodville Recreation Reserve Board; and
- (t) The Victoria Recreation Reserve Board; and
- (u) The Waipukurau District Council; and
- (v) The Waipawa District Council,

and any reference to "former authority" shall be a reference to one of the former authorities in this clause.

### 38 WARDS

- (1) The Tararua District is hereby divided into 6 wards.
- (2) Those 6 wards are:
  - (a) The Dannevirke Ward, comprising the area delineated on S.O. Plan No 36019 deposited with the Chief Surveyor of the Wellington Land District;
  - (b) The Norsewood Ward, comprising the area delineated on S.O. Plan No 36020 deposited with the Chief Surveyor of the Wellington Land District;
  - (c) The Akitio Ward, comprising the area delineated on S.O. Plan No 36021 deposited with the Chief Surveyor of the Wellington Land District;
  - (d) The Woodville Ward, comprising the area delineated on S.O. Plan No 36022 deposited with the Chief Surveyor of the Wellington Land District;
  - (e) The Pahiatua Ward, comprising the area delineated on S.O. Plan No 36023 deposited with the Chief Surveyor of the Wellington Land District;
  - (f) The Eketahuna Ward, comprising the area delineated on S.O. Plan No 36024 deposited with the Chief Surveyor of the Wellington Land District.

### 39 MEMBERSHIP

- (1) The Tararua District Council shall consist of a Mayor and 12 members.
- (2) The members of the Tararua District Council to be elected at the first election of that Council shall be elected as follows:
  - (a) Four members shall be elected by the electors of the Dannevirke Ward; and
  - (b) One member shall be elected by the electors of the Norsewood Ward; and
  - (c) One member shall be elected by the electors of the Akitio Ward; and
  - (d) Two members shall be elected by the electors of the Woodville Ward; and
  - (e) Three members shall be elected by the electors of the Pahiatua Ward; and
  - (f) One member shall be elected by the electors of the Eketahuna Ward.

### 40 FIRST ELECTION

(1) For the purposes of the first election of the Tararua District Council, the Returning Officer and the principal administrative officer for the Tararua District shall be, respectively, the Returning Officer and the principal administrative officer for the Dannevirke District.

(2) The first election of the Tararua District Council shall be conducted by postal vote.

### 41 FIRST MEETING

The first meeting of the Tararua District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 42 CHIEF EXECUTIVE

(1) The Chief Executive of the Tararua District Council shall be the person appointed to that position in accordance with clause 56 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Tararua District Council.

### 43 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Tararua District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

- (i) The Local Government Act 1974; and
- (ii) Any other public Act relating to the Tararua District Council or any of the former authorities; and
- (iii) Any local Act relating to the Tararua District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the date of commencement of this clause.

### 44 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Tararua District Council shall be located in Dannevirke.

### 45 SERVICE DELIVERY CENTRES

(1) The Tararua District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre, in:

- (a) Woodville; and
- (b) Pahiatua; and
- (c) Eketahuna,

in accordance with the provisions of the Third Schedule to this order.

(2) In addition the Tararua District Council shall retain a workshop and depot in Eketahuna at least, until the 1st day of November 1995.

### 46 COMMUNITIES

(1) There is hereby constituted a community for the area of the Dannevirke Ward, the Norsewood Ward and the Akitio Ward, to be known as "The Dannevirke Community".

(2) The community board for the Dannevirke Community constituted by subclause (1) of this clause shall consist of:

- (a) Four members elected by the electors of the Dannevirke Ward; and
- (b) One member elected by the electors of the Norsewood Ward; and
- (c) One member elected by the electors of the Akitio Ward; and
- (d) Four persons elected from time to time as members of

the Tararua District Council, representing the Dannevirke Ward, the Norsewood Ward, and the Akitio Ward, and appointed by the Tararua District Council to the Dannevirke Community Board, as follows:

- (i) Two members elected by the electors of the Dannevirke Ward; and
- (ii) One member elected by the electors of the Norsewood Ward; and
- (iii) One member elected by the electors of the Akitio Ward.

(3) There is hereby constituted a community for each of the following:

- (a) The area of the Woodville Ward, to be known as "The Woodville Community"; and
- (b) The area of the Pahiatua Ward, to be known as "The Pahiatua Community"; and
- (c) The area of the Eketahuna Ward, to be known as "The Eketahuna Community".

(4) The community board for each community constituted by subclause (3) of this clause shall consist of:

- (a) Six members elected by the electors of the community; and
- (b) The persons elected from time to time as members of the Tararua District Council, representing the ward comprising the area of the community, and appointed by the Tararua District Council to the community board.

(5) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Dannevirke District.

(6) The first election for the community boards for those communities constituted by this clause shall be conducted by postal vote.

#### **47 RATING**

(1) The system of rating in the Tararua District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Tararua District, Part XIV of the Rating Powers Act 1988 shall apply as if the Tararua District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

#### **48 TOWN AND COUNTRY PLANNING**

(1) The Tararua District Council shall not be required to prepare a new district scheme, immediately, for the Tararua District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Tararua District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Tararua District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Tararua District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Tararua District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed

of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Tararua District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Tararua District Council or, as the case may require, a committee or delegate thereof.

#### **49 CIVIL DEFENCE**

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Tararua District until a new plan is approved for the Tararua District, in accordance with the Civil Defence Act 1983.

#### **50 VESTING OF PROPERTY**

(1) All property, real and personal, vested in the corporation of any former authority, and situated in the Tararua District, is hereby vested in the corporation of the Tararua District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Waipukurau District Council and the Waipawa District Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Tararua District Council, subject to all existing encumbrances.

#### **51 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Tararua District Council by clause 50 of this order shall, unless the context otherwise requires, be read as a reference to "The Tararua District Council".

#### **52 TRANSITIONAL COMMITTEE**

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Tararua District.

(2) The local authorities to which this clause applies shall be:

- (a) The Dannevirke District Council; and
- (b) The Woodville District Council; and
- (c) The Pahiatua Borough Council; and
- (d) The Pahiatua County Council; and
- (e) The Eketahuna County Council.

#### **53 MEMBERSHIP OF TRANSITIONAL COMMITTEE**

The transitional committee for the Tararua District shall consist of:

- (a) Two members appointed by the Dannevirke District Council; and
- (b) One member appointed by the Woodville District Council; and
- (c) One member appointed by the Pahiatua Borough Council; and
- (d) One member appointed by the Pahiatua County Council; and
- (e) One member appointed by the Eketahuna County Council; and
- (f) One member appointed by the Local Government Commission; and
- (g) One officer to be appointed by each local authority, named in clause 52(2) of this order, who shall be non-voting members of the transitional committee; and
- (h) The Chief Executive designate, when appointed in

accordance with clause 56 of this order, who shall be a non-voting member of the transitional committee; and

(i) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 52(2) of this order, who shall be a non-voting member of the transitional committee.

#### **54 NO CASTING VOTE**

The Chairperson of the transitional committee for the Tararua District or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

#### **55 EXCLUSION OF NON-VOTING MEMBERS**

The transitional committee for the Tararua District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

#### **56 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE**

The transitional committee for the Tararua District shall appoint a person to be the Chief Executive of the Tararua District Council.

#### **57 PRINCIPAL LOCAL AUTHORITY**

The principal local authority of the transitional committee for the Tararua District shall be the Dannevirke District Council.

#### **58 COSTS OF TRANSITIONAL COMMITTEE**

The costs of the transitional committee for the Tararua District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 52(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Tararua District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Tararua District.

#### **59 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES**

(1) The transitional committee for the Tararua District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Tararua District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following the consultation, the transitional committee for the Tararua District considers it desirable that any committee or committees of management be established, the committee shall recommend to the Tararua District Council that it establish the committee or committees of management.

### **PART IV**

#### ***Horowhenua District***

#### **60 CONSTITUTION OF HOROWHENUA DISTRICT**

There is hereby constituted a district, to be known as "The Horowhenua District", which shall comprise the area delineated on S.O. Plan No. 36025 deposited with the Chief Surveyor of the Wellington Land District.

#### **61 HOROWHENUA DISTRICT COUNCIL**

A territorial authority, to be known as "The Horowhenua District Council", is hereby constituted for the Horowhenua District.

#### **62 INTERPRETATION**

In this Part of this order, "the former authorities" means:

- (a) The Levin Borough Council; and
- (b) The Foxton Borough Council; and
- (c) The Horowhenua County Council; and
- (d) The Manawatu District Council,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

#### **63 WARDS**

(1) The Horowhenua District is hereby divided into 3 wards.

(2) Those 3 wards are:

(a) The Kere Kere Ward, comprising the area delineated on S.O. Plan No. 36026 deposited with the Chief Surveyor of the Wellington Land District:

(b) The Waiopahu Ward, comprising the area delineated on S.O. Plan No. 36027 deposited with the Chief Surveyor of the Wellington Land District:

(c) The Ohau Ward, comprising the area delineated on S.O. Plan No. 36028 deposited with the Chief Surveyor of the Wellington Land District.

#### **64 MEMBERSHIP**

(1) The Horowhenua District Council shall consist of a Mayor and 12 members.

(2) The members of the Horowhenua District Council to be elected at the first election of that Council shall be elected as follows:

(a) Four members shall be elected by the electors of the Kere Kere Ward; and

(b) Four members shall be elected by the electors of the Waiopahu Ward; and

(c) Four members shall be elected by the electors of the Ohau Ward.

#### **65 FIRST ELECTION**

(1) For the purposes of the first election of the Horowhenua District Council, the Returning Officer and the principal administrative officer for the Horowhenua District shall be, respectively, the Returning Officer and the principal administrative officer for the Levin Borough.

(2) The first election of the Horowhenua District Council shall be conducted by postal vote.

#### **66 FIRST MEETING**

The first meeting of the Horowhenua District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

#### **67 CHIEF EXECUTIVE**

(1) The Chief Executive of the Horowhenua District Council shall be the person appointed to that position in accordance with clause 81 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Horowhenua District Council.



## 68 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Horowhenua District Council shall be:

- (a) The functions, duties, and powers of a territorial authority under—
- (i) The Local Government Act 1974; and
  - (ii) Any other public Act relating to the Horowhenua District Council or any of the former authorities; and
  - (iii) Any local Act relating to the Horowhenua District Council or any of the former authorities; and
- (b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

## 69 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Horowhenua District Council shall be located in Levin.

## 70 SERVICE DELIVERY CENTRES

The Horowhenua District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre, in:

- (a) Foxton, in accordance with the provisions of the Third Schedule to this order; and
- (b) Shannon, providing services to be determined by the Horowhenua District Council.

## 71 FOXTON COMMUNITY

- (1) There is hereby constituted a community, to be known as "The Foxton Community", comprising the area delineated on S.O. Plan No. 36061 deposited with the Chief Surveyor of the Wellington Land District.
- (2) The community board for the Foxton Community shall consist of:
- (a) Six members elected by the electors of the community; and
  - (b) The persons elected from time to time as members of the Horowhenua District Council, representing the ward including the area of that community, and appointed by the Horowhenua District Council to the community board.
- (3) The Returning Officer for the first election of the community board for the community constituted by this clause shall be the Returning Officer for the Levin Borough.
- (4) The first election of the community board for the community constituted by this clause shall be conducted by postal vote.

## 72 RATING

- (1) The system of rating in the Horowhenua District shall be the land value system.
- (2) Until the Valuer-General is able to produce a valuation roll for the Horowhenua District, Part XIV of the Rating Powers Act 1988 shall apply as if the Horowhenua District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

## 73 TOWN AND COUNTRY PLANNING

- (1) The Horowhenua District Council shall not be required to prepare a new district scheme, immediately, for the Horowhenua District.
- (2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Horowhenua District.
- (3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of

any change or variation thereof, then, subject to any resolution of the Horowhenua District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Horowhenua District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Horowhenua District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Horowhenua District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Horowhenua District Council or, as the case may require, a committee or delegate thereof.

## 74 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Horowhenua District until a new plan is approved for the Horowhenua District, in accordance with the Civil Defence Act 1983.

## 75 VESTING OF PROPERTY

- (1) All property, real and personal, vested in the corporation of any former authority and situated in the Horowhenua District is hereby vested in the corporation of the Horowhenua District Council, subject to all existing encumbrances.
- (2) All property, real and personal, vested in the corporation of any former authority and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Horowhenua District Council, subject to all existing encumbrances.

## 76 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Horowhenua District Council by clause 75 of this order shall, unless the context otherwise requires, be read as a reference to "The Horowhenua District Council".

## 77 TRANSITIONAL COMMITTEE

- (1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Horowhenua District.
- (2) The local authorities to which this clause applies shall be:
- (a) The Levin Borough Council; and
  - (b) The Horowhenua County Council; and
  - (c) The Foxton Borough Council; and
  - (d) The Manawatu District Council.

## 78 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Horowhenua District shall consist of:

- (a) Two members appointed by the Levin Borough Council; and
- (b) Two members appointed by the Horowhenua County Council; and

(c) One member appointed by the Manawatu District Council; and

(d) One member appointed by the Foxton Borough Council; and

(e) One officer appointed by each local authority, named in clause 77(2) of this order, who shall be non-voting members of the transitional committee; and

(f) The Chief Executive designate, when appointed in accordance with clause 81 of this order, who shall be a non-voting member of the transitional committee; and

(g) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 77(2) of this order, who shall be a non-voting member of the transitional committee.

### 79 NO CASTING VOTE

The Chairperson of the transitional committee for the Horowhenua District or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

### 80 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Horowhenua District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 81 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Horowhenua District shall appoint a person to be the Chief Executive of the Horowhenua District Council.

### 82 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Horowhenua District shall be the Horowhenua County Council.

### 83 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Horowhenua District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 77(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

(i) The district of that local authority; or

(ii) Those parts of the district of that local authority to be included in the Horowhenua District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Horowhenua District.

## PART V

### *Palmerston North City*

### 84 CONSTITUTION OF PALMERSTON NORTH CITY

There is hereby constituted a district, to be known as "The Palmerston North City", which shall comprise the area delineated on S.O. Plan No. 36029 deposited with the Chief Surveyor of the Wellington Land District.

### 85 PALMERSTON NORTH CITY COUNCIL

A territorial authority, to be known as "The Palmerston North

City Council", is hereby constituted for the Palmerston North City.

### 86 INTERPRETATION

In this Part of this order:

"The former authorities" means—

(a) The former Palmerston North City Council; and

(b) The Manawatu District Council; and

(c) The Oroua County Council,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Palmerston North City" means the Palmerston North City in existence immediately before the coming into force of this clause of this order:

"Former Palmerston North City Council" means the Palmerston North City Council in existence immediately before the coming into force of this clause of this order:

"Palmerston North City" means the Palmerston North City constituted by this order:

"Palmerston North City Council" means the Palmerston North City Council constituted by this order.

### 87 WARDS

(1) The Palmerston North City is hereby divided into 6 wards.

(2) Those 6 wards are:

(a) The Papaioea Ward, comprising the area delineated on S.O. Plan No. 36030 deposited with the Chief Surveyor of the Wellington Land District:

(b) The Hokowhitu Ward, comprising the area delineated on S.O. Plan No. 36031 deposited with the Chief Surveyor of the Wellington Land District:

(c) The Awapuni Ward, comprising the area delineated on S.O. Plan No. 36032 deposited with the Chief Surveyor of the Wellington Land District:

(d) The Takaro Ward, comprising the area delineated on S.O. Plan No. 36033 deposited with the Chief Surveyor of the Wellington Land District:

(e) The Fitzherbert Ward, comprising the area delineated on S.O. Plan No. 36034 deposited with the Chief Surveyor of the Wellington Land District:

(f) The Ashhurst Ward, comprising the area delineated on S.O. Plan No. 36035 deposited with the Chief Surveyor of the Wellington Land District.

### 88 MEMBERSHIP

(1) The Palmerston North City Council shall consist of a Mayor and 15 members.

(2) The members of the Palmerston North City Council to be elected at the first election of that Council shall be elected as follows:

(a) Four members shall be elected by the electors of the Papaioea Ward; and

(b) Three members shall be elected by the electors of the Hokowhitu Ward; and

(c) Three members shall be elected by the electors of the Awapuni Ward; and

(d) Three members shall be elected by the electors of the Takaro Ward; and

(e) One member shall be elected by the electors of the Fitzherbert Ward; and

(f) One member shall be elected by the electors of the Ashhurst Ward.

### 89 FIRST ELECTION

(1) For the purposes of the first election of the Palmerston North City Council, the Returning Officer and the principal

administrative officer for the Palmerston North City shall be, respectively, the Returning Officer and the principal administrative officer for the former Palmerston North City.

(2) The first election of the Palmerston North City Council shall be conducted by postal vote.

### 90 FIRST MEETING

The first meeting of the Palmerston North City Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 91 CHIEF EXECUTIVE

(1) The Chief Executive of the Palmerston North City Council shall be the person appointed to that position in accordance with clause 105 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Palmerston North City Council.

### 92 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Palmerston North City Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Palmerston North City Council or any of the former authorities; and

(iii) Any local Act relating to the Palmerston North City Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 93 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Palmerston North City Council shall be located in Palmerston North.

### 94 SERVICE DELIVERY CENTRE

The Palmerston North City Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in Ashhurst, in accordance with the provisions of the Third Schedule to this order.

### 95 ASHHURST COMMUNITY

(1) There is hereby constituted a community for the area of the Ashhurst Ward, to be known as the "The Ashhurst Community".

(2) The community board for the Ashhurst Community shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected, from time to time, as members of the Palmerston North City Council representing the ward comprising the area of the community, and appointed by the Palmerston North City Council to the community board.

(3) The Returning Officer for the first election of the community board for the community constituted by this clause shall be the Returning Officer for the former Palmerston North City.

(4) The first election of the community board for the community constituted by this clause shall be conducted by postal vote.

### 96 RATING

(1) The system of rating in the Palmerston North City shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll

for the Palmerston North City, Part XIV of the Rating Powers Act 1988 shall apply as if the Palmerston North City was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 97 TOWN AND COUNTRY PLANNING

(1) The Palmerston North City Council shall not be required to prepare a new district scheme, immediately, for the Palmerston North City.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme of the Palmerston North City.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Palmerston North City Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Palmerston North City Council and may be adopted and acted upon by it.

(4) Where before the date of commencement of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Palmerston North City Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Palmerston North City Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Palmerston North City Council or, as the case may require, a committee or delegate thereof.

### 98 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Palmerston North City until a new plan is approved for the Palmerston North City, in accordance with the Civil Defence Act 1983.

### 99 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority, and situated in the Palmerston North City is hereby vested in the corporation of the Palmerston North City Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Manawatu District Council and the Oroua County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Palmerston North City Council, subject to all existing encumbrances.

### 100 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Palmerston North City Council by clause 99 of this order shall, unless the context otherwise requires, be read as a reference to "The Palmerston North City Council".

### 101 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause

shall unite in appointing a transitional committee for the Palmerston North City.

(2) The local authorities to which this clause applies shall be:

- (a) The former Palmerston North City Council; and
- (b) The Manawatu District Council; and
- (c) The Oroua County Council.

### **102 MEMBERSHIP OF TRANSITIONAL COMMITTEE**

The transitional committee for the Palmerston North City Council shall consist of:

- (a) Three members appointed by the former Palmerston North City Council; and
- (b) One member appointed by the Manawatu District Council; and
- (c) One member appointed by the Oroua District Council; and
- (d) One officer appointed by each local authority, named in clause 101(2) of this order, who shall be non-voting members of the transitional committee; and
- (e) The Chief Executive designate, when appointed in accordance with clause 105 of this order, who shall be a non-voting member of the transitional committee; and
- (f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 101(2) of this order, who shall be a non-voting member of the transitional committee.

### **103 NO CASTING VOTE**

The Chairperson of the transitional committee for the Palmerston North City or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

### **104 EXCLUSION OF NON-VOTING MEMBERS**

The transitional committee for the Palmerston North City may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### **105 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE**

The transitional committee for the Palmerston North City shall appoint a person to be the Chief Executive of the Palmerston North City Council.

### **106 PRINCIPAL LOCAL AUTHORITY**

The principal local authority for the transitional committee for the Palmerston North City shall be the former Palmerston North City Council.

### **107 COSTS OF TRANSITIONAL COMMITTEE**

The costs of the transitional committee for the Palmerston North City (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 101(2) of this order either:

- (a) In accordance with a formula agreed to by that committee; or
- (b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Palmerston North City,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local

authorities or parts of the districts of the local authorities to be included in the Palmerston North City.

## **PART VI**

### **Manawatu District**

### **108 CONSTITUTION OF MANAWATU DISTRICT**

There is hereby constituted a district, to be known as "The Manawatu District", which shall comprise the area delineated on S.O. Plan No. 36036 deposited with the Chief Surveyor of the Wellington Land District.

### **109 MANAWATU DISTRICT COUNCIL**

A territorial authority, to be known as "The Manawatu District Council", is hereby constituted for the Manawatu District.

### **110 INTERPRETATION**

In this Part of this order:

"The former authorities" means—

- (a) The former Manawatu District Council; and
- (b) The Feilding Borough Council; and
- (c) The Oroua County Council; and
- (d) The Pohangina County Council; and
- (e) The KIWITEA County Council,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Manawatu District" means the Manawatu District in existence immediately before the coming into force of this clause of this order:

"Former Manawatu District Council" means the Manawatu District Council in existence immediately before the coming into force of this clause of this order:

"Manawatu District" means the Manawatu District constituted by this order:

"Manawatu District Council" means the Manawatu District Council constituted by this order.

### **111 WARDS**

(1) The Manawatu District is hereby divided into 5 wards.

(2) These 5 wards are:

(a) The Pohangina Ward, comprising the area delineated on S.O. Plan No. 36037 deposited with the Chief Surveyor of the Wellington Land District:

(b) The KIWITEA Ward, comprising the area delineated on S.O. Plan No. 36038 deposited with the Chief Surveyor of the Wellington Land District:

(c) The Feilding Ward, comprising the area delineated on S.O. Plan No. 36039 deposited with the Chief Surveyor of the Wellington Land District:

(d) The Oroua Ward, comprising the area delineated on S.O. Plan No. 36040 deposited with the Chief Surveyor of the Wellington Land District:

(e) The Kairanga Ward, comprising the area delineated on S.O. Plan No. 36041 deposited with the Chief Surveyor of the Wellington Land District.

### **112 MEMBERSHIP**

(1) The Manawatu District Council shall consist of a Mayor and 13 members.

(2) The members of the Manawatu District Council to be elected at the first election of that Council shall be elected as follows:

(a) Two members shall be elected by the electors of the Pohangina Ward; and

(b) Two members shall be elected by the electors of the KIWITEA Ward; and

(c) Two members shall be elected by the electors of the Feilding Ward; and

(d) Four members shall be elected by the electors of the Oroua Ward; and

(e) Three members shall be elected by the electors of the Kairanga Ward.

### 113 FIRST ELECTION

(1) For the purposes of the first election of the Manawatu District Council, the Returning Officer and the principal administrative officer for the Manawatu District shall be, respectively, the Returning Officer and the principal administrative officer for the former Manawatu District.

(2) The first election of the Manawatu District Council shall be conducted by postal vote.

### 114 FIRST MEETING

The first meeting of the Manawatu District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 115 CHIEF EXECUTIVE

(1) The Chief Executive of the Manawatu District Council shall be the person appointed to that position in accordance with clause 128 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Manawatu District Council.

### 116 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Manawatu District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Manawatu District Council or any of the former authorities; and

(iii) Any local Act relating to the Manawatu District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 117 ADMINISTRATION HEADQUARTERS

The administration headquarters for the Manawatu District Council shall be located in Feilding.

### 118 SERVICE DELIVERY CENTRES

The Manawatu District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in:

(a) Sanson; and

(b) Kimbolton,

in accordance with the provisions of the Third Schedule to this order.

### 119 RATING

(1) The system of rating in the Manawatu District shall be the capital value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Manawatu District, Part XIV of the Rating Powers Act 1988 shall apply as if the Manawatu District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 120 TOWN AND COUNTRY PLANNING

(1) The Manawatu District Council shall not be required to

prepare a new district scheme, immediately, for the Manawatu District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme of the Manawatu District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Manawatu District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Manawatu District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Manawatu District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Manawatu District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Manawatu District Council or, as the case may require, a committee or delegate thereof.

### 121 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Manawatu District until a new plan is approved for the Manawatu District, in accordance with the Civil Defence Act 1983.

### 122 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Manawatu District is hereby vested in the corporation of the Manawatu District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Manawatu District Council, subject to all existing encumbrances.

### 123 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Manawatu District Council by clause 122 of this order shall, unless the context otherwise requires, be read as a reference to "The Manawatu District Council".

### 124 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Manawatu District.

(2) The local authorities to which this clause applies shall be:

(a) The former Manawatu District Council; and

(b) The Feilding Borough Council; and

(c) The Pohangina County Council; and

(d) The Oroua County Council; and

(e) The Kīwitea County Council.

### 125 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Manawatu District shall consist of:

(a) Two members appointed by the former Manawatu District Council; and

(b) Two members appointed by the Feilding Borough Council; and

(c) Two members appointed by the Oroua County Council; and

(d) Two members appointed by the Kīwitea County Council; and

(e) Two members appointed by the Pohangina County Council; and

(f) One officer appointed by each local authority, named in clause 124(2) of this order, who shall be non-voting members of the transitional committee; and

(g) The Chief Executive designate, when appointed in accordance with clause 128 of this order, who shall be a non-voting member of the transitional committee; and

(h) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 124(2) of this order, who shall be a non-voting member of the transitional committee.

### 126 NO CASTING VOTE

The Chairperson of the transitional committee for the Manawatu District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

### 127 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Manawatu District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 128 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Manawatu District shall appoint a person to be the Chief Executive of the Manawatu District Council.

### 129 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Manawatu District shall be the Feilding Borough Council.

### 130 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Manawatu District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 124(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

(i) The district of that local authority; or

(ii) Those parts of the district of that local authority to be included in the Manawatu District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Manawatu District.

## PART VII

### *Rangitikei District*

### 131 CONSTITUTION OF RANGITIKEI DISTRICT

There is hereby constituted a district, to be known as "The Rangitikei District", which shall comprise the area delineated on S.O. Plan No. 36042 deposited with the Chief Surveyor of the Wellington Land District.

### 132 RANGITIKEI DISTRICT COUNCIL

A territorial authority, to be known as "The Rangitikei District Council", is hereby constituted for the Rangitikei District.

### 133 INTERPRETATION

In this Part of this order, "the former authorities" means:

(a) The Rangitikei County Council; and

(b) The Marton Borough Council; and

(c) The Taihape Borough Council; and

(d) The Kīwitea County Council; and

(e) The Turakina Recreation Reserve Board; and

(f) The Putai Ngahere Reserve Board; and

(g) The Taupo District Council,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

### 134 WARDS

(1) The Rangitikei District is hereby divided into 4 wards.

(2) Those 4 wards are:

(a) The Bulls Ward, comprising the area delineated on S.O. Plan No. 36043 deposited with the Chief Surveyor of the Wellington Land District:

(b) The Marton Ward, comprising the area delineated on S.O. Plan No. 36044 deposited with the Chief Surveyor of the Wellington Land District:

(c) The Hunterville Ward, comprising the area delineated on S.O. Plan No. 36045 deposited with the Chief Surveyor of the Wellington Land District:

(d) The Taihape Ward, comprising the area delineated on S.O. Plan No. 36046 deposited with the Chief Surveyor of the Wellington Land District.

### 135 MEMBERSHIP

(1) The Rangitikei District Council shall comprise a Mayor and 11 members.

(2) The members of the Rangitikei District Council to be elected at the first election of that Council shall be elected as follows:

(a) Two members shall be elected by the electors of the Bulls Ward; and

(b) Four members shall be elected by the electors of the Marton Ward; and

(c) Two members shall be elected by the electors of the Hunterville Ward; and

(d) Three members shall be elected by the electors of the Taihape Ward.

### 136 FIRST ELECTION

(1) For the purposes of the first election of the Rangitikei District Council, the Returning Officer and the principal administrative officer for the Rangitikei District shall be, respectively, the Returning Officer and the principal administrative officer for the Rangitikei County.

(2) The first election of the Rangitikei District Council shall be conducted by postal vote.

### 137 FIRST MEETING

The first meeting of the Rangitikei District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 138 CHIEF EXECUTIVE

(1) The Chief Executive of the Rangitikei District Council shall be the person appointed to that position in accordance with clause 152 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Rangitikei District Council.

### 139 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Rangitikei District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Rangitikei District Council or any of the former authorities; and

(iii) Any local Act relating to the Rangitikei District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 140 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Rangitikei District Council shall be located in Marton.

### 141 SERVICE DELIVERY CENTRE

The Rangitikei District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in Taihape, in accordance with the provisions of the Third Schedule to this order.

### 142 COMMUNITIES

(1) There is hereby constituted a community for the area of the Taihape Ward, to be known as "The Taihape Community".

(2) The community board for the Taihape Community, constituted by subclause (1) of this clause, shall consist of:

(a) Six members elected by the electors of the Taihape Community; and

(b) The persons elected from time to time as members of the Rangitikei District Council representing the ward comprising the area of the community, and appointed by the Rangitikei District Council to the community board.

(3) There is hereby constituted a community, to be known as "The Ratana Community", comprising the area delineated on S.O. Plan No. 36060 deposited with the Chief Surveyor of the Wellington Land District.

(4) The community board for the Ratana Community, constituted by subclause (3) of this clause, shall consist of six members elected by the electors of the community.

(5) The Returning Officer for the first election for the community boards for those communities constituted by this clause shall be the Returning Officer for the Rangitikei County.

(6) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

### 143 RATING

(1) The system of rating in the Rangitikei District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Rangitikei District, Part XIV of the Rating Powers Act 1988 shall apply as if the Rangitikei District was the district of

a special purpose authority and the areas from which it was formed were constituent districts.

### 144 TOWN AND COUNTRY PLANNING

(1) The Rangitikei District Council shall not be required to prepare a new district scheme, immediately, for the Rangitikei District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Rangitikei District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Rangitikei District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Rangitikei District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Rangitikei District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Rangitikei District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Rangitikei District Council or, as the case may require, a committee or delegate thereof.

### 145 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Rangitikei District until a new plan is approved for the Rangitikei District, in accordance with the Civil Defence Act 1983.

### 146 VESTING OF PROPERTY

(1) Subject to subclause (3) of this clause, all property, real and personal, vested in the corporation of any former authority and situated in the Rangitikei District is hereby vested in the corporation of the Rangitikei District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the KIWITEA County Council and the Taupo District Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Rangitikei District Council, subject to all existing encumbrances.

(3) All that area of land comprising 30.6549 hectares contained in Lot 4, Block IV, Maungakaretu Survey District is hereby vested in the Rangitikei District Council, subject to all existing encumbrances.

### 147 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Rangitikei District Council by clause 146 of this order shall, unless the context otherwise requires, be read as a reference to "The Rangitikei District Council".



**148 TRANSITIONAL COMMITTEE**

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Rangitikei District.

(2) The local authorities to which this clause applies shall be:

- (a) The Rangitikei County Council; and
- (b) The Marton Borough Council; and
- (c) The Taihape Borough Council.

**149 MEMBERSHIP OF TRANSITIONAL COMMITTEE**

The transitional committee for the Rangitikei District shall consist of:

- (a) Two members appointed by the Rangitikei County Council; and
- (b) One member appointed by the Marton Borough Council; and
- (c) One member appointed by the Taihape Borough Council; and
- (d) One officer appointed by each local authority, named in clause 148(2) of this order, who shall be non-voting members of the transitional committee; and
- (e) The Chief Executive designate, when appointed in accordance with clause 152 of this order, who shall be a non-voting member of the transitional committee; and
- (f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 148(2) of this order, who shall be a non-voting member of the transitional committee.

**150 NO CASTING VOTE**

The Chairperson of the transitional committee for the Rangitikei District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

**151 EXCLUSION OF NON-VOTING MEMBERS**

The transitional committee for the Rangitikei District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

**152 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE**

The transitional committee for the Rangitikei District shall appoint a person to be the Chief Executive of the Rangitikei District Council.

**153 PRINCIPAL LOCAL AUTHORITY**

The principal local authority for the transitional committee for the Rangitikei District shall be the Rangitikei County Council.

**154 COSTS OF TRANSITIONAL COMMITTEE**

The costs of the transitional committee for the Rangitikei District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 148(2) of this order either:

- (a) In accordance with a formula agreed to by that committee; or
- (b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Rangitikei District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Rangitikei District.

**155 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES**

(1) The transitional committee for the Rangitikei District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Rangitikei District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Rangitikei District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Rangitikei District Council that it establish such a committee or committees of management.

**PART VIII*****Wanganui District*****156 CONSTITUTION OF WANGANUI DISTRICT**

There is hereby constituted a district, to be known as "The Wanganui District", which shall comprise the area delineated on S.O. Plan No. 36047 deposited with the Chief Surveyor of the Wellington Land District.

**157 WANGANUI DISTRICT COUNCIL**

A territorial authority, to be known as "The Wanganui District Council", is hereby constituted for the Wanganui District.

**158 INTERPRETATION**

In this Part of this order, "the former authorities" means:

- (a) The Wanganui City Council; and
- (b) The Wanganui County Council,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

**159 WARDS**

(1) The Wanganui District is hereby divided into 6 wards.

(2) Those 6 wards are:

(a) The Waitotara Ward, comprising the area delineated on S.O. Plan No. 36048 deposited with the Chief Surveyor of the Wellington Land District:

(b) The Parapara-Fordell Ward, comprising the area delineated on S.O. Plan No. 36049 deposited with the Chief Surveyor of the Wellington Land District:

(c) The Westmere Ward, comprising the area delineated on S.O. Plan No. 36050 deposited with the Chief Surveyor of the Wellington Land District:

(d) The Castlecliff Ward, comprising the area delineated on S.O. Plan No. 36051 deposited with the Chief Surveyor of the Wellington Land District:

(e) The Central Ward, comprising the area delineated on S.O. Plan No. 36052 deposited with the Chief Surveyor of the Wellington Land District:

(f) The Matarawa Ward, comprising the area delineated on S.O. Plan No. 36053 deposited with the Chief Surveyor of the Wellington Land District.

**160 MEMBERSHIP**

(1) The Wanganui District Council shall consist of a Mayor and 14 members.

(2) The members of the Wanganui District Council to be elected at the first election of that Council shall be elected as follows:



(a) One member shall be elected by the electors of the Waitotara Ward; and

(b) One member shall be elected by the electors of the Parapara-Fordell Ward; and

(c) Three members shall be elected by the electors of the Westmere Ward; and

(d) Four members shall be elected by the electors of the Castlecliff Ward; and

(e) Two members shall be elected by the electors of the Central Ward; and

(f) Three members shall be elected by the electors of the Matarawa Ward.

### 161 FIRST ELECTION

(1) For the purposes of the first election of the Wanganui District Council, the Returning Officer and the principal administrative officer for the Wanganui District shall be, respectively, the Returning Officer and the principal administrative officer for the Wanganui City.

(2) The first election of the Wanganui District Council shall be conducted by postal vote.

### 162 FIRST MEETING

The first meeting of the Wanganui District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 163 CHIEF EXECUTIVE

(1) The Chief Executive of the Wanganui District Council shall be the person appointed to that position in accordance with clause 176 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Wanganui District Council.

### 164 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Wanganui District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Wanganui District Council or any of the former authorities; and

(iii) Any local Act relating to the Wanganui District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 165 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Wanganui District Council shall be located in Wanganui.

### 166 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Waitotara Ward, to be known as "The Waitotara Community"; and

(b) The area of the Parapara-Fordell Ward, to be known as "The Parapara-Fordell Community".

(2) The community board for each community constituted by this order shall consist of:

(a) Six members elected by the electors of the community; and

(b) The person elected, from time to time, as a member of the Wanganui District Council, representing the ward

comprising the area of the community, and appointed by the Wanganui District Council to the community board.

(3) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Wanganui City.

(4) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

### 167 RATING

(1) The system of rating in the Wanganui District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Wanganui District, Part XIV of the Rating Powers Act 1988 shall apply as if the Wanganui District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 168 TOWN AND COUNTRY PLANNING

(1) The Wanganui District Council shall not be required to prepare a new district scheme, immediately, for the Wanganui District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme of the Wanganui District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Wanganui District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Wanganui District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Wanganui District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Wanganui District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Wanganui District Council or, as the case may require, a committee or delegate thereof.

### 169 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Wanganui District until a new plan is approved for the Wanganui District, in accordance with the Civil Defence Act 1983.

### 170 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Wanganui District is hereby vested in the corporation of the Wanganui District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority and situated in a district in which that former authority is not also a former authority, is hereby

vested in the corporation of the Wanganui District Council, subject to all existing encumbrances.

### 171 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Wanganui District Council by clause 170 of this order shall, unless the context otherwise requires, be read as a reference to "The Wanganui District Council".

### 172 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Wanganui District.

(2) The local authorities to which this clause applies shall be:

- (a) The Wanganui City Council; and
- (b) The Wanganui County Council.

### 173 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Wanganui District shall consist of:

- (a) Three members appointed by the Wanganui City Council; and
- (b) Two members appointed by the Wanganui County Council; and
- (c) One officer appointed by each local authority, named in clause 172(2) of this order, who shall be non-voting members of the transitional committee; and
- (d) The Chief Executive designate, when appointed in accordance with clause 176 of this order, who shall be a non-voting member of the transitional committee; and
- (e) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 172(2) of this order, who shall be a non-voting member of the transitional committee.

### 174 NO CASTING VOTE

The Chairperson of the transitional committee for the Wanganui District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

### 175 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Wanganui District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 176 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Wanganui District shall appoint a person to be the Chief Executive of the Wanganui District Council.

### 177 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Wanganui District shall be the Wanganui City Council.

### 178 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Wanganui District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 172(2) of this order either:

- (a) In accordance with a formula agreed to by that committee; or
- (b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population

(as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Wanganui District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Wanganui District.

## PART IX

### *Ruapehu District*

### 179 CONSTITUTION OF RUAPEHU DISTRICT

There is hereby constituted a district, to be known as "The Ruapehu District", which shall comprise the area delineated on S.O. Plan No. 36054 deposited with the Chief Surveyor of the Wellington Land District.

### 180 RUAPEHU DISTRICT COUNCIL

A territorial authority, to be known as "The Ruapehu District Council", is hereby constituted for the Ruapehu District.

### 181 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Taumarunui Borough Council; and
- (b) The Taumarunui County Council; and
- (c) The Waimarino District Council; and
- (d) The Rangitikei County Council; and
- (e) The Taupo District Council; and
- (f) The Waitomo District Council; and
- (g) The Stratford District Council,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

### 182 WARDS

- (1) The Ruapehu District is hereby divided into 5 wards.
- (2) Those 5 wards are:

(a) The Ohura Ward, comprising the area delineated on S.O. Plan No. 36055 deposited with the Chief Surveyor of the Wellington Land District:

(b) The Taumarunui Ward, comprising the area delineated on S.O. Plan No. 36056 deposited with the Chief Surveyor of the Wellington Land District:

(c) The National Park Ward, comprising the area delineated on S.O. Plan No. 36057 deposited with the Chief Surveyor of the Wellington Land District:

(d) The Waimarino Ward, comprising the area delineated on S.O. Plan No. 36058 deposited with the Chief Surveyor of the Wellington Land District:

(e) The Waiouru Ward, comprising the area delineated on S.O. Plan No. 36059 deposited with the Chief Surveyor of the Wellington Land District.

### 183 MEMBERSHIP

(1) The Ruapehu District Council shall consist of a Mayor and 14 members.

(2) The members of the Ruapehu District Council to be elected at the first election of that Council shall be elected as follows:

- (a) Two members shall be elected by the electors of the Ohura Ward; and
- (b) Five members shall be elected by the electors of the Taumarunui Ward; and
- (c) Two members shall be elected by the electors of the National Park Ward; and
- (d) Three members shall be elected by the electors of the Waimarino Ward; and

(e) Two members shall be elected by the electors of the Waiouru Ward.

### 184 FIRST ELECTION

(1) For the purposes of the first election of the Ruapehu District Council, the Returning Officer and the principal administrative officer for the Ruapehu District shall be, respectively, the Returning Officer and the principal administrative officer for the Taumarunui County.

(2) The first election of the Ruapehu District Council shall be conducted by postal vote.

### 185 FIRST MEETING

The first meeting of the Ruapehu District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 186 CHIEF EXECUTIVE

(1) The Chief Executive of the Ruapehu District Council shall be the person appointed to that position in accordance with clause 200 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Ruapehu District Council.

### 187 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Ruapehu District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Ruapehu District Council or any of the former authorities; and

(iii) Any local Act relating to the Ruapehu District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 188 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Ruapehu District Council shall be located in Taumarunui.

### 189 SERVICE DELIVERY CENTRE

The Ruapehu District Council shall, at least until the 1st day of November 1995, establish and maintain in Ohakune, a service delivery centre, in accordance with the provisions of the Third Schedule to this order.

### 190 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Ohura Ward, to be known as "The Ohura Community"; and

(b) The area of the National Park Ward, to be known as "The National Park Community"; and

(c) The area of the Waimarino Ward, to be known as "The Waimarino Community"; and

(d) The area of the Waiouru Ward, to be known as "The Waiouru Community".

(2) The community board for each community constituted by this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected, from time to time, as members of the Ruapehu District Council, representing the ward

comprising the area of the community, and appointed by the Ruapehu District Council to the community board.

(3) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Taumarunui County.

(4) The first election for the community boards for those communities constituted by this clause shall be conducted by postal vote.

### 191 RATING

(1) The system of rating in the Ruapehu District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Ruapehu District, Part XIV of the Rating Powers Act 1988 shall apply as if the Ruapehu District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 192 TOWN AND COUNTRY PLANNING

(1) The Ruapehu District Council shall not be required to prepare a new district scheme, immediately, for the Ruapehu District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme of the Ruapehu District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Ruapehu District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Ruapehu District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Ruapehu District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Ruapehu District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Ruapehu District Council or, as the case may require, a committee or delegate thereof.

### 193 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Ruapehu District until a new plan is approved for the Ruapehu District, in accordance with the Civil Defence Act 1983.

### 194 VESTING OF PROPERTY

(1) Subject to subclause (3) of this clause, all property, real and personal, vested in the corporation of any former authority and situated in the Ruapehu District is hereby vested in the corporation of the Ruapehu District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the former authorities

named in paragraphs (d) to (g) of clause 181 of this order, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Ruapehu District Council, subject to all existing encumbrances.

(3) All that piece of land comprising 30.6549 hectares contained in Lot 4, Block IV, Maungakaretu Survey District shall not be vested in the Ruapehu District Council.

### 195 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Ruapehu District Council by clause 194 of this order shall, unless the context otherwise requires, be read as a reference to "The Ruapehu District Council".

### 196 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Ruapehu District.

(2) The local authorities to which this clause applies shall be:

- (a) The Taumarunui Borough Council; and
- (b) The Taumarunui County Council; and
- (c) The Waimarino District Council; and
- (d) The Rangitikei County Council.

### 197 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Ruapehu District shall consist of:

- (a) Two members appointed by the Taumarunui Borough Council; and
- (b) Two members appointed by the Taumarunui County Council; and
- (c) Two members appointed by the Waimarino District Council; and
- (d) One member appointed by the Rangitikei County Council; and
- (e) One officer appointed by each local authority, named in clause 196(2) of this order, who shall be non-voting members of the transitional committee; and
- (f) The Chief Executive designate, when appointed in accordance with clause 200 of this order, who shall be a non-voting member of the transitional committee; and
- (g) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 196(2) of this order, who shall be a non-voting member of the transitional committee.

### 198 NO CASTING VOTE

The Chairperson of the transitional committee for the Ruapehu District or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

### 199 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Ruapehu District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 200 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Ruapehu District shall appoint a person to be the Chief Executive of the Ruapehu District Council.

### 201 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for

the Ruapehu District shall be the Taumarunui Borough Council.

### 202 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Ruapehu District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 196(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Ruapehu District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Ruapehu District.

## PART X

### General

### 203 TRANSFER OF RESPONSIBILITIES

(1) Except as otherwise provided in this order, a local authority constituted by this order shall, in respect of the district of that local authority:

(a) have and may exercise and be responsible for all the powers, duties, acts of authority and functions which were previously exercised, or which could have been so exercised, by the former authorities had they not been dissolved; and

(b) 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 former authorities had they not been dissolved; and

(c) 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 former authorities had they not been dissolved; and

(d) succeed to the bylaws which are in force in the districts of the former authorities. Until revoked or altered by the newly constituted local authority each such bylaw shall remain in force in the area to which it applied immediately before the constitution of the district, and every bylaw which cannot be restricted to that area shall be deemed inapplicable and revoked by the dissolution of the former authorities; and

(e) succeed to all rates and levies, and other money payable to the former authorities, had they not been dissolved; and

(f) succeed to the valuation rolls, and rate records in force in the districts of the former authorities. These shall remain in force in the district of the newly constituted local authority until new valuation rolls are made by that local authority.

(2) The Mayor or Chairperson of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the Mayors and Chairmen of the former authorities.

(3) The principal administrative officer of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the principal administrative officers of the former authorities.

### 204 CREDITORS

Subject to section 37F of the Local Government Act 1974, the rights or interests of creditors of the former authorities shall not be affected.

**205 LOCAL AUTHORITIES PETROLEUM TAX**

For the purposes of Part XI of the Local Government Act 1974, the local authorities constituted by this order shall be successors to the former authorities.

**206 SPECIAL FUNDS**

(1) The special funds of the former authorities shall:

(a) Be expended only for the purposes for which they were set aside; and

(b) Except for any plant renewal fund, be expended for the benefit of the area in which they originated and, after provision has been made for all liabilities, any money required to be paid into any such fund, to meet any deficit, shall be found from within that area.

(2) After the 1st day of November 1996, the local authorities constituted by this order:

(a) Shall review any special fund provided for in subclause (1) of this clause; and

(b) May resolve that from a date to be determined by the council, such special fund may be applied for such other purpose or purposes as the council considers appropriate.

(3) Notwithstanding subclause (2) of this clause, the local authorities constituted by this order may at any time before the 1st day of November 1996, with the approval of the Local Government Commission, resolve to vary the use of any special funds.

(4) All funds held by the administering authorities of reserves under the Reserves Act 1977 shall be deemed to be special funds for the purpose of this clause.

**207 LOANS**

Any rate made and levied to meet the annual charges in respect of any loan secured over the district of any of the former authorities shall continue to be made and levied on the same basis as applied before the 1st day of November 1989:

Provided that the local authorities constituted by this order may at any time before the 1st day of November 1996 review the basis upon which any such rate is made and levied and may, with the approval of the Local Government Commission, resolve to vary such basis.

**208 ASSETS AND LIABILITIES**

The provisions of section 60 of the Local Government Amendment Act (No. 2) 1989 shall apply in relation to the apportionment of the assets and liabilities of the former authorities, as defined in Parts II to IX of this order, as if this order did not make provision for the apportionment of those assets and liabilities.

**209 LOAN LIABILITIES**

Subject to section 37F(2) of the Local Government Act 1974, all loan liabilities existing immediately before the 1st day of November 1989 shall continue to be secured against the area over which they were secured at that date.

**210 RESIDUAL AUTHORITIES**

In the case of a former authority named in the Fourth Schedule to this order, the local authority that shall be responsible for:

(a) The preparation of the annual financial statement for that former authority for the financial year commencing on the 1st day of April 1989 and for any earlier financial years for which an annual financial statement has not been prepared; and

(b) The documents (as defined in section 248 of the Local Government Act 1974) and local archives (as so defined) of that former authority, other than those relating to a specified area or function, shall be that local authority designated in that schedule as a residual authority.

**211 CONDUCT OF AFFAIRS**

The provisions of section 223C of the Local Government Act 1974 relating to the conduct of affairs of local authorities and community boards applies to the local authorities and community boards constituted by this order.

**SCHEDULES****First Schedule****PART I****Local Authorities Dissolved and Districts Abolished**

Local Authorities	Districts
Manawatu United Council	Manawatu Region
Wanganui United Council	Wanganui Region
Horowhenua United Council	Horowhenua Region
Manawatu Catchment Board and Regional Water Board	Manawatu Catchment District
Rangitikei-Wanganui Catchment Board and Regional Water Board	Rangitikei-Wanganui Catchment District
Dannevirke District Council	Dannevirke District
Woodville District Council	Woodville District
Pahiatua Borough Council	Pahiatua Borough
Pahiatua County Council	Pahiatua County
Eketahuna County Council	Eketahuna County
Levin Borough Council	Levin Borough
Foxton Borough Council	Foxton Borough
Horowhenua County Council	Horowhenua County
Palmerston North City Council	Palmerston North City
Manawatu District Council	Manawatu District
Fielding Borough Council	Fielding Borough
Oroua County Council	Oroua County
Pohangina County Council	Pohangina County
Kiwitea County Council	Kiwitea County
Rangitikei County Council	Rangitikei County
Marton Borough Council	Marton Borough
Taihape Borough Council	Taihape Borough
Wanganui City Council	Wanganui City
Wanganui County Council	Wanganui County
Taumarunui Borough Council	Taumarunui Borough
Waimarino District Council	Waimarino District
Taumarunui County Council	Taumarunui County
South-west North Island Pest Destruction Board	South-west North Island Pest Destruction District
Moutoa Drainage Board	Moutoa Drainage District
Makerua Drainage Board	Makerua Drainage District
Manawatu Drainage Board	Manawatu Drainage District
Oroua Drainage Board	Oroua Drainage District
Sluggish River Drainage Board	Sluggish River Drainage District

**PART II****Local Authorities Dissolved**

Waimarino District Noxious Plants Authority
Wanganui District Noxious Plants Authority
Kiwitea-Pohangina District Noxious Plants Authority
Oroua District Noxious Plants Authority
Palmerston North District Noxious Plants Authority
Horowhenua District Noxious Plants Authority
Manawatu District Noxious Plants Authority
Dannevirke-Woodville District Noxious Plants Authority
Pahiatua District Noxious Plants Authority
Taumarunui District Noxious Plants Authority
Rangitikei District Noxious Plants Authority
Ngaturi Recreation Reserve Board
Mangatainoka Recreation Reserve Board
Tutaekara Recreation Reserve Board
Kaitawa Recreation Reserve Board
Makuri Recreation Reserve Board

Marima Recreation Reserve Board  
 Carnival Park Recreation Reserve Board  
 Rakaunui Recreation Reserve Board  
 Mangamutu Domain Board  
 Kohinui Domain Board  
 Newman Domain Board  
 Hukanui Recreation Reserve Board  
 Kumeroa Recreation Reserve Board  
 Woodville Recreation Reserve Board  
 Victoria Recreation Reserve Board  
 Turakina Recreation Reserve Board  
 Putai Ngarere Recreation Reserve Board

### Second Schedule

#### *District Community Councils and Community Councils Dissolved and Communities Abolished*

District Community and Community Councils	Communities
Ashhurst District Community Council	Ashhurst Community
Bulls District Community Council	Bulls Community
Foxton Beach Community Council	Foxton Beach Community
Himatangi Beach Community Council	Himatangi Beach Community
Huntermville Community Council	Huntermville Community
Koitiata Community Council	Koitiata Community
Mangaweka Community Council	Mangaweka Community
National Park Community Council	National Park Community
Ohura Community Council	Ohura Community
Otamatea Community Council	Otamatea Community
Owhango Community Council	Owhango Community
Putiki Community Council	Putiki Community
Ratana Community Council	Ratana Community
Rongotea Community Council	Rongotea Community
Sanson Community Council	Sanson Community
Tangimoana Community Council	Tangimoana Community

### Third Schedule

#### *Service Delivery Centres*

A service delivery centre shall provide services not less than those required for:

- The payment of money due to the council; and
- The provision of information relating to rates and other accounts due to the council; and

(c) The provision of information relating to the district planning scheme, bylaws or information otherwise necessary for the preparation of town planning applications, and permit applications; and

(d) The provision of information relating to community development and recreation; and

(e) The making of rates rebate applications; and

(f) The making of applications for housing accommodation; and

(g) The registration of dogs; and

(h) Such other purposes as the council considers appropriate.

### Fourth Schedule

#### *Residual Authorities*

Residual Authority	Former Authority
Manawatu-Wanganui Regional Council	Horowhenua United Council
Manawatu-Wanganui Regional Council	Manawatu Catchment Board and Regional Water Board
Manawatu-Wanganui Regional Council	Wanganui United Council
Manawatu-Wanganui Regional Council	Rangitikei-Wanganui Catchment Board and Regional Water Board
Manawatu-Wanganui Regional Council	Manawatu United Council
Manawatu-Wanganui Regional Council	Wanganui District Noxious Plants Authority
Manawatu-Wanganui Regional Council	Horowhenua District Noxious Plants Authority
Manawatu-Wanganui Regional Council	Dannevirke-Woodville District Noxious Plants Authority
Manawatu-Wanganui Regional Council	Taumarunui District Noxious Plants Authority
Manawatu-Wanganui Regional Council	Rangitikei District Noxious Plants Authority
Manawatu-Wanganui Regional Council	South-west North Island Pest Destruction Board
Ruapehu District Council	Taumarunui County Council
Rangitikei District Council	Rangitikei County Council
Wanganui District Council	Wanganui County Council
Manawatu District Council	Manawatu District Council
Manawatu District Council	Oroua County Council
Manawatu District Council	Kiwitea County Council
Horowhenua District Council	Horowhenua County Council
Tararua District Council	Eketahuna County Council
Tararua District Council	Dannevirke District Council

C. J. HILL, Acting for Clerk of the Executive Council.

(I.A. 104/182)

**The Local Government (Nelson-Marlborough Region) Reorganisation Order 1989**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 9th day of June 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to section 36 of 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.

**A n a l y s i s**

- |  |  |
|--|--|
| 1 Title and commencement   | 32 Obligation of transitional committee to appoint chief executive |
| 2 Elections  | 33 Principal local authority                                       |
| 3 Communities  | 34 Costs of transitional committee                                 |
| PART I   | 35 Delegation of service delivery                                  |
| <i>Nelson-Marlborough Region</i>   | PART III   |
| 4 Constitution of Nelson-Marlborough Region  | <i>Nelson City</i>   |
| 5 Constituent authorities  | 36 Constitution of Nelson City                                     |
| 6 Dissolution of existing local authorities and abolition of existing districts    | 37 Nelson City Council   |
| 7 References to former authority   | 38 Interpretation  |
| 8 Dissolution of existing community councils and abolition of existing communities | 39 Wards   |
| PART II  | 40 Membership  |
| <i>Nelson-Marlborough Regional Council</i>   | 41 First election  |
| 9 Nelson-Marlborough Regional Council  | 42 First meeting   |
| 10 Interpretation  | 43 Chief executive   |
| 11 Constituencies  | 44 Functions, duties, and powers                                   |
| 12 Membership  | 45 Wakapuaka drainage area   |
| 13 First election  | 46 Administration headquarters                                     |
| 14 First meeting   | 47 Rating  |
| 15 Chief executive   | 48 Town and country planning                                       |
| 16 Functions, duties, and powers   | 49 Civil defence   |
| 17 Rural services committee  | 50 Vesting of property   |
| 18 Joint committee   | 51 Title to property   |
| 19 Regional land transport committee   | PART IV  |
| 20 Harbour committee   | <i>Tasman District</i>   |
| 21 Administration headquarters   | 52 Constitution of Tasman District                                 |
| 22 Regional service delivery centre  | 53 Tasman District Council   |
| 23 Rating  | 54 Interpretation  |
| 24 Regional planning   | 55 Wards   |
| 25 Civil defence   | 56 Membership  |
| 26 Vesting of property   | 57 First election  |
| 27 Title to property   | 58 First meeting   |
| 28 Transitional committee  | 59 Chief executive   |
| 29 Membership of transitional committee  | 60 Functions, duties, and powers                                   |
| 30 No casting vote   | 61 Administration headquarters                                     |
| 31 Exclusion of non-voting members   | 62 Service delivery centres  |
|  | 63 Communities   |
|  | 64 Rating  |

65	Town and country planning
66	Civil defence
67	Vesting of property
68	Title to property
69	Transitional committee
70	Membership of transitional committee
71	Casting vote
72	Principal local authority
73	Costs of transitional committee
74	Consultation with administering authorities of reserves
PART V	
<i>Marlborough District</i>	
75	Constitution of Marlborough District
76	Marlborough District Council
77	Interpretation
78	Wards
79	Membership
80	First election
81	First meeting
82	Chief executive
83	Functions, duties, and powers
84	Administration headquarters
85	Service delivery centre
86	Rating
87	Town and country planning
88	Civil defence
89	Vesting of property
90	Title to property
91	Transitional committee
92	Membership of transitional committee
93	No casting vote
94	Exclusion of non-voting members
95	Obligation of transitional committee to appoint chief executive
96	Principal local authority
97	Costs of transitional committee
98	Consultation with administering authorities of reserves
PART VI	
<i>Kaikoura District</i>	
99	Constitution of Kaikoura District
100	Kaikoura District Council

101	Interpretation
102	Membership
103	First election
104	First meeting
105	Chief executive
106	Functions, duties, and powers
107	Administration headquarters
108	Rating
109	Town and country planning
110	Civil defence
111	Vesting of property
112	Title to property
PART VII	
<i>Marlborough Harbour Board</i>	
113	Marlborough Harbour Board to continue
114	Marlborough Harbour Board not to be a maritime planning authority
115	Vesting debt of harbour board in Nelson-Marlborough Regional Council
PART VIII	
<i>Nelson Harbour Board</i>	
116	Vesting of property
117	Title to property
118	Port Nelson Limited
119	Liabilities in respect of port related commercial undertakings
120	Residual assets and liabilities
PART IX	
<i>General</i>	
121	Transfer of responsibilities
122	Creditors
123	Local authorities petroleum tax
124	Special funds
125	Loans
126	Assets and liabilities
127	Loan liabilities
128	Residual authorities
129	Conduct of affairs
130	Marlborough Forestry Corporation
Schedules	

## Order

### 1 TITLE AND COMMENCEMENT

(1) This order may be cited as the Local Government (Nelson-Marlborough Region) Reorganisation Order 1989.

(2) Subject to subclause (3) of this clause, this order shall come into force on the 1st day of November 1989.

(3) Those provisions of this order necessary:

(a) To provide for the first election of the members of the local authorities, and the members of community boards for the communities, constituted by this order, and for the election of the members of the Marlborough Harbour Board; and

(b) For the purposes of clauses 28 to 35, 69 to 74 and 91 to 98 and 126 of this order; and

(c) For the appointment of the principal administrative officers of the local authorities constituted by this order,

shall come into force on the making of this order.

### 2 ELECTIONS

Except as otherwise provided in Part IV of this order, the first elections of the local authorities, and the community boards for the communities, constituted by this order shall be held on the 14th day of October 1989.

### 3 COMMUNITIES

Each community constituted by this order shall come into existence on the day after the date on which the Returning Officer declares the result of the first election of members of the community board for that community, provided that no such community shall come into existence prior to the 1st day of November 1989.



**PART I*****Nelson-Marlborough Region*****4 CONSTITUTION OF NELSON-MARLBOROUGH REGION**

There is hereby constituted a region, to be known as "The Nelson-Marlborough Region", which shall comprise the area delineated on S.O Plan No. 14476 deposited with the Chief Surveyor for the Nelson Land District and the Chief Surveyor for the Marlborough Land District.

**5 CONSTITUENT AUTHORITIES**

The constituent authorities of the Nelson-Marlborough Region shall comprise—

(a) The territorial authorities constituted by Parts III to VI of this order; and

(b) In relation to any part of the Hurunui District constituted by the Local Government (Canterbury Region) Reorganisation Order 1989 that is within the Nelson-Marlborough Region, the Hurunui District Council.

**6 DISSOLUTION OF EXISTING LOCAL AUTHORITIES AND ABOLITION OF EXISTING DISTRICTS**

(1) Every local authority named in Part I or Part II of the First Schedule to this order is hereby dissolved.

(2) Every district named in Part I of the First Schedule to this order is hereby abolished.

**7 REFERENCES TO FORMER AUTHORITY**

(1) Every reference in this order to a former authority shall, where part only of the district of a former authority has been included within the district of a local authority, or any function of a former authority has been allocated to a local authority, be read as a reference to the former authority only in relation to that part or, as the case may be, that function.

(2) Any reference in Part IX of this order to "the former authorities" or "former authority" shall be a reference to any of the former authorities defined in Parts II to VI of this order.

**8 DISSOLUTION OF EXISTING COMMUNITY COUNCILS AND ABOLITION OF EXISTING COMMUNITIES**

(1) Every community council named in the Second Schedule to this order is hereby dissolved.

(2) Every community named in the Second Schedule to this order is hereby abolished.

**PART II*****Nelson-Marlborough Regional Council*****9 NELSON-MARLBOROUGH REGIONAL COUNCIL**

A regional council, to be known as "The Nelson-Marlborough Regional Council", is hereby constituted for the Nelson-Marlborough Region.

**10 INTERPRETATION**

In this Part of this order, "the former authorities" means:

(a) The Nelson Bays United Council; and

(b) The Marlborough United Council; and

(c) The Nelson Catchment Board and Regional Water Board; and

(d) The Marlborough Catchment Board and Regional Water Board; and

(e) Subject to Part VIII of this order, the Nelson Harbour Board; and

(f) The Golden Bay District Noxious Plants Authority; and

(g) The Waimea District Noxious Plants Authority; and

(h) The Marlborough District Noxious Plants Authority; and  
 (i) The Kaikoura District Noxious Plants Authority; and  
 (j) The Golden Bay County Pest Destruction Board; and  
 (k) The Waimea County Pest Destruction Board; and  
 (l) The Marlborough Pest Destruction Board; and  
 (m) The Marlborough Nassella Tussock Board; and  
 (n) The Marlborough Sounds Maritime Planning Authority; and

(o) The Canterbury United Council; and

(p) The North Canterbury Pest Destruction Board; and

(q) The North Canterbury Nassella Tussock Board; and

(r) The Canterbury United Council; and

(s) The Amuri District Noxious Plants Authority,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

**11 CONSTITUENCIES**

(1) The Nelson-Marlborough Region is hereby divided into 4 constituencies.

(2) Those 4 constituencies are:

(a) The Nelson Constituency, comprising the area delineated on S.O. Plan No. 14478 deposited with the Chief Surveyor of the Nelson Land District:

(b) The Tasman Constituency, comprising the area delineated on S.O. Plan No. 14477 deposited with the Chief Surveyor of the Nelson Land District:

(c) The Marlborough Constituency, comprising the area delineated on S.O. Plan No. 14479 deposited with the Chief Surveyor of the Marlborough Land District:

(d) The Kaikoura Constituency, comprising the area delineated on S.O. Plan No. 14497 deposited with the Chief Surveyor of the Marlborough Land District.

**12 MEMBERSHIP**

The Nelson-Marlborough Regional Council shall comprise 13 members, of whom:

(a) Four members shall be elected by the electors of the Nelson Constituency; and

(b) Four members shall be elected by the electors of the Tasman Constituency; and

(c) Four members shall be elected by the electors of the Marlborough Constituency; and

(d) One member shall be elected by the electors of the Kaikoura Constituency.

**13 FIRST ELECTION**

(1) For the purposes of the first election of the Nelson-Marlborough Regional Council:

(a) The Returning Officer for the Nelson Constituency shall be the Returning Officer for the Nelson City; and

(b) The Returning Officer for the Tasman Constituency shall be the Returning Officer for the Tasman District; and

(c) The Returning Officer for the Marlborough Constituency shall be the Returning officer for the Marlborough County; and

(d) The Returning Officer for the Kaikoura Constituency shall be the Returning Officer for the Kaikoura County.

(2) The first election of the Nelson-Marlborough Regional Council shall be conducted by postal vote.

**14 FIRST MEETING**

(1) The principal administrative officer of the Nelson-Marlborough Regional Council:

(a) Shall convene the first meeting of that Council; and

(b) Shall preside at the first meeting of that Council until the election of the Chairperson of that Council.

(2) The first meeting of the Nelson-Marlborough Regional Council shall be held no later than the 14th day of November 1989.

### 15 CHIEF EXECUTIVE

(1) The Chief Executive of the Nelson-Marlborough Regional Council shall be the person appointed to that position in accordance with clause 32 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Nelson-Marlborough Regional Council.

### 16 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Nelson-Marlborough Regional Council shall be:

(a) Except as otherwise provided in this order, the functions, duties, and powers of a regional council under—

(i) The Local Government Act 1974; and

(ii) The Urban Transport Act 1980; and

(iii) Any public Act relating to the Nelson-Marlborough Regional Council or any of the former authorities and not expressly referred to in this clause; and

(iv) Any local Act relating to the Nelson-Marlborough Regional Council or any of the former authorities; and

(b) The functions, duties, and powers in relation to regional planning of a regional council under the Town and Country Planning Act 1977 or any other Act; and

(c) The functions, duties, and powers in relation to maritime planning of a maritime planning authority under the Town and Country Planning Act 1977 or any other Act; and

(d) The functions, duties, and powers of a catchment board and a regional water board under the Soil Conservation and Rivers Control Act 1941 and the Water and Soil Conservation Act 1967 or any other Act; and

(e) The functions, duties, and powers in relation to civil defence of a regional council under the Civil Defence Act 1983 or any other Act; and

(f) The functions, duties, and powers of a pest destruction board under the Agricultural Pests Destruction Act 1967 or any other Act; and

(g) The functions, duties, and powers of a district noxious plants authority under the Noxious Plants Act 1978 or any other Act; and

(h) The functions, duties, and powers of a harbour board under the Harbours Act 1950, and the Marine Pollution Act 1974 or any other Act, with respect to the Nelson Harbour.

### 17 RURAL SERVICES COMMITTEE

(1) The Nelson-Marlborough Regional Council shall, at least until the 1st day of November 1995, establish and maintain a Rural Services Committee.

(2) The Rural Services Committee shall be responsible for:

(a) Agricultural pests destruction; and

(b) Noxious plants (including *Nassella Tussock*) control; and

(c) Any other functions considered by the Nelson—Marlborough Regional Council to be of particular concern to the rural community.

(3) The persons appointed by the Nelson-Marlborough Regional Council to the Rural Services Committee established under this clause shall include not less than two persons:

(a) Who are not members of that Council; but

(b) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

### 18 JOINT COMMITTEE

The Nelson-Marlborough Regional Council shall, at least until the 1st day of November 1995, unite with the Canterbury Regional Council in appointing a joint committee, comprising

an equal number of representatives of those Councils, for the purposes of:

(a) Co-ordinating planning for the control of those agricultural pests and noxious plants, (including *Nassella Tussock*), of particular concern in relation to those regions; and

(b) Co-ordinating action on such other matters as those Councils are jointly interested in.

### 19 REGIONAL LAND TRANSPORT COMMITTEE

(1) The Nelson-Marlborough Regional Council shall establish and maintain a Regional Land Transport Committee.

(2) The Regional Land Transport Committee shall be responsible for:

(a) Regional roading, under Part XXII of the Local Government Act 1974; and

(b) Such transport or other roading responsibilities as may from time to time, pursuant to any Act, become a function of a regional council; and

(c) Such other functions as the Nelson-Marlborough Regional Council considers appropriate.

### 20 HARBOUR COMMITTEE

(1) The Nelson-Marlborough Regional Council shall, at least until the 1st day of November 1995, establish and maintain a "Nelson Harbour Committee".

(2) The Nelson Harbour Committee shall be responsible for:

(a) Navigation and safety within the limits of the Nelson harbour, for which the Nelson-Marlborough Regional Council is, from time to time, responsible; and

(b) Any other matter associated with the regulation of those areas, other than maritime planning; and

(c) Such other functions as that Council considers appropriate.

(3) The persons appointed by the Nelson-Marlborough Regional Council to the Nelson Harbour Committee established under this clause shall include not less than two persons:

(a) Who are not members of that Council; but

(b) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

### 21 ADMINISTRATION HEADQUARTERS

At least until the 1st day of November 1995, the administration headquarters of the Nelson-Marlborough Regional Council shall be located in Blenheim.

### 22 REGIONAL SERVICE DELIVERY CENTRE

At least until the 1st day of November 1995, the Nelson-Marlborough Regional Council shall establish and maintain a regional service delivery centre in Nelson.

### 23 RATING

(1) Without limiting the powers of the Nelson-Marlborough Regional Council under the Rating Powers Act 1988 to make and levy any rate under a different system of rating, the system of rating in the Nelson-Marlborough Region shall be the capital value system.

(2) The Nelson-Marlborough Regional Council shall exercise within the Nelson-Marlborough Region or any part thereof:

(a) Any rating powers possessed by any former authority; and

(b) Any powers to make and levy assessments relating to the functions and powers possessed by any former authority.

(3) Subject to subclause (7) of this clause, and until at least the 30th day of June 1992, all rates made by the Nelson-Marlborough Regional Council shall be levied and collected by the constituent authorities of the Nelson-Marlborough Region

as if an agreement had been made under section 127(1) of the Rating Powers Act 1988.

(4) Where a rate to which subclause (3) of this clause applies has been made on a different rating system to that which applies in the district of the constituent authority by which the rate is to be collected, that rate shall be levied and collected by the constituent authority:

(a) On the system of rating in force in the district of the constituent authority; or

(b) On the system of rating upon which the rate was made by the Nelson-Marlborough Regional Council.

(5) Where any rate to which subclause (3) of this clause applies is made by the Nelson-Marlborough Regional Council in respect of an area of benefit, it shall be made and collected by the constituent authority or authorities within which that area of benefit is located and, where appropriate, according to any graduated scale applying to that rate.

(6) Subject to subclause (7) of this clause, the Nelson—Marlborough Regional Council shall, for the purpose of:

(a) Reimbursing each constituent authority for costs incurred in the levying and collecting of rates (including goods and services tax); and

(b) Paying reasonable remuneration for clerical and other work,

pay to each constituent authority an amount equal to 2 percent of the total amount of the rates, including goods and services tax, collected by that constituent authority on behalf of that Council.

(7) The Nelson-Marlborough Regional Council and the constituent authorities may, by unanimous agreement, resolve:

(a) That, at any time after the 1st day of July 1990, that Council shall levy and collect all or any rates directly; or

(b) That, at any time after the 1st day of July 1990, the amount payable by that Council to each constituent authority, pursuant to subclause (6) of this clause, may be increased or decreased or calculated in accordance with a formula not based upon a percentage.

## 24 REGIONAL PLANNING

(1) The Nelson-Marlborough Regional Council shall not be required to prepare a new regional planning scheme immediately.

(2) The approved regional planning schemes and the proposed regional planning schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the approved, or as the case may be the proposed, regional planning scheme of the Nelson—Marlborough Region.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its regional planning scheme or of any change or variation thereof, then subject to any resolution of the Nelson—Marlborough Regional Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Nelson-Marlborough Regional Council, and may be adopted and acted upon by it.

## 25 CIVIL DEFENCE

The operative regional civil defence plans of the former Nelson Bays Region and the former Marlborough Region shall continue in force in those areas included in the Nelson-Marlborough Region until a new plan is approved for the whole region, in accordance with the Civil Defence Act 1983.

## 26 VESTING OF PROPERTY

(1) Except as otherwise provided in this order, all property, real and personal, vested in the corporation of any former authority and situated in the Nelson-Marlborough Region is hereby vested in the corporation of the Nelson-Marlborough Regional Council, subject to all existing encumbrances.

(2) Except as otherwise provided in this order, all property, real and personal, vested in the corporation of any former authority other than those former authorities named in paragraphs (o) to (s) of clause 10 of this order, and situated in a region in which that former authority is not also a former authority is hereby vested in the corporation of the Nelson-Marlborough Regional Council, subject to all existing encumbrances.

## 27 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Nelson-Marlborough Regional Council by clause 26 of this order shall, unless the context otherwise requires, be read as a reference to "The Nelson-Marlborough Regional Council".

## 28 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Nelson-Marlborough Region.

(2) The local authorities to which this clause applies shall be:

- (a) The Nelson Bays United Council; and
- (b) The Marlborough United Council; and
- (c) The Nelson Catchment Board and Regional Water Board; and
- (d) The Marlborough Catchment Board and Regional Water Board; and
- (e) The Nelson Harbour Board; and
- (f) The Golden Bay District Noxious Plants Authority; and
- (g) The Waimea District Noxious Plants Authority; and
- (h) The Marlborough District Noxious Plants Authority; and
- (i) The Kaikoura District Noxious Plants Authority; and
- (j) The Golden Bay Pest Destruction Board; and
- (k) The Waimea Pest Destruction Board; and
- (l) The Marlborough Pest Destruction Board; and
- (m) The Marlborough Nassella Tussock Board; and
- (n) The Marlborough Sounds Maritime Planning Authority.

## 29 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Nelson-Marlborough Region shall consist of:

- (a) One member appointed by the Nelson Bays United Council; and
- (b) One member appointed by the Marlborough United Council; and
- (c) One member appointed by the Nelson Catchment Board and Regional Water Board; and
- (d) One member appointed by the Marlborough Catchment Board and Regional Water Board; and
- (e) One member appointed by the Nelson Harbour Board; and
- (f) One member appointed by the Marlborough Sounds Maritime Planning Authority; and
- (g) One member appointed jointly by the Marlborough Nassella Tussock Board and the pest destruction boards and district noxious plants authorities, named in paragraphs (f) to (l) of clause 28(2) of this order; and
- (h) One officer appointed by each local authority named in paragraphs (a) to (e) and (n) of clause 28(2) of this order, who shall be non-voting members of the transitional committee; and
- (i) One officer appointed jointly by the local authorities referred to in paragraphs (f) to (m) of clause 28(2) of this

clause who shall be a non-voting member of the transitional committee; and

(j) The Chief Executive designate, when appointed in accordance with clause 32 of this order, who shall be a non-voting member of the transitional committee; and

(k) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 28(2) of this order, who shall be a non-voting member of the transitional committee.

### 30 NO CASTING VOTE

The Chairperson of the transitional committee for the Nelson-Marlborough Region or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

### 31 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Nelson-Marlborough Region may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 32 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Nelson-Marlborough Region shall appoint a person to be the Chief Executive of the Nelson-Marlborough Regional Council.

### 33 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Nelson-Marlborough Region shall be the Nelson Catchment Board and Regional Water Board.

### 34 COSTS OF TRANSITIONAL COMMITTEE

(1) The costs of the transitional committee for the Nelson—Marlborough Region (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 28(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the gross revenue of the local authority, for the year ended on the 31st day of March 1988 bears to the gross revenue of all the local authorities to which this clause applies for that year.

(2) For the purposes of this clause the gross revenue of a local authority shall be the gross revenue reasonably related to the area of a local authority which is to be included in the Nelson-Marlborough Region or any function of a local authority which is to be transferred to the Nelson-Marlborough Regional Council, whichever is applicable.

### 35 DELEGATION OF SERVICE DELIVERY

The transitional committee for the Nelson-Marlborough Region shall meet with:

(a) Each of the other transitional committees specified in this order; and

(b) The Nelson City Council and the Kaikoura District Council,

for the purpose of considering the most appropriate arrangements for the physical delivery of services relating to the functions allocated to the Nelson-Marlborough Regional Council by this order.

## PART III

### Nelson City

### 36 CONSTITUTION OF NELSON CITY

There is hereby constituted a district, to be known as "The Nelson City", which shall comprise the area delineated on S.O. Plan No. 14457 deposited with the Chief Surveyor of the Nelson Land District.

### 37 NELSON CITY COUNCIL

A territorial authority, to be known as "The Nelson City Council", is hereby constituted for the Nelson City.

### 38 INTERPRETATION

In this Part of this order:

"The former authorities" means—

(a) The former Nelson City Council; and

(b) The Wakapuaka Drainage Board; and

(c) The Marlborough County Council; and

(d) Subject to Part VIII of this order, the Nelson Harbour Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Nelson City" means the Nelson City in existence immediately before the coming into force of this clause of this order:

"Former Nelson City Council" means the Nelson City Council in existence immediately before the coming into force of this clause of this order:

"Nelson City" means the Nelson City constituted by this order:

"Nelson City Council" means the Nelson City Council constituted by this order.

### 39 WARDS

(1) The Nelson City is hereby divided into 4 wards.

(2) Those 4 wards are:

(a) The Whangamoia Ward, comprising the area delineated on S.O. Plan No. 14458 deposited with the Chief Surveyor of the Nelson Land District:

(b) The Maitai Ward, comprising the area delineated on S.O. Plan No. 14459 deposited with the Chief Surveyor of the Nelson Land District:

(c) The Fifeshire Ward, comprising the area delineated on S.O. Plan No. 14460 deposited with the Chief Surveyor of the Nelson Land District:

(d) The Stoke Ward, comprising the area delineated on S.O. Plan No. 14461 deposited with the Chief Surveyor of the Nelson Land District.

### 40 MEMBERSHIP

(1) The Nelson City Council shall consist of a Mayor and 14 members.

(2) The members of the Nelson City Council to be elected at the first election of that Council shall be elected as follows:

(a) One member shall be elected by the electors of the Whangamoia Ward; and

(b) Four members shall be elected by the electors of the Maitai Ward; and

(c) Five members shall be elected by the electors of the Fifeshire Ward; and

(d) Four members shall be elected by the electors of the Stoke Ward.

### 41 FIRST ELECTION

(1) For the purposes of the first election of the Nelson City Council, the Returning Officer and the principal administrative

officer for the Nelson City shall be, respectively, the Returning Officer and the principal administrative officer for the former Nelson City.

(2) The first election of the Nelson City Council shall be conducted by postal vote.

#### **42 FIRST MEETING**

The first meeting of the Nelson City Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

#### **43 CHIEF EXECUTIVE**

(1) The Chief Executive of the Nelson City Council shall be the person holding the position of the Chief Executive of the former Nelson City Council immediately before the coming into force of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Nelson City Council.

#### **44 FUNCTIONS, DUTIES, AND POWERS**

The functions, duties, and powers of the Nelson City Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Nelson City Council or any of the former authorities; and

(iii) Any local Act relating to the Nelson City Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the provision and maintenance of those marinas, wharves, jetties, boat ramps, and other harbour facilities, formerly the responsibility of the Nelson Harbour Board, and transferred to the Nelson City Council by Part VIII of this order; and

(c) The functions, duties, and powers of the Wakapuaka Drainage Board pursuant to the Land Drainage Act 1908; and

(d) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

#### **45 WAKAPUAKA DRAINAGE AREA**

The area of the former Wakapuaka Drainage District is hereby deemed to be a drainage area constituted under section 504 of the Local Government Act 1974.

#### **46 ADMINISTRATION HEADQUARTERS**

The administration headquarters of the Nelson City Council shall be located in Nelson.

#### **47 RATING**

(1) The system of rating in the Nelson City shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Nelson City, Part XIV of the Rating Powers Act 1988 shall apply as if the Nelson City was the district of a special purpose authority and the areas from which it was formed were constituent districts.

#### **48 TOWN AND COUNTRY PLANNING**

(1) The Nelson City Council shall not be required to prepare a new district scheme, immediately, for the Nelson City.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme, or as the case may be, the proposed district scheme, of the Nelson City.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Nelson City Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Nelson City Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Nelson City Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Nelson City Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Nelson City Council or, as the case may require, a committee or delegate thereof.

#### **49 CIVIL DEFENCE**

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Nelson City until a new plan is approved for the Nelson City, in accordance with the Civil Defence Act 1983.

#### **50 VESTING OF PROPERTY**

(1) All property, real and personal, vested in the corporation of any former authority and situated in Nelson City is hereby vested in the corporation of the Nelson City Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Marlborough County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Nelson City Council, subject to all existing encumbrances.

#### **51 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Nelson City Council by clause 50 of this order shall, unless the context otherwise requires, be read as a reference to "The Nelson City Council".

### **PART IV**

#### ***Tasman District***

#### **52 CONSTITUTION OF TASMAN DISTRICT**

There is hereby constituted a district, to be known as "The Tasman District", which shall comprise the area delineated S.O. Plan No. 14462 deposited with the Chief Surveyor of the Nelson Land District.

#### **53 TASMAN DISTRICT COUNCIL**

A territorial authority, to be known as "The Tasman District Council", is hereby constituted for the Tasman District.

#### **54 INTERPRETATION**

In this Part of this order:

"The former authorities" means—

(a) The former Tasman District Council; and

(b) The Golden Bay County Council; and

- (c) The Mapua Reserve Board; and
- (d) The Tasman Memorial Reserve Board; and
- (e) The Tapawera Reserve Board; and
- (f) Subject to Part VIII of this order, the Nelson Harbour Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Tasman District" means the Tasman District in existence immediately before the coming into force of this clause of this order:

"Former Tasman District Council" means the Tasman District Council in existence immediately before the coming into force of this clause of this order:

"Tasman District" means the Tasman District constituted by this order:

"Tasman District Council" means the Tasman District Council constituted by this order.

### 55 WARDS

(1) The Tasman District is hereby divided into 6 wards.

(2) Those 6 wards are:

(a) The Lakes Ward, comprising the area delineated on S.O. Plan No. 14468 deposited with the Chief Surveyor of the Nelson Land District:

(b) The Richmond Ward, comprising the area delineated on S.O. Plan No. 14466 deposited with the Chief Surveyor of the Nelson Land District:

(c) The Waimea Ward, comprising the area delineated on S.O. Plan No. 14467 deposited with the Chief Surveyor of the Nelson Land District:

(d) The Moutere Ward, comprising the area delineated on S.O. Plan No. 14465 deposited with the Chief Surveyor of the Nelson Land District:

(e) The Motueka Ward, comprising the area delineated on S.O. Plan No. 14464 deposited with the Chief Surveyor of the Nelson Land District:

(f) The Golden Bay Ward, comprising the area delineated on S.O. Plan No. 14463 deposited with the Chief Surveyor of the Nelson Land District.

### 56 MEMBERSHIP

(1) The Tasman District Council shall consist of a Mayor and 16 members.

(2) Subject to the provisions of the Local Elections and Polls Act 1976, and the Local Government Act 1974, the Mayor and those members of the former Tasman District Council who were first elected on the 29th day of March 1989 to represent:

- (a) The Lakes Ward; and
- (b) The Richmond Ward; and
- (c) The Waimea Ward; and
- (d) The Moutere Ward; and
- (e) The Motueka Ward,

shall continue in office until the triennial general election of members of local authorities to be conducted in October 1992.

(3) Two members of the Tasman District Council shall be elected to represent the Golden Bay Ward at the elections held pursuant to clause 2 of this order on the 14th day of October 1989.

### 57 FIRST ELECTION

(1) For the purposes of the first election of the members to represent the Golden Bay Ward, the Returning Officer and the principal administrative officer for the Tasman District shall be, respectively, the Returning Officer and principal administrative officer for the former Tasman District.

(2) The first election of members to represent the Golden Bay Ward of the Tasman District shall be conducted by postal vote.

### 58 FIRST MEETING

The first meeting of the Tasman District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 59 CHIEF EXECUTIVE

(1) The Chief Executive of the Tasman District Council shall be the person holding the position of the Chief Executive of the former Tasman District Council immediately before the coming into force of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Tasman District Council.

### 60 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Tasman District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

- (i) The Local Government Act 1974; and
- (ii) Any other public Act relating to the Tasman District Council or any of the former authorities; and
- (iii) Any local Act relating to the Tasman District Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the provision and maintenance of those marinas, wharves, jetties, boatramps, and other harbour facilities, formerly the responsibility of the Nelson Harbour Board, and transferred to the Tasman District Council by Part VIII of this order; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 61 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Tasman District Council shall be located in Richmond.

### 62 SERVICE DELIVERY CENTRES

The Tasman District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre, in:

- (a) Takaka; and
- (b) Motueka,

in accordance with the provisions of the Third Schedule to this order.

### 63 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Golden Bay Ward, to be known as "The Golden Bay Community"; and

(b) The area of the Motueka Ward, to be known as "The Motueka Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected from time to time as members of the Tasman District Council, representing the ward comprising the area of that community, and appointed by the Tasman District Council to the community board.

(3) The Returning Officer for the first election of the

community boards for those communities constituted by this clause shall be the Returning Officer for the former Tasman District.

(4) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

#### **64 RATING**

(1) The system of rating in the Tasman District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Tasman District, Part XIV of the Rating Powers Act 1988 shall apply as if the Tasman District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

(3) Notwithstanding subclause (1) of this clause, the provisions of clause 10 of the Union of Motueka Borough, Richmond Borough, and Waimea County Order 1988 (which relates to rating and financial divisions) shall continue to apply within the appropriate part of the Tasman District.

#### **65 TOWN AND COUNTRY PLANNING**

(1) The Tasman District Council shall not be required to prepare a new district scheme, immediately, for the Tasman District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme of the Tasman District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Tasman District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Tasman District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Tasman District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Tasman District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Tasman District Council or, as the case may require, a committee or delegate thereof.

#### **66 CIVIL DEFENCE**

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Tasman District until a new plan is approved for the Tasman District, in accordance with the Civil Defence Act 1983.

#### **67 VESTING OF PROPERTY**

All property, real and personal, vested in the corporation of any former authority is hereby vested in the corporation of the Tasman District Council, subject to all existing encumbrances.

#### **68 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in

any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Tasman District Council by clause 67 of this order shall, unless the context otherwise requires, be read as a reference to "The Tasman District Council".

#### **69 TRANSITIONAL COMMITTEE**

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Tasman District.

(2) The local authorities to which this clause applies shall be:

- (a) The former Tasman District Council; and
- (b) The Golden Bay County Council.

#### **70 MEMBERSHIP OF TRANSITIONAL COMMITTEE**

(1) The transitional committee for the Tasman District shall consist of:

- (a) The members of the former Tasman District Council; and
- (b) Two members appointed by the Golden Bay County Council.

#### **71 CASTING VOTE**

The Chairperson of the transitional committee for the Tasman District or other person presiding at any meeting of the committee shall have a casting vote in the case of equality of votes.

#### **72 PRINCIPAL LOCAL AUTHORITY**

The principal local authority for the transitional committee for the Tasman District shall be the former Tasman District Council.

#### **73 COSTS OF TRANSITIONAL COMMITTEE**

The costs of the transitional committee for the Tasman District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 69 (2) of this order either:

- (a) In accordance with a formula agreed to by that committee; or
- (b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Tasman District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Tasman District.

#### **74 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES**

(1) The transitional committee for the Tasman District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Tasman District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Tasman District considers it desirable that any committee or committees of management be established, the transitional committee



shall recommend to the Tasman District Council that it establish such a committee or committees of management.

## PART V

### *Marlborough District*

#### 75 CONSTITUTION OF MARLBOROUGH DISTRICT

There is hereby constituted a district, to be known as "The Marlborough District", which shall comprise the area delineated on S.O Plan No 14469 deposited with the Chief Surveyor of the Marlborough Land District.

#### 76 MARLBOROUGH DISTRICT COUNCIL

A territorial authority, to be known as "The Marlborough District Council", is hereby constituted for the Marlborough District.

#### 77 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Marlborough County Council; and
- (b) The Blenheim Borough Council; and
- (c) The Picton Borough Council; and
- (d) The Amuri County Council; and
- (e) The Tasman District Council; and
- (f) The Nelson City Council; and
- (g) The Carluke Reserve Board; and
- (h) The Flaxmere Reserve Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

#### 78 WARDS

- (1) The Marlborough District is hereby divided into 5 wards.
- (2) Those 5 wards are:
  - (a) The Awatere Ward, comprising the area delineated on S.O Plan No. 14472 deposited with the Chief Surveyor of the Marlborough Land District;
  - (b) The Blenheim Ward, comprising the area delineated on S.O. Plan No. 14486 deposited with the Chief Surveyor of the Marlborough Land District;
  - (c) The Picton Ward, comprising the area delineated on S.O Plan No. 14485 deposited with the Chief Surveyor of the Marlborough Land District;
  - (d) The Sounds Ward, comprising the area delineated on S.O. Plan No. 14470 deposited with the Chief Surveyor of the Marlborough Land District;
  - (e) The Wairau Ward, comprising the area delineated on S.O. Plan No. 14471 deposited with the Chief Surveyor of the Marlborough Land District;

#### 79 MEMBERSHIP

- (1) The Marlborough District Council shall consist of a Mayor and 17 members.
- (2) The members of the Marlborough District Council to be elected at the first election of that Council shall be elected as follows:
  - (a) One member shall be elected by the electors of the Awatere Ward; and
  - (b) Seven members shall be elected by the electors of the Blenheim Ward; and
  - (c) Three members shall be elected by the electors of the Picton Ward; and
  - (d) Two members shall be elected by the electors of the Sounds Ward; and
  - (e) Four members shall be elected by the electors of the Wairau Ward.

#### 80 FIRST ELECTION

(1) For the purposes of the first election of the Marlborough District Council, the Returning Officer and the principal administrative officer for the Marlborough District shall be, respectively, the Returning Officer and the principal administrative officer for the Marlborough County.

(2) The first election of the Marlborough District Council shall be conducted by postal vote.

#### 81 FIRST MEETING

The first meeting of the Marlborough District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

#### 82 CHIEF EXECUTIVE

(1) The Chief Executive of the Marlborough District Council shall be the person appointed to that position in accordance with clause 95 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Marlborough District Council.

#### 83 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Marlborough District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Marlborough District Council or any of the former authorities; and

(iii) Any local Act relating to the Marlborough District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

#### 84 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Marlborough District Council shall be located in Blenheim.

#### 85 SERVICE DELIVERY CENTRE

The Marlborough District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre, in Picton, in accordance with the provisions of the Third Schedule to this order.

#### 86 RATING

(1) The system of rating in the Marlborough District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Marlborough District, Part XIV of the Rating Powers Act 1988 shall apply as if the Marlborough District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

#### 87 TOWN AND COUNTRY PLANNING

(1) The Marlborough District Council shall not be required to prepare a new district scheme, immediately, for the Marlborough District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme of the Marlborough District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Marlborough District Council to the contrary, all such



preparation shall be deemed to have been done by, or on behalf of, the Marlborough District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Marlborough District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Marlborough District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Marlborough District Council or, as the case may require, a committee or delegate thereof.

## 88 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Marlborough District until a new plan is approved for the Marlborough District, in accordance with the Civil Defence Act 1983.

## 89 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Marlborough District is hereby vested in the corporation of the Marlborough District Council, subject to all existing encumbrances.

(2) All property, real or personal, vested in the corporation of any former authority other than the Amuri County Council, the Nelson City Council and the Tasman District Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Marlborough District Council, subject to all existing encumbrances.

## 90 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Marlborough District Council by clause 89 of this order shall, unless the context otherwise requires, be read as a reference to "The Marlborough District Council".

## 91 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Marlborough District.

(2) The local authorities to which this clause applies shall be:

- (a) The Marlborough County Council; and
- (b) The Blenheim Borough Council; and
- (c) The Picton Borough Council.

## 92 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Marlborough District shall consist of:

- (a) Four members appointed by the Marlborough County Council; and
- (b) Four members appointed by the Blenheim Borough Council; and

(c) Two members appointed by the Picton Borough Council; and

(d) One officer appointed by each local authority named in clause 91(2) of this order, who shall be non-voting members of the transitional committee; and

(e) The Chief Executive designate, when appointed in accordance with clause 95 of this order, who shall be a non-voting member of the transitional committee; and

(f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 91(2) of this order, who shall be a non-voting member of the transitional committee.

## 93 NO CASTING VOTE

The Chairperson of the transitional committee for the Marlborough District Council or other person presiding at any meeting of that Committee shall not have a casting vote in the case of equality of votes.

## 94 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Marlborough District Council may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

## 95 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Marlborough District shall appoint a person to be the Chief Executive of the Marlborough District Council.

## 96 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Marlborough District shall be the Blenheim Borough Council.

## 97 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Marlborough District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 91(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Marlborough District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Marlborough District.

## 98 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The transitional committee for the Marlborough District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Marlborough District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee considers it desirable that any committee or

committees of management be established, the transitional committee shall recommend to the Marlborough District Council that it establish such a committee or committees of management.

## PART VI

### *Kaikoura District*

#### 99 CONSTITUTION OF KAIKOURA DISTRICT

There is hereby constituted a district, to be known as "The Kaikoura District", which shall comprise the area delineated on S.O Plan No 14455 deposited with the Chief Surveyor of the Marlborough Land District.

#### 100 KAIKOURA DISTRICT COUNCIL

A territorial authority, to be known as "The Kaikoura District Council", is hereby constituted for the Kaikoura District.

#### 101 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Kaikoura County Council; and
- (b) The Amuri County Council,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

#### 102 MEMBERSHIP

The Kaikoura District Council shall consist of a Mayor and 7 members elected by the electors of the district as a whole.

#### 103 FIRST ELECTION

(1) For the purposes of the first election of the Kaikoura District Council, the Returning Officer and the principal administrative officer for the Kaikoura District shall be, respectively, the Returning Officer and the principal administrative officer for the Kaikoura County.

(2) The first election of the Kaikoura District Council shall be conducted by postal vote.

#### 104 FIRST MEETING

The first meeting of the Kaikoura District Council:

- (a) Shall be convened by the principal administrative officer of that Council; and
- (b) Shall be held no later than the 14th day of November 1989.

#### 105 CHIEF EXECUTIVE

(1) The Chief Executive of the Kaikoura District Council shall be the person holding the position of Chief Executive of the Kaikoura County Council immediately before the coming into force of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Kaikoura District Council.

#### 106 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Kaikoura District Council shall be:

- (a) The functions, duties, and powers of a territorial authority under—
  - (i) The Local Government Act 1974; and
  - (ii) Any other public Act relating to the Kaikoura District Council or any of the former authorities; and
  - (iii) Any local Act relating to the Kaikoura District Council or any of the former authorities; and
- (b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

#### 107 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Kaikoura District Council shall be located in Kaikoura.

#### 108 RATING

(1) The system of rating in the Kaikoura District shall be the capital value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Kaikoura District, Part XIV of the Rating Powers Act 1988 shall apply as if the Kaikoura District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

#### 109 TOWN AND COUNTRY PLANNING

(1) The Kaikoura District Council shall not be required to prepare a new district scheme, immediately, for the Kaikoura District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme of the Kaikoura District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Kaikoura District Council to the contrary, all such preparation

shall be deemed to have been done by, or on behalf of, the Kaikoura District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Kaikoura District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of such appeal had been given, any such appeal shall be deemed to be against the Kaikoura District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Kaikoura District Council or, as the case may require, a committee or delegate thereof.

#### 110 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Kaikoura District until a new plan is approved for the Kaikoura District, in accordance with the Civil Defence Act 1983.

#### 111 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Kaikoura District is hereby vested in the corporation of the Kaikoura District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of the former authority, other than the Amuri County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Kaikoura District Council, subject to all existing encumbrances.

**112 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Kaikoura District Council by clause 111 of this order shall, unless the context otherwise requires, be read as a reference to "The Kaikoura District Council".

**PART VII****Marlborough Harbour Board****113 MARLBOROUGH HARBOUR BOARD TO CONTINUE**

The Marlborough Harbour Board, as constituted by the Marlborough Harbours Act 1958, shall continue:

Provided that the Schedule to the Harbours Act 1950 entitled "Constitution of the Boards" shall, in the item dealing with the Marlborough Harbour Board, be deemed to read—

*"Board and Number of Members*

Marlborough Harbour Board, Twelve members.

*"By whom Members Elected*

Eleven by the electors of the Marlborough District, of whom 5 shall be elected by the electors of the Awatere, Sounds, and the Wairau Wards of that District; 4 by the electors of the Blenheim Ward of that District; and 2 by the electors of the Picton Ward of that District; and 1 by the electors of the Kaikoura District."

**114 MARLBOROUGH HARBOUR BOARD NOT TO BE A MARITIME PLANNING AUTHORITY**

(1) In accordance with the provisions of the First Schedule to the Local Government Amendment Act (No 3) 1988, and notwithstanding the provisions of section 98 of the Town and Country Planning Act 1977, the Marlborough Harbour Board shall not, after the coming into effect of this clause, continue to be the Maritime Planning Authority for the Marlborough Sounds Maritime Planning Area.

(2) Any reference in the order in council constituting the Marlborough Sounds Maritime Planning Area and appointing the Marlborough Harbour Board to be the Maritime Planning Authority thereof, published in the *Gazette* of 1980 at page 2553, to the Marlborough Harbour Board, shall be deemed to be a reference to the Nelson-Marlborough Regional Council constituted by Part II of this order.

**115 VESTING DEBT OF HARBOUR BOARD IN REGIONAL COUNCIL**

That an interest, to the face value of \$1 137 000 in the debt owed by the Port of Marlborough (New Zealand) Limited to the Marlborough Harbour Board pursuant to section 9 of the Port Companies Plan dated the 21st day of July 1988, shall be transferred by that Board to the Nelson-Marlborough Regional Council, for the purpose of funding all or part of the cost to that Council in relation to its function as the Maritime Planning Authority for the Marlborough Sounds Maritime Planning Area.

**PART VIII****Nelson Harbour Board****116 VESTING OF PROPERTY**

(1) This clause shall apply to that property, real and personal, vested in the Nelson Harbour Board as at the 31st day of October 1989.

(2) Subject to subclauses (6), (8), (9) and (10) of this clause, all property:

(a) Which is vested in the Nelson Harbour Board as at the 31st day of October 1989; and

(b) Which—

(i) Is a reserve under the Reserves Act 1977; or

(ii) Is principally used for recreational purposes, whether or not it is a reserve under the Reserves Act 1977; or

(iii) Is a marina, wharf, jetty, boat ramp or other harbour facility, used principally for recreational purposes; or

(iv) Is an item of plant or equipment used principally in association with the maintenance, use or operation of the facilities referred in subparagraphs (i) or (ii) or (iii) of this paragraph,

is hereby vested in the territorial authority, in whose district it is situated, for the purpose for which it is so reserved, or, where there is no such purpose, for the purposes of any function transferred by this order to that territorial authority.

(3) Subject to subclauses (6), (8), (9) and (10) of this clause, all that property which is vested in the Nelson Harbour Board as at the 31st day of October 1989 which is situated in any territorial district, as constituted by this order, and which is adjacent to any harbour or the sea is hereby vested in the territorial authority in whose district it is situated.

(4) Where there is any dispute over whether any property comes within a category of property referred to in this clause, the matter shall be referred to the Local Government Commission for determination.

(5) Subject to subclauses (8) to (10) of this clause, any property which is vested in the Nelson Harbour Board as at the 31st day of October 1989 and which does not come within a category of property referred to in subclause (2) or subclause (3) of this clause is hereby vested in the Nelson-Marlborough Regional Council.

(6) Notwithstanding anything in subclauses (2) and (3) of this clause, but subject to subclauses (9) and (10) of this clause, any land which is vested in the Nelson Harbour Board as at the 31st day of October 1989 and which is below the mean high water mark is hereby vested in the Nelson-Marlborough Regional Council.

(7) For the purposes of this clause, any property which is fixed to, or under or over, any land which is below the mean high water mark, and which is used for, or in conjunction with, any purpose referred to in subclause (2) of this clause, and which is situated in the district of a territorial authority constituted by this order is hereby transferred to that territorial authority whether or not any interest in the land is also transferred.

(8) Without limiting the provisions of subclauses (2), (3), (5) and (6) of this clause, but subject to subclauses (9) and (10) of this clause:

(a) That property described in the Fourth Schedule to this order shall vest without cost in the Nelson City Council: and

(b) That property described in the Fifth Schedule to this order shall vest without cost in the Tasman District Council:

(c) That harbour facility described in the Sixth Schedule to this order shall vest without cost in the Nelson-Marlborough Regional Council,

and, notwithstanding paragraph (a) of this subclause, in respect of the marina described in Part I of the Fourth Schedule the vesting shall include:

(i) Any outstanding income and expenditure; and

(ii) Any stores, materials, plant and equipment, relating to those facilities, and that land.

(9) If any of the land specified in the Fourth, Fifth or Sixth Schedules to this order is, between the 9th day of June and the 31st day of October 1989, allocated to Port Nelson Limited pursuant to an approved port company plan within the meaning of the Port Companies Act 1988 then, notwithstanding subclause (8) of this clause, that land shall not vest in the local authority in which it has been vested by this clause.

(10) Notwithstanding anything in this clause, if, after the 31st day of October 1989:

(a) The Minister of Transport approves a port company plan within the meaning of the Port Companies Act 1988 pursuant to which any of the property, real or personal, identified in this clause is liable to be transferred to Port Nelson Limited, the local authority which has received that property shall transfer such property to Port Nelson Limited at the cost of that company, subject to any appropriate adjustment for incomings and outgoings in relation to such property for the period beginning on the 1st day of November 1989 and ending on the date of the transfer of the property to Port Nelson Limited ; or

(b) Any approved port company plan is cancelled, withdrawn, re-issued or in any way altered and, as a result, property is deemed to be returned to the ownership (notional or otherwise) of the Nelson Harbour Board, that property shall be allocated under this order as if the property had been owned by the Nelson Harbour Board on the 31st day of October 1989.

### 117 TITLE TO PROPERTY

Any reference, express or implied, to the Nelson Harbour Board in any instrument or other document whatsoever, or in any entry or record made in any register made in relation to any property whatsoever vested in any local authority by this order shall, unless the context otherwise requires, be read as a reference to that local authority.

### 118 PORT NELSON LIMITED

(1) All those shares in Port Nelson Limited that are held by the Nelson Harbour Board as at the 31st day of October 1989 are hereby vested in the Nelson City Council and the Tasman District Council as follows:

Half of the number of those shares shall be vested in the Nelson City Council:

Half of the number of those shares shall be vested in the Tasman District Council.

(2) Fifty-one percent of the shares vested in each local authority by subclause(1) of this clause shall be shares that belong to the class of share referred to in section 7 (1) of the Port Companies Act 1988.

(3) The other 49 percent of the shares vested in each local authority by subclause (1) of this clause shall be shares:

(a) Which carry voting rights; but

(b) Which do not belong to the class of shares referred to in section 7(1) of the Port Companies Act 1988.

### 119 LIABILITIES IN RESPECT OF PORT RELATED COMMERCIAL UNDERTAKINGS

(1) All those liabilities of the Nelson Harbour Board as determined under section 29 of the Port Companies Act 1988 shall become liabilities of the Nelson City Council and the Tasman District Council in the same proportions as specified in clause 118(1) of this order.

(2) All those debt securities issued by Port Nelson Limited to the Nelson Harbour Board under section 29 of the Port Companies Act 1988 are hereby transferred to the Nelson City Council and the Tasman District Council in the same proportions as specified in clause 118(1) of this order.

### 120 RESIDUAL ASSETS AND LIABILITIES

All the assets and liabilities of the Nelson Harbour Board as at the close of the 31st day of October 1989 for which provision for the vesting is not otherwise made in this order, are declared to be assets and liabilities of the Nelson City Council and the Tasman District Council in the same proportions as specified in clause 118(1) of this order.

## PART IX

### General

### 121 TRANSFER OF RESPONSIBILITIES

Except as otherwise provided in this order, a local authority constituted by this order shall, in respect of the district of that local authority:

(a) Have and may exercise and be responsible for all the powers, duties, acts of authority and functions which were previously exercised, or which could have been so exercised, by the former authorities had they not been dissolved; and

(b) 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 former authorities had they not been dissolved; and

(c) 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 former authorities had they not been dissolved; and

(d) Succeed to the bylaws which are in force in the districts of the former authorities. Until revoked or altered by the newly constituted local authority, each such bylaw shall remain in force in the area to which it applied immediately before the constitution of the district, and every bylaw which cannot be restricted to that area shall be deemed inapplicable and revoked by the dissolution of the former authorities; and

(e) Succeed to all rates and levies, and other money payable to the former authorities, had they not been dissolved; and

(f) Succeed to the valuation rolls and rate records in force in the districts of the former authorities. These

shall remain in force in the district of the newly constituted local authority until new valuation rolls are made by that local authority.

(3) The Mayor or Chairperson of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the Mayors and Chairmen of the former authorities.

(4) The principal administrative officer of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the principal administrative officers of the former authorities.

### 122 CREDITORS

Subject to section 37F of the Local Government Act 1974, the rights or interests of creditors of the former authorities shall not be affected by this order.

### 123 LOCAL AUTHORITIES PETROLEUM TAX

For the purposes of Part XI of the Local Government Act 1974, the local authorities constituted by this order shall be successors to the former authorities.

### 124 SPECIAL FUNDS

(1) The special funds of the former authorities shall:

(a) Be expended only for the purposes for which they were set aside; and

(b) Except for any plant renewal fund, be expended for the benefit of the area in which they originated and, after provision has been made for all liabilities, any money required to be paid into any such fund, to meet any deficit, shall be found from within that area.

(2) After the 1st day of November 1996, the local authorities constituted by this order:

(a) Shall review any special fund provided for in subclause (1) of this clause; and

(b) May resolve that from a date to be determined by the council, such special fund may be applied for such other purpose or purposes as the council considers appropriate.

(3) Notwithstanding subclause (2) of this clause, the local authorities constituted by this order may at any time before the 1st day of November 1996, with the approval of the Local Government Commission, resolve to vary the use of any special funds.

(4) All funds held by the administering authorities of reserves under the Reserves Act 1977 shall be deemed to be special funds for the purposes of this clause.

## 125 LOANS

Any rate made and levied to meet the annual charges in respect of any loan secured over the district of any of the former authorities shall continue to be made and levied on the same basis as applied before the 1st day of November 1989:

Provided that the local authorities constituted by this order may at any time before the 1st day of November 1996 review the basis upon which any such rate is made and levied and may, with the approval of the Local Government Commission, resolve to vary such basis.

## 126 ASSETS AND LIABILITIES

The provisions of section 60 of the Local Government Amendment Act (No. 2) 1989 shall apply in relation to the apportionment of the assets and liabilities of the former authorities, as defined in Parts II to VI of this order, as if this order did not make provision for the apportionment of those assets and liabilities:

Provided that there shall be no apportionment of the assets and liabilities of the Nelson Harbour Board pursuant to this clause.

## 127 LOAN LIABILITIES

Subject to section 37F(2) of the Local Government Act 1974, all loan liabilities existing immediately before the 1st day November 1989, shall continue to be secured against the area over which they were secured at that date.

## 128 RESIDUAL AUTHORITIES

In the case of a former authority listed in the Seventh Schedule to this order, the local authority that shall be responsible for:

(a) The preparation of the annual financial statement for that former local authority for the financial year commencing on the 1st day of April 1989 and for any earlier financial years for which an annual financial statement has not been prepared or, in the case of the Nelson Harbour Board, for the financial year commencing on the 1st day of October 1989 and for any earlier financial years for which an annual financial statement has not been prepared; and

(b) The documents (as defined in section 248 of the Local Government Act 1974) and local archives (as so defined) of that former local authority, other than those documents or local archives relating to a specified area or function, shall be the local authority designated in that Schedule as a residual authority in relation to that former authority.

## 129 CONDUCT OF AFFAIRS

The provisions of section 223C of the Local Government Act 1974 relating to the conduct of affairs of local authorities and community boards applies to the local authorities and community boards constituted by this order.

## 130 MARLBOROUGH FORESTRY CORPORATION

Any reference in the Marlborough Forestry Act 1970:

(a) To the Marlborough Catchment Board, shall be deemed to be a reference to the Nelson-Marlborough Regional Council constituted by Part II of this order; and

(b) To—

(i) The Awatere County Council; or

(ii) The Blenheim Borough Council; or

(iii) The Marlborough County Council; or

(iv) The Picton Borough Council,

shall be deemed to be a reference to the Marlborough District Council constituted by Part V of this order; and

(c) To the Kaikoura County Council, shall be deemed to be a reference to the Kaikoura District Council constituted by Part VI of this order.

## SCHEDULES

### First Schedule

#### Part I

#### *Local Authorities Dissolved and Districts Abolished*

Local Authorities	Districts
Nelson Bays United Council	Nelson Bays Region
Marlborough United Council	Marlborough Region
Nelson Catchment Board and Regional Water Board	Nelson Catchment District
Marlborough Catchment Board and Regional Water Board	Marlborough Catchment District
Nelson City Council	Nelson City
Tasman District Council	Tasman District
Golden Bay County Council	Golden Bay County
Blenheim Borough Council	Blenheim Borough
Marlborough County Council	Marlborough County
Picton Borough Council	Picton Borough
Kaikoura County Council	Kaikoura County
Nelson Harbour Board	Nelson Harbour District
Wakapuaka Drainage Board	Wakapuaka Drainage District
Marlborough Nassella Tussock Board	Marlborough Nassella Tussock District
Marlborough Pest Destruction Board	Marlborough Pest Destruction District

#### Part II

#### *Local Authorities Dissolved*

Marlborough Sounds Maritime Planning Authority  
 Golden Bay District Noxious Plants Authority  
 Waimea District Noxious Plants Authority  
 Marlborough District Noxious Plants Authority  
 Kaikoura District Noxious Plants Authority  
 Golden Bay County Pest Destruction Board  
 Waimea County Pest Destruction Board  
 Mapua Reserve Board  
 Tasman Memorial Reserve Board  
 Tapawera Reserve Board  
 Carluke Reserve Board  
 Flaxmere Reserve Board

### Second Schedule

#### *Community Councils Dissolved and Communities Abolished*

Community Councils	Communities
Havelock Community Council	Havelock Community
Renwick Community Council	Renwick Community
Kaikoura Community Council	Kaikoura Community

### Third Schedule

#### *Service Delivery Centres*

A service delivery centre shall provide services not less than those required for:

(a) The payment of money due to the council; and

(b) The provision of information relating to rates and other accounts due to the council; and

(c) The provision of information relating to the district planning scheme, bylaws or information otherwise necessary for the preparation of town planning applications, and permit applications; and

(d) The provision of information relating to community development and recreation; and

(e) The making of rates rebate applications; and

(f) The making of applications for housing accommodation; and

(g) The registration of dogs; and

(h) Such other purposes as the council considers appropriate.

**Fourth Schedule**

**Property To Be Vested In The Nelson City Council**

**PART I**

**Harbour Facilities**

That marina at the Boat Harbour.

**PART II**

**Land to Be Vested**

Description	Certificate of Title (Nelson Registry)
Part Section 1170	141/26
Lots 1 and 3, D.P. 3033, Part Section 1170	130/39
Lots 1 and 2, D.P. Section 1190	6513 6D/952 47/143

**Fifth Schedule**

**Property To Be Vested In The Tasman District Council**

**Part I**

**Harbour Facilities**

First, those wharves situated at Mapua.

Secondly, that boat ramp situated at Mapua.

**Part II**

**Land To Be Vested**

Description	Certificate of Title (Nelson Registry)
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Part Lot 1 D.P. 5386  
Lots 1 to 3, 5, 7 D.P. 11502

129/33  
7B/374 and  
375

Lot 1 D.P. 5442  
Lot 1 D.P. 6435

131/25  
1B/1025

Part D.P. 417, Part Section 3, Block II,  
Moutere Survey District

Lots 1, 5, 7, D.P. 11502

Lot 1 D.P. 5943, Part Section 2, Block II,  
Moutere Hills

**Sixth Schedule**

**Harbour Facility To Be Vested In The Nelson-Marlborough Regional Council**

Those wharves situated at Motueka.

**Seventh Schedule**

**Residual Authorities**

Residual Authority	Former Authority
Nelson-Marlborough Regional Council	Nelson Bays United Council
Nelson-Marlborough Regional Council	Marlborough United Council
Nelson-Marlborough Regional Council	Nelson Harbour Board
Nelson-Marlborough Regional Council	Waimea District Noxious Plants Authority
Nelson-Marlborough Regional Council	Kaikoura District Noxious Plants Authority
Nelson-Marlborough Regional Council	Marlborough District Noxious Plants Authority
Nelson-Marlborough Regional Council	Waimea County Pest Destruction Board
Marlborough District Council	Marlborough County Council
Tasman District Council	Tasman District Council
Kaikoura District Council	Kaikoura County Council
Nelson City Council	Nelson City Council

C. J. HILL, Acting for Clerk of the Executive Council.

(I.A. 104/180)

**The Local Government (Northland Region) Reorganisation Order 1989**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 9th day of June 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to section 36 of 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.

**A n a l y s i s**

- |  |  |
|--|--|
| 1 Title and commencement   | 32 Costs of transitional committee                                 |
| 2 Elections  | 33 Delegation of service delivery                                  |
| 3 Communities  | PART III   |
| PART I   | <i>Far North District</i>  |
| <i>Northland Region</i>  | 34 Constitution of Far North District                              |
| 4 Constitution of Northland Region   | 35 Far North District Council                                      |
| 5 Constituent authorities  | 36 Interpretation  |
| 6 Dissolution of existing local authorities and abolition of existing districts    | 37 Wards   |
| 7 References to former authority   | 38 Membership  |
| 8 Dissolution of existing community councils and abolition of existing communities | 39 First election  |
| PART II  | 40 First meeting   |
| <i>Northland Regional Council</i>  | 41 Chief executive   |
| 9 Northland Regional Council   | 42 Functions, duties, and powers                                   |
| 10 Interpretation  | 43 Administration headquarters                                     |
| 11 Constituencies  | 44 Service delivery centres  |
| 12 Membership  | 45 Communities   |
| 13 First election  | 46 Rating  |
| 14 First meeting   | 47 Town and country planning                                       |
| 15 Chief executive   | 48 Civil defence   |
| 16 Functions, duties, and powers   | 49 Vesting of property   |
| 17 Rural services committee  | 50 Title to property   |
| 18 Regional land transport committee   | 51 Transitional committee  |
| 19 Harbour committee   | 52 Membership of transitional committee                            |
| 20 Administration headquarters   | 53 No casting vote   |
| 21 Rating  | 54 Exclusion of non-voting members                                 |
| 22 Regional planning scheme  | 55 Obligation of transitional committee to appoint chief executive |
| 23 Civil defence   | 56 Principal local authority                                       |
| 24 Vesting of property   | 57 Costs of transitional committee                                 |
| 25 Title to property   | 58 Consultation with Kawakawa Reserve Board                        |
| 26 Transitional committee  | PART IV  |
| 27 Membership of transitional committee  | <i>Whangarei District</i>  |
| 28 No casting vote   | 59 Constitution of Whangarei District                              |
| 29 Exclusion of non-voting members   | 60 Whangarei District Council                                      |
| 30 Obligation of transitional committee to appoint chief executive                 | 61 Interpretation  |
| 31 Principal local authority   | 62 Wards   |
|  | 63 Membership  |
|  | 64 First election  |

- 65 First meeting
- 66 Chief executive
- 67 Functions, duties and powers
- 68 Hikurangi Drainage Area
- 69 Administration headquarters
- 70 Service delivery centres
- 71 Rating
- 72 Town and country planning
- 73 Civil defence
- 74 Vesting of property
- 75 Title to property
- 76 Transitional committee
- 77 Membership of transitional committee
- 78 No casting vote
- 79 Exclusion of non-voting members
- 80 Obligation of transitional committee to appoint chief executive
- 81 Principal local authority
- 82 Costs of transitional committee
- 83 Consultation with administering authorities of reserves
- PART V
- Kaipara District*
- 84 Constitution of Kaipara District
- 85 Kaipara District Council
- 86 Interpretation
- 87 Wards
- 88 Membership
- 89 First election
- 90 First meeting
- 91 Chief executive
- 92 Functions, duties and powers
- 93 Administration headquarters
- 94 Service delivery centre
- 95 Raupo Drainage Area
- 96 Communities
- 97 Rating

- 98 Town and country planning
- 99 Civil defence
- 100 Vesting of property
- 101 Title to property
- 102 Transitional committee
- 103 Membership of transitional committee
- 104 No casting vote
- 105 Exclusion of non-voting members
- 106 Obligation of transitional committee to appoint chief executive
- 107 Principal local authority
- 108 Costs of transitional committee
- 109 Consultation with administering authorities of reserves
- PART VI
- Northland Harbour Board*
- 110 Vesting of property
- 111 Title to property
- 112 Northland Port Corporation (NZ) Ltd
- 113 Liabilities in respect of port related commercial undertakings
- 114 Residual assets and liabilities
- PART VII
- General*
- 115 Transfer of responsibilities
- 116 Creditors
- 117 Local authorities petroleum tax
- 118 Special funds
- 119 Loans
- 120 Assets and liabilities
- 121 Loan liabilities
- 122 Residual authorities
- 123 Conduct of affairs
- PART VIII
- Miscellaneous*
- 124 Kaipara Harbour Authority
- Schedules

## Order

### 1 TITLE AND COMMENCEMENT

(1) This order may be cited as the Local Government (Northland Region) Reorganisation Order 1989.

(2) Subject to subclause (3) of this clause, this order shall come into force on the 1st day of November 1989.

(3) Those provisions of this order necessary:

(a) To provide for the first election of the members of the local authorities, and the members of the community boards for the communities, constituted by this order; and

(b) For the purposes of clauses 26 to 33, 51 to 58, 76 to 83, 102 to 109 and 120 of this order; and

(c) For the appointment of the principal administrative officers of the local authorities constituted by this order, shall come into force on the making of this order.

### 2 ELECTIONS

The first elections of the local authorities and the community boards for the communities constituted by this order shall be held on the 14th day of October 1989.

## 3 COMMUNITIES

Each community constituted by this order shall come into existence on the day after the date on which the Returning Officer declares the result of the first election of members of the community board for that community, provided that no such community shall come into existence prior to the 1st day of November 1989.

### PART I

#### *Northland Region*

### 4 CONSTITUTION OF NORTHLAND REGION

There is hereby constituted a region, to be known as "The Northland Region", which shall comprise the area delineated on S.O. Plan No. 63483 deposited with the Chief Surveyor of the North Auckland Land District.

### 5 CONSTITUENT AUTHORITIES

The constituent authorities of the Northland Region shall comprise the territorial authorities constituted by Parts III to V of this order.



## 6 DISSOLUTION OF EXISTING LOCAL AUTHORITIES AND ABOLITION OF EXISTING DISTRICTS

(1) Every local authority named in Part I or Part II of the First Schedule to this order is hereby dissolved.

(2) Every district named in Part I of the First Schedule to this order is hereby abolished.

## 7 REFERENCES TO FORMER AUTHORITY

(1) Every reference in this order to a former authority shall, where part only of the district of a former authority has been included within the district of a local authority, or any function of a former authority has been allocated to a local authority, be read as a reference to the former authority only in relation to that part or, as the case may be, that function.

(2) Any reference in Part VII of this order to "the former authorities" or "former authority" shall be a reference to any of the former authorities defined in Parts II to V of this order.

## 8 DISSOLUTION OF EXISTING COMMUNITY COUNCILS AND ABOLITION OF EXISTING COMMUNITIES

(1) Every community council named in the Second Schedule to this order is hereby dissolved.

(2) Every community named in the Second Schedule to this order is hereby abolished.

## PART II

### *Northland Regional Council*

## 9 NORTHLAND REGIONAL COUNCIL

A regional council, to be known as "The Northland Regional Council", is hereby constituted for the Northland Region.

## 10 INTERPRETATION

In this Part of this order:

"The former authorities" means:

- (a) The former Northland Regional Council; and
- (b) The Mangonui District Noxious Plants Authority; and
- (c) The Whangaroa District Noxious Plants Authority; and
- (d) The Hokianga District Noxious Plants Authority; and
- (e) The Bay of Islands District Noxious Plants Authority; and
- and
- (f) The Whangarei District Noxious Plants Authority; and
- (g) The Hobson District Noxious Plants Authority; and
- (h) The Otamatea District Noxious Plants Authority; and
- (i) The Mangonui County Pest Destruction Board; and
- (j) The Hokianga County Pest Destruction Board; and
- (k) The Whangaroa County Pest Destruction Board; and
- (l) The Bay of Islands County Pest Destruction Board; and
- (m) The Whangarei County Pest Destruction Board; and
- (n) The Hobson County Pest Destruction Board; and
- (o) The Otamatea County Pest Destruction Board; and
- (p) Subject to Part VI of this order, the Northland Harbour Board; and
- (q) The Auckland Regional Authority; and
- (r) The Rodney District Noxious Plants Authority; and
- (s) The Rodney County Pest Destruction Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Northland Region" means the Northland Region in existence immediately before the coming into force of this clause of this order:

"Former Northland Regional Council" means the

Northland Regional Council in existence immediately before the coming into force of this clause of this order:

"Northland Region" means the Northland Region constituted by this order:

"Northland Regional Council" means the Northland Regional Council constituted by this order.

## 11 CONSTITUENCIES

(1) The Northland Region is hereby divided into 5 constituencies.

(2) Those 5 constituencies are:

(a) The Maungataniwha Constituency, comprising the area delineated on S.O. Plan No. 63485 deposited with the Chief Surveyor of the North Auckland Land District:

(b) The Bay of Islands Constituency, comprising the area delineated on S.O. Plan No. 63559 deposited with the Chief Surveyor of the North Auckland Land District:

(c) The Whangarei Rural Constituency, comprising the area delineated on S.O. Plan No. 63486 deposited with the Chief Surveyor of the North Auckland Land District:

(d) The Whangarei Urban Constituency, comprising the area delineated on S.O. Plan No. 63487 deposited with the Chief Surveyor of the North Auckland Land District:

(e) The Kaipara Constituency, comprising the area delineated on S.O. Plan No. 63488 deposited with the Chief Surveyor of the North Auckland Land District.

## 12 MEMBERSHIP

The Northland Regional Council shall consist of 12 members, of whom:

(a) Two members shall be elected by the electors of the Maungataniwha Constituency; and

(b) Two members shall be elected by the electors of the Bay of Islands Constituency; and

(c) Two members shall be elected by the electors of the Whangarei Rural Constituency; and

(d) Four members shall be elected by the electors of the Whangarei Urban Constituency; and

(e) Two members shall be elected by the electors of the Kaipara Constituency.

## 13 FIRST ELECTION

(1) For the purposes of the first election of the Northland Regional Council:

(a) The Returning Officer for the Maungataniwha Constituency shall be the Returning Officer for Kaikohe Borough; and

(b) The Returning Officer for the Bay of Islands Constituency shall be the Returning Officer for Kaikohe Borough; and

(c) The Returning Officer for the Whangarei Rural Constituency shall be the Returning Officer for Whangarei County; and

(d) The Returning Officer for the Whangarei Urban Constituency shall be the Returning Officer for Whangarei County; and

(e) The Returning Officer for the Kaipara Constituency shall be the Returning Officer for Otamatea County.

(2) The first election of the Northland Regional Council shall be conducted by postal vote.

## 14 FIRST MEETING

(1) The principal administrative officer of the Northland Regional Council:

(a) Shall convene the first meeting of that Council; and

(b) Shall preside at the first meeting of that Council until the election of the Chairperson of that Council.

(2) The first meeting of the Northland Regional Council shall be held not later than the 14th day of November 1989.

### 15 CHIEF EXECUTIVE

(1) The Chief Executive of the Northland Regional Council shall be the person appointed to that position in accordance with clause 30 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Northland Regional Council.

### 16 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Northland Regional Council shall be:

(a) Except as otherwise provided in this order, the functions, duties, and powers of a regional council under—

(i) The Local Government Act 1974; and

(ii) The Urban Transport Act 1980; and

(iii) Any public Act relating to the Northland Regional Council or any of the former authorities and not expressly referred to in this clause; and

(iv) Any local Act relating to the Northland Regional Council or any of the former authorities; and

(b) The functions, duties, and powers in relation to regional planning of a regional council under the Town and Country Planning Act 1977 or any other Act; and

(c) The functions, duties, and powers in relation to maritime planning of a maritime planning authority under the Town and Country Planning Act 1977 or any other Act; and

(d) The functions, duties, and powers of a catchment board and a regional water board under the Soil Conservation and Rivers Control Act 1941 and the Water and Soil Conservation Act 1967 or any other Act; and

(e) The functions, duties, and powers in relation to civil defence of a regional council under the Civil Defence Act 1983 or any other Act; and

(f) Except as otherwise provided in this order, the functions, duties, and powers of a harbour board under the Harbours Act 1950 and the Marine Pollution Act 1974 or any other Act; and

(g) The functions, duties, and powers of a pest destruction board under the Agricultural Pests Destruction Act 1967 or any other Act; and

(h) The functions, duties, and powers of a district noxious plants authority under the Noxious Plants Act 1978 or any other Act.

### 17 RURAL SERVICES COMMITTEE

(1) The Northland Regional Council shall, at least until the 1st day of November 1995, establish and maintain a Rural Services Committee.

(2) The Rural Services Committee shall be responsible for:

(a) Agricultural pests destruction; and

(b) Noxious plants control; and

(c) Any other functions considered by the Northland Regional Council to be of particular concern to the rural community.

(3) The persons appointed by the Northland Regional Council to the Rural Services Committee established under this clause shall include not less than 2 persons:

(a) Who are not members of that Council; but

(b) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

### 18 REGIONAL LAND TRANSPORT COMMITTEE

(1) The Northland Regional Council shall establish and maintain a Regional Land Transport Committee.

(2) The Regional Land Transport Committee shall be responsible for:

(a) Regional roading under Part XXII of the Local Government Act 1974; and

(b) Such transport or other roading responsibilities as may from time to time, pursuant to any Act, become a function of a regional council; and

(c) Such other functions as the Northland Regional Council considers appropriate.

### 19 HARBOUR COMMITTEE

(1) The Northland Regional Council shall, at least until the 1st day of November 1995, establish and maintain a Northland Harbour Committee.

(2) The Northland Harbour Committee shall be responsible for:

(a) Navigation and safety within those areas within harbour limits for which the Northland Regional Council is, from time to time, responsible; and

(b) Any other matter associated with the regulation of those areas other than maritime planning; and

(c) Such other functions as the Northland Regional Council considers appropriate.

(3) The persons appointed by the Northland Regional Council to the Northland Harbour Committee established under this clause shall include not less than 2 persons:

(a) Who are not members of that Council; but

(b) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

### 20 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Northland Regional Council shall be located in Whangarei.

### 21 RATING

(1) Without limiting the powers of the Northland Regional Council under the Rating Powers Act 1988 to make and levy any rate under a different system of rating, the system of rating in the Northland Region shall be the capital value system.

(2) The Northland Regional Council shall exercise within the Northland Region or any part thereof:

(a) Any rating powers possessed by any former authority; and

(b) Any powers to make and levy assessments relating to the functions and powers possessed by any former authority.

(3) Subject to subclause (7) of this clause, and until at least the 30th day of June 1992, all rates made by the Northland Regional Council shall be levied and collected by the constituent authorities of the Northland Region as if an agreement had been made under section 127(1) of the Rating Powers Act 1988.

(4) Where a rate to which subclause (3) of this clause applies has been made on a different rating system to that which applies in the district of the constituent authority by which the rate is to be collected, that rate shall be levied and collected by the constituent authority:

(a) On the system of rating in force in the district of the constituent authority; or

(b) On the system of rating upon which the rate was made by the Northland Regional Council.

(5) Where any rate to which subclause (3) of this clause applies is made by the Northland Regional Council in respect of an area of benefit, it shall be levied and collected by the constituent authority or authorities within which that area of benefit is located and, where appropriate, according to any graduated scale applying to that rate.

(6) Subject to subclause (7) of this clause, the Northland Regional Council shall, for the purpose of:

(a) Reimbursing each constituent authority for costs

incurred in the levying and collecting of rates (including goods and services tax); and

(b) Paying reasonable remuneration for clerical and other work,

pay to each constituent authority an amount equal to 2 percent of the total amount of rates, including goods and services tax, collected by that constituent authority on behalf of that Council.

(7) The Northland Regional Council and the constituent authorities may, by unanimous agreement, resolve:

(a) That, at any time after the 1st day of July 1990, that Council shall levy and collect all or any rates directly; or

(b) That, at any time after the 1st day of July 1990, the amount payable by that Council to each constituent authority, pursuant to subclause (6) of this clause, may be increased or decreased or calculated in accordance with a formula not based upon a percentage.

## 22 REGIONAL PLANNING SCHEME

(1) The Northland Regional Council shall not be required to prepare a new regional planning scheme immediately.

(2) The approved regional planning schemes and the proposed regional planning schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the approved, or as the case may be the proposed, regional planning scheme of the Northland Region.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its regional planning scheme or any change or variation thereof, then subject to any resolution of the Northland Regional Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Northland Regional Council, and may be adopted and acted upon by it.

## 23 CIVIL DEFENCE

The operative regional civil defence plans of the former Northland and Auckland Regions shall continue in force in those areas included in the Northland Region until a new plan is approved for the whole region, in accordance with the Civil Defence Act 1983.

## 24 VESTING OF PROPERTY

(1) Except as otherwise provided in this order, all property, real and personal, vested in the corporations of any former authority and situated in the Northland Region is hereby vested in the corporation of the Northland Regional Council, subject to all existing encumbrances.

(2) Except as otherwise provided in this order, all property, real and personal, vested in the corporation of any former authority and situated in a region in which that former authority is not also a former authority is hereby vested in the corporation of the Northland Regional Council, subject to all existing encumbrances.

## 25 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Northland Regional Council by clause 24 of this order shall, unless the context otherwise requires, be read as a reference to "The Northland Regional Council".

## 26 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Northland Region.

(2) The local authorities to which this clause applies shall be:

- (a) The former Northland Regional Council; and
- (b) The Mangonui District Noxious Plants Authority; and
- (c) The Whangaroa District Noxious Plants Authority; and

(d) The Hokianga District Noxious Plants Authority; and

(e) The Bay of Islands District Noxious Plants Authority; and

- (f) The Whangarei District Noxious Plants Authority; and
- (g) The Hobson District Noxious Plants Authority; and
- (h) The Otamatea District Noxious Plants Authority; and
- (i) The Mangonui County Pest Destruction Board; and
- (j) The Hokianga County Pest Destruction Board; and
- (k) The Whangaroa County Pest Destruction Board; and
- (l) The Bay of Islands County Pest Destruction Board; and
- (m) The Whangarei County Pest Destruction Board; and
- (n) The Hobson County Pest Destruction Board; and
- (o) The Otamatea County Pest Destruction Board; and
- (p) The Northland Harbour Board.

## 27 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Northland Region shall consist of:

(a) Three members appointed by the former Northland Regional Council; and

(b) Two members appointed by the Northland Harbour Board; and

(c) One member appointed jointly by the district noxious plants authorities and the pest destruction boards named in paragraphs (b) to (o) of clause 26 (2) of this order; and

(d) One officer appointed by each local authority named in paragraphs (a) and (p) of clause 26(2) of this order who shall be non-voting members of the transitional committee; and

(e) One officer appointed jointly by the district noxious plants authorities and the pest destruction boards named in paragraphs (b) to (o) of clause 26(2) of this order, who shall be a non-voting member of the transitional committee; and

(f) The Chief Executive designate, when appointed in accordance with clause 30 of this order, who shall be a non-voting member of the transitional committee; and

(g) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 26(2) of this order, who shall be a non-voting member of the transitional committee.

## 28 NO CASTING VOTE

The Chairperson of the transitional committee for the Northland Region or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

## 29 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Northland Region may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

## 30 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Northland Region shall appoint a person to be the Chief Executive of the Northland Regional Council.

## 31 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Northland Region shall be the former Northland Regional Council.

## 32 COSTS OF TRANSITIONAL COMMITTEE

(1) The costs of the transitional committee for the Northland Region (including the costs of providing administrative

services to it) shall be borne and paid by the local authorities named in clause 26(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the gross revenue of the local authority, for the year ended on the 31st day of March 1988, bears to the gross revenue of all the local authorities to which this clause applies for that year.

(2) For the purpose of this clause the gross revenue of a local authority shall be the gross revenue reasonably related to the area of a local authority which is to be included in the Northland Region or any function of a local authority which is to be transferred to the Northland Regional Council, whichever is applicable.

### 33 DELEGATION OF SERVICE DELIVERY

The transitional committee for the Northland Region shall meet with each of the other transitional committees specified in this order, for the purpose of considering the most appropriate arrangements for the physical delivery of services relating to the functions allocated to the Northland Regional Council by this order.

## PART III

### *Far North District*

### 34 CONSTITUTION OF FAR NORTH DISTRICT

There is hereby constituted a district to be known as "The Far North District", which shall comprise the area delineated on S.O. Plan No. 63500 deposited with the Chief Surveyor of the North Auckland Land District.

### 35 FAR NORTH DISTRICT COUNCIL

A territorial authority, to be known as "The Far North District Council", is hereby constituted for the Far North District.

### 36 INTERPRETATION

In this Part of this order "the former authorities" means:

- (a) The Mangonui County Council; and
- (b) The Kaitaia Borough Council; and
- (c) The Whangaroa County Council; and
- (d) The Hokianga County Council; and
- (e) The Bay of Islands County Council; and
- (f) The Kaikohe Borough Council; and
- (g) The Kawakawa Reserve Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

### 37 WARDS

(1) The Far North District is hereby divided into 6 wards.

(2) Those 6 wards are:

(a) The Northern Ward, comprising the area delineated on S.O. Plan No. 63549 deposited with the Chief Surveyor of the North Auckland Land District:

(b) The Whangaroa Ward, comprising the area delineated on S.O. Plan No. 63548 deposited with the Chief Surveyor of the North Auckland Land District:

(c) The Hokianga Ward, comprising the area delineated on S.O. Plan No. 63550 deposited with the Chief Surveyor of the North Auckland Land District:

(d) The Kaikohe Ward, comprising the area delineated on S.O. Plan No. 63551 deposited with the Chief Surveyor of the North Auckland Land District:

(e) The Kerikeri Ward, comprising the area delineated on

S.O. Plan No. 63546 deposited with the Chief Surveyor of the North Auckland Land District:

(f) The Kawakawa Ward, comprising the area delineated on S.O. Plan No. 63547 deposited with the Chief Surveyor of the North Auckland Land District.

### 38 MEMBERSHIP

(1) The Far North District Council shall consist of a Mayor and 13 members.

(2) The members of the Far North District Council to be elected at the first election of that Council shall be elected as follows:

(a) Four members shall be elected by the electors of the Northern Ward; and

(b) One member shall be elected by the electors of the Whangaroa Ward; and

(c) Two members shall be elected by the electors of the Hokianga Ward; and

(d) Two members shall be elected by the electors of the Kaikohe Ward; and

(e) Two members shall be elected by the electors of the Kerikeri Ward; and

(f) Two members shall be elected by the electors of the Kawakawa Ward.

### 39 FIRST ELECTION

(1) For the purposes of the first election of the Far North District Council, the Returning Officer and the principal administrative officer for the Far North District shall be, respectively, the Returning Officer and the principal administrative officer for the Kaikohe Borough.

(2) The first election of the Far North District Council shall be conducted by postal vote.

### 40 FIRST MEETING

The first meeting of the Far North District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 41 CHIEF EXECUTIVE

(1) The Chief Executive of the Far North District Council shall be the person appointed to that position in accordance with clause 55 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Far North District Council.

### 42 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Far North District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Far North District Council or any of the former authorities; and

(iii) Any local Act relating to the Far North District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this Part of this order.

### 43 ADMINISTRATION HEADQUARTERS

Until at least the 1st day of July 1999 the administration headquarters of the Far North District Council shall be located in Kaikohe.

**44 SERVICE DELIVERY CENTRES**

The Far North District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in:

- (a) Kaitaia; and
- (b) Kaeo; and
- (c) Rawene; and
- (d) Kerikeri; and
- (e) Kawakawa,

in accordance with the provisions of the Third Schedule to this order.

**45 COMMUNITIES**

(1) There is hereby constituted a community for each of the following:

- (a) The area of the Northern Ward, to be known as "The Northern Community"; and
- (b) The area of the Whangaroa Ward, to be known as "The Whangaroa Community"; and
- (c) The area of the Hokianga Ward, to be known as "The Hokianga Community"; and
- (d) The area of the Kaikohe Ward, to be known as "The Kaikohe Community"; and
- (e) The area of the Kerikeri Ward, to be known as "The Kerikeri Community"; and
- (f) The area of the Kawakawa Ward, to be known as "The Kawakawa Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

- (a) Six members elected by the electors of the community; and
- (b) The persons elected from time to time as members of the Far North District Council, representing the ward comprising the area of the community, and appointed by the Far North District Council to the community board.

(3) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Kaikohe Borough.

(4) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

**46 RATING**

(1) The system of rating in the Far North District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Far North District, Part XIV of the Rating Powers Act 1988 shall apply as if the Far North District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

**47 TOWN AND COUNTRY PLANNING**

(1) The Far North District Council shall not be required to prepare a new district scheme, immediately, for the Far North District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme, or as the case may be, the proposed district scheme, of the Far North District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Far North District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Far North District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Far North District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Far North District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Far North District Council or, as the case may require, a committee or delegate thereof.

**48 CIVIL DEFENCE**

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Far North District until a new plan is approved for the Far North District, in accordance with the Civil Defence Act 1983.

**49 VESTING OF PROPERTY**

All property, real and personal, vested in the corporation of any former authority and situated in the Far North District is hereby vested in the corporation of the Far North District Council, subject to all existing encumbrances.

**50 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Far North District Council by clause 49 of this order shall, unless the context otherwise requires, be read as a reference to "The Far North District Council".

**51 TRANSITIONAL COMMITTEE**

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Far North District.

(2) The local authorities to which this clause applies shall be:

- (a) The Mangonui County Council; and
- (b) The Kaitaia Borough Council; and
- (c) The Whangaroa County Council; and
- (d) The Hokianga County Council; and
- (e) The Bay of Islands County Council; and
- (f) The Kaikohe Borough Council.

**52 MEMBERSHIP OF TRANSITIONAL COMMITTEE**

The transitional committee for the Far North District shall consist of:

- (a) One member appointed by the Mangonui County Council; and
- (b) One member appointed by the Kaitaia Borough Council; and
- (c) One member appointed by the Whangaroa County Council; and
- (d) One member appointed by the Hokianga County Council; and
- (e) Two members appointed by the Bay of Islands County Council; and
- (f) One member appointed by the Kaikohe Borough Council; and

(g) One officer appointed by each local authority named in clause 51(2) of this order, who shall be non-voting members of the transitional committee; and

(h) The Chief Executive designate, when appointed in accordance with clause 55 of this order, who shall be a non-voting member of the transitional committee; and

(i) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 51(2) of this order, who shall be a non-voting member of the transitional committee.

### 53 NO CASTING VOTE

The Chairperson of the transitional committee for the Far North District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

### 54 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Far North District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 55 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Far North District shall appoint a person to be the Chief Executive of the Far North District Council.

### 56 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Far North District shall be the Bay of Islands County Council.

### 57 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Far North District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 51(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Far North District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Far North District.

### 58 CONSULTATION WITH KAWAKAWA RESERVE BOARD

(1) The transitional committee for the Far North District shall consult with the Kawakawa Reserve Board for the purpose of discussing the possible establishment of a committee of management for the Kawakawa Reserve.

(2) Where, following that consultation, the transitional committee for the Far North District considers it desirable that a committee of management be established the transitional committee shall recommend to the Far North District Council that it establish such a committee of management.

## PART IV

### Whangarei District

### 59 CONSTITUTION OF WHANGAREI DISTRICT

There is hereby constituted a district to be known as "The Whangarei District", which shall comprise the area delineated on S.O. Plan No. 63498 deposited with the Chief Surveyor of the North Auckland Land District.

### 60 WHANGAREI DISTRICT COUNCIL

A territorial authority, to be known as "The Whangarei District Council", is hereby constituted for the Whangarei District.

### 61 INTERPRETATION

In this Part of this order "the former authorities" means:

- (a) The Whangarei County Council; and
- (b) The Whangarei City Council; and
- (c) The Hikurangi Town Council; and
- (d) The Otamatea County Council; and
- (e) The Hukerenui Reserve Board; and
- (f) The Maungakaramea Reserve Board; and
- (g) The Ngunguru Reserve Board; and
- (h) The Parakao Reserve Board; and
- (i) The Ruakaka Central Reserve Board; and
- (j) The Mangapai Reserve Board; and
- (k) The Springfield Reserve Board; and
- (l) The Waikiekie Reserve Board; and
- (m) The Waipu Centennial Reserve Board; and
- (n) The Waiotira Reserve Board; and

(o) in respect of the Hikurangi Drainage District and the Hikurangi Swamp Major Scheme, the former Northland Regional Council,

and any reference to "former authority" shall be reference to any of the former authorities named in this clause.

### 62 WARDS

- (1) The Whangarei District is hereby divided into 6 wards.
- (2) Those 6 wards are:

(a) The Coastal Ward, comprising the area delineated on S.O. Plan No. 63541 deposited with the Chief Surveyor of the North Auckland Land District:

(b) The Hikurangi Ward, comprising the area delineated on S.O. Plan No. 63543 deposited with the Chief Surveyor of the North Auckland Land District:

(c) The Maungatapere Ward, comprising the area delineated on S.O. Plan No. 63544 deposited with the Chief Surveyor of the North Auckland Land District:

(d) The Bream Bay Ward, comprising the area delineated on S.O. Plan No. 63545 deposited with the Chief Surveyor of the North Auckland Land District:

(e) The Denby Ward, comprising the area delineated on S.O. Plan No. 63543 deposited with the Chief Surveyor of the North Auckland Land District:

(f) The Okara Ward, comprising the area delineated on S.O. Plan No. 63540 deposited with the Chief Surveyor of the North Auckland Land District.

### 63 MEMBERSHIP

(1) The Whangarei District Council shall consist of a Mayor and 13 members.

(2) The members of the Whangarei District Council to be elected at the first election of that Council shall be elected as follows:

(a) Two members shall be elected by the electors of the Coastal Ward; and

(b) One member shall be elected by the electors of the Hikurangi Ward; and

(c) One member shall be elected by the electors of the Maungatapere Ward; and

(d) Two members shall be elected by the electors of the Bream Bay Ward; and

(e) Three members shall be elected by the electors of the Denby Ward; and

(f) Four members shall be elected by the electors of the Okara Ward.

#### 64 FIRST ELECTION

(1) For the purposes of the first election of the Whangarei District Council, the Returning Officer and the principal administrative officer for the Whangarei District shall be, respectively, the Returning Officer and the principal administrative officer for Whangarei County.

(2) The first election of the Whangarei District Council shall be conducted by postal vote.

#### 65 FIRST MEETING

The first meeting of the Whangarei District Council—

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

#### 66 CHIEF EXECUTIVE

(1) The Chief Executive of the Whangarei District Council shall be the person appointed to that position in accordance with clause 80 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Whangarei District Council.

#### 67 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Whangarei District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Whangarei District Council or any of the former authorities; and

(iii) Any local Act relating to the Whangarei District Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the provision and maintenance of those marinas, wharves, jetties, boat ramps, and other harbour facilities, formerly the responsibility of the Northland Harbour Board and transferred to the Whangarei District Council by Part VI of this order; and

(c) The functions, duties, and powers of the former Northland Regional Council in respect of the Hikurangi Drainage District and the Hikurangi Swamp Major Scheme; and

(d) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this Part of this order.

#### 68 HIKURANGI DRAINAGE AREA

The area of the former Hikurangi Drainage District is hereby deemed to be a drainage area constituted under section 504 of the Local Government Act 1974 to be known as "The Hikurangi Drainage Area".

#### 69 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Whangarei District Council shall be located in Whangarei.

#### 70 SERVICE DELIVERY CENTRES

The Whangarei District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in Hikurangi and in Ruakaka, in accordance with the provisions of the Third Schedule to this order.

#### 71 RATING

(1) The system of rating in the Whangarei District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Whangarei District, Part XIV of the Rating Powers Act 1988 shall apply as if the Whangarei District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

#### 72 TOWN AND COUNTRY PLANNING

(1) The Whangarei District Council shall not be required to prepare a new district scheme, immediately, for the Whangarei District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme, or as the case may be, the proposed district scheme, of the Whangarei District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Whangarei District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Whangarei District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this order any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(i) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Whangarei District Council and shall be dealt with by it accordingly; or

(ii) Such application had been heard or otherwise disposed of by such former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Whangarei District Council; or

(iii) Such application had been either partly or fully heard or considered by the former authority but no decision thereon had been given, the application shall be heard or considered again by the Whangarei District Council or, as the case may require, a committee or delegate thereof.

#### 73 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Whangarei District until a new plan is approved for the Whangarei District, in accordance with the Civil Defence Act 1983.

#### 74 VESTING OF PROPERTY

All property, real and personal, vested in the corporations of any former authority and situated in the Whangarei District is hereby vested in the corporation of the Whangarei District Council, subject to all existing encumbrances.

#### 75 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Whangarei District Council by clause 74 of this order shall, unless the context otherwise requires, be read as a reference to "The Whangarei District Council".



**76 TRANSITIONAL COMMITTEE**

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Whangarei District.

(2) The local authorities to which this clause applies shall be:

- (a) The Whangarei County Council; and
- (b) The Whangarei City Council; and
- (c) The Hikurangi Town Council.

**77 MEMBERSHIP OF TRANSITIONAL COMMITTEE**

The transitional committee for the Whangarei District shall consist of:

- (a) Two members appointed by the Whangarei County Council; and
- (b) Three members appointed by the Whangarei City Council; and
- (c) One member appointed by the Hikurangi Town Council; and
- (d) One officer appointed by each local authority named in clause 76(2) of this order, who shall be non-voting members of the transitional committee; and
- (e) The Chief Executive designate, when appointed in accordance with clause 80 of this order, who shall be a non-voting member of the transitional committee; and
- (f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 76(2) of this order, who shall be a non-voting member of the transitional committee.

**78 NO CASTING VOTE**

The Chairperson of the transitional committee for the Whangarei District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

**79 EXCLUSION OF NON-VOTING MEMBERS**

The transitional committee for the Whangarei District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

**80 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE**

The transitional committee for the Whangarei District shall appoint a person to be the Chief Executive of the Whangarei District Council.

**81 PRINCIPAL LOCAL AUTHORITY**

The principal local authority for the transitional committee for the Whangarei District shall be the Whangarei City Council.

**82 COSTS OF TRANSITIONAL COMMITTEE**

The costs of the transitional committee for the Whangarei District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 76(2) of this order either:

- (a) In accordance with a formula agreed to by that committee; or
- (b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Whangarei District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Whangarei District.

**83 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES**

(1) The transitional committee for the Whangarei District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Whangarei District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Whangarei District considers it desirable that any committee or committees of management be established the transitional committee shall recommend to the Whangarei District Council that it establish such a committee or committees of management.

**PART V****Kaipara District****84 CONSTITUTION OF KAIPARA DISTRICT**

There is hereby constituted a district to be known as "The Kaipara District", which shall comprise the area delineated on S.O. Plan No. 63499 deposited with the Chief Surveyor of the North Auckland Land District.

**85 KAIPARA DISTRICT COUNCIL**

A territorial authority, to be known as "The Kaipara District Council", is hereby constituted for the Kaipara District.

**86 INTERPRETATION**

In this Part of this order, "the former authorities" means—

- (a) The Hobson County Council; and
- (b) The Dargaville Borough Council; and
- (c) The Otamatea County Council; and
- (d) The Raupo Drainage Board; and
- (e) The Kaiwaka Reserve Board; and
- (f) The Pahi Reserve Board; and
- (g) The Rodney County Council,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

**87 WARDS**

- (1) The Kaipara District is hereby divided into 4 wards.
- (2) Those 4 wards are:

(a) The Dargaville Ward, comprising the area delineated on S.O. Plan No. 63555 deposited with the Chief Surveyor of the North Auckland Land District:

(b) The Pouto Ward, comprising the area delineated on S.O. Plan No. 63552 deposited with the Chief Surveyor of the North Auckland Land District:

(c) The Ruawai Ward, comprising the area delineated on S.O. Plan No. 63553 deposited with the Chief Surveyor of the North Auckland Land District:

(d) The Otamatea Ward, comprising the area delineated on S.O. Plan No. 63554 deposited with the Chief Surveyor of the North Auckland Land District.

**88 MEMBERSHIP**

(1) The Kaipara District Council shall consist of a Mayor and 10 members.

(2) The members of the Kaipara District Council to be elected at the first election of that district council shall be elected as follows:



(a) Three members shall be elected by the electors of the Dargaville Ward; and

(b) Two members shall be elected by the electors of the Pouto Ward; and

(c) Two members shall be elected by the electors of the Ruawai Ward; and

(d) Three members shall be elected by the electors of the Otamatea Ward.

### 89 FIRST ELECTION

(1) For the purposes of the first election of the Kaipara District Council, the Returning Officer and the principal administrative officer for the Kaipara District shall be, respectively, the Returning Officer and the principal administrative officer for the Otamatea County.

(2) The first election of the Kaipara District Council shall be conducted by postal vote.

### 90 FIRST MEETING

The first meeting of the Kaipara District Council—

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 91 CHIEF EXECUTIVE

(1) The Chief Executive of the Kaipara District Council shall be the person appointed to that position in accordance with clause 106 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Kaipara District Council.

### 92 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Kaipara District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Kaipara District Council or any of the former authorities; and

(iii) Any local Act relating to the Kaipara District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 93 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Kaipara District Council shall be located in Dargaville.

### 94 SERVICE DELIVERY CENTRE

The Kaipara District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in Papanoa, in accordance with the provisions of the Third Schedule to this order.

### 95 RAUPO DRAINAGE AREA

(1) The area of the former Raupo Drainage District is hereby deemed to be a drainage area constituted under section 504 of the Local Government Act 1974 to be known as "The Raupo Drainage Area".

(2) The Kaipara District Council shall establish and maintain a committee to be known as "The Raupo Drainage Committee" which shall comprise not less than four persons who are ratepayers in respect of the Raupo Drainage District.

(3) The functions of the Raupo Drainage Committee shall be:

(a) To express the views of the ratepayers of the Raupo Drainage District to the Kaipara District Council; and

(b) To perform such functions and exercise such powers, in respect of the Raupo Drainage Area, as may from time to time be delegated to it by the Kaipara District Council.

### 96 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Dargaville Ward, to be known as "The Dargaville Community"; and

(b) The area of the Pouto Ward, to be known as "The Pouto Community"; and

(c) The area of the Ruawai Ward, to be known as "The Ruawai Community"; and

(d) The area of the Otamatea Ward, to be known as "The Otamatea Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected from time to time as members of the Kaipara District Council, representing the ward comprising the area of the community, and appointed by the Kaipara District Council to the community board.

(3) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Otamatea County.

(4) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

### 97 RATING

(1) The system of rating in the Kaipara District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Kaipara District, Part XIV of the Rating Powers Act 1988 shall apply as if the Kaipara District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 98 TOWN AND COUNTRY PLANNING

(1) The Kaipara District Council shall not be required to prepare a new district scheme, immediately, for the Kaipara District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme, or as the case may be, the proposed district scheme, of the Kaipara District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Kaipara District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Kaipara District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this order any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(i) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Kaipara District Council and shall be dealt with by it accordingly; or

(ii) Such application had been heard or otherwise disposed of by such former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Kaipara District Council; or

- (iii) Such application had been either partly or fully heard or considered by the former authority but no decision thereon had been given, the application shall be heard or considered again by the Kaipara District Council or, as the case may require, a committee or delegate thereof.

### 99 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Kaipara District until a new plan is approved for the Kaipara District, in accordance with the Civil Defence Act 1983.

### 100 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Kaipara District is hereby vested in the corporation of the Kaipara District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Rodney County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Kaipara District Council, subject to all existing encumbrances.

### 101 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Kaipara District Council by clause 100 of this order shall, unless the context otherwise requires, be read as a reference to "The Kaipara District Council".

### 102 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Kaipara District.

(2) The local authorities to which this clause applies shall be:

- (a) The Hobson County Council; and
- (b) The Dargaville Borough Council; and
- (c) The Otamatea County Council.

### 103 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Kaipara District shall consist of:

- (a) Two members appointed by the Hobson County Council; and
- (b) Two members appointed by the Dargaville Borough Council; and
- (c) Two members appointed by the Otamatea County Council; and
- (d) One officer appointed by each local authority named in clause 102(2) of this order, who shall be non-voting members of the transitional committee; and
- (e) The Chief Executive designate, when appointed in accordance with clause 106 of this order, who shall be a non-voting member of the transitional committee; and
- (f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 102(2) of this order, who shall be a non-voting member of the transitional committee.

### 104 NO CASTING VOTE

The Chairperson of the transitional committee for the Kaipara District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

### 105 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Kaipara District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 106 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Kaipara District shall appoint a person to be the Chief Executive of the Kaipara District Council.

### 107 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Kaipara District shall be the Otamatea County Council.

### 108 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Kaipara District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 102(2) of this order either:

- (a) In accordance with a formula agreed to by that committee; or
- (b) If there is no such agreement, in accordance with the following formula:

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of—

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Kaipara District—

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Kaipara District.

### 109 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The transitional committee for the Kaipara District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Kaipara District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Kaipara District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Kaipara District Council that it establish such a committee or committees of management.

## PART VI

### Northland Harbour Board

### 110 VESTING OF PROPERTY

(1) This clause shall apply to that property, real and personal, vested in the Northland Harbour Board as at the 31st day of October 1989.

(2) Subject to subclauses (6), (8), (9) and (10) of this clause, all property—

- (a) Which is vested in the Northland Harbour Board as at the 31st day of October 1989; and
- (b) Which is situated within the area of the Whangarei District constituted by this order; and
- (c) Which—
  - (i) Is a reserve under the Reserves Act 1977; or

- (ii) Is principally used for recreational purposes, whether or not it is a reserve under the Reserves Act 1977; or
- (iii) Is a marina, wharf, jetty, boat ramp or other harbour facility used principally for recreational purposes; or
- (iv) Is an item of plant or equipment used principally in association with the maintenance, use or operation of the facilities referred to in subparagraphs (i), or (ii) or (iii) of this paragraph—

is hereby vested in the Whangarei District Council for the purpose for which it is so reserved, or, where there is no such purpose, for the purposes of any function transferred by this order to the Whangarei District Council.

(3) Subject to subclauses (6), (8), (9) and (10) of this clause, all that property which is vested in the Northland Harbour Board as at the 31st day of October 1989 which is situated in the Whangarei District as constituted by this order and which is adjacent to any harbour or the sea is hereby vested in the Whangarei District Council.

(4) Where there is any dispute over whether any property comes within a category of property referred to in this clause, the matter shall be referred to the Local Government Commission for determination.

(5) Subject to subclauses (8) to (10) of this clause, any property which is vested in the Northland Harbour Board as at the 31st day of October 1989 and which does not come within a category of property referred to in subclause (2) or subclause (3) of this clause is hereby vested in the Northland Regional Council.

(6) Notwithstanding anything in subclauses (2) and (3) of this clause, but subject to subclauses (9) and (10) of this clause, any land which is vested in the Northland Harbour Board as at the 31st day of October 1989 and which is below the mean high water mark is hereby vested in the Northland Regional Council.

(7) For the purposes of this clause, any property which is fixed to, or under or over, any land and which is below the mean high water mark, and which is used for, or in conjunction with, any purpose referred to in subclause (2) of this clause and which is situated in the Whangarei District as constituted by this order is hereby transferred to the Whangarei District Council, whether or not any interest in the land is also transferred.

(8) Without limiting the provisions of subclauses (2), (3), (5) and (6) of this clause, but subject to subclauses (9) and (10) of this clause, the property described in the Fourth Schedule to this order and, in respect of the harbour facilities described in Part I of that Schedule, including:

(a) Any loan liabilities, sinking funds, unexpended loan money and cash balances; and

(b) Any outstanding income and expenditure; and

(c) Any stores, materials, plant and equipment,

relating to those facilities shall, subject to paragraphs (a) and (b) of this subclause, vest without cost in the Whangarei District Council.

(9) If any of the land specified in the Fourth Schedule to this order is, between the 9th day of June 1989 and the 31st day of October 1989, allocated to the Northland Port Corporation (NZ) Ltd pursuant to an approved port company plan within the meaning of the Port Companies Act 1988 then, notwithstanding subclause (8) of this clause, that land shall not vest in the Whangarei District Council.

(10) Notwithstanding anything in this clause, if, after the 31st day of October 1989—

(a) The Minister of Transport approves a port company plan within the meaning of the Port Companies Act 1988 pursuant to which any of the property, real or personal, identified in this clause is liable to be transferred to the Northland Port Corporation (NZ) Ltd, the Northland Regional

Council or the Whangarei District Council shall transfer such property to the Northland Port Corporation (NZ) Ltd at the cost of that company, subject to any appropriate adjustment for incomings and outgoings in relation to such property for the period beginning on the 1st day of November 1989 and ending on the date of the transfer of the property to the Northland Port Corporation (NZ) Ltd; or

(b) Any approved port company plan is cancelled, withdrawn, re-issued or in any way altered and, as a result, property is deemed to be returned to the ownership (notional or otherwise) of the Northland Harbour Board, that property shall be allocated under this order as if the property had been owned by the Northland Harbour Board on the 31st day of October 1989.

## 111 TITLE TO PROPERTY

Any reference, express or implied, to the Northland Harbour Board in any instrument or other document whatsoever, or in any entry or record made in any register in relation to any property whatsoever vested in any local authority by this order shall, unless the context otherwise requires, be read as a reference to that local authority.

## 112 NORTHLAND PORT CORPORATION (NZ) LTD

All those shares in the Northland Port Corporation (NZ) Ltd that are held by the Northland Harbour Board as at the 31st day of October 1989 are hereby vested in the Northland Regional Council.

## 113 LIABILITIES IN RESPECT OF PORT RELATED COMMERCIAL UNDERTAKINGS

(1) All those liabilities of the former Northland Harbour Board as determined under section 29 of the Port Companies Act 1988 shall become liabilities of the Northland Regional Council.

(2) All those debt securities issued by the Northland Port Corporation (NZ) Ltd to the former Northland Harbour Board under section 29 of the Port Companies Act 1988 are hereby transferred to the Northland Regional Council.

## 114 RESIDUAL ASSETS AND LIABILITIES

All the assets and liabilities of the former Northland Harbour Board for which provision for vesting is not otherwise made in this order are declared to be assets and liabilities of the Northland Regional Council.

## PART VII

### General

## 115 TRANSFER OF RESPONSIBILITIES

(1) Except as otherwise provided in this order, a local authority constituted by this order shall, in respect of the district of that local authority:

(a) Have and may exercise and be responsible for all the powers, duties, acts of authority and functions which were previously exercised, or which could have been so exercised, by the former authorities had they not been dissolved; and

(b) 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 former authorities had they not been dissolved; and

(c) 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 former authorities had they not been dissolved; and

(d) Succeed to the bylaws which are in force in the districts of the former authorities. Until revoked or altered by the newly constituted local authority each such bylaw shall remain in force in the area to which it applied immediately before the constitution of the district, and every bylaw which cannot be

restricted to that area shall be deemed inapplicable and revoked by the dissolution of the former authorities; and

(e) Succeed to all rates and levies, and other money payable to the former authorities, had they not been dissolved; and

(f) Succeed to the valuation rolls and rate records in force in the districts of the former authorities. These shall remain in force in the district of the newly constituted local authority until new valuation rolls are made by that local authority.

(2) The Mayor or Chairperson of each local authority constituted by this order shall have and may exercise the duties, powers, and functions of the Mayors and Chairmen of the former authorities.

(3) The principal administrative officer of each local authority constituted by this order shall have and may exercise the duties, powers, and functions of the principal administrative officers of the former authorities.

### 116 CREDITORS

Subject to section 37F of the Local Government Act 1974, the rights or interests of creditors of the former authorities shall not be affected by this order.

### 117 LOCAL AUTHORITIES PETROLEUM TAX

For the purposes of Part XI of the Local Government Act 1974, the local authorities constituted by this order shall be successors to the former authorities.

### 118 SPECIAL FUNDS

(1) The special funds of the former authorities shall:

(a) Be expended only for the purposes for which they were set aside; and

(b) Except for any plant renewal fund, be expended for the benefit of the area in which they originated, and after provision has been made for all liabilities, any money required to be paid into any such fund, to meet any deficit, shall be found from within that area.

(2) After the 1st day of November 1996, the local authorities constituted by this order:

(a) Shall review any special fund provided for in subclause (1) of this clause; and

(b) May resolve that from a date to be determined by the council, such special fund may be applied for such other purpose or purposes as the council considers appropriate.

(3) Notwithstanding subclause (2) of this clause, the local authorities constituted by this order may at any time before the 1st day of November 1996, with the approval of the Commission, resolve to vary the use of any special funds.

(4) All funds held by the administering authorities of reserves under the Reserves Act 1977 shall be deemed to be special funds for the purposes of this clause.

### 119 LOANS

Any rate made and levied to meet the annual charges in respect of any loan secured over the district of any of the former authorities shall continue to be made and levied on the same basis as applied before the 1st day of November 1989:

Provided that the local authorities constituted by this order may at any time before the 1st day of November 1996 review the basis upon which any such rate is made and levied and may, with the approval of the Local Government Commission, resolve to vary such basis.

### 120 ASSETS AND LIABILITIES

The provisions of section 60 of the Local Government Amendment Act (No. 2) 1989 shall apply in relation to the apportionment of the assets and liabilities of the former authorities, as defined in Parts II to V of this order, as if this order did not make provision for the apportionment of those assets and liabilities:

Provided that there shall be no apportionment of the assets

and liabilities of the Northland Harbour Board pursuant to this clause.

### 121 LOAN LIABILITIES

Subject to section 37F(2) of the Local Government Act 1974, all loan liabilities existing immediately before the 1st day of November 1989, shall continue to be secured against the area over which they were secured at that date.

### 122 RESIDUAL AUTHORITIES

In the case of a former authority listed in the Fifth Schedule to this order, the local authority that shall be responsible for—

(a) The preparation of the annual financial statement for that former authority for the financial year commencing on the 1st day of April 1989 and for any earlier financial years for which an annual financial statement has not been prepared or, in the case of the Northland Harbour Board, for the financial year commencing on the 1st day of October 1989 and for any earlier financial years for which an annual financial statement has not been prepared; and

(b) The documents (as defined in section 248 of the Local Government Act 1974) and local archives (as so defined) of that former authority, other than those documents or local archives relating to a specified area or function,

shall be the local authority designated in that Schedule as a residual authority in relation to that former authority.

### 123 CONDUCT OF AFFAIRS

The provisions of section 223C of the Local Government Act 1974 relating to the conduct of affairs of local authorities and community boards applies to the local authorities and community boards constituted by this order.

## PART VIII

### Miscellaneous

### 124 KAIPARA HARBOUR AUTHORITY

The Kaipara Harbour, Waters, Foreshore and Harbour Bed Control Order 1980 shall be modified by:

(a) Deleting the definition of "The Councils" in clause 2 of that Order and substituting the following definition:

" "The Councils" means the Kaipara District Council, the Rodney District Council, the Northland Regional Council and the Auckland Regional Council either individually or collectively"; and

(b) Deleting clauses 1 and 2 of the Third Schedule to that Order and substituting the following clauses:

"(1) The Councils shall be represented on the committee known as the Kaipara Harbour Authority as follows:

Two to be appointed by the Kaipara District Council:

Two to be appointed by the Rodney District Council:

One to be appointed by the Northland Regional Council:

One to be appointed by the Auckland Regional Council.

"(2) The Councils shall contribute to the finances of the Kaipara Harbour Authority in a percentage manner as follows:

50 percent to be contributed by the Kaipara District Council:

50 percent to be contributed by the Rodney District Council.

## SCHEDULES

### First Schedule

#### PART I

#### Local Authorities Dissolved and Districts Abolished

Local Authorities	Districts
Northland Regional Council	Northland Region
Mangonui County Council	Mangonui County
Kaitaia Borough Council	Kaitaia Borough

Local Authorities	Districts	Community Councils	Communities
Whangaroa County Council	Whangaroa County	Ruawai Community Council	Ruawai Community
Hokianga County Council	Hokianga County	Kaiwaka Community Council	Kaiwaka Community
Bay of Islands County Council	Bay of Islands County	Mangawhai Community Council	Mangawhai Community
Kaikohe Borough Council	Kaikohe Borough		
Whangarei County Council	Whangarei County		
Hikurangi Town Council	Hikurangi Town District		
Whangarei City Council	Whangarei City		
Hobson County Council	Hobson County		
Dargaville Borough Council	Dargaville Borough		
Otamatea County Council	Otamatea County		
Northland Harbour Board	Northland Harbour District		
Raupo Drainage Board	Raupo Drainage District		

**PART II****Local Authorities Dissolved**

Mangonui District Noxious Plants Authority  
 Whangaroa District Noxious Plants Authority  
 Hokianga District Noxious Plants Authority  
 Bay of Islands District Noxious Plants Authority  
 Whangarei District Noxious Plants Authority  
 Hobson District Noxious Plants Authority  
 Otamatea District Noxious Plants Authority  
 Mangonui County Pest Destruction Board  
 Whangaroa County Pest Destruction Board  
 Hokianga County Pest Destruction Board  
 Bay of Islands County Pest Destruction Board  
 Whangarei County Pest Destruction Board  
 Hobson County Pest Destruction Board  
 Otamatea County Pest Destruction Board  
 Kawakawa Reserve Board  
 Hukerenui Reserve Board  
 Maungakarama Reserve Board  
 Ngunguru Reserve Board  
 Parakao Reserve Board  
 Ruakaka Central Reserve Board  
 Mangapai Reserve Board  
 Springfield Reserve Board  
 Kaiwaka Reserve Board  
 Pahi Reserve Board  
 Waikiekie Reserve Board  
 Waipu Centennial Reserve Board  
 Waiotira Reserve Board

**Second Schedule****Community Councils Dissolved and Communities Abolished**

Community Councils	Communities
Awanui Community Council	Awanui Community
East Coast Community Council	East Coast Community
Kohukohu Community Council	Kohukohu Community
Rawene Community Council	Rawene Community
Omapere and Opononi Community Council	Omapere and Opononi Community
Kerikeri Community Council	Kerikeri Community
Russell Community Council	Russell Community
Paihia Community Council	Paihia Community
Haruru Falls Community Council	Haruru Falls Community
Opua Community Council	Opua Community
Kawakawa Community Council	Kawakawa Community
Moerewa Community Council	Moerewa Community
Te Kopuru Community Council	Te Kopuru Community
Maungatoroto Community Council	Maungatoroto Community

**Third Schedule****Service Delivery Centres**

A service delivery centre shall provide services not less than those required for:

- The payment of money due to the council; and
- The provision of information relating to rates and other accounts due to the council; and
- The provision of information relating to the district planning scheme, bylaws or information otherwise necessary for the preparation of town planning applications, and permit applications; and
- The provision of information relating to community development and recreation; and
- The making of rates rebate applications; and
- The making of applications for housing accommodation; and
- The registration of dogs; and
- Such other purposes as the council considers appropriate.

**Fourth Schedule****Property To Be Vested In the Whangarei District Council****Part I****Harbour Facilities**

Firstly, those wharves situated at:

- The Town Basin, Whangarei; and
- Whananaki Harbour; and
- Waipu Inlet; and
- Whangaruru Harbour.

Secondly, those boat ramps situated at:

- Parua Bay; and
- Tutukaka; and
- Oakura; and
- Pataua; and
- One Tree Point; and
- Onerahi; and
- Port Road.

Thirdly, those marinas situated at:

- Tutukaka; and
- Kissing Point; and
- Parua Bay; and
- The Town Basin, Whangarei.

**Part II****Land To Be Vested**

Description	Certificate of Title (North Auckland Registry)
Part Lot 12, D.P.13347	1D/1018
Lot 1, D.P.32339	16A/1199
Lot 1, D.P.55192	48D/1294

Description	Certificate of Title (North Auckland Registry)	Description	Certificate of Title (North Auckland Registry)
Lots 2 to 30, D.P.53274	4B/266, 4B/264, 35B/134, 30A/555, 4B/265, 30A/556, 30A/557, 31B/917, 31B/918, 31B/919, 4D/4, 4D/5, 4D/6 & 4D/7	Part Lots 2 to 4, Lots 5 to 15 & Lots 19 to 26, D.P.37927	11D/871, 11D/872, 11D/1013, 11D/1014, 11D/1018 to 1022, 11D/1024, 11D/1028, 11D/1030, 11D/1031, 11D/1033 to 1035
Lots 1 to 4, 16, 18 to 22, 27 to 35 & Lot 37, D.P.57216	12A/1222 to 1224, 12A/1228, 12A/1230 to 1237, 12A/1239 to 1243 & 12A/1245	Lots 1 & 2, D.P.98960	53D/787 & 53D/788
Lots 1 to 6, D.P.92455	48D/1292 to 48D/1297	Lots 1 to 7, D.P.47845	1868/75
Lot 1, D.P.78822	34D/521	Lots 149 to 152, 154 to 162, D.P.102848	56C/945 & 56C/1438 to 1445
Lots 1 & 2, D.P.58940	16A/1207 & 16A/1208	Lot 1, D.P.105299	58A/546
Part Lot 1, D.P.29386, being the balance of the Kaituna Block	49A/581	Lots 117 to 123, D.P.93291	49D/710 to 716
Lots 1 & 2, D.P.110824	62B/1090 & 62B/1091	Part Section 16, Block IX, Whangarei Survey District, comprising 2.0000 hectares	Part 11A/579
Lot 1, D.P.59632	16A/1209	Lots 2 & 11, D.P.109637	61C/998 & 61C/1002
Lots 2 to 5, D.P.96181	52A/857, 52A/858 & 52A/859	Lots 109 to 115, D.P.79758	36C/319 to 324 & 36C/328
Part Lot 1, D.P.50540	61A/407	Lots 103 to 108, D.P.69196	-
Lot 1, D.P.109005	61B/1002	Lots 62 to 76, D.P.55118	7C/832
Lot 1, D.P.65086	24C/160	Lot 19, D.P.37077	1521/5
Lots 1 & 2, D.P.91131	48B/556 & 48B/557	Part Lot 1, D.P.57943	130/616
Lot 1, D.P.103722	57A/684	Part Lot 3, D.P.27589	696/389 & 506/56
Lot 2, D.P.651603	980/101	Part Lot 1, D.P.24730	506/49
Lot 1 of Endowment L	980/101	Part Allotment 1 Deeds Plan W54	505/298
Lot 1, D.P.70008	25D/557	Part Allotment 215, Whangarei Parish comprising 0.1672 hectares	24B/372
Lot 1, D.P.57428	10C/1243	Part Lot 1, & Lots 2, 3 & 18, D.P.37077	974/69
Lots 1 & 2, D.P.55550	12D/1219 & 31C/64	Lots 1 & 2, D.P.50329	2A/1005
Lots 1 & 2, D.P.55191	31C/64	Lot 1, D.P.86341	448/458
Lot 1, D.P.53342	4B/995	Part Section 19, D.P.2179 & D.P.6637	1034/123
Lots 1, 2, 4 & 5, D.P.50375	980/101	Section 19, Part Section 23, Part Section 24, Part Section 30, Section 32 & 34, Block IX, Whangarei Survey District & Allotment 117	1111/139
Lots 1 to 3, D.P.50899	980/101	Lot 1, D.P.50410	1111/139
Lots 1, D.P.56724 & Section 57	9C/1430	Section 28, Block IX, Whangarei Survey District	12B/1143
Lots 2 & 3, D.P. 56724	9C/1431	Part Lots 1 to 4, D.P.32954	26D/220
Lot 2, D.P.45288	1508/18	Lot 1, D.P.59229	14C/72
Lots 1 to 3, D.P.77663	34A/7 & 34A/9	Lots 1 to 4, D.P.40643	1549/29
Lots 1 to 6, D.P.39635	30A/17, 30A/34 to 36 & 30A/38	Part Lot 1, Lots 2 & 3 & Part Lot 4, D.P.50078	13A/855 & 13A/856
Lots 7 & 8, D.P. 39635 & Section 56	30A/39	Part Lot J of Section 3, Block IX, Whangarei Survey District	51D/1353
Part Lot 1, D.P.39108	8A/961	Lot 1, D.P.54614	16B/1383
		Lots A to E & Part H of Section 3, Block IX, Whangarei Survey District	49A/84
		Lots 1, 3, 9, 10, 12, D.P.109637	61C/1003
		Part Section 16, Block IX, Whangarei Survey District	11A/579
		Part Endowment L, comprising 2.6250 hectares	Part 980/101
		Lot 3, D.P.103722, and Lot 3, D.P. 109005	61B/1003
		Lots 149 to 152, D.P. 102847	56C/1428 to 1431

Description	Certificate of Title (North Auckland Registry)	Description	Certificate of Title (North Auckland Registry)
Lot 1, D.P.79811	36C/648	Foreshore Reserve, Block VIII, Ruakaka Survey District, comprising 7.2780 hectares as vested by the Whangarei Harbour Board Vesting and Empowering Act 1925 & the Whangarei Harbour Board Vesting and Empowering Act 1927	-
Part of that area described in the Third Schedule to the Whangarei Harbour Board Vesting and Empowering Act 1961, more particularly described as being Part Section 3, Block III & Section 5, Block II, Ruakaka Survey District	-	Allotment 71A, Manaia Parish	-
Part Allotment 1	769/99	Lots 1 & 2, D.P.62492	18C/1155
Allotment 9, Ruakaka Parish	80/128	Kukutauwhao Island	3B/487
Part Section 7, Secs 8 & 10 Blocks I & V Ruakaka Survey District 80/132	-	Section 25, Block XIV, Opuawhanga Survey District	31A/1170
Ngawi Island Block X, Ruakaka Survey District	-	Part Lot 1, D.P.89635	Part 46D/420
Part Allotments 139 & 202, Maungakaramea Parish	43B/946	That area marked "A" on S.O. Plan 57192, Part Lot 1, D.P.89635, & Section 10, S.O. Plan 47275	46D/419
Part Allotment 214, Owhiwa Parish (Limestone Island)	545/218	Lot 1, D.P.89634	46D/419
Part Otaika 4B4	499/540	Whananaki Wharf Site, Block VI, Opuawhanga Survey District	-
Part D.P.23887	17D/66		
Section 188, Block XVI, Purua Survey District	1956/39		
Allotment 166, Mangatapere Parish	43B/945		
Section 1, Block XIV, Whangarei Survey District	-		
Section 33, Block IX, Whangarei Survey District	1111/139		
Part Lot 1, D.P.92206	43B/704		
Lot 4, D.P.66760	26C/701		

#### Fifth Schedule

#### Residual Authorities

Residual Authority	Former Authority
Kaipara District Council	Otamatea District Council
Northland Regional Council	Northland Harbour Board
Whangarei District Council	Whangarei County Council
C. J. HILL, Acting for Clerk of the Executive Council.	
(I.A. 104/104)	

The Local Government (Otago Region) Reorganisation Order 1989

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 9th day of June 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to section 36 of the Local Government 1974, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

**A n a l y s i s**

1 Title and commencement	executive
2 Elections	33 Principal local authority
3 Communities	34 Costs of transitional committee
PART I	35 Delegation of service delivery
<i>Otago Region</i>	PART III
4 Constitution of Otago Region	<i>Waitaki District</i>
5 Constituent authorities	36 Constitution of Waitaki District
6 Dissolution of existing local authorities and abolition of existing districts	37 Waitaki District Council
7 References to former authority	38 Interpretation
8 Dissolution of existing community councils and abolition of existing communities	39 Wards
PART II	40 Membership
<i>Otago Regional Council</i>	41 First election
9 Otago Regional Council	42 First meeting
10 Interpretation	43 Chief executive
11 Constituencies	44 Functions, duties, and powers
12 Membership	45 Administration headquarters
13 First election	46 Service delivery centre
14 First meeting	47 Communities
15 Chief executive	48 Rating
16 Functions, duties, and powers	49 Town and country planning
17 Drainage area	50 Civil defence
18 Rural services committee	51 Vesting of property
19 Joint committee	52 Title to property
20 Regional land transport committee	53 Transitional committee
21 Harbour committee	54 Membership of transitional committee
22 Administration headquarters	55 No casting vote
23 Rating	56 Exclusion of non-voting members
24 Regional planning	57 Obligation of transitional committee to appoint chief executive
25 Civil defence	58 Principal local authority
26 Vesting of property	59 Costs of transitional committee
27 Title to property	PART IV
28 Transitional committee	<i>Central Otago District</i>
29 Membership of transitional committee	60 Constitution of Central Otago District
30 No casting vote	61 Central Otago District Council
31 Exclusion of non-voting members	62 Interpretation
32 Obligation of transitional committee to appoint chief	63 Wards
	64 Membership



65 First election  
 66 First meeting  
 67 Chief executive  
 68 Functions, duties, and powers  
 69 Crown property in Cromwell  
 70 Administration headquarters  
 71 Service delivery centres  
 72 Communities  
 73 Naseby committee  
 74 Rating  
 75 Town and country planning  
 76 Civil defence  
 77 Vesting of property  
 78 Title to property  
 79 Transitional committee  
 80 Membership of transitional committee  
 81 No casting vote  
 82 Exclusion of non-voting members  
 83 Obligation of transitional committee to appoint chief executive  
 84 Principal local authority  
 85 Costs of transitional committee  
 86 Consultation with administering authorities of reserves

## PART V

*Queenstown-Lakes District*

87 Constitution of Queenstown-Lakes District  
 88 Queenstown-Lakes District Council  
 89 Interpretation  
 90 Wards  
 91 Membership  
 92 First election  
 93 First meeting  
 94 Chief executive  
 95 Functions, duties, and powers  
 96 Arrowtown planning committee  
 97 Administration headquarters  
 98 Service delivery centres  
 99 Wanaka Community  
 100 Rating  
 101 Town and country planning  
 102 Civil defence  
 103 Vesting of property  
 104 Title to property  
 105 Transitional committee  
 106 Membership of transitional committee  
 107 No casting vote  
 108 Exclusion of non-voting members  
 109 Obligation of transitional committee to appoint chief executive  
 110 Principal local authority  
 111 Costs of transitional committee  
 112 Consultation with administering authorities of reserves

## PART VI

*Dunedin City*

113 Constitution of Dunedin City  
 114 The Dunedin City Council

115 Interpretation  
 116 Wards  
 117 Membership  
 118 First election  
 119 First meeting  
 120 Chief executive  
 121 Functions, duties, and powers  
 122 Dunedin urban drainage area  
 123 Administration headquarters  
 124 Service delivery centres  
 125 Communities  
 126 Rating  
 127 Town and country planning  
 128 Civil defence  
 129 Vesting of property  
 130 Title to property  
 131 Transitional committee  
 132 Membership of transitional committee  
 133 No casting vote  
 134 Exclusion of non-voting members  
 135 Obligation of transitional committee to appoint chief executive  
 136 Principal local authority  
 137 Costs of transitional committee  
 138 Consultation with administering authorities of reserves

## PART VII

*Clutha District*

139 Constitution of Clutha District  
 140 Clutha District Council  
 141 Interpretation  
 142 Wards  
 143 Membership  
 144 First election  
 145 First meeting  
 146 Chief executive  
 147 Functions, duties, and powers  
 148 Administration headquarters  
 149 Service delivery centres  
 150 Communities  
 151 Rating  
 152 Town and country planning  
 153 Civil defence  
 154 Vesting of property  
 155 Title to property  
 156 Transitional committee  
 157 Membership of transitional committee  
 158 No casting vote  
 159 Exclusion of non-voting members  
 160 Obligation of transitional committee to appoint chief executive  
 161 Principal local authority  
 162 Costs of transitional committee  
 163 Consultation with administering authorities of reserves

## PART VIII

*Otago Harbour Board*

164 Vesting of property

165 Title to property
166 Port Otago Limited
167 Liabilities in respect of port related commercial undertakings
168 Residual assets and liabilities
<b>PART IX</b>
<i>General</i>
169 Transfer of responsibilities
170 Creditors

171 Local authorities petroleum tax
172 Special funds
173 Loans
174 Assets and liabilities
175 Loan liabilities
176 Residual authorities
177 Conduct of affairs
Schedules

## Order

### 1 TITLE AND COMMENCEMENT

(1) This order may be cited as the Local Government (Otago Region) Reorganisation Order 1989.

(2) Subject to subclause (3) of this clause, this order shall come into force on the 1st day of November 1989.

(3) Those provisions of this order necessary:

(a) To provide for the first election of the members of the local authorities, and the members of the community boards for the communities, constituted by this order; and

(b) For the purposes of clauses 28 to 35, 53 to 59, 79 to 86, 105 to 112, 131 to 138, 156 to 163 and 174 of this order; and

(c) For the appointment of the principal administrative officers of those local authorities constituted by this order,

shall come into force on the making of this order.

### 2 ELECTIONS

The first elections of the local authorities, and the community boards for the communities, constituted by this order shall be held on the 14th day of October 1989.

### 3 COMMUNITIES

Each community constituted by this order shall come into existence on the day after the date on which the Returning Officer declares the result of the first election of members of the community board for that community, provided that no such community shall come into existence prior to the 1st day of November 1989.

## PART I

### *Otago Region*

### 4 CONSTITUTION OF OTAGO REGION

There is hereby constituted a region, to be known as "The Otago Region", which shall comprise the area delineated on S.O. Plan No. 23100 deposited with the Chief Surveyor of the Otago Land District.

### 5 CONSTITUENT AUTHORITIES

The constituent authorities of the Otago Region shall comprise the territorial authorities constituted by Parts III to VII of this order.

### 6 DISSOLUTION OF EXISTING LOCAL AUTHORITIES AND ABOLITION OF EXISTING DISTRICTS

(1) Every local authority named in Part I or Part II of the First Schedule to this order is hereby dissolved.

(2) Every district named in Part I of the First Schedule to this order is hereby abolished.

### 7 REFERENCES TO FORMER AUTHORITY

(1) Every reference in this order to a former authority shall, where part only of the district of a former authority has been included within the district of a local authority, or any function of a former authority has been allocated to a local authority, be

read as a reference to the former authority only in relation to that part or, as the case may be, that function.

(2) Any reference in Part IX of this order to "the former authorities" or "former authority" shall be a reference to any of the former authorities defined in Parts II to VII of this order.

### 8 DISSOLUTION OF EXISTING COMMUNITY COUNCILS AND ABOLITION OF EXISTING COMMUNITIES

(1) Every community council named in the Second Schedule to this order is hereby dissolved.

(2) Every community named in the Second Schedule to this order is hereby abolished.

## PART II

### *Otago Regional Council*

### 9 OTAGO REGIONAL COUNCIL

A regional council, to be known as "The Otago Regional Council" is hereby constituted for the Otago Region.

### 10 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Clutha-Central Otago United Council; and
- (b) The Coastal-North Otago United Council; and
- (c) The Otago Catchment Board and Regional Water Board; and
- (d) The Taieri River Trust; and
- (e) The Silverpeaks District Noxious Plants Authority; and
- (f) The Waihemo District Noxious Plants Authority; and
- (g) The Waitaki District Noxious Plants Authority; and
- (h) The Bruce District Noxious Plants Authority; and
- (i) The Clutha District Noxious Plants Authority; and
- (j) The Lake District Noxious Plants Authority; and
- (k) The Maniototo District Noxious Plants Authority; and
- (l) The Tuapeka District Noxious Plants Authority; and
- (m) The Vincent District Noxious Plants Authority; and
- (n) The Central Otago Pest Destruction Board; and
- (o) The South Otago Pest Destruction Board; and
- (p) The East Otago Pest Destruction Board; and
- (q) The Waitaki Valley Pest Destruction Board; and
- (r) Subject to Part VIII of this order, the Otago Harbour Board; and
- (s) The Southland Pest Destruction Board; and
- (t) The Southland United Council; and
- (u) The Southland Catchment Board and Regional Water Board; and
- (v) The Southland District Noxious Plants Authority; and
- (w) The Waitaki Catchment Board and Regional Water Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

**11 CONSTITUENCIES**

(1) The Otago Region is hereby divided into 5 constituencies.

(2) Those 5 constituencies are:

(a) The Moeraki Constituency, comprising the area delineated on S.O. Plan No. 23101 deposited with the Chief Surveyor of the Otago Land District:

(b) The Dunstan Constituency, comprising the area delineated on S.O. Plan No. 23102 deposited with the Chief Surveyor of the Otago Land District:

(c) The Cargill Constituency, comprising the area delineated on S.O. Plan No. 23104 deposited with the Chief Surveyor of the Otago Land District:

(d) The Wickliffe Constituency, comprising the area delineated on S.O. Plan No. 23105 deposited with the Chief Surveyor of the Otago Land District:

(e) The Molyneux Constituency, comprising the area delineated on S.O. Plan No. 23103 deposited with the Chief Surveyor of the Otago Land District.

**12 MEMBERSHIP**

The Otago Regional Council shall consist of 15 members, of whom:

(a) Two members shall be elected by the electors of the Moeraki Constituency; and

(b) Three members shall be elected by the electors of the Dunstan Constituency; and

(c) Three members shall be elected by the electors of the Cargill Constituency; and

(d) Four members shall be elected by the electors of the Wickliffe Constituency; and

(e) Three members shall be elected by the electors of the Molyneux Constituency.

**13 FIRST ELECTION**

(1) For the purposes of the first election of the Otago Regional Council:

(a) The Returning Officer for the Moeraki Constituency shall be the Returning Officer for the Oamaru Borough; and

(b) The Returning Officer for the Dunstan Constituency shall be the Returning Officer for the Alexandra Borough; and

(c) The Returning Officer for the Cargill and Wickliffe Constituencies shall be the Returning Officer for the Dunedin City; and

(d) The Returning Officer for the Molyneux Constituency shall be the Returning Officer for the Bruce District.

(2) The first election of the Otago Regional Council shall be conducted by postal vote.

**14 FIRST MEETING**

(1) The principal administrative officer of the Otago Regional Council:

(a) Shall convene the first meeting of that Council; and

(b) Shall preside at the first meeting of that Council until the election of the Chairperson of that Council.

(2) The first meeting of the Otago Regional Council shall be convened no later than the 14th day of November 1989.

**15 CHIEF EXECUTIVE**

(1) The Chief Executive of the Otago Regional Council shall be the person appointed to that position in accordance with clause 32 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Otago Regional Council.

**16 FUNCTIONS, DUTIES, AND POWERS**

(1) The functions, duties, and powers of the Otago Regional Council shall be:

(a) Except as otherwise provided in this order, the functions, duties, and powers of a regional council under—

(i) The Local Government Act 1974; and

(ii) The Urban Transport Act 1980; and

(iii) Any public Act relating to the Otago Regional Council or any of the former authorities and not expressly referred to in this clause; and

(iv) Any local Act relating to the Otago Regional Council or any of the former authorities; and

(b) The functions, duties, and powers in relation to regional planning of a regional council under the Town and Country Planning Act 1977 or any other Act; and

(c) The functions, duties, and powers in relation to maritime planning of a maritime planning authority under the Town and Country Planning Act 1977 or any other Act; and

(d) The functions, duties, and powers of a catchment board and a regional water board under the Soil Conservation and Rivers Control Act 1941 and the Water and Soil Conservation Act 1967 or any other Act; and

(e) The functions, duties, and powers in relation to civil defence of a regional council under the Civil Defence Act 1983 or any other Act; and

(f) Except as otherwise provided in this order, the functions, duties, and powers of a harbour board under the Harbours Act 1950 and the Marine Pollution Act 1974 or any other Act in respect of the Otago Harbour; and

(g) The functions, duties, and powers of a pest destruction board under the Agricultural Pests Destruction Act 1967 or any other Act; and

(h) The functions, duties, and powers of a district noxious plants authority under the Noxious Plants Act 1978 or any other Act; and

(i) The functions, duties, and powers of a river board under the Taieri River Improvement Act 1920 and the River Boards Act 1908 and the Land Drainage Act 1908; and

(j) In respect of the Taieri River Drainage area constituted by clause 17(1) of this order, the functions, duties, and powers of a territorial authority under Part XXIX of the Local Government Act 1974.

(2) For the purposes of subclause (1)(j) of this clause, any reference in Part XXIX of the Local Government Act 1974 to a:

“Council” shall be deemed to include the Otago Regional Council;

“District” shall be deemed to include the Otago Region.

**17 DRAINAGE AREA**

(1) The area of the former Taieri River Drainage and River District shall be deemed to be a drainage area constituted under section 504 of the Local Government Act 1974.

(2) Notwithstanding anything else in this order, the provisions of the Taieri River Improvement Act 1920 shall, with the necessary modifications, continue to apply to the area of the former Taieri River Drainage and River District.

**18 RURAL SERVICES COMMITTEE**

(1) The Otago Regional Council shall, at least until the 1st day of November 1995, establish and maintain a Rural Services Committee.

(2) The Rural Services Committee shall be responsible for:

(a) Agricultural pests destruction; and

(b) Noxious plants control; and

(c) Any other functions considered by the Otago Regional Council to be of particular concern to the rural community.

(3) The persons appointed by the Otago Regional Council to

the Rural Services Committee established under this clause shall include not less than 2 persons:

- (a) Who are not members of that Council; but
- (b) Who, in the opinion of the Council, have knowledge that will assist the work of the committee.

### 19 JOINT COMMITTEE

(1) The Otago Regional Council shall, at least until the 1st day of November 1995, unite with the Canterbury Regional Council, in appointing a joint committee.

(2) The joint committee shall comprise an equal number of representatives appointed by those Councils.

(3) The functions of the joint committee shall be:

(a) Co-ordinating planning for the control of those agricultural pests and noxious plants of particular concern, in relation to their regions; and

(b) Co-ordinating action on such other matters as those councils are jointly interested in.

### 20 REGIONAL LAND TRANSPORT COMMITTEE

(1) The Otago Regional Council shall, at least until the 1st day of November 1995, establish and maintain a Regional Land Transport Committee.

(2) The Regional Land Transport Committee shall be responsible for:

(a) Regional roading under Part XXII of the Local Government Act 1974; and

(b) Such transport or other roading responsibilities as may from time to time, pursuant to any Act, become a function of a regional council; and

(c) Such other functions as the Otago Regional Council considers appropriate.

### 21 HARBOUR COMMITTEE

(1) The Otago Regional Council shall, at least until the 1st day of November 1995, establish and maintain an Otago Harbour Committee.

(2) The Otago Harbour Committee shall be responsible for:

(a) Navigation and safety within those areas within harbour limits for which the Otago Regional Council is from time to time responsible; and

(b) Any other matter associated with the regulation of those areas, other than maritime planning; and

(c) Such other functions as that Council considers appropriate.

(3) The persons appointed by the Otago Regional Council to the Otago Harbour Committee established under this clause shall include not less than two persons:

- (a) Who are not members of that Council; but
- (b) Who, in the opinion of the Council, have knowledge that will assist the work of that Committee.

### 22 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Otago Regional Council shall be located in Dunedin.

### 23 RATING

(1) Without limiting the powers of the Otago Regional Council under the Rating Powers Act 1988 to make and levy any rate under a different system of rating, the system of rating in the Otago Region shall be the capital value system.

(2) The Otago Regional Council shall exercise within the Otago Region or any part thereof:

(a) Any rating powers possessed by any former authority; and

(b) Any powers to make and levy assessments relating to the functions and powers possessed by any former authority.

(3) Subject to subclause (7) of this clause, and until at least the 30th day of June 1992, all rates made by the Otago Regional Council shall be levied and collected by the constituent authorities of the Otago Region as if an agreement had been made under section 127(1) of the Rating Powers Act 1988.

(4) Where a rate to which subclause (3) of this clause applies has been made on a different rating system to that which applies in the district of the constituent authority by which the rate is to be collected, that rate shall be levied and collected by the constituent authority:

(a) On the system of rating in force in the district of the constituent authority; or

(b) On the system of rating upon which the rate was made by the Otago Regional Council.

(5) Where any rate to which subclause (3) of this clause applies is made by the Otago Regional Council in respect of an area of benefit, it shall be levied and collected by the constituent authority or authorities within which that area of benefit is located and, where appropriate, according to any graduated scale applying to that rate.

(6) Subject to subclause (7) of this clause, the Otago Regional Council shall, for the purpose of:

(a) Reimbursing each constituent authority for costs incurred in the levying and collecting of rates (including goods and services tax); and

(b) Paying reasonable remuneration for clerical and other work,

pay to each constituent authority an amount equal to 2 percent of the total amount of rates, including goods and services tax, collected by that constituent authority on behalf of that Council.

(7) The Otago Regional Council and the constituent authorities may, by unanimous agreement, resolve:

(a) That, at any time after the 1st day of July 1990, that Council shall levy and collect all or any rates directly; or

(b) That, at any time after the 1st day of July 1990, the amount payable by that Council to each constituent authority, pursuant to subclause (6) of this clause, may be increased or decreased or calculated in accordance with a formula not based upon a percentage.

### 24 REGIONAL PLANNING

(1) The Otago Regional Council shall not be required to prepare a new regional planning scheme immediately.

(2) The approved regional planning schemes and the proposed regional planning schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the approved, or as the case may be, the proposed regional planning scheme of the Otago Region.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its regional planning scheme or of any change or variation thereof, then, subject to any resolution of the Otago Regional Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Otago Regional Council, and may be adopted and acted upon by it.

### 25 CIVIL DEFENCE

The operative regional civil defence plans of the former Clutha-Central Otago United Council, the former Coastal-North Otago United Council, and the former Southland United Council shall continue in force in those areas included in the Otago Region until a new plan is approved for that region, in accordance with the Civil Defence Act 1983.

### 26 VESTING OF PROPERTY

(1) Except as otherwise provided in this order, all property, real and personal, vested in the corporation of any former authority and situated in the Otago Region is hereby vested in

the corporation of the Otago Regional Council, subject to all existing encumbrances.

(2) Except as otherwise provided in this order, all property, real and personal, vested in the corporation of any former authority, other than those former authorities named in paragraphs (s) to (w) of clause 10 of this order, and situated in a region in which that former authority is not also a former authority is hereby vested in the corporation of the Otago Regional Council, subject to all existing encumbrances.

## 27 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Otago Regional Council by clause 26 of this order shall, unless the context otherwise requires, be read as a reference to "The Otago Regional Council".

## 28 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Otago Region.

(2) The local authorities to which this clause applies shall be:

- (a) The Clutha-Central Otago United Council; and
- (b) The Coastal-North Otago United Council; and
- (c) The Otago Catchment Board and Regional Water Board; and
- (d) The Otago Harbour Board; and
- (e) The Taieri River Trust; and
- (f) The Silverpeaks District Noxious Plants Authority; and
- (g) The Waihemo District Noxious Plants Authority; and
- (h) The Waitaki District Noxious Plants Authority; and
- (i) The Bruce District Noxious Plants Authority; and
- (j) The Clutha District Noxious Plants Authority; and
- (k) The Lake District Noxious Plants Authority; and
- (l) The Maniototo District Noxious Plants Authority; and
- (m) The Tuapeka District Noxious Plants Authority; and
- (n) The Vincent District Noxious Plants Authority; and
- (o) The Central Otago Pest Destruction Board; and
- (p) The South Otago Pest Destruction Board; and
- (q) The East Otago Pest Destruction Board; and
- (r) The Waitaki Valley Pest Destruction Board.

## 29 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Otago Region shall consist of:

- (a) Two members appointed by the Clutha-Central Otago United Council; and
- (b) Two members appointed by the Coastal-North Otago United Council; and
- (c) Three members appointed by the Otago Catchment Board and Regional Water Board; and
- (d) One member appointed by the Otago Harbour Board; and
- (e) One member appointed jointly by the district noxious plants authorities and pest destruction boards named in paragraphs (f) to (r) of clause 28(2) of this order; and
- (f) One officer appointed by each local authority named in paragraphs (a) to (d) of clause 28(2) of this order who shall be non-voting members of the transitional committee; and
- (g) One officer appointed jointly by the district noxious plants authorities and pest destruction boards named in

paragraphs (f) to (r) of clause 28(2) of this order, who shall be a non-voting member of the transitional committee; and

(h) One member appointed by the Taieri River Trust who shall be a non-voting member of the transitional committee; and

(i) The Chief Executive designate, when appointed in accordance with clause 32 of this order, who shall be a non-voting member of the transitional committee; and

(j) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 28(2) of this order, who shall be a non-voting member of the transitional committee.

## 30 NO CASTING VOTE

The Chairperson of the transitional committee for the Otago Region or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

## 31 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Otago Region may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

## 32 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Otago Region shall appoint a person to be the Chief Executive of the Otago Regional Council.

## 33 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Otago Region shall be the Otago Catchment Board and Regional Water Board.

## 34 COSTS OF TRANSITIONAL COMMITTEE

(1) The costs of the transitional committee for the Otago Region (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 28(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the gross revenue of the local authority, for the year ended on the 31st day of March 1988 bears to the gross revenue of all the local authorities to which this clause applies for that year.

(2) For the purpose of this clause the gross revenue of a local authority shall be the gross revenue reasonably related to the area of a local authority which is to be included in the Otago Region or any function of a local authority which is to be transferred to the Otago Regional Council, whichever is applicable.

## 35 DELEGATION OF SERVICE DELIVERY

The transitional committee for the Otago Region shall meet with:

(a) Each of the other transitional committees specified in this order; and

(b) The Taieri River Trust; and

(c) Those pest destruction boards named in paragraphs (o) to (q) of clause 10 of this order,

for the purpose of considering the most appropriate arrangements for the physical delivery of services relating to the functions allocated to the Otago Regional Council by this order.

**PART III****Waitaki District****36 CONSTITUTION OF WAITAKI DISTRICT**

There is hereby constituted a district, to be known as "The Waitaki District", which shall comprise the area delineated on S.O. Plan No. 23106 deposited with the Chief Surveyor of the Otago Land District.

**37 WAITAKI DISTRICT COUNCIL**

A territorial authority, to be known as "The Waitaki District Council", is hereby constituted for the Waitaki District.

**38 INTERPRETATION**

In this Part of this order, "the former authorities" means:

- (a) The Waitaki County Council; and
- (b) The Oamaru Borough Council; and
- (c) The Waihemo County Council,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

**39 WARDS**

(1) The Waitaki District is hereby divided into 5 wards.

(2) Those 5 wards are:

(a) The Redcastle Ward, comprising the area delineated on S.O. Plan No. 23111, deposited with the Chief Surveyor of the Otago Land District; and

(b) The Wanbrow Ward, comprising the area delineated on S.O. Plan No. 23110, deposited with the Chief Surveyor of the Otago Land District; and

(c) The Waihemo Ward, comprising the area delineated on S.O. Plan No. 23109, deposited with the Chief Surveyor of the Otago Land District; and

(d) The Corriedale Ward, comprising the area delineated on S.O. Plan No. 23108, deposited with the Chief Surveyor of the Otago Land District; and

(e) The Ahuriri Ward, comprising the area delineated on S.O. Plan No. 23107, deposited with the Chief Surveyor of the Otago Land District.

**40 MEMBERSHIP**

(1) The Waitaki District Council shall consist of a Mayor and 15 members.

(2) The members of the Waitaki District Council to be elected at the first election of that Council shall be elected as follows:

(a) Four members shall be elected by the electors of the Redcastle Ward; and

(b) Four members shall be elected by the electors of the Wanbrow Ward; and

(c) Two members shall be elected by the electors of the Waihemo Ward; and

(d) Three members shall be elected by the electors of the Corriedale Ward; and

(e) Two members shall be elected by the electors of the Ahuriri Ward.

**41 FIRST ELECTION**

(1) For the purposes of the first election of the Waitaki District Council, the Returning Officer and the principal administrative officer for the Waitaki District shall be, respectively, the Returning Officer and the principal administrative officer for the Oamaru Borough.

(2) The first election of the Waitaki District Council shall be conducted by postal vote.

**42 FIRST MEETING**

The first meeting of the Waitaki District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

**43 CHIEF EXECUTIVE**

(1) The Chief Executive for the Waitaki District Council shall be the person appointed to that position in accordance with clause 57 of this order.

(2) The Chief Executive shall be the principal administrative officer for the Waitaki District Council.

**44 FUNCTIONS, DUTIES, AND POWERS**

The functions, duties, and powers of the Waitaki District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Waitaki District Council or any of the former authorities; and

(iii) Any local Act relating to the Waitaki District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

**45 ADMINISTRATION HEADQUARTERS**

The administration headquarters of the Waitaki District Council shall be located in Oamaru.

**46 SERVICE DELIVERY CENTRE**

The Waitaki District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in Palmerston in accordance with the provisions of the Third Schedule to this order.

**47 COMMUNITIES**

(1) There is hereby constituted a community for each of the following areas:

(a) The area of the Ahuriri Ward, to be known as "The Ahuriri Community"; and

(b) The area of the Waihemo Ward, to be known as "The Waihemo Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members to be elected by the electors of the community; and

(b) The persons elected from time to time as members of the Waitaki District Council, representing the ward comprising the area of that community, and appointed by the Waitaki District Council to the community board.

(3) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Oamaru Borough.

(4) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

**48 RATING**

(1) The system of rating in the Waitaki District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Waitaki District, Part XIV of the Rating Powers Act 1988 shall apply as if the Waitaki District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

**49 TOWN AND COUNTRY PLANNING**

(1) The Waitaki District Council shall not be required to prepare a new district scheme, immediately, for the Waitaki District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Waitaki District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Waitaki District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Waitaki District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977 and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Waitaki District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Waitaki District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Waitaki District Council or, as the case may require, a committee or delegate thereof.

**50 CIVIL DEFENCE**

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Waitaki District until a new plan is approved for the Waitaki District, in accordance with the Civil Defence Act 1983.

**51 VESTING OF PROPERTY**

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Waitaki District is hereby vested in the corporation of the Waitaki District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of a former authority, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Waitaki District Council, subject to all existing encumbrances.

**52 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Waitaki District Council by clause 51 of this order shall, unless the context otherwise requires, be read as a reference to "The Waitaki District Council".

**53 TRANSITIONAL COMMITTEE**

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee.

(2) The local authorities to which this clause applies shall be:

(a) The Waitaki County Council; and

(b) The Oamaru Borough Council; and

(c) The Waihemo County Council.

**54 MEMBERSHIP OF TRANSITIONAL COMMITTEE**

The transitional committee for the Waitaki District shall consist of:

(a) Two members appointed by the Waitaki County Council; and

(b) Three members appointed by the Oamaru Borough Council; and

(c) One member appointed by the Waihemo County Council; and

(d) One officer appointed by each local authority, named in clause 53(2) of this order, who shall be non-voting members of the transitional committee; and

(e) The Chief Executive designate, when appointed in accordance with clause 57 of this order, who shall be a non-voting member of the transitional committee; and

(f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 53(2) of this order, who shall be a non-voting member of the transitional committee.

**55 NO CASTING VOTE**

The Chairperson of the transitional committee for the Waitaki District or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

**56 EXCLUSION OF NON-VOTING MEMBERS**

The transitional committee for the Waitaki District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

**57 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE**

The transitional committee for the Waitaki District shall appoint a person to be the Chief Executive of the Waitaki District Council.

**58 PRINCIPAL LOCAL AUTHORITY**

The principal local authority for the transitional committee for the Waitaki District shall be the Oamaru Borough Council.

**59 COSTS OF TRANSITIONAL COMMITTEE**

The costs of the transitional committee for the Waitaki District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 53(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

(i) the district of that local authority; or

(ii) those parts of the district of that local authority to be included in the Waitaki District,

as the case may be, bears to the total of the populations (as at the time of that census) of all the districts of the local authorities or parts of the districts of the local authorities to be included in the Waitaki District.

**PART IV****Central Otago District****60 CONSTITUTION OF CENTRAL OTAGO DISTRICT**

There is hereby constituted a district, to be known as "The Central Otago District", which shall comprise the area delineated on the S.O. Plan No. 23130 deposited with the Chief Surveyor of the Otago Land District.

**61 CENTRAL OTAGO DISTRICT COUNCIL**

A territorial authority, to be known as "The Central Otago District Council", is hereby constituted for the Central Otago District.

**62 INTERPRETATION**

In this Part of this order, "the former authorities" means:

- (a) The Vincent County Council; and
- (b) The Maniototo County Council; and
- (c) The Cromwell Borough Council; and
- (d) The Alexandra Borough Council; and
- (e) The Roxburgh Borough Council; and
- (f) The Naseby Borough Council; and
- (g) The Tuapeka County Council; and
- (h) The Gimmerburn Recreation Reserve Board; and
- (i) The Hills Creek Recreation Reserve Board; and
- (j) The Paerau Recreation Reserve Board; and
- (k) The Patearoa Recreation Reserve Board; and
- (l) The Taieri Lake Domain Board; and
- (m) The Bannockburn Recreation Reserve Board; and
- (n) The Chatto Creek Recreation Reserve Board; and
- (o) The Clyde Recreation Reserve Board; and
- (p) The Dunstan Domain Board; and
- (q) The Omakau Recreation Reserve Board; and
- (r) The Millers Flat Recreation Reserve Board; and
- (s) The Southland County Council; and
- (t) The Waitaki County Council,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

**63 WARDS**

- (1) The Central Otago District is hereby divided into 6 wards.
- (2) Those 6 wards are:
  - (a) The Cromwell Ward, comprising the area delineated on S.O. Plan No. 23134 deposited with the Chief Surveyor of the Otago Land District:
  - (b) The Alexandra Ward, comprising the area delineated on S.O. Plan No. 23131 deposited with the Chief Surveyor of the Otago Land District:
  - (c) The Roxburgh Ward, comprising the area delineated on S.O. Plan No. 23133 deposited with the Chief Surveyor of the Otago Land District:
  - (d) The Earnsclough Ward, comprising the area delineated on S.O. Plan No. 23135 deposited with the Chief Surveyor of the Otago Land District:
  - (e) The Manuherikia Ward, comprising the area delineated on S.O. Plan No. 23136 deposited with the Chief Surveyor of the Otago Land District:
  - (f) The Maniototo Ward, comprising the area delineated on S.O. Plan No. 23132 deposited with the Chief Surveyor of the Otago Land District.

**64 MEMBERSHIP**

- (1) The Central Otago District Council shall consist of a Mayor and 15 members.
- (2) The members of the Central Otago District Council to be elected at the first election of the Central Otago District Council shall be elected as follows:
  - (a) Four members shall be elected by the electors of the Cromwell Ward; and
  - (b) Four members shall be elected by the electors of the Alexandra Ward; and
  - (c) Two members shall be elected by the electors of the Roxburgh Ward; and
  - (d) Two members shall be elected by the electors of the Earnsclough Ward; and
  - (e) One member shall be elected by the electors of the Manuherikia Ward; and
  - (f) Two members shall be elected by the electors of the Maniototo Ward.

**65 FIRST ELECTION**

- (1) For the purposes of the first election of the Central Otago District Council, the Returning Officer and the principal administrative officer for the Central Otago District shall be, respectively, the Returning Officer and the principal administrative officer for the Alexandra Borough.
- (2) The first election of the Central Otago District Council shall be conducted by postal vote.

**66 FIRST MEETING**

The first meeting of the Central Otago District Council:

- (a) Shall be convened by the principal administrative officer of that Council; and
- (b) Shall be held no later than the 14th day of November 1989.

**67 CHIEF EXECUTIVE**

- (1) The Chief Executive for the Central Otago District Council shall be the person appointed to that position in accordance with clause 83 of this order.
- (2) The Chief Executive shall be the principal administrative officer of the Central Otago District Council.

**68 FUNCTIONS, DUTIES, AND POWERS**

The functions, duties, and powers of the Central Otago District Council shall be:

- (a) The functions, duties, and powers of a territorial authority under—
  - (i) The Local Government Act 1974; and
  - (ii) Any other public Act relating to the Central Otago District Council or any of the former authorities; and
  - (iii) Any local Act relating to the Central Otago District Council or any of the former authorities; and
- (b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

**69 CROWN PROPERTY IN CROMWELL**

- (1) In the event that the Central Otago District Council should resolve to establish a committee to negotiate with the Crown on the management and disposal of Crown property in the Cromwell Ward, then at least half the members of that committee shall be appointed by that Council from among the members of the Cromwell Community Board, constituted by clause 72 of this order.
- (2) The Central Otago District Council shall consult with the Cromwell Community Board when considering any action in respect of any matter referred to in the Memorandum of



Understanding dated the 11th day of May 1989 between Her Majesty the Queen and the former Cromwell Borough Council.

### 70 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Central Otago District Council shall be located in Alexandra.

### 71 SERVICE DELIVERY CENTRES

The Central Otago District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in:

- (a) Cromwell; and
- (b) Roxburgh; and
- (c) Ranfurly,

in accordance with the provisions of the Third Schedule to this order.

### 72 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

- (a) The area of the Cromwell Ward, to be known as "The Cromwell Community"; and
- (b) The area of the Alexandra Ward, to be known as "The Alexandra Community"; and
- (c) The area of the Roxburgh Ward, to be known as "The Roxburgh Community"; and
- (d) The area of the Maniototo Ward, to be known as "The Maniototo Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

- (a) Six members elected by the electors of the community; and
- (b) The persons elected from time to time as members of the Central Otago District Council representing the ward comprising the area of that community, and appointed by the Central Otago District Council to the community board.

(3) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Alexandra Borough.

(4) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

### 73 NASEBY COMMITTEE

(1) The Maniototo Community Board, constituted by clause 72 of this order, shall at least until the 1st day of November 1992, establish and maintain a committee to be known as "The Naseby Committee".

(2) The Naseby Committee constituted by subclause (1) of this clause shall consist of:

- (a) Three persons who shall be normally resident in the area of the former Naseby Borough; and
- (b) Two members of the Maniototo Community Board, appointed by the Maniototo Community Board.

(3) The functions of the Naseby Committee shall be:

- (a) To consider and report to the Maniototo Community Board on any matters of concern to the residents of Naseby; and
- (b) Such other matters as may from time to time be delegated to the Naseby Committee by the Maniototo Community Board.

### 74 RATING

(1) The system of rating in the Central Otago District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Central Otago District, Part XIV of the Rating Powers Act 1988 shall apply as if the Central Otago District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

(3) Subject to section 103 of the Rating Powers Act 1988, until the 30th day of June 1994, the capital value rating system shall continue to apply in:

(a) The area of the former Tuapeka County included within the Central Otago District by this Part of this order; and

(b) Those areas of the former Maniototo County which are included in the Central Otago District by this Part of this order and in which, before the commencement of this order, the system of rating was the capital value system.

### 75 TOWN AND COUNTRY PLANNING

(1) The Central Otago District Council shall not be required to prepare a new district scheme, immediately, for the Central Otago District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Central Otago District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Central Otago District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Central Otago District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Central Otago District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Central Otago District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Central Otago District Council or, as the case may require, a committee or delegate thereof.

### 76 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Central Otago District until a new plan is approved for the Central Otago District, in accordance with the Civil Defence Act 1983.

### 77 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Central Otago District is hereby vested in the corporation of the Central Otago District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of a former authority, other than the Tuapeka County Council, the Southland County Council and the Waitaki County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Central Otago District Council, subject to all existing encumbrances.

**78 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Central Otago District Council by clause 77 of this order shall, unless the context otherwise requires, be read as a reference to "The Central Otago District Council".

**79 TRANSITIONAL COMMITTEE**

(1) The local authorities listed in subclause (2) of this clause shall unite in appointing a transitional committee for the Central Otago District.

(2) The local authorities to which this clause applies shall be:

- (a) The Vincent County Council; and
- (b) The Maniototo County Council; and
- (c) The Cromwell Borough Council; and
- (d) The Alexandra Borough Council; and
- (e) The Roxburgh Borough Council; and
- (f) The Naseby Borough Council; and
- (g) The Tuapeka County Council.

**80 MEMBERSHIP OF TRANSITIONAL COMMITTEE**

The transitional committee for the Central Otago District shall consist of:

- (a) Two members appointed by the Vincent County Council; and
- (b) Two members appointed by the Maniototo County Council; and
- (c) Two members appointed by the Cromwell Borough Council; and
- (d) Two members appointed by the Alexandra Borough Council; and
- (e) Two members appointed by the Roxburgh Borough Council; and
- (f) Two members appointed by the Tuapeka County Council; and
- (g) One member appointed by the Naseby Borough Council; and
- (h) One officer appointed by each local authority named in clause 79(2) of this order, who shall be non-voting members of the transitional committee; and
- (i) The Chief Executive designate, when appointed in accordance with clause 83 of this order, who shall be a non-voting member of the transitional committee; and
- (j) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 79(2) of this order, who shall be a non-voting member of the transitional committee.

**81 NO CASTING VOTE**

The Chairperson of the transitional committee for the Central Otago District or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

**82 EXCLUSION OF NON-VOTING MEMBERS**

The transitional committee for the Central Otago District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

**83 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE**

The transitional committee for the Central Otago District shall appoint a person to be the Chief Executive of the Central Otago District Council.

**84 PRINCIPAL LOCAL AUTHORITY**

The principal local authority for the transitional committee for the Central Otago District shall be the Alexandra Borough Council.

**85 COSTS OF TRANSITIONAL COMMITTEE**

The costs of the transitional committee for the Central Otago District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 79(2) of this order, either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Central Otago District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Central Otago District.

**86 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES**

(1) The transitional committee for the Central Otago District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Central Otago District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Central Otago District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Central Otago District Council that it establish such a committee or committees of management.

**PART V****Queenstown-Lakes District****87 CONSTITUTION OF QUEENSTOWN-LAKES DISTRICT**

There is hereby constituted a district, to be known as "The Queenstown-Lakes District", which shall comprise the area delineated on S.O. Plan No. 23112 deposited with the Chief Surveyor of the Otago Land District.

**88 QUEENSTOWN-LAKES DISTRICT COUNCIL**

A territorial authority, to be known as "The Queenstown-Lakes District Council", is hereby constituted for the Queenstown-Lakes District.

**89 INTERPRETATION**

In this Part of this order:

"The former authorities" means:

- (a) The former Queenstown-Lakes District Council; and
- (b) The Arrowtown Borough Council; and
- (c) The Vincent County Council; and
- (d) The Southland County Council; and
- (e) The Hawea Recreation Reserve Board; and
- (f) The Luggate Recreation Reserve Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Queenstown-Lakes District" means the Queenstown-Lakes District in existence immediately before the coming into force of this clause of this order:

"Former Queenstown-Lakes District Council" means the Queenstown-Lakes District Council in existence immediately before the coming into force of this clause of this order:

"Queenstown-Lakes District" means the Queenstown-Lakes District constituted by this order:

"Queenstown-Lakes District Council" means the Queenstown-Lakes District Council constituted by this order.

## 90 WARDS

(1) The Queenstown-Lakes District is hereby divided into 5 wards.

(2) Those 5 wards are:

(a) The Wanaka Ward, comprising the area delineated on S.O. Plan No. 23114 deposited with the Chief Surveyor of the Otago Land District:

(b) The Arrowtown Ward, comprising the area delineated on S.O. Plan No. 23117 deposited with the Chief Surveyor of the Otago Land District:

(c) The Wakatipu Ward, comprising the area delineated on S.O. Plan No. 23115 deposited with the Chief Surveyor of the Otago Land District:

(d) The Queenstown East Ward, comprising the area delineated on S.O. Plan No. 23113 deposited with the Chief Surveyor of the Otago Land District:

(e) The Queenstown West Ward, comprising the area delineated on S.O. Plan No. 23116 deposited with the Chief Surveyor of the Otago Land District.

## 91 MEMBERSHIP

(1) The Queenstown-Lakes District Council shall consist of a Mayor and 15 members.

(2) The members of the Queenstown-Lakes District Council to be elected at the first election of that Council shall be elected as follows:

(a) Four members shall be elected by the electors of the Wanaka Ward; and

(b) Two members shall be elected by the electors of the Arrowtown Ward; and

(c) Two members shall be elected by the electors of the Wakatipu Ward; and

(d) Four members shall be elected by the electors of the Queenstown East Ward; and

(e) Three members shall be elected by the electors of the Queenstown West Ward.

## 92 FIRST ELECTION

(1) For the purposes of the first election of the Queenstown-Lakes District Council, the Returning Officer and the principal administrative officer for the Queenstown-Lakes District shall be, respectively, the Returning Officer and the principal administrative officer for the former Queenstown-Lakes District.

(2) The first election of the Queenstown-Lakes District Council shall be conducted by postal vote.

## 93 FIRST MEETING

The first meeting of the Queenstown-Lakes District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

## 94 CHIEF EXECUTIVE

(1) The Chief Executive of the Queenstown-Lakes District Council shall be the person appointed to that position in accordance with clause 109 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Queenstown-Lakes District Council.

## 95 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Queenstown-Lakes District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Queenstown-Lakes District Council or any of the former authorities; and

(iii) Any local Act relating to the Queenstown-Lakes District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

## 96 ARROWTOWN PLANNING COMMITTEE

(1) The Queenstown-Lakes District Council shall, at least until the 1st day of November 1995, establish and maintain an Arrowtown Planning Committee.

(2) The functions of the Arrowtown Planning Committee shall include the hearing of town planning applications in respect of the Arrowtown section of the Queenstown-Lakes district scheme.

(3) The persons appointed by the Queenstown-Lakes District Council to the Arrowtown Planning Committee established under subclause (1) of this clause shall include three persons:

(a) Who are normally resident in the Arrowtown Ward constituted by clause 90 of this order; and

(b) Who, in the opinion of the Council, have knowledge that will assist the work of the committee.

## 97 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Queenstown-Lakes District Council shall be located in Queenstown.

## 98 SERVICE DELIVERY CENTRES

The Queenstown-Lakes District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in:

(a) Wanaka; and

(b) Arrowtown,

in accordance with the provisions of the Third Schedule to this order.

## 99 WANAKA COMMUNITY

(1) There shall be constituted a community for the area of the Wanaka Ward to be known as "The Wanaka Community".

(2) The community board for the Wanaka Community constituted by subclause (1) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected from time to time as members of the Queenstown-Lakes District Council representing the Wanaka Ward and appointed by the Queenstown-Lakes District Council to the community board.

(3) The Returning Officer for the first election of the community board for the community constituted by this clause shall be the Returning Officer for the former Queenstown-Lakes District Council.

(4) The first election of the community board for the

community constituted by this clause shall be conducted by postal vote.

### 100 RATING

(1) The system of rating in the Queenstown-Lakes District shall be the capital value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Queenstown-Lakes District, Part XIV of the Rating Powers Act 1988 shall apply as if the Queenstown-Lakes District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

(3) Subject to section 103 of the Rating Powers Act 1988, until the 30th day of June 1994, the land value rating system shall continue to apply in:

- (a) the area of the former Arrowtown Borough; and
- (b) that part of the former Vincent County which is included by this Part of this order, in the Queenstown-Lakes District.

### 101 TOWN AND COUNTRY PLANNING

(1) The Queenstown-Lakes District Council shall not be required to prepare a new district scheme, immediately, for the Queenstown-Lakes District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Queenstown-Lakes District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Queenstown-Lakes District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Queenstown-Lakes District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Queenstown-Lakes District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Queenstown-Lakes District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Queenstown-Lakes District Council or, as the case may require, a committee or delegate thereof.

### 102 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Queenstown-Lakes District until a new plan is approved for the Queenstown-Lakes District, in accordance with the Civil Defence Act 1983.

### 103 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Queenstown-Lakes District is hereby vested in the corporation of the Queenstown-Lakes District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of a former authority, other than the Southland County Council and the Vincent County Council, and situated in a district in which that former authority is not also a former

authority, is hereby vested in the corporation of the Queenstown-Lakes District Council, subject to all existing encumbrances.

### 104 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Queenstown-Lakes District Council by clause 103 of this order shall, unless the context otherwise requires, be read as a reference to "The Queenstown-Lakes District Council".

### 105 TRANSITIONAL COMMITTEE

(1) The local authorities listed in subclause (2) of this clause shall unite in appointing a transitional committee.

(2) The local authorities to which this clause applies shall be:

- (a) The former Queenstown-Lakes District Council; and
- (b) The Arrowtown Borough Council; and
- (c) The Vincent County Council.

### 106 MEMBERSHIP OF TRANSITIONAL COMMITTEE

(1) The transitional committee for the Queenstown-Lakes District shall consist of:

(a) Three members appointed by the former Queenstown-Lakes District Council; and

(b) Two members appointed by the Arrowtown Borough Council; and

(c) Two members appointed by the Vincent County Council; and

(d) One officer appointed by each local authority, named in clause 105(2) of this order, who shall be non-voting members of the transitional committee; and

(e) The Chief Executive designate, when appointed in accordance with clause 109 of this order, who shall be a non-voting member of the transitional committee; and

(f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 105(2) of this order who shall be a non-voting member of the transitional committee.

(2) Each member appointed by the former Queenstown-Lakes District Council shall have 2 votes.

### 107 NO CASTING VOTE

The Chairperson of the transitional committee for the Queenstown-Lakes District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

### 108 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Queenstown-Lakes District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 109 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Queenstown-Lakes District shall appoint a person to be the Chief Executive of the Queenstown-Lakes District Council.

### 110 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Queenstown-Lakes District shall be the former Queenstown-Lakes District Council.

### 111 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Queenstown-

Lakes District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 105(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

(i) The district of that local authority; or

(ii) Those parts of the district of that local authority to be included in the Queenstown-Lakes District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Queenstown-Lakes District.

## 112 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The transitional committee for the Queenstown-Lakes District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Queenstown-Lakes District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Queenstown-Lakes District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Queenstown-Lakes District Council that it establish such a committee or committees of management.

## PART VI

### *Dunedin City*

## 113 CONSTITUTION OF DUNEDIN CITY

There is hereby constituted a district, to be known as "The Dunedin City", which shall comprise the area delineated on S.O. Plan No. 23118 deposited with the Chief Surveyor of the Otago Land District.

## 114 THE DUNEDIN CITY COUNCIL

A territorial authority, to be known as "The Dunedin City Council", is hereby constituted for the Dunedin City.

## 115 INTERPRETATION

In this Part of this order:

"The former authorities" means:

- (a) The Silverpeaks County Council; and
- (b) The Mosgiel Borough Council; and
- (c) The St Kilda Borough Council; and
- (d) The Green Island Borough Council; and
- (e) The Port Chalmers Borough Council; and
- (f) The former Dunedin City Council; and
- (g) The Maniototo County Council; and
- (h) The Waihemo County Council; and
- (i) The Hyde Recreation Reserve Board; and
- (j) The Ocean Beach Domain Board; and
- (k) The Dunedin Drainage and Sewerage Board; and
- (l) The Horopito Domain Board; and
- (m) The Longbeach Recreation Reserve Board; and

(n) Subject to Part VIII of this order, the Otago Harbour Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Dunedin City" means the Dunedin City in existence immediately before the coming into force of this clause of this order:

"Former Dunedin City Council" means the Dunedin City Council in existence immediately before the coming into force of this clause of this order:

"Dunedin City" means the Dunedin City constituted by this order:

"Dunedin City Council" means the Dunedin City Council constituted by this order.

## 116 WARDS

(1) The Dunedin City is hereby divided into 12 wards.

(2) Those 12 wards are:

(a) The Strath Taieri Ward, comprising the area delineated on S.O. Plan No. 23124 deposited with the Chief Surveyor of the Otago Land District:

(b) The Saddle Hill Ward, comprising the area delineated on S.O. Plan No. 23126 deposited with the Chief Surveyor of the Otago Land District:

(c) The Port Chalmers Ward, comprising the area delineated on S.O. Plan No. 23122 deposited with the Chief Surveyor of the Otago Land District:

(d) The Mosgiel Ward, comprising the area delineated on S.O. Plan No. 23146 deposited with the Chief Surveyor of the Otago Land District:

(e) The Taieri Ward, comprising the area delineated on S.O. Plan No. 23125 deposited with the Chief Surveyor of the Otago Land District:

(f) The Waikouaiti Coast Ward, comprising the area delineated on S.O. Plan No. 23123 deposited with the Chief Surveyor of the Otago Land District:

(g) The North Ward, comprising the area delineated on S.O. Plan No. 23121 deposited with the Chief Surveyor of the Otago Land District:

(h) The Central Ward, comprising the area delineated on S.O. Plan No. 23119 deposited with the Chief Surveyor of the Otago Land District:

(i) The East Ward, comprising the area delineated on S.O. Plan No. 23120 deposited with the Chief Surveyor of the Otago Land District:

(j) The West Ward, comprising the area delineated on S.O. Plan No. 23128 deposited with the Chief Surveyor of the Otago Land District:

(k) The Green Island Ward, comprising the area delineated on S.O. Plan No. 23127 deposited with the Chief Surveyor of the Otago Land District:

(l) The St Kilda Ward, comprising the area delineated on S.O. Plan No. 23129 deposited with the Chief Surveyor of the Otago Land District.

## 117 MEMBERSHIP

(1) The Dunedin City Council shall consist of a Mayor and 21 members.

(2) The members of the Dunedin City Council to be elected at the first election of the Dunedin City Council shall be elected as follows:

(a) One member shall be elected by the electors of the Strath Taieri Ward; and

(b) One member shall be elected by the electors of the Saddle Hill Ward; and

(c) One member shall be elected by the electors of the Port Chalmers Ward; and

(d) Two members shall be elected by the electors of the Mosgiel Ward; and

(e) One member shall be elected by the electors of the Taieri Ward; and

(f) One member shall be elected by the electors of the Waikouaiti Coast Ward; and

(g) Three members shall be elected by the electors of the North Ward; and

(h) Three members shall be elected by the electors of the Central Ward; and

(i) Three members shall be elected by the electors of the East Ward; and

(j) Three members shall be elected by the electors of the West Ward; and

(k) One member shall be elected by the electors of the Green Island Ward; and

(l) One member shall be elected by the electors of the St Kilda Ward.

### 118 FIRST ELECTION

(1) For the purposes of the first election of the Dunedin City Council, the Returning Officer and the principal administrative officer for the Dunedin City shall be, respectively, the Returning Officer and principal administrative officer for the former Dunedin City.

(2) The first election of the Dunedin City Council shall be conducted by postal vote.

### 119 FIRST MEETING

The first meeting of the Dunedin City Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 120 CHIEF EXECUTIVE

(1) The Chief Executive of the Dunedin City Council shall be the person appointed to that position in accordance with clause 135 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Dunedin City Council.

### 121 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Dunedin City Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Dunedin City Council or any of the former authorities; and

(iii) Any local Act relating to the Dunedin City Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the provision and maintenance of those marinas, wharves, jetties, boat ramps, and other harbour facilities formerly the responsibility of the Otago Harbour Board and transferred to the Dunedin City Council by Part VIII of this order; and

(c) The functions, duties and powers of the Dunedin Drainage and Sewerage Board under the Dunedin District Drainage and Sewerage Act 1900; and

(d) The functions, duties and powers of the Ocean Beach Domain Board under the Ocean Beach Public Domain Act 1892; and

(e) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 122 DUNEDIN URBAN DRAINAGE AREA

The district of the former Dunedin Drainage and Sewerage Board is hereby deemed to be an urban drainage area constituted pursuant to section 443 of the Local Government Act 1974.

### 123 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Dunedin City Council shall be located in Dunedin.

### 124 SERVICE DELIVERY CENTRES

The Dunedin City Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in:

(a) Mosgiel; and

(b) Waikouaiti; and

(c) Port Chalmers; and

(d) St Kilda; and

(e) Green Island,

in accordance with the provisions of the Third Schedule to this order.

### 125 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Strath Taieri Ward, to be known as "The Strath Taieri Community"; and

(b) The area of the Saddle Hill Ward, to be known as "The Saddle Hill Community"; and

(c) The area of the Waikouaiti Coast Ward, to be known as "The Waikouaiti Coast Community"; and

(d) The area of the Port Chalmers Ward, to be known as "The Port Chalmers Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members to be elected by the electors of the community; and

(b) The persons elected from time to time as members of the Dunedin City Council representing the ward comprising the area of the community, and appointed by the Dunedin City Council to the community board.

(3) There is hereby constituted a community for the area of the Mosgiel Ward and the Taieri Ward, which shall be known as "The Mosgiel-Taieri Community".

(4) The community board for the Mosgiel-Taieri Community shall consist of:

(a) Four members elected by the electors of the Mosgiel Ward; and

(b) Two members elected by the electors of the Taieri Ward; and

(c) The persons elected from time to time as members of the Dunedin City Council representing the Mosgiel Ward and the Taieri Ward, and appointed by the Dunedin City Council to the community board.

(5) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the former Dunedin City.

(6) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

**126 RATING**

(1) The system of rating in the Dunedin City shall be the capital value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Dunedin City, Part XIV of the Rating Powers Act 1988 shall apply as if the Dunedin City was the district of a special purpose authority and the areas from which it was formed were constituent districts.

(3) Subject to section 103 of the Rating Powers Act 1988, until the 30th day of June 1994 the system of rating for the area of the former Green Island Borough shall be the annual value rating system.

**127 TOWN AND COUNTRY PLANNING**

(1) The Dunedin City Council shall not be required to prepare a new district scheme, immediately, for the Dunedin City.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme, or as the case may be, the proposed district scheme, of the Dunedin City.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Dunedin City Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Dunedin City Council and may be adopted and acted upon by it.

(4) Where before the date of commencement of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of that application or any objection thereto, the application shall be deemed to have been made to the Dunedin City Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Dunedin City Council; or

(c) Such application had been either partly or fully heard or considered by the former authority but no decision thereon had been given, the application shall be heard or considered again by the Dunedin City Council or, as the case may require, a committee or delegate thereof.

**128 CIVIL DEFENCE**

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Dunedin City until a new plan is approved for the Dunedin City, in accordance with the Civil Defence Act 1983.

**129 VESTING OF PROPERTY**

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Dunedin City is hereby vested in the corporation of the Dunedin City Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of a former authority, other than the Maniototo County Council and the Waihemo County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Dunedin City Council, subject to all existing encumbrances.

**130 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the

Dunedin City Council by clause 129 of this order shall, unless the context otherwise requires, be read as a reference to "The Dunedin City Council".

**131 TRANSITIONAL COMMITTEE**

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Dunedin City.

(2) The local authorities to which this clause applies shall be:

- (a) The Silverpeaks County Council; and
- (b) The Mosgiel Borough Council; and
- (c) The St Kilda Borough Council; and
- (d) The Green Island Borough Council; and
- (e) The Port Chalmers Borough Council; and
- (f) The former Dunedin City Council; and
- (g) The Ocean Beach Domain Board; and
- (h) The Dunedin Drainage and Sewerage Board.

**132 MEMBERSHIP OF TRANSITIONAL COMMITTEE**

(1) The transitional committee for the Dunedin City shall consist of:

- (a) Two members appointed by the Silverpeaks County Council; and
- (b) One member appointed by the Mosgiel Borough Council; and
- (c) One member appointed by the St Kilda Borough Council; and
- (d) One member appointed by the Green Island Borough Council; and
- (e) One member appointed by the Port Chalmers Borough Council; and
- (f) Four members appointed by the former Dunedin City Council; and
- (g) One member appointed by the Ocean Beach Domain Board; and
- (h) One member appointed by the Dunedin Drainage and Sewerage Board; and
- (i) One officer appointed by each local authority named in clause 131(2) of this order, who shall be non-voting members of the transitional committee; and
- (j) The Chief Executive designate, when appointed in accordance with clause 135 of this order, who shall be a non-voting member of the transitional committee; and

(k) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 131(2) of this order, who shall be a non-voting member of the transitional committee.

(2) Each member appointed by the former Dunedin City Council shall have 2 votes.

**133 NO CASTING VOTE**

The Chairperson of the transitional committee for the Dunedin City or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

**134 EXCLUSION OF NON-VOTING MEMBERS**

The transitional committee for the Dunedin City may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

**135 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE**

The transitional committee for the Dunedin City shall appoint



a person to be the Chief Executive of the Dunedin City Council.

### 136 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Dunedin City shall be the former Dunedin City Council.

### 137 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Dunedin City (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 131(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

(i) The district of that local authority; or

(ii) Those parts of the districts of that local authority to be included in Dunedin City,

as the case may be, bears to the total of the populations (as at the time of that Census) of all of the districts of the local authorities, or parts of the districts of the local authorities to be included in Dunedin City.

### 138 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The transitional committee for the Dunedin City shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Dunedin City Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Dunedin City considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Dunedin City Council that it establish such a committee or committees of management.

## PART VII

### Clutha District

### 139 CONSTITUTION OF CLUTHA DISTRICT

There is hereby constituted a district, to be known as "The Clutha District", which shall comprise the area delineated on S.O. Plan No. 23137 deposited with the Chief Surveyor of the Otago Land District.

### 140 CLUTHA DISTRICT COUNCIL

A territorial authority, to be known as "The Clutha District Council", is hereby constituted for the Clutha District.

### 141 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Bruce District Council; and
- (b) The Clutha County Council; and
- (c) The Balclutha Borough Council; and
- (d) The Tapanui Borough Council; and
- (e) The Tuapeka County Council; and
- (f) The Lawrence Borough Council; and
- (g) The Dunrobin Recreation Reserve Board; and
- (h) The Heriot Recreation Reserve Board; and
- (i) The Kelso Recreation Reserve Board; and

- (j) The Tuapeka Mouth Recreation Reserve Board; and
- (k) The Waitahuna Recreation Reserve Board; and
- (l) The Wangaloa Domain Board; and
- (m) The Pounaweia Recreation Reserve Board; and
- (n) The Black Gully Recreation Reserve Board; and
- (o) The Southland County Council,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

### 142 WARDS

- (1) The Clutha District is hereby divided into 7 wards.
- (2) Those 7 wards are:

(a) The West Otago Ward, comprising the area delineated on S.O. Plan No. 23140 deposited with the Chief Surveyor of the Otago Land District:

(b) The Clinton Ward, comprising the area delineated on S.O. Plan No. 23144 deposited with the Chief Surveyor of the Otago Land District:

(c) The Catlins Ward, comprising the area delineated on S.O. Plan No. 23138 deposited with the Chief Surveyor of the Otago Land District:

(d) The Kaitangata-Matau Ward, comprising the area delineated on S.O. Plan No. 23139 deposited with the Chief Surveyor of the Otago Land District:

(e) The Balclutha Ward, comprising the area delineated on S.O. Plan No. 23143 deposited with the Chief Surveyor of the Otago Land District:

(f) The Bruce Ward, comprising the area delineated on S.O. Plan No. 23142 deposited with the Chief Surveyor of the Otago Land District:

(g) The Lawrence-Tuapeka Ward, comprising the area delineated on S.O. Plan No. 23141 deposited with the Chief Surveyor of the Otago Land District.

### 143 MEMBERSHIP

(1) The Clutha District Council shall consist of a Mayor and 15 members.

(2) The members of the Clutha District Council to be elected at the first election of that Council shall be elected as follows:

(a) Two members shall be elected by the electors of the West Otago Ward; and

(b) One member shall be elected by the electors of the Clinton Ward; and

(c) One member shall be elected by the electors of the Catlins Ward; and

(d) Two members shall be elected by the electors of the Kaitangata-Matau Ward; and

(e) Four members shall be elected by the electors of the Balclutha Ward; and

(f) Three members shall be elected by the electors of the Bruce Ward; and

(g) Two members shall be elected by the electors of the Lawrence-Tuapeka Ward.

### 144 FIRST ELECTION

(1) For the purposes of the first election of the Clutha District Council, the Returning Officer and the principal administrative officer for the Clutha District shall be, respectively, the Returning Officer and the principal administrative officer for the Bruce District.

(2) The first election of the Clutha District Council shall be conducted by postal vote.

### 145 FIRST MEETING

The first meeting of the Clutha District Council:



(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

#### 146 CHIEF EXECUTIVE

(1) The Chief Executive for the Clutha District Council shall be the person appointed to that position in accordance with clause 160 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Clutha District Council.

#### 147 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Clutha District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

- (i) The Local Government Act 1974; and
- (ii) Any other public Act relating to the Clutha District Council or any of the former authorities; and
- (iii) Any local Act relating to the Clutha District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

#### 148 ADMINISTRATION HEADQUARTERS

Until the Clutha District Council otherwise resolves, the administration headquarters of that Council shall be located in Balclutha.

#### 149 SERVICE DELIVERY CENTRES

The Clutha District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in:

- (a) Kaitangata; and
- (b) Lawrence; and
- (c) Milton; and
- (d) Tapanui,

in accordance with the provisions of the Third Schedule to this order.

#### 150 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Lawrence-Tuapeka Ward to be known as "The Lawrence-Tuapeka Community"; and

(b) The area of the West Otago Ward to be known as "The West Otago Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members to be elected by the electors of the community; and

(b) The persons elected from time to time as members of the Clutha District Council representing the ward comprising the area of that community, and appointed by the Clutha District Council to the community board.

(3) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Bruce District.

(4) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

#### 151 RATING

(1) The system of rating in the Clutha District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Clutha District, Part XIV of the Rating Powers Act 1988 shall apply as if the Clutha District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

(3) Subject to section 103 of the Rating Powers Act 1988, until the 30th day of June 1994, the system of rating for that area of the former Tuapeka County which is included in the Clutha District, shall be the capital value system.

#### 152 TOWN AND COUNTRY PLANNING

(1) The Clutha District Council shall not be required to prepare a new district scheme, immediately, for the Clutha District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme, or as the case may be, the proposed district scheme, of the Clutha District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Clutha District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Clutha District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Clutha District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Clutha District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Clutha District Council or, as the case may require, a committee or delegate thereof.

#### 153 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Clutha District until a new plan is approved for the Clutha District, in accordance with the Civil Defence Act 1983.

#### 154 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Clutha District is hereby vested in the corporation of the Clutha District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of a former authority, other than the Southland County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Clutha District Council, subject to all existing encumbrances.

#### 155 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Clutha District Council by clause 154 of this order shall, unless

the context otherwise requires, be read as a reference to "The Clutha District Council".

### 156 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Clutha District.

(2) The local authorities to which this clause applies shall be:

- (a) The Balclutha Borough Council; and
- (b) The Bruce District Council; and
- (c) The Clutha County Council; and
- (d) The Lawrence Borough Council; and
- (e) The Tapanui Borough Council; and
- (f) The Tuapeka County Council.

### 157 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Clutha District shall consist of:

- (a) Two members appointed by the Balclutha Borough Council; and
- (b) Two members appointed by the Bruce District Council; and
- (c) Two members appointed by the Clutha County Council; and
- (d) Two members appointed by the Lawrence Borough Council; and
- (e) Two members appointed by the Tapanui Borough Council; and
- (f) Two members appointed by the Tuapeka County Council; and
- (g) One officer appointed by each local authority named in clause 156(2) of this order, who shall be non-voting members of the transitional committee; and
- (h) The Chief Executive designate, when appointed in accordance with clause 160 of this order, who shall be a non-voting member of the transitional committee; and
- (i) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 156(2) of this order, who shall be a non-voting member of the transitional committee.

### 158 NO CASTING VOTE

The Chairperson of the transitional committee for the Clutha District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

### 159 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Clutha District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 160 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Clutha District shall appoint a person to be the Chief Executive of the Clutha District Council.

### 161 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Clutha District shall be the Bruce District Council.

### 162 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Clutha District (including the costs of providing administrative services to it)

shall be borne and paid by the local authorities named in clause 156(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Clutha District,

as the case may be, bears to the total of the populations (as at the time of that census) of all the districts of the local authorities or parts of the districts of the local authorities to be included in the Clutha District.

### 163 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The transitional committee for the Clutha District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Clutha District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following the consultation, the transitional committee for the Clutha District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Clutha District Council that it establish such a committee or committees of management.

## PART VIII

### Otago Harbour Board

#### 164 VESTING OF PROPERTY

(1) This clause shall apply to that property, real and personal, vested in the Otago Harbour Board as at the 31st day of October 1989.

(2) Subject to subclauses (6), (8), (9) and (10) of this clause, all property:

(a) Which is vested in the Otago Harbour Board as at the 31st day of October 1989; and

(b) Which is situated within the area of the Dunedin City constituted by this order; and

(c) Which—

- (i) Is a reserve under the Reserves Act 1977; or
- (ii) Is principally used for recreational purposes, whether or not it is a reserve under the Reserves Act 1977; or
- (iii) Is a marina, wharf, jetty, boat ramp or other harbour facility used principally for recreational purposes; or
- (iv) Is an item of plant or equipment used principally in association with the maintenance, use or operation of the facilities referred to in subparagraphs (i), or (ii) or (iii) of this paragraph,

is hereby vested in the Dunedin City Council for the purpose for which it is so reserved, or, where there is no such purpose, for the purposes of any function transferred by this order to the Dunedin City Council.

(3) Subject to subclauses (6), (8), (9) and (10) of this clause, all that property which is vested in the Otago Harbour Board as at the 31st day of October 1989 which is situated in the Dunedin City as constituted by this order, and which is adjacent to any harbour or the sea is hereby vested in the Dunedin City Council.

(4) Where there is any dispute over whether any property comes within a category of property referred to in this clause, the matter shall be referred to the Local Government Commission for determination.

(5) Subject to subclauses (8) to (10) of this clause, any property which is vested in the Otago Harbour Board as at the 31st day of October 1989 and which does not come within a category of property referred to in subclause (2) or subclause (3) of this clause is hereby vested in the Otago Regional Council.

(6) Notwithstanding anything in subclauses (2) and (3) of this clause, but subject to subclauses (9) and (10) of this clause, any land which is vested in the Otago Harbour Board as at the 31st day of October 1989 and which is below the mean high water mark is hereby vested in the Otago Regional Council.

(7) For the purposes of this clause, any property which is fixed to, or under or over, any land which is below the mean high water mark, and which is used for, or in conjunction with, any purpose referred to in subclause (2) of this clause and which is situated within the Dunedin City as constituted by this order is hereby transferred to the Dunedin City Council, whether or not any interest in the land is also transferred.

(8) Without limiting the provisions of subclauses (2), (3), (5) and (6) of this clause, but subject to subclauses (9) and (10) of this clause that land described in the Fourth Schedule to this order shall vest without cost in the Dunedin City Council.

(9) If any of the land specified in the Fourth Schedule to this order is, between the 9th day of June 1989 and the 31st day of October 1989, allocated to the Port Otago Limited pursuant to an approved port company plan within the meaning of the Port Companies Act 1988 then, notwithstanding subclause (8) of this clause, that land shall not vest in the Dunedin City Council.

(10) Notwithstanding anything in this clause, if, after the 31st day of October 1989,:

(a) The Minister of Transport approves a port company plan within the meaning of the Port Companies Act 1988 pursuant to which any of the property, real or personal, identified in this clause is liable to be transferred to the Port Otago Limited, the local authority which has received such property pursuant to this clause, shall transfer such property to the Port Otago Limited at the cost of that company, subject to any appropriate adjustment for incomings and outgoings in relation to such property for the period beginning on the 1st day of November 1989 and ending on the date of the transfer of the property to the Port Otago Limited; or

(b) Any approved port company plan is cancelled, withdrawn, re-issued or in any way altered and, as a result, property is deemed to be returned to the ownership (notional or otherwise) of the Otago Harbour Board, that property shall be allocated under this order as if the property had been owned by the Otago Harbour Board on the 31st day of October 1989.

### 165 TITLE TO PROPERTY

Any reference, express or implied, to the Otago Harbour Board in any instrument or other document whatsoever, or in any entry or record made in any register in relation to any property whatsoever vested in any local authority by this order shall, unless the context otherwise requires, be read as a reference to that local authority.

### 166 PORT OTAGO LIMITED

All those shares in the Port Otago Limited that are held by the Otago Harbour Board as at the 31st day of October 1989 are hereby vested in the Otago Regional Council.

### 167 LIABILITIES IN RESPECT OF PORT RELATED COMMERCIAL UNDERTAKINGS

(1) All those liabilities of the Otago Harbour Board as

determined under section 29 of the Port Companies Act 1988 shall become liabilities of the Otago Regional Council.

(2) All those debt securities issued by the Port Otago Limited to the former Otago Harbour Board under section 29 of the Port Companies Act 1988 are hereby transferred to the Otago Regional Council.

### 168 RESIDUAL ASSETS AND LIABILITIES

All the assets and liabilities of the Otago Harbour Board, as at the close of the 31st day of October 1989, for which provision for vesting is not otherwise made in this order are declared to be assets and liabilities of the Otago Regional Council.

## PART IX

### General

### 169 TRANSFER OF RESPONSIBILITIES

(1) Except as otherwise provided in this order, a local authority constituted by this order shall, in respect of the district of that local authority:

(a) Have and may exercise and be responsible for all the powers, duties, acts of authority and functions which were previously exercised, or which could have been so exercised, by the former authorities had they not been dissolved; and

(b) 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 former authorities had they not been dissolved; and

(c) 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 former authorities had they not been dissolved; and

(d) Succeed to the bylaws which are in force in the districts of the former authorities. Until revoked or altered by the newly constituted local authority each such bylaw shall remain in force in the area to which it applied immediately before the constitution of the district and every bylaw which cannot be restricted to that area shall be deemed inapplicable and revoked by the dissolution of the former authorities; and

(e) Succeed to all rates and levies, and other money payable to the former authorities had they not been dissolved; and

(f) Succeed to the valuation rolls and rate records in force in the districts of the former authorities. These shall remain in force in the district of the newly constituted local authority until new valuation rolls are made by that local authority.

(2) The Mayor or Chairperson of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the Mayors and Chairmen of the former authorities.

(3) The principal administrative officer of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the principal administrative officers of the former authorities.

### 170 CREDITORS

Subject to section 37F of the Local Government Act 1974, the rights or interests of creditors of the former authorities shall not be affected by this order.

### 171 LOCAL AUTHORITIES PETROLEUM TAX

For the purposes of Part XI of the Local Government Act 1974, the local authorities constituted by this order shall be successors to the former authorities.

### 172 SPECIAL FUNDS

(1) The special funds of the former authorities shall:

(a) Be expended only for the purposes for which they were set aside; and

(b) Except for any plant renewal fund, be expended for the benefit of the area in which they originated and, after provision

has been made for all liabilities, any money required to be paid into any such fund, to meet any deficit, shall be found from within that area.

(2) After the 1st day of November 1996, the local authorities constituted by this order:

(a) Shall review any special fund provided for in subclause (1) of this clause; and

(b) May resolve that from a date to be determined by the council, such special fund may be applied for such other purpose or purposes as the council considers appropriate.

(3) Notwithstanding subclause (2) of this clause, the local authorities constituted by this order may at any time before the 1st day of November 1996, with the approval of the Local Government Commission, resolve to vary the use of any special funds.

(4) All funds held by the administering authorities of reserves under the Reserves Act 1977 shall be deemed to be special funds for the purposes of this clause.

### 173 LOANS

Any rate made and levied to meet the annual charges in respect of any loan secured over the district of any of the former authorities shall continue to be made and levied on the same basis as applied before the 1st day of November 1989:

Provided that the local authorities constituted by this order may at any time before the 1st day of November 1996 review the basis upon which any such rate is made and levied and may, with the consent of the Local Government Commission, resolve to vary such basis.

### 174 ASSETS AND LIABILITIES

The provisions of section 60 of the Local Government Amendment Act (No. 2) 1989 shall apply in relation to the apportionment of the assets and liabilities of the former authorities, as defined in Parts II to VII of this order, as if this order did not make provision for the apportionment of those assets and liabilities.

Provided that there shall be no apportionment of the assets and liabilities of the Otago Harbour Board pursuant to this clause.

### 175 LOAN LIABILITIES

Subject to section 37F(2) of the Local Government Act 1974, all loan liabilities existing immediately before the 1st day of November 1989, shall continue to be secured against the area over which they were secured at that date.

### 176 RESIDUAL AUTHORITIES

In the case of a former authority listed in the Fifth Schedule to this order, the local authority that shall be responsible for:

(a) The preparation of the annual financial statement for that former authority for the financial year commencing on the 1st day of April 1989 and for any earlier financial years for which an annual financial statement has not been prepared or, in the case of the Otago Harbour Board, for the financial year commencing on the 1st day of October 1989 and for any earlier financial years for which an annual financial statement has not been prepared; and

(b) The documents (as defined in section 248 of the Local Government Act 1974) and local archives (as so defined) of that former authority, other than those documents or local archives relating to a specified area or function, shall be the local authority designated in that Schedule as a residual authority in relation to that former authority.

### 177 CONDUCT OF AFFAIRS

The provisions of section 223C of the Local Government Act 1974 relating to the conduct of affairs of local authorities and community boards applies to the local authorities and community boards constituted by this order.

## SCHEDULES

### First Schedule

#### PART I

#### *Local Authorities Dissolved and Districts Abolished*

Local authorities	Districts
Clutha-Central Otago United Council	Clutha-Central Otago Region
Coastal-North Otago United Council	Coastal-North Otago Region
Waitaki County Council	Waitaki County
Oamaru Borough Council	Oamaru Borough
Waihemo County Council	Waihemo County
Silverpeaks County Council	Silverpeaks County
Dunedin City Council	Dunedin City
Port Chalmers Borough Council	Port Chalmers Borough
St Kilda Borough Council	St Kilda Borough
Green Island Borough Council	Green Island Borough
Mosgiel Borough Council	Mosgiel Borough
Bruce District Council	Bruce District
Clutha County Council	Clutha County
Balclutha Borough Council	Balclutha Borough
Tuapeka County Council	Tuapeka County
Tapanui Borough Council	Tapanui Borough
Lawrence Borough Council	Lawrence Borough
Roxburgh Borough Council	Roxburgh Borough
Maniototo County Council	Maniototo County
Naseby Borough Council	Naseby Borough
Vincent County Council	Vincent County
Alexandra Borough Council	Alexandra Borough
Cromwell Borough Council	Cromwell Borough
Queenstown-Lakes District Council	Queenstown-Lakes District
Arrowtown Borough Council	Arrowtown Borough
Otago Catchment Board and Regional Water Board	Otago Catchment District
Otago Harbour Board	Otago Harbour District
Central Otago Pest Destruction Board	Central Otago Pest Destruction District
East Otago Pest Destruction Board	East Otago Pest Destruction District
South Otago Pest Destruction Board	South Otago Pest Destruction District
Waitaki Valley Pest Destruction Board	Waitaki Valley Pest Destruction District
Taieri River Trust	Taieri River District

#### PART II

#### *Local Authorities Dissolved*

Dunedin Drainage and Sewerage Board  
 Bruce District Noxious Plants Authority  
 Clutha District Noxious Plants Authority  
 Lake District Noxious Plants Authority  
 Maniototo District Noxious Plants Authority  
 Tuapeka District Noxious Plants Authority  
 Vincent District Noxious Plants Authority  
 Silverpeaks District Noxious Plants Authority  
 Waihemo District Noxious Plants Authority  
 Waitaki District Noxious Plants Authority  
 Wangaloa Domain Board  
 Pounaweia Recreation Reserve Board  
 Gimmerburn Recreation Reserve Board  
 Hills Creek Recreation Reserve Board  
 Hyde Recreation Reserve Board  
 Paerau Recreation Reserve Board  
 Patearoa Recreation Reserve Board  
 Taieri Lake Domain Board  
 Hawea Recreation Reserve Board  
 Horopito Domain Board

Longbeach Recreation Reserve Board  
 Ocean Beach Domain Board  
 Black Gully Recreation Reserve Board  
 Dunrobin Recreation Reserve Board  
 Heriot Recreation Reserve Board  
 Kelso Recreation Reserve Board  
 Millers Flat Recreation Reserve Board  
 Tuapeka Mouth Recreation Reserve Board  
 Waitahuna Recreation Reserve Board  
 Bannockburn Recreation Reserve Board  
 Chatto Creek Recreation Reserve Board  
 Clyde Recreation Reserve Board  
 Dunstan Domain Board  
 Luggate Recreation Reserve Board  
 Omakau Recreation Reserve Board

## Second Schedule

### Community Councils Dissolved and Communities Abolished

Community Councils	Communities
Otematata Community Council	Otematata Community
Duntroon Community Council	Duntroon Community
Weston Community Council	Weston Community
Hampden Community Council	Hampden Community
Palmerston Community Council	Palmerston Community
Waikouaiti Community Council	Waikouaiti Community
Middlemarch Community Council	Middlemarch Community
Outram Community Council	Outram Community
Brighton Community Council	Brighton Community
Fairfield Community Council	Fairfield Community
Waldronville Community Council	Waldronville Community
Kaka Point Community Council	Kaka Point Community
Owaka Community Council	Owaka Community
Clinton Community Council	Clinton Community
Ranfurly Community Council	Ranfurly Community
Wanaka Community Council	Wanaka Community
Kurow Community Council	Kurow Community

## Third Schedule

### Service Delivery Centres

A service delivery centre shall provide services not less than those required for:

- the payment of money due to the council; and
- the provision of information relating to rates and other accounts due to the council; and
- the provision of information relating to the district planning scheme, bylaws or information otherwise necessary for the preparation of town planning applications, and permit applications; and
- the provision of information relating to community development and recreation; and
- the making of rates rebate applications; and
- the making of applications for housing accommodation; and
- the registration of dogs; and
- such other purposes as the council considers appropriate.

## Fourth Schedule

### Land To Be Vested in the Dunedin City Council

Section 50, Block A1, Otakou Maori Reserve  
 Section 51, Part Section 52 & Part Section 53, Block A3, Otakou Maori Reserve  
 Parts Lot 30A, Block A1, Otakou Maori Reserve  
 Part Foreshore Reserve, Block V, North Harbour & Blueskin Survey District  
 Part Section 15, Block I, Lower Harbour & West Survey District  
 Part Foreshore Reserve, Block V, Blueskin Survey District  
 Part Sections 46 to 49, Block I, Lower Harbour West Survey District  
 Sections 22, 33 to 37, 44 to 49, 59 to 60, 63 to 64 & 69, Block V, North Harbour & Blueskin Survey District  
 Section 70, Block V, North Harbour and Blueskin Survey District  
 Section 14, Block IV, Andersons Bay Survey District  
 Sections 63 & 64, Upper Harbour East Survey District, S.O. Plans 21811 & 22074  
 Lots 1 & 2, D.P. 4337  
 Part Lots 1 & 2, D.P. 4337, C.T. 40/309  
 Part Lots 1 & 2, D.P. 4160, All D.P. 4303 & D.P. 4123, Part Harbour Endowments, Town of Dunedin  
 Lot 2, D.P. 9757  
 Lot 4, D.P. 1512  
 Section 16, Block 65, D.P. 953, Town of Dunedin  
 Lot 2, D.P. 3098  
 Lots 1 to 3, D.P. 3834  
 Part Section 13, Block LXV, Town of Dunedin, D.P. 953  
 Part Section 51, D.P. 2769, Block LXXIV, Town of Dunedin  
 Part Section 2, Sections 98, 100, 101  
 Lot 5, D.P. 11007  
 Sections 23, Part Sections 25 & 27, Sawyers Bay Survey District  
 Lot 2, D.P. 5443  
 Sections 473, 474 & 475, Town of Port Chalmers

## Fifth Schedule

### Residual Authorities

Residual authorities	Former authority
Otago Regional Council	Clutha-Central Otago United Council
Otago Regional Council	Coastal-North Otago United Council
Otago Regional Council	Otago Harbour Board
Otago Regional Council	Waitaki District Noxious Plants Authority
Otago Regional Council	Lake District Noxious Plants Authority
Otago Regional Council	Waitaki Valley Pest Destruction Board
Clutha District Council	Tuapeka County Council
Clutha District Council	Clutha County Council
Central Otago District Council	Vincent County Council
Central Otago District Council	Maniototo County Council
Queenstown-Lakes District Council	Queenstown-Lakes District Council
Waitaki District Council	Waitaki County Council
Waitaki District Council	Waihemo County Council

C. J. HILL, Acting for Clerk of the Executive Council.

## The Local Government (Southland Region) Reorganisation Order 1989

PAUL REEVES, Governor-General

## ORDER IN COUNCIL

At Wellington this 9th day of June 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to section 36 of 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.

## Analysis

- |   |  |
|---|--|
| 1 Title and commencement  | 32 Costs of transitional committee                                 |
| 2 Elections   | 33 Delegation of service delivery                                  |
| 3 Communities   | PART III   |
| PART I  | <i>Invercargill District</i>                                       |
| <i>Southland Region</i>   | 34 Constitution of Invercargill District                           |
| 4 Constitution of Southland Region  | 35 Invercargill District Council                                   |
| 5 Constituent authorities   | 36 Interpretation  |
| 6 Dissolution of existing local authorities and abolition of existing districts   | 37 Wards   |
| 7 References to former authorities  | 38 Membership  |
| 8 Dissolution of existing community councils and abolition of existing committees | 39 First election  |
| PART II   | 40 First meeting   |
| <i>Southland Regional Council</i>   | 41 Chief executive   |
| 9 Southland Regional Council  | 42 Functions, duties, and powers                                   |
| 10 Interpretation   | 43 Administration headquarters                                     |
| 11 Constituencies   | 44 Service delivery centre   |
| 12 Membership   | 45 Communities   |
| 13 First election   | 46 Rating  |
| 14 First meeting  | 47 Town and country planning                                       |
| 15 Chief executive  | 48 Civil defence   |
| 16 Functions, duties, and powers  | 49 Vesting of property   |
| 17 Rural services committee   | 50 Title to property   |
| 18 Regional land transport committee  | 51 Transitional committee  |
| 19 Harbour committee  | 52 Membership of transitional committee                            |
| 20 Administration headquarters  | 53 No casting vote   |
| 21 Rating   | 54 Exclusion of non-voting members                                 |
| 22 Regional planning  | 55 Obligation of transitional committee to appoint chief executive |
| 23 Civil defence  | 56 Principal local authority                                       |
| 24 Vesting of property  | 57 Costs of transitional committee                                 |
| 25 Title to property  | PART IV  |
| 26 Transitional committee   | <i>Gore District</i>   |
| 27 Membership of transitional committee   | 58 Constitution of Gore District                                   |
| 28 No casting vote  | 59 Gore District Council   |
| 29 Exclusion of non-voting members  | 60 Interpretation  |
| 30 Obligation of transitional committee to appoint chief executive                | 61 Wards   |
| 31 Principal local authority  | 62 Membership  |
|   | 63 First election  |
|   | 64 First meeting   |

65 Chief executive
66 Functions, duties, and powers
67 Administration headquarters
68 Service delivery centre
69 Rating
70 Town and country planning
71 Civil defence
72 Vesting of property
73 Title to property
74 Transitional committee
75 Membership of transitional committee
76 No casting vote
77 Exclusion of non-voting members
78 Obligation of transitional committee to appoint chief executive
79 Principal local authority
80 Costs of transitional committee
PART V
<i>Southland District</i>
81 Constitution of Southland District
82 Southland District Council
83 Interpretation
84 Wards
85 Membership
86 First election
87 First meeting
88 Chief executive
89 Functions, duties, and powers
90 Funds of Ohai Railway Board
91 Administration headquarters
92 Service delivery centres
93 Communities
94 Rating

95 Town and country planning
96 Civil defence
97 Vesting of property
98 Title to property
99 Transitional committee
100 Membership of transitional committee
101 No casting vote
102 Exclusion of non-voting members
103 Obligation of transitional committee to appoint chief executive
104 Principal local authority
105 Costs of transitional committee
106 Consultation with administering authorities of reserves
PART VI
<i>Southland Harbour Board</i>
107 Vesting of property
108 Title to property
109 South Port New Zealand Limited
110 Liabilities in respect of port related commercial undertakings
111 Residual assets and liabilities
PART VII
<i>General</i>
112 Transfer of responsibilities
113 Creditors
114 Local authorities petroleum tax
115 Special funds
116 Loans
117 Assets and liabilities
118 Loan liabilities
119 Residual authorities
120 Conduct of affairs
Schedules

## Order

### 1 TITLE AND COMMENCEMENT

(1) This order may be cited as the Local Government (Southland Region) Reorganisation Order 1989.

(2) Subject to subclause (3) of this clause, this order shall come into force on the 1st day of November 1989.

(3) Those provisions of this order necessary:

(a) To provide for the first election of the members of the local authorities, and the members of the community boards for the communities constituted by this order; and

(b) For the purposes of clauses 26 to 33, 51 to 57, 74 to 80, 99 to 106 and 117 of this order; and

(c) For the appointment of the principal administrative officers of the local authorities constituted by this order, shall come into force on the making of this order.

### 2 ELECTIONS

The first elections of the local authorities, and the community boards for the communities, constituted by this order shall be held on the 14th day of October 1989.

### 3 COMMUNITIES

Each community constituted by this order shall come into existence on the day after the date on which the Returning Officer declares the result of the first election of members of the community board for that community, provided that no

such community shall come into existence prior to the 1st day of November 1989.

## PART I

### *Southland Region*

#### 4 CONSTITUTION OF SOUTHLAND REGION

There is hereby constituted a region, to be known as "The Southland Region", which shall comprise the area delineated on S.O. Plan No. 11470 deposited with the Chief Surveyor of the Southland Land District.

#### 5 CONSTITUENT AUTHORITIES

The constituent authorities of the Southland Region shall comprise the territorial authorities constituted by Parts III to V of this order.

#### 6 DISSOLUTION OF EXISTING LOCAL AUTHORITIES AND ABOLITION OF EXISTING DISTRICTS

(1) Every local authority named in Part I or Part II of the First Schedule to this order is hereby dissolved.

(2) Every district named in Part I of the First Schedule to this order is hereby abolished.

#### 7 REFERENCES TO FORMER AUTHORITY

(1) Every reference in this order to a former authority shall, where part only of the district of a former authority has been

included within the district of a local authority, or any function of a former authority has been allocated to a local authority, be read as a reference to the former authority only in relation to that part or, as the case may be, that function.

(2) Any reference in Part VII of this order to "the former authorities" or "former authority" shall be a reference to any of the former authorities defined in Parts II to V of this order.

## 8 DISSOLUTION OF EXISTING COMMUNITY COUNCILS AND ABOLITION OF EXISTING COMMUNITIES

(1) Every community council named in the Second Schedule to this order is hereby dissolved.

(2) Every community named in the Second Schedule to this order is hereby abolished.

## PART II

### *Southland Regional Council*

## 9 SOUTHLAND REGIONAL COUNCIL

A regional council to be known as "The Southland Regional Council", is hereby constituted for the Southland Region.

## 10 INTERPRETATION

In this Part of this order:

"The former authorities" means—

- (a) The Southland United Council; and
- (b) The Southland Catchment Board and Regional Water Board; and
- (c) The Southland District Noxious Plants Authority; and
- (d) The Wallace District Noxious Plants Authority; and
- (e) The Southland Pest Destruction Board; and
- (f) Subject to Part VI of this order, the Southland Harbour Board; and
- (g) The Otautau River Board; and
- (h) The Waimatuku River Board; and
- (i) The Clutha-Central Otago United Council; and
- (j) The West Coast United Council; and
- (k) The Otago Catchment Board and Regional Water Board; and
- (l) The Westland District Noxious Plants Authority; and
- (m) The Clutha District Noxious Plants Authority; and
- (n) The Vincent District Noxious Plants Authority; and
- (o) The Lake District Noxious Plants Authority; and
- (p) The Central Otago Pest Destruction Board; and
- (q) The South Otago Pest Destruction Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Southland Region" means the Southland Region in existence immediately before the coming into force of this clause of this order:

"Southland Region" means the Southland Region constituted by this order.

## 11 CONSTITUENCIES

(1) The Southland Region is hereby divided into 6 constituencies.

(2) Those 6 constituencies are:

(a) The Waikiwi Constituency, comprising the area delineated on S.O. Plan No. 11507 deposited with the Chief Surveyor of the Southland Land District:

(b) The Awarua Constituency, comprising the area delineated on S.O. Plan No. 11508 deposited with the Chief Surveyor of the Southland Land District:

(c) The Gore Constituency, comprising the area delineated

on S.O. Plan No. 11506 deposited with the Chief Surveyor of the Southland Land District:

(d) The Te Anau Constituency, comprising the area delineated on S.O. Plan No. 11503 deposited with the Chief Surveyor of the Southland Land District:

(e) The Hokonui Constituency, comprising the area delineated on S.O. Plan No. 11505 deposited with the Chief Surveyor of the Southland Land District:

(f) The Dome Constituency, comprising the area delineated on S.O. Plan No. 11504 deposited with the Chief Surveyor of the Southland Land District.

## 12 MEMBERSHIP

The Southland Regional Council shall consist of 15 members, of whom:

(a) Four members shall be elected by the electors of the Waikiwi Constituency; and

(b) Three members shall be elected by the electors of the Awarua Constituency; and

(c) Two members shall be elected by the electors of the Gore Constituency; and

(d) One member shall be elected by the electors of the Te Anau Constituency; and

(e) Four members shall be elected by the electors of the Hokonui Constituency; and

(f) One member shall be elected by the electors of the Dome Constituency.

## 13 FIRST ELECTION

(1) For the purposes of the first election of the Southland Regional Council:

(a) The Returning Officer for the Awarua and Waikiwi Constituencies shall be the Returning Officer for the Invercargill City; and

(b) The Returning Officer for the Gore Constituency shall be the Returning Officer for the Gore Borough; and

(c) The Returning Officer for the Te Anau, Hokonui, and Dome Constituencies shall be the Returning Officer for the Southland County.

(2) The first election of the Southland Regional Council shall be conducted by postal vote.

## 14 FIRST MEETING

(1) The principal administrative officer of the Southland Regional Council:

(a) Shall convene the first meeting of that Council; and

(b) Shall preside at the first meeting of that Council until the election of the Chairperson of that Council.

(2) The first meeting of the Southland Regional Council shall be held no later than the 14th day of November 1989.

## 15 CHIEF EXECUTIVE

(1) The Chief Executive of the Southland Regional Council shall be the person appointed to that position in accordance with clause 30 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Southland Regional Council.

## 16 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Southland Regional Council shall be:

(a) Except as otherwise provided in this order, the functions, duties, and powers of a regional council under—

(i) The Local Government Act 1974; and

(ii) The Urban Transport Act 1980; and

(iii) Any public Act relating to the Southland Regional



Council or any of the former authorities and not expressly referred to in this clause; and

(iv) Any local Act relating to the Southland Regional Council or any of the former authorities; and

(b) The functions, duties, and powers in relation to regional planning of a regional council under the Town and Country Planning Act 1977 or any other Act; and

(c) The functions, duties, and powers in relation to maritime planning of a maritime planning authority under the Town and Country Planning Act 1977 or any other Act; and

(d) The functions, duties, and powers of a catchment board and a regional water board under the Soil Conservation and Rivers Control Act 1941 and the Water and Soil Conservation Act 1967 or any other Act; and

(e) The functions, duties, and powers in relation to civil defence of a regional council under the Civil Defence Act 1983 or any other Act; and

(f) Except as otherwise provided in this order, the functions, duties, and powers of a harbour board under the Harbours Act 1950 and the Marine Pollution Act 1974 or any other Act; and

(g) The functions, duties, and powers of a pest destruction board under the Agricultural Pests Destruction Act 1967 or any other Act; and

(h) The functions, duties, and powers of a district noxious plants authority under the Noxious Plants Act 1978 or any other Act; and

(i) In respect of the areas of the Otautau River Board and the Waimatuku River Board, the functions, duties, and powers of a river board under the River Boards Act 1908.

## 17 RURAL SERVICES COMMITTEE

(1) The Southland Regional Council shall, at least until the 1st day of November 1995, establish and maintain a Rural Services Committee.

(2) The Rural Services Committee shall be responsible for:

(a) Agricultural pests destruction; and

(b) Noxious plants control; and

(c) Any other functions considered by the Southland Regional Council to be of particular concern to the rural community.

(3) The persons appointed by the Southland Regional Council to the Rural Services Committee established under this clause shall include not less than 2 persons:

(a) Who are not members of that Council; but

(b) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

## 18 REGIONAL LAND TRANSPORT COMMITTEE

(1) The Southland Regional Council shall establish and maintain a Regional Land Transport Committee.

(2) The Regional Land Transport Committee shall be responsible for:

(a) Regional roading under Part XXII of the Local Government Act 1974; and

(b) Such transport or other roading responsibilities as may from time to time, pursuant to any Act, become a function of a regional council; and

(c) Such other functions as the Southland Regional Council considers appropriate.

## 19 HARBOUR COMMITTEE

(1) The Southland Regional Council shall, at least until the 1st day of November 1995, establish and maintain a Southland Harbour Committee.

(2) The Southland Harbour Committee shall be responsible for:

(a) Navigation and safety within those areas within harbour

limits for which the Southland Regional Council is from time to time responsible; and

(b) Any other matter associated with the regulation of those areas, other than maritime planning; and

(c) Such other functions as that Council considers appropriate.

(3) The persons appointed by the Southland Regional Council to the Southland Harbour Committee established under this clause shall include not less than two persons:

(a) Who are not members of that Council; but

(b) Who, in the opinion of the Council have knowledge that will assist the work of the Committee.

## 20 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Southland Regional Council shall be located in Invercargill.

## 21 RATING

(1) Without limiting the powers of the Southland Regional Council under the Rating Powers Act 1988 to make and levy any rate under a different system of rating, the system of rating in the Southland Region shall be the land value system.

(2) The Southland Regional Council shall exercise within the Southland Region or any part thereof:

(a) Any rating powers possessed by any former authority; and

(b) Any powers to make and levy assessments relating to the functions and powers possessed by any former authority.

## 22 REGIONAL PLANNING

(1) The Southland Regional Council shall not be required to prepare a new regional planning scheme immediately.

(2) The approved regional planning schemes and the proposed regional planning schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the approved, or as the case may be, the proposed regional planning scheme of the Southland Region.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its regional planning scheme or of any change or variation thereof, then subject to any resolution of the Southland Regional Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Southland Regional Council, and may be adopted and acted upon by it.

## 23 CIVIL DEFENCE

The operative regional civil defence plans of the former authorities shall continue in force in those areas included in the Southland Region until a new plan is approved for the whole region in accordance with the Civil Defence Act 1983.

## 24 VESTING OF PROPERTY

(1) Except as otherwise provided in this order, all property, real and personal, vested in the corporation of any former authority and situated in the Southland Region is hereby vested in the corporation of the Southland Regional Council, subject to all existing encumbrances.

(2) Except as otherwise provided in this order, all property, real and personal, vested in the corporation of any former authority, other than those former authorities named in paragraphs (i) to (q) of clause 10 of this order, and situated in a region in which that former authority is not also a former authority is hereby vested in the corporation of the Southland Regional Council, subject to all existing encumbrances.

## 25 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Southland Regional Council by clause 24 of this order shall,

unless the context otherwise requires, be read as a reference to "The Southland Regional Council".

## 26 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Southland Region.

(2) The local authorities to which this clause applies shall be:

- (a) The Southland United Council; and
- (b) The Southland Catchment Board and Regional Water Board; and
- (c) The Waimatuku River Board; and
- (d) The Otautau River Board; and
- (e) The Southland Harbour Board; and
- (f) The Southland Pest Destruction Board; and
- (g) The Southland District Noxious Plants Authority; and
- (h) The Wallace District Noxious Plants Authority.

## 27 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Southland Region shall consist of:

(a) Two members appointed by the Southland United Council; and

(b) One member appointed by the Southland Harbour Board; and

(c) Two members appointed by the Southland Catchment Board and Regional Water Board; and

(d) One member appointed jointly by the pest destruction board and the district noxious plants authorities, named in paragraphs (f) to (h) of clause 26(2) of this order; and

(e) One member appointed jointly by the Waimatuku River Board and the Otautau River Board who shall be a non-voting member of the transitional committee; and

(f) One officer appointed by each local authority, named in paragraphs (a), (b) and (e) of clause 26(2) of this order, who shall be non-voting members of the transitional committee; and

(g) One officer appointed jointly by the pest destruction board and the district noxious plants authorities named in paragraphs (f) to (h) of clause 26(2) of this order, who shall be a non-voting member of the transitional committee; and

(h) The Chief Executive designate, when appointed in accordance with clause 30 of this order, who shall be a non-voting member of the transitional committee; and

(i) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 26(2) of this order, who shall be a non-voting member of the transitional committee.

## 28 NO CASTING VOTE

The Chairperson of the transitional committee for the Southland Region or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

## 29 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Southland Region may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

## 30 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Southland Region shall appoint a person to be the Chief Executive of the Southland Regional Council.

## 31 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Southland Region shall be the Southland United Council.

## 32 COSTS OF TRANSITIONAL COMMITTEE

(1) The costs of the transitional committee for the Southland Region (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 26(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the gross revenue of the local authority for the year ended on the 31st day of March 1988, bears to the gross revenue of all the local authorities to which this clause applies for that year.

(2) For the purpose of this clause the gross revenue of a local authority shall be the gross revenue reasonably related to the area of a local authority which is to be included in the Southland Region or any function of a local authority which is to be transferred to the Southland Regional Council, whichever is applicable.

## 33 DELEGATION OF SERVICE DELIVERY

The transitional committee for the Southland Region shall meet with each of the other transitional committees named in this order for the purpose of considering the most appropriate arrangements for the physical delivery of services relating to the functions allocated to the Southland Regional Council by this order.

## PART III

### *Invercargill District*

## 34 CONSTITUTION OF INVERCARGILL DISTRICT

There is hereby constituted a district, to be known as "The Invercargill District", which shall comprise the area delineated on S.O. Plan No. 11471 deposited with the Chief Surveyor of the Southland Land District.

## 35 INVERCARGILL DISTRICT COUNCIL

A territorial authority, to be known as "The Invercargill District Council", is hereby constituted for the Invercargill District.

## 36 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Invercargill City Council; and
- (b) The Bluff Borough Council; and
- (c) The Southland County Council; and
- (d) Subject to Part VI of this order, the Southland Harbour Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

## 37 WARDS

(1) The Invercargill District is hereby divided into 9 wards.

(2) Those 9 wards are:

(a) The Northern Ward, comprising the area delineated on S.O. Plan No. 11476 deposited with the Chief Surveyor of the Southland Land District:

(b) The Gladstone Ward, comprising the area delineated on S.O. Plan No. 11477 deposited with the Chief Surveyor of the Southland Land District:

(c) The Glengarry Ward, comprising the area delineated on

S.O. Plan No. 11478 deposited with the Chief Surveyor of the Southland Land District:

(d) The Central Ward, comprising the area delineated on S.O. Plan No. 11475 deposited with the Chief Surveyor of the Southland Land District:

(e) The Strathern Ward, comprising the area delineated on S.O. Plan No. 11480 deposited with the Chief Surveyor of the Southland Land District:

(f) The Kew Ward, comprising the area delineated on S.O. Plan No. 11473 deposited with the Chief Surveyor of the Southland Land District:

(g) The Otatara Ward, comprising the area delineated on S.O. Plan No. 11474 deposited with the Chief Surveyor of the Southland Land District:

(h) The Bluff Ward, comprising the area delineated on S.O. Plan No. 11472 deposited with the Chief Surveyor of the Southland Land District:

(i) The Bush Ward, comprising the area delineated on S.O. Plan No. 11479 deposited with the Chief Surveyor of the Southland Land District.

### 38 MEMBERSHIP

(1) The Invercargill District Council shall consist of a Mayor and 15 members.

(2) The members of the Invercargill District Council to be elected at the first election of that Council shall be elected as follows:

(a) Two members shall be elected by the electors of the Northern Ward; and

(b) Two members shall be elected by the electors of the Gladstone Ward; and

(c) Two members shall be elected by the electors of the Glengarry Ward; and

(d) Two members shall be elected by the electors of the Central Ward; and

(e) Two members shall be elected by the electors of the Strathern Ward; and

(f) Two members shall be elected by the electors of the Kew Ward; and

(g) One member shall be elected by the electors of the Otatara Ward; and

(h) One member shall be elected by the electors of the Bluff Ward; and

(i) One member shall be elected by the electors of the Bush Ward.

### 39 FIRST ELECTION

(1) For the purposes of the first election of the Invercargill District Council, the Returning Officer and the principal administrative officer for the Invercargill District shall be, respectively, the Returning Officer and the principal administrative officer for the Invercargill City.

(2) The first election of the Invercargill District Council shall be conducted by postal vote.

### 40 FIRST MEETING

The first meeting of the Invercargill District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 41 CHIEF EXECUTIVE

(1) The Chief Executive of the Invercargill District Council shall be the person appointed to that position in accordance with clause 55 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Invercargill District Council.

### 42 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Invercargill District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Invercargill District Council or any of the former authorities; and

(iii) Any local Act relating to the Invercargill District Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the provision and maintenance of those marinas, wharves, jetties, boat ramps, and other harbour facilities formerly the responsibility of the Southland Harbour Board and transferred to the Invercargill District Council by Part VI of this order; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 43 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Invercargill District Council shall be located in Invercargill.

### 44 SERVICE DELIVERY CENTRE

The Invercargill District Council shall, at least until the 1st day of November 1995, establish and maintain in Bluff, a service delivery centre, in accordance with the provisions of the Third Schedule to this order.

### 45 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Bluff Ward, to be known as "The Bluff Community"; and

(b) The area of the Otatara Ward, to be known as "The Otatara Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members elected by the electors of that community; and

(b) The persons elected from time to time as members of the Invercargill District Council, representing the ward comprising the area of the community, and appointed by the Invercargill District Council to the community board.

(3) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Invercargill City.

(4) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

### 46 RATING

(1) The system of rating in the Invercargill District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Invercargill District, Part XIV of the Rating Powers Act 1988 shall apply as if the Invercargill District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 47 TOWN AND COUNTRY PLANNING

(1) The Invercargill District Council shall not be required to prepare a new district scheme, immediately, for the Invercargill District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme, or as the case may be, the proposed district scheme, of the Invercargill District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Invercargill District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Invercargill District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Invercargill District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Invercargill District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Invercargill District Council or, as the case may require, a committee or delegate thereof.

#### 48 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Invercargill District until a new plan is approved for the Invercargill District, in accordance with the Civil Defence Act 1983.

#### 49 VESTING OF PROPERTY

(1) Subject to clause 97(3) of this order, all property, real and personal, vested in the corporation of any former authority and situated in the Invercargill District is hereby vested in the corporation of the Invercargill District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Southland County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Invercargill District Council, subject to all existing encumbrances.

#### 50 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Invercargill District Council by clause 49 of this order shall, unless the context otherwise requires, be read as a reference to "The Invercargill District Council".

#### 51 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Invercargill District.

(2) The local authorities to which this clause applies shall be:

(a) The Invercargill City Council; and

(b) The Bluff Borough Council; and

(c) The Southland County Council.

#### 52 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Invercargill District shall consist of:

(a) Three members appointed by the Invercargill City Council; and

(b) One member appointed by the Bluff Borough Council; and

(c) One member appointed by the Southland County Council; and

(d) One officer appointed by each local authority named in clause 51(2) of this order, who shall be non-voting members of the transitional committee; and

(e) The Chief Executive designate, when appointed in accordance with clause 55 of this order, who shall be a non-voting member of the transitional committee; and

(f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 51(2) of this order, who shall be a non-voting member of the transitional committee.

#### 53 NO CASTING VOTE

The Chairperson of the transitional committee for the Invercargill District or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

#### 54 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Invercargill District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

#### 55 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Invercargill District shall appoint a person to be the Chief Executive of the Invercargill District Council.

#### 56 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Invercargill District shall be the Invercargill City Council.

#### 57 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Invercargill District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 51(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

(i) The district of that local authority; or

(ii) Those parts of the district of that local authority to be included in the Invercargill District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Invercargill District.

#### PART IV

##### *Gore District*

#### 58 CONSTITUTION OF GORE DISTRICT

There is hereby constituted a district, to be known as "The Gore District", which shall comprise the area delineated on S.O. Plan No. 11481 deposited with the Chief Surveyor of the Southland Land District.

**59 GORE DISTRICT COUNCIL**

A territorial authority, to be known as "The Gore District Council", is hereby constituted for the Gore District.

**60 INTERPRETATION**

In this Part of this order, "the former authorities" means:

- (a) The Gore Borough Council; and
- (b) The Maitua Borough Council; and
- (c) The Southland County Council; and
- (d) The Clutha County Council,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

**61 WARDS**

(1) The Gore District is hereby divided into 7 wards.

(2) Those 7 wards are:

(a) The Jacobstown Ward, comprising the area delineated on S.O. Plan No. 11486 deposited with the Chief Surveyor of the Southland Land District:

(b) The Longford Ward, comprising the area delineated on S.O. Plan No. 11485 deposited with the Chief Surveyor of the Southland Land District:

(c) The Charlton Ward, comprising the area delineated on S.O. Plan No. 11487 deposited with the Chief Surveyor of the Southland Land District:

(d) The Maitua Ward, comprising the area delineated on S.O. Plan No. 11488 deposited with the Chief Surveyor of the Southland Land District:

(e) The Waikaka Ward, comprising the area delineated on S.O. Plan No. 11482 deposited with the Chief Surveyor of the Southland Land District:

(f) The Waimumu Ward, comprising the area delineated on S.O. Plan No. 11483 deposited with the Chief Surveyor of the Southland Land District:

(g) The Kaiwera Ward, comprising the area delineated on S.O. Plan No. 11484 deposited with the Chief Surveyor of the Southland Land District.

**62 MEMBERSHIP**

(1) The Gore District Council shall consist of a Mayor and 11 members.

(2) The members of the Gore District Council to be elected at the first election of that Council shall be elected as follows:

(a) Two members shall be elected by the electors of the Jacobstown Ward; and

(b) Two members shall be elected by the electors of the Longford Ward; and

(c) Two members shall be elected by the electors of the Charlton Ward; and

(d) Two members shall be elected by the electors of the Maitua Ward; and

(e) One member shall be elected by the electors of the Waikaka Ward; and

(f) One member shall be elected by the electors of the Waimumu Ward; and

(g) One member shall be elected by the electors of the Kaiwera Ward.

**63 FIRST ELECTION**

(1) For the purposes of the first election of the Gore District Council, the Returning Officer and the principal administrative officer for the Gore District shall be, respectively, the Returning Officer and the principal administrative officer for the Gore Borough.

(2) The first election of the Gore District Council shall be conducted by postal vote.

**64 FIRST MEETING**

The first meeting of the Gore District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

**65 CHIEF EXECUTIVE**

(1) The Chief Executive of the Gore District Council shall be the person appointed to that position in accordance with clause 78 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Gore District Council.

**66 FUNCTIONS, DUTIES, AND POWERS**

The functions, duties, and powers of the Gore District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Gore District Council or any of the former authorities; and

(iii) Any local Act relating to the Gore District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

**67 ADMINISTRATION HEADQUARTERS**

The administration headquarters of the Gore District Council shall be located in Gore.

**68 SERVICE DELIVERY CENTRE**

The Gore District Council shall, at least until the 1st day of November 1992, establish and maintain in Maitua, a service delivery centre, in accordance with the provisions of the Third Schedule to this order.

**69 RATING**

(1) The system of rating in the Gore District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Gore District, Part XIV of the Rating Powers Act 1988 shall apply as if the Gore District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

**70 TOWN AND COUNTRY PLANNING**

(1) The Gore District Council shall not be required to prepare a new district scheme, immediately, for the Gore District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme, or as the case may be, the proposed district scheme, of the Gore District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Gore District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Gore District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection

thereto, the application shall be deemed to have been made to the Gore District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Gore District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Gore District Council or, as the case may require, a committee or delegate thereof.

### 71 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Gore District until a new plan is approved for the Gore District, in accordance with the Civil Defence Act 1983.

### 72 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Gore District is hereby vested in the corporation of the Gore District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Southland County Council and the Clutha County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Gore District Council, subject to all existing encumbrances.

### 73 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Gore District Council by clause 72 of this order shall, unless the context otherwise requires, be read as a reference to "The Gore District Council".

### 74 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Gore District.

(2) The local authorities to which this clause applies shall be:

- (a) The Gore Borough Council; and
- (b) The Mataura Borough Council; and
- (c) The Southland County Council.

### 75 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Gore District shall consist of:

- (a) Three members appointed by the Gore Borough Council; and
- (b) Two members appointed by the Mataura Borough Council; and
- (c) One member appointed by the Southland County Council; and
- (d) One officer appointed by each local authority named in clause 74(2) of this order, who shall be non-voting members of the transitional committee; and
- (e) The Chief Executive designate, when appointed in accordance with clause 78 of this order, who shall be a non-voting member of the transitional committee; and
- (f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 74(2) of this order, who shall be a non-voting member of the transitional committee.

### 76 NO CASTING VOTE

The Chairperson of the transitional committee for the Gore District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

### 77 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Gore District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 78 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Gore District shall appoint a person to be the Chief Executive of the Gore District Council.

### 79 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Gore District shall be the Gore Borough Council.

### 80 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Gore District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 74(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula:

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Gore District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Gore District.

## PART V

### *Southland District*

### 81 CONSTITUTION OF SOUTHLAND DISTRICT

There is hereby constituted a district, to be known as "The Southland District", which shall comprise the area delineated on S.O. Plan No. 11489 deposited with the Chief Surveyor of the Southland Land District.

### 82 SOUTHLAND DISTRICT COUNCIL

A territorial authority, to be known as "The Southland District Council", is hereby constituted for the Southland District.

### 83 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Southland County Council; and
- (b) The Wallace County Council; and
- (c) The Winton Borough Council; and
- (d) The Stewart Island County Council; and
- (e) The Westland County Council; and
- (f) The Queenstown-Lakes District Council; and
- (g) The Vincent County Council; and
- (h) The Clutha County Council; and
- (i) The Ohai Railway Board; and
- (j) The Hirstfield Recreation Reserve Board; and

(k) The North Makarewa Domain Board, and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

## 84 WARDS

(1) The Southland District is hereby divided into 12 wards.

(2) Those 12 wards are:

(a) The Te Anau Ward, comprising the area delineated on S.O. Plan No. 11491 deposited with the Chief Surveyor of the Southland Land District:

(b) The Tuatapere Ward, comprising the area delineated on S.O. Plan No. 11490 deposited with the Chief Surveyor of the Southland Land District:

(c) The Five Rivers Ward, comprising the area delineated on S.O. Plan No. 11494 deposited with the Chief Surveyor of the Southland Land District:

(d) The Waikaia Ward, comprising the area delineated on S.O. Plan No. 11499 deposited with the Chief Surveyor of the Southland Land District:

(e) The Otautau Ward, comprising the area delineated on S.O. Plan No. 11493 deposited with the Chief Surveyor of the Southland Land District:

(f) The Wallacetown Ward, comprising the area delineated on S.O. Plan No. 11495 deposited with the Chief Surveyor of the Southland Land District:

(g) The Waihopai Ward, comprising the area delineated on S.O. Plan No. 11496 deposited with the Chief Surveyor of the Southland Land District:

(h) The Winton Ward, comprising the area delineated on S.O. Plan No. 11497 deposited with the Chief Surveyor of the Southland Land District:

(i) The Toetoes Ward, comprising the area delineated on S.O. Plan No. 11498 deposited with the Chief Surveyor of the Southland Land District:

(j) The Te Tipua Ward, comprising the area delineated on S.O. Plan No. 11501 deposited with the Chief Surveyor of the Southland Land District:

(k) The Riverton Ward, comprising the area delineated on S.O. Plan No. 11500 deposited with the Chief Surveyor of the Southland Land District:

(l) The Stewart Island Ward, comprising the area delineated on S.O. Plan No. 11492 deposited with the Chief Surveyor of the Southland Land District.

## 85 MEMBERSHIP

(1) The Southland District Council shall consist of a Mayor and 15 members.

(2) The members of the Southland District Council to be elected at the first election of that Council shall be elected as follows:

(a) Two members shall be elected by the electors of the Te Anau Ward; and

(b) One member shall be elected by the electors of the Tuatapere Ward; and

(c) One member shall be elected by the electors of the Five Rivers Ward; and

(d) One member shall be elected by the electors of the Waikaia Ward; and

(e) Two members shall be elected by the electors of the Otautau Ward; and

(f) One member shall be elected by the electors of the Wallacetown Ward; and

(g) One member shall be elected by the electors of the Waihopai Ward; and

(h) Two members shall be elected by the electors of the Winton Ward; and

(i) One member shall be elected by the electors of the Toetoes Ward; and

(j) One member shall be elected by the electors of the Te Tipua Ward; and

(k) One member shall be elected by the electors of the Riverton Ward; and

(l) One member shall be elected by the electors of the Stewart Island Ward.

## 86 FIRST ELECTION

(1) For the purposes of the first election of the Southland District Council, the Returning Officer and the principal administrative officer for the Southland District shall be, respectively, the Returning Officer and the principal administrative officer for the Southland County.

(2) The first election of the Southland District Council shall be conducted by postal vote.

## 87 FIRST MEETING

The first meeting of the Southland District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

## 88 CHIEF EXECUTIVE

(1) The Chief Executive of the Southland District Council shall be the person appointed to that position in accordance with clause 103 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Southland District Council.

## 89 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Southland District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Southland District Council or any of the former authorities; and

(iii) Any local Act relating to the Southland District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

## 90 FUNDS OF OHAI RAILWAY BOARD

(1) All funds of the Ohai Railway Board, as at the 31st day of October 1989, and any future income from the operation of the Ohai Railway shall be used only for the purposes of that function.

(2) If the Southland District Council resolves, at any time, to cease operating the Ohai Railway, all the net cash assets and the net proceeds from the disposal of the assets of that railway shall be expended only for the benefit of the area of the district of the Ohai Railway Board as at the date of its abolition.

## 91 ADMINISTRATION HEADQUARTERS

Until the Southland District Council resolves otherwise, the administration headquarters of the Southland District Council shall be located in Invercargill.

## 92 SERVICE DELIVERY CENTRES

The Southland District Council shall, at least until the 1st day of November 1995, establish and maintain in:

(a) Winton; and

(b) Te Anau; and

(c) Otautau; and



- (d) Riverton; and
- (e) Halfmoon Bay,

a service delivery centre, in accordance with the provisions of the Third Schedule to this order.

### 93 COMMUNITIES

(1) There is hereby constituted a community for each of the following—

(a) The area of the Te Anau Ward, to be known as “The Te Anau Community”; and

(b) The area of the Tuatapere Ward, to be known as “The Tuatapere Community”; and

(c) The area of the Otautau Ward, to be known as “The Otautau Community”; and

(d) The area of the Riverton Ward, to be known as “The Riverton Community”; and

(e) The area of the Winton Ward, to be known as “The Winton Community”; and

(f) The area of the Stewart Island Ward, to be known as “The Stewart Island Community”.

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected from time to time as members of the Southland District Council, representing the ward comprising the area of the community, and appointed by the Southland District Council to the community board.

(3) There are hereby constituted communities for each of the following:

(a) A community to be known as “The Balfour Community”, comprising that area delineated on S.O. Plan No. 11515 deposited with the Chief Surveyor of the Southland Land District; and

(b) A community to be known as “The Edendale Community”, comprising that area delineated on S.O. Plan No. 11517 deposited with the Chief Surveyor of the Southland Land District; and

(c) A community to be known as “The Lumsden Community”, comprising that area delineated on S.O. Plan No. 11514 deposited with the Chief Surveyor of the Southland Land District; and

(d) A community to be known as “The Riversdale Community”, comprising that area delineated on S.O. Plan No. 11516 deposited with the Chief Surveyor of the Southland Land District; and

(e) A community to be known as “The Wallacetown Community”, comprising that area delineated on S.O. Plan No. 11519 deposited with the Chief Surveyor of the Southland Land District; and

(f) A community to be known as “The Wyndham Community”, comprising that area delineated on S.O. Plan No. 11518 deposited with the Chief Surveyor of the Southland Land District.

(4) The community board for each community constituted by subclause (3) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) One person elected from time to time as a member of the Southland District Council representing the ward including the area of the community, and appointed by the Southland District Council to the community board.

(4) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Southland County.

(5) The first election of the community boards for those

communities constituted by this clause shall be conducted by postal vote.

### 94 RATING

(1) The system of rating in the Southland District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Southland District, Part XIV of the Rating Powers Act 1988 shall apply as if the Southland District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 95 TOWN AND COUNTRY PLANNING

(1) The Southland District Council shall not be required to prepare a new district scheme, immediately, for the Southland District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme, or as the case may be, the proposed district scheme, of the Southland District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Southland District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Southland District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Southland District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Southland District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Southland District Council or, as the case may require, a committee or delegate thereof.

### 96 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Southland District until a new plan is approved for the Southland District, in accordance with the Civil Defence Act 1983.

### 97 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Southland District is hereby vested in the corporation of the Southland District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the former authorities named in paragraphs (e) to (h) of clause 83 of this order, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Southland District Council, subject to all existing encumbrances.

(3) All that land named in the Fourth Schedule to this order together with all plant, fixtures, and fittings normally located or based thereon is hereby vested in the corporation of the



Southland District Council, subject to all existing encumbrances.

### 98 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Southland District Council by clause 97 of this order shall, unless the context otherwise requires, be read as a reference to "The Southland District Council".

### 99 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Southland District.

(2) The local authorities to which this clause applies shall be:

- (a) The Southland County Council; and
- (b) The Wallace County Council; and
- (c) The Winton Borough Council; and
- (d) The Stewart Island County Council.

### 100 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Southland District shall consist of:

- (a) Four members appointed by the Southland County Council; and
- (b) Three members appointed by the Wallace County Council; and
- (c) One member appointed by the Winton Borough Council; and
- (d) One member appointed by the Stewart Island County Council; and
- (e) One officer appointed by each local authority named in clause 99(2) of this order, who shall be non-voting members of the transitional committee; and
- (f) The Chief Executive designate, when appointed in accordance with clause 103 of this order, who shall be a non-voting member of the transitional committee; and
- (g) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 99(2) of this order, who shall be a non-voting member of the transitional committee.

### 101 NO CASTING VOTE

The Chairperson of the transitional committee for the Southland District or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

### 102 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Southland District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 103 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Southland District shall appoint a person to be the Chief Executive of the Southland District Council.

### 104 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Southland District shall be the Southland County Council.

### 105 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Southland District (including the costs of providing administrative

services to it) shall be borne and paid by the local authorities named in clause 99(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula:

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Southland District,

as the case may be, bears to the total of the populations (as at the time of that Census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Southland District.

### 106 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The transitional committee for the Southland District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Southland District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Southland District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Southland District Council that it establish such a committee or committees of management.

## PART VI

### *Southland Harbour Board*

### 107 VESTING OF PROPERTY

(1) This clause shall apply to that property, real and personal, vested in the Southland Harbour Board as at the 31st day of October 1989.

(2) Subject to subclauses (6), (8), (9) and (10) of this clause, all property—

(a) Which is vested in the Southland Harbour Board as at the 31st day of October 1989; and

(b) Which—

- (i) Is a reserve under the Reserves Act 1977; or
- (ii) Is principally used for recreational purposes, whether or not it is a reserve under the Reserves Act 1977; or
- (iii) Is a marina, wharf, jetty, boat ramp or other harbour facility, used principally for recreational purposes; or
- (iv) Is an item of plant or equipment used principally in association with the maintenance, use or operation of the facilities referred to in subparagraphs (i), or (ii) or (iii) of this paragraph,

is hereby vested in the Invercargill District Council for the purpose for which it is so reserved, or, where there is no such purpose, for the purposes of any function transferred by this order to the Invercargill District Council.

(3) Subject to subclauses (6), (8), (9) and (10) of this clause, all that property which is vested in the Southland Harbour Board as at the 31st day of October 1989, which is situated in the Invercargill District as constituted by this order, and which is adjacent to any harbour or the sea is hereby vested in the Invercargill District Council.

(4) Where there is any dispute over whether any property

comes within a category of property referred to in this clause, the matter shall be referred to the Local Government Commission for determination.

(5) Subject to subclauses (8) to (10) of this clause, any property which is vested in the Southland Harbour Board as at the 31st day of October 1989 and which does not come within a category of property referred to in subclause (2) or subclause (3) of this clause is hereby vested in the Southland Regional Council.

(6) Notwithstanding anything in subclauses (2) and (3) of this clause, but subject to subclauses (9) and (10) of this clause, any land which is vested in the Southland Harbour Board as at the 31st day of October 1989 and which is below the mean high water mark is hereby vested in the Southland Regional Council.

(7) For the purposes of this clause, any property which is fixed to, or under or over, any land which is below the mean high water mark, and which is used for, or in conjunction with, any purpose referred to in subclause (2) of this clause and which is situated within the Invercargill District as constituted by this order is hereby transferred to the Invercargill District Council, whether or not any interest in the land is also transferred.

(8) Without limiting the provisions of subclauses (2), (3), (5) and (6) of this clause, but subject to subclauses (9) and (10) of this clause, the property described in the Fifth Schedule to this order shall vest without cost in the Invercargill District Council and the property described in the Sixth Schedule to this order shall vest without cost in the Southland Regional Council.

(9) If any of the land specified in the Fifth Schedule or the Sixth Schedule to this order is, between the 9th day of June 1989 and the 31st day of October 1989, allocated to the South Port New Zealand Limited pursuant to an approved port company plan within the meaning of the Port Companies Act 1988 then, notwithstanding subclause (8) of this clause, that land shall not vest in the Invercargill District Council or the Southland Regional Council.

(10) Notwithstanding anything in this clause, if, after the 31st day of October 1989:

(a) The Minister of Transport approves a port company plan within the meaning of the Port Companies Act 1988 pursuant to which any of the property, real or personal, identified in this clause is liable to be transferred to the South Port New Zealand Limited, the local authority which has received such property pursuant to this clause, shall transfer such property to the South Port New Zealand Limited at the cost of that company, subject to any appropriate adjustment for incomings and outgoings in relation to such property for the period beginning on the 1st day of November 1989 and ending on the date of the transfer of the property to the South Port New Zealand Limited; or

(b) Any approved port company plan is cancelled, withdrawn, re-issued or in any way altered and, as a result, property is deemed to be returned to the ownership (notional or otherwise) of the Southland Harbour Board, that property shall be allocated under this order as if the property had been owned by the Southland Harbour Board on the 31st day of October 1989.

### 108 TITLE TO PROPERTY

Any reference, express or implied, to the Southland Harbour Board in any instrument or other document whatsoever, or in any entry or record made in any register in relation to any property whatsoever vested in any local authority by this clause shall, unless the context otherwise requires, be read as a reference to that local authority.

### 109 SOUTH PORT NEW ZEALAND LIMITED

All those shares in the South Port New Zealand Limited that are held by the Southland Harbour Board as at the 31st day of October 1989 are hereby vested in the Southland Regional Council.

### 110 LIABILITIES IN RESPECT OF PORT RELATED COMMERCIAL UNDERTAKINGS

(1) All those liabilities of the Southland Harbour Board as determined under section 29 of the Port Companies Act 1988 shall become liabilities of the Southland Regional Council.

(2) All those debt securities issued by the South Port New Zealand Limited to the former Southland Harbour Board under section 29 of the Port Companies Act 1988 are hereby transferred to the Southland Regional Council.

### 111 RESIDUAL ASSETS AND LIABILITIES

All the assets and liabilities of the Southland Harbour Board, as at the close of the 31st day of October 1989, for which provision for vesting is not otherwise made in this order are declared to be assets and liabilities of the Southland Regional Council.

## PART VII

### General

### 112 TRANSFER OF RESPONSIBILITIES

(1) Except as otherwise provided in this order, a local authority constituted by this order shall, in respect of the district of that local authority:

(a) Have and may exercise and be responsible for all the powers, duties, acts of authority and functions which were previously exercised, or which could have been so exercised, by the former authorities had they not been dissolved; and

(b) 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 former authorities had they not been dissolved; and

(c) 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 former authorities had they not been dissolved; and

(d) Succeed to the bylaws which are in force in the districts of the former authorities. Until revoked or altered by the newly constituted local authority each such bylaw shall remain in force in the area to which it applied immediately before the constitution of the district, and every bylaw which cannot be restricted to that area shall be deemed inapplicable and revoked by the dissolution of the former authorities; and

(e) Succeed to all rates and levies, and other money payable to the former authorities, had they not been dissolved; and

(f) Succeed to the valuation rolls and rate records in force in the districts of the former authorities. These shall remain in force in the district of the newly constituted local authority until new valuation rolls are made by that local authority.

(2) The Mayor or Chairperson of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the Mayors and Chairmen of the former authorities.

(3) The principal administrative officer of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the principal administrative officers of the former authorities.

### 113 CREDITORS

Subject to section 37F of the Local Government Act 1974, the rights or interests of creditors of the former authorities shall not be affected by this order.

### 114 LOCAL AUTHORITIES PETROLEUM TAX

For the purposes of Part XI of the Local Government Act 1974, the local authorities constituted by this order shall be successors to the former authorities.

### 115 SPECIAL FUNDS

(1) The special funds of the former authorities shall:

(a) Be expended only for the purposes for which they were set aside; and

(b) Except for any plant renewal fund, be expended for the benefit of the area in which they originated and, after provision has been made for all liabilities, any money required to be paid into any such fund, to meet any deficit, shall be found from within that area.

(2) After the 1st day of November 1996, the local authorities constituted by this order:

(a) Shall review any special fund provided for in subclause (1) of this clause; and

(b) May resolve that from a date to be determined by the council, such special fund may be applied for such other purpose or purposes as the council considers appropriate.

(3) Notwithstanding subclause (2) of this clause, the local authorities constituted by this order may at any time before the 1st day of November 1996, with the approval of the Local Government Commission, resolve to vary the use of any special funds.

(4) All funds held by the administering authorities of reserves under the Reserves Act 1977 shall be deemed to be special funds for the purposes of this clause.

### 116 LOANS

Any rate made and levied to meet the annual charges in respect of any loan secured over the district of any of the former authorities shall continue to be made and levied on the same basis as applied before the 1st day of November 1989:

Provided that the local authorities constituted by this order may at any time before the 1st day of November 1996 review the basis upon which any such rate is made and levied and may, with the approval of the Local Government Commission, resolve to vary such basis.

### 117 ASSETS AND LIABILITIES

The provisions of section 60 of the Local Government Amendment Act (No. 2) 1989 shall apply in relation to the apportionment of the assets and liabilities of the former authorities, as defined in Parts II to V of this order, as if this order did not make provision for the apportionment of those assets and liabilities:

Provided that there shall be no apportionment of the assets and liabilities of the Southland Harbour Board pursuant to this clause.

### 118 LOAN LIABILITIES

Subject to section 37F (2) of the Local Government Act 1974, all loan liabilities existing immediately before the 1st day of November 1989, shall continue to be secured against the area over which they were secured at that date.

### 119 RESIDUAL AUTHORITIES

In the case of a former authority listed in the Seventh Schedule to this order, the local authority that shall be responsible for—

(a) The preparation of the annual financial statement for that former local authority for the financial year commencing on the 1st day of April 1989 and for any earlier financial years for which an annual financial statement has not been prepared or, in the case of the Southland Harbour Board, for the financial year commencing on the 1st day of October 1989 and for any earlier financial years for which an annual financial statement has not been prepared; and

(b) The documents (as defined in section 248 of the Local Government Act 1974) and local archives (as so defined) of that former local authority, other than those documents or local archives relating to a specified area or function, shall be the local authority designated in that Schedule as a residual authority in relation to that former authority.

## 120 CONDUCT OF AFFAIRS

The provisions of section 223C of the Local Government Act 1974 relating to the conduct of affairs of local authorities and community boards applies to the local authorities and community boards constituted by this order.

## SCHEDULES

### First Schedule

#### PART I

#### *Local Authorities Dissolved and Districts Abolished*

Local Authorities	Districts
Southland United Council	Southland Region
Southland Catchment Board and Regional Water Board	Southland Catchment District
Southland County Council	Southland County
Mataura Borough Council	Mataura Borough
Gore Borough Council	Gore Borough
Winton Borough Council	Winton Borough
Stewart Island County Council	Stewart Island County
Invercargill City Council	Invercargill City
Bluff Borough Council	Bluff Borough
Wallace County Council	Wallace County
Southland Harbour Board	Southland Harbour District
Otautau River Board	Otautau River District
Waimatuku River Board	Waimatuku River District
Southland Pest Destruction Board	Southland Pest Destruction District

#### PART II

#### *Local Authorities Dissolved*

Ohai Railway Board  
 Southland District Noxious Plants Authority  
 Wallace District Noxious Plants Authority  
 Hirstfield Recreation Reserve Board  
 North Makarewa Domain Board

### Second Schedule

#### *Community Councils Dissolved and Communities Abolished*

Community Councils	Communities
Riversdale Community Council	Riversdale Community
Lumsden Community Council	Lumsden Community
Balfour Community Council	Balfour Community
Otatara Community Council	Otatara Community
Wallacetown Community Council	Wallacetown Community
Wyndham Community Council	Wyndham Community
Edendale Community Council	Edendale Community
Ohai Community Council	Ohai Community
Nightcaps Community Council	Nightcaps Community
Otautau Community Council	Otautau Community
Tuatapere Community Council	Tuatapere Community
Riverton Community Council	Riverton Community
Te Anau Community Council	Te Anau Community

### Third Schedule

#### *Service Delivery Centres*

A service delivery centre shall provide services not less than those required for:

- (a) The payment of money due to the council; and
- (b) The provision of information relating to rates and other accounts due to the council; and
- (c) The provision of information relating to the district planning scheme, bylaws or information otherwise necessary for the preparation of town planning applications, and permit applications; and
- (d) The provision of information relating to community development and recreation; and
- (e) The making of rates rebate applications; and
- (f) The making of applications for housing accommodation; and
- (g) The registration of dogs; and
- (h) Such other purposes as the council considers appropriate.

Certificate of Title (Southland Registry)

A3/434

Description  
 Lots 1 to 3, D.P. 2914  
 Block 4, Campbelltown Hundred  
 Lot 1, Part Section 37, Block 1, Campbelltown  
 Lot 2, Part Sections 37 and 51, Block 1, Campbelltown  
 Sections 52 and 53, Block 1, Campbelltown  
 Part Lot 2, Part Section 39, Block 1, Campbelltown  
 Lot 1, Part Sections 29 and 39, Block 1, Campbelltown  
 Lots 1, 5, Part Sections 11, 13, 14, Block 23, Campbelltown  
 Section 15, Block 23, Campbelltown  
 Lot 7, Part Sections 4 and 5, Block 23, Campbelltown  
 Lot 1, Part Sections 1 and 4, Block 23, Campbelltown  
 Lot 8, Part Section Block 23, Campbelltown  
 Lot 6, Part Sections 2 and 4, Block 23, Campbelltown  
 Section 6, Block 23, Campbelltown  
 Section 26, Block 1, Campbelltown

**Fourth Schedule**

**Property of the Southland County Council, to be included within the Invercargill District, but vested in the Southland District Council**

Description	Certificate of Title (Southland Registry)
Lot 1, D.P. 9588, Part Section 1 and Section 2, Block LXXVII, Town of Invercargill	5C 1233
Lot 1, D.P. 827, Part Section 1 and 2 and Section 3, Block XIV, Invercargill Hundred, Town of Invercargill	80/166, 170/55, 102/247
Lots 8 to 10, D.P. 5824, Invercargill Hundred, Town of Invercargill	236/10, 236/11, 233/96
Lot 1, D.P. 2136, Campbelltown Hundred	A3/833
Lot 1, D.P. 1409, Campbelltown Hundred	A3/833

**Sixth Schedule**

**Land to be Vested in the Southland Regional Council**

Description  
 Part Section 6, Lots 28, 29, 52 and 53, Block 1, Campbelltown  
 Part Lots 30 and 51, D.P. 117A  
 Part Sections 7 and 8, Block 1, Campbelltown Hundred, Lots 6 and 7, D.P. 1483  
 Lots 3 to 5, Lot 13, D.P. 5145,  
 Lots 1, 7, Sections 7 and 8, Block 1, Campbelltown  
 Lots 9, 19, 25 and 26, Block 1, Campbelltown, D.P. 5146

Certificate of Title (Southland Registry)

**Fifth Schedule**

**Property to be Vested in the Invercargill District Council**

**PART I**

**Harbour Facilities**

- First, that jetty at Tiwai Point.
- Secondly, those boat ramps situated at:
  - (a) Ocean Beach Channel; and
  - (b) Awarua Bay.

**PART II**

**Land to be Vested**

Description	Certificate of Title (Southland Registry)
Part Section 13 Block 1, Campbelltown Hundred	
Section 8, Block 1, Campbelltown	
Lots 2 to 3, Part Section 11, Block 23, Campbelltown	
Part Sections 52 and 53, Block 1, Campbelltown	
Lots 1 and 2, 4 and Part Lot 6, D.P. 754	

**Seventh Schedule**

**Residual Authorities**

Residual Authority	Former Authority
Southland Regional Council	Southland Harbour Board
Southland Regional Council	Southland Catchment Board and Regional Water Board
Southland Regional Council	Southland District Noxious Plants Authority
Southland Regional Council	Wallace District Noxious Plants Authority
Southland Regional Council	Southland Pest Destruction Board
Southland District Council	Southland County Council
C. J. HILL, Acting for Clerk of the Executive Council.	
(I.A. 104/110)	

**The Local Government (Taranaki Region) Reorganisation Order 1989**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 9th day of June 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to section 36 of 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.

**A n a l y s i s**

- |  |  |
|--|--|
| 1 Title and commencement   | 32 Principal local authority                                       |
| 2 Elections  | 33 Costs of transitional committee                                 |
| 3 Communities  | 34 Delegation of service delivery                                  |
| PART I   | PART III   |
| <i>Taranaki Region</i>   | <i>New Plymouth District</i>                                       |
| 4 Taranaki Region  | 35 Constitution of New Plymouth District                           |
| 5 Constituent authorities  | 36 New Plymouth District Council                                   |
| 6 Dissolution of existing local authorities and abolition of existing districts    | 37 Interpretation  |
| 7 References to former authority   | 38 Wards   |
| 8 Dissolution of existing community councils and abolition of existing communities | 39 Membership  |
| PART II  | 40 First election  |
| <i>Taranaki Regional Council</i>   | 41 First meeting   |
| 9 Taranaki Regional Council  | 42 Chief executive   |
| 10 Interpretation  | 43 Functions, duties, and powers                                   |
| 11 Constituencies  | 44 Administration headquarters                                     |
| 12 Membership  | 45 Service delivery centres  |
| 13 First election  | 46 Communities   |
| 14 First meeting   | 47 Rating  |
| 15 Chief executive   | 48 Town and country planning                                       |
| 16 Functions, duties, and powers   | 49 Civil defence   |
| 17 Rural services committee  | 50 Vesting of property   |
| 18 Joint committee   | 51 Title to property   |
| 19 Regional land transport committee   | 52 Transitional committee  |
| 20 Harbour committee   | 53 Membership of transitional committee                            |
| 21 Administration headquarters   | 54 No casting vote   |
| 22 Rating  | 55 Exclusion of non-voting members                                 |
| 23 Regional planning   | 56 Obligation of transitional committee to appoint chief executive |
| 24 Civil defence   | 57 Principal local authority                                       |
| 25 Vesting of property   | 58 Costs of transitional committee                                 |
| 26 Title to property   | 59 Consultation with administering authorities of reserves         |
| 27 Transitional committee  | PART IV  |
| 28 Membership of transitional committee  | <i>Stratford District</i>  |
| 29 No casting vote   | 60 Constitution of Stratford District                              |
| 30 Exclusion of non-voting members   | 61 Stratford District Council                                      |
| 31 Obligation of transitional committee to appoint chief executive                 | 62 Interpretation  |
|  | 63 Wards   |
|  | 64 Membership  |

65 First meeting  
 66 Chief executive  
 67 Functions, duties, and powers  
 68 Administration headquarters  
 69 Rating  
 70 Town and country planning  
 71 Civil defence  
 72 Vesting of property  
 73 Title to property  
 PART V

*South Taranaki District*

74 Constitution of South Taranaki District  
 75 South Taranaki District Council  
 76 Interpretation  
 77 Wards  
 78 Membership  
 79 First election  
 80 First meeting  
 81 Chief executive  
 82 Functions, duties, and powers  
 83 Eltham Drainage Area  
 84 Eltham Drainage Committee  
 85 Administration headquarters  
 86 Service delivery centres  
 87 Communities  
 88 Rating  
 89 Town and country planning  
 90 Civil defence  
 91 Vesting of property

92 Title to property  
 93 Transitional committee  
 94 Membership of transitional committee  
 95 No casting vote  
 96 Exclusion of non-voting members  
 97 Obligation of transitional committee to appoint chief executive  
 98 Principal local authority  
 99 Costs of transitional committee  
 PART VI

*Taranaki Harbours Board*

100 Vesting of property  
 101 Title to property  
 102 Westgate Transport Port Taranaki Limited  
 103 Liabilities in respect of port related commercial undertakings  
 104 Residual assets and liabilities  
 PART VII

*General*

105 Transfer of responsibilities  
 106 Creditors  
 107 Local authorities petroleum tax  
 108 Special funds  
 109 Loans  
 110 Assets and liabilities  
 111 Loan liabilities  
 112 Residual authorities  
 113 Conduct of affairs  
 Schedules

**Order**

**1 TITLE AND COMMENCEMENT**

(1) This order may be cited as the Local Government (Taranaki Region) Reorganisation Order 1989.

(2) Subject to subclause (3) of this clause, this order shall come into force on the 1st day of November 1989.

(3) Those provisions of this order necessary:

(a) To provide for the first election of the members of the local authorities, and the members of the community boards for the communities, constituted by this order; and

(b) For the purposes of clauses 27 to 34, 52 to 59, 93 to 99 and 110 of this order; and

(c) For the appointment of the principal administrative officers of those local authorities constituted by this order, shall come into force on the making of this order.

**2 ELECTIONS**

Subject to clause 64 of this order, the first elections of the local authorities, and the community boards for the communities, constituted by this order shall be held on the 14th day of October 1989.

**3 COMMUNITIES**

Each community constituted by this order shall come into existence on the day after the date on which the Returning Officer declares the result of the first election of members of the community board for that community, provided that no such community shall come into existence prior to the 1st day of November 1989.

**PART I**

*Taranaki Region*

**4 TARANAKI REGION**

There is hereby constituted a region, to be known as "The Taranaki Region", which shall comprise the area delineated on S.O. Plan No. 13043 deposited with the Chief Surveyor of the Taranaki Land District.

**5 CONSTITUENT AUTHORITIES**

The constituent authorities of the Taranaki Region shall comprise the territorial authorities constituted by Parts III to V of this order.

**6 DISSOLUTION OF EXISTING LOCAL AUTHORITIES AND ABOLITION OF EXISTING DISTRICTS**

(1) Every local authority named in Part I or Part II of the First Schedule to this order is hereby dissolved.

(2) Every district named in Part I of the First Schedule to this order is hereby abolished.

**7 REFERENCES TO FORMER AUTHORITY**

(1) Every reference in this order to a former authority shall, where part only of the district of a former authority has been included within the district of a local authority, or any function of a former authority has been allocated to a local authority, be read as a reference to the former authority only in relation to that part or, as the case may be, that function.

(2) Any reference in Part VII of this order to "the former authorities" or "former authority" shall be a reference to any former authorities defined in Parts II to V of this order.

## 8 DISSOLUTION OF EXISTING COMMUNITY COUNCILS AND ABOLITION OF EXISTING COMMUNITIES

- (1) Every community council named in the Second Schedule to this order is hereby dissolved.
- (2) Every community named in the Second Schedule to this order is hereby abolished.

## PART II

### *Taranaki Regional Council*

## 9 TARANAKI REGIONAL COUNCIL

A regional council, to be known as "The Taranaki Regional Council", is hereby constituted for the Taranaki Region.

## 10 INTERPRETATION

In this Part of this order:

"The former authorities" means—

- (a) The Taranaki United Council; and
  - (b) The Taranaki Catchment Board and Regional Water Board; and
  - (c) The Egmont District Noxious Plants Authority; and
  - (d) The Eltham District Noxious Plants Authority; and
  - (e) The Hawera District Noxious Plants Authority; and
  - (f) The North Taranaki District Noxious Plants Authority; and
  - (g) The Taranaki County-New Plymouth District Noxious Plants Authority; and
  - (h) The Patea District Noxious Plants Authority; and
  - (i) The Stratford District Noxious Plants Authority; and
  - (j) The Clifton County Pest Destruction Board; and
  - (k) The North Taranaki District Pest Destruction Board; and
  - (l) The Stratford District Pest Destruction Board; and
  - (m) The Waimate Plains District Pest Destruction Board; and
  - (n) The Eltham District Pest Destruction Board; and
  - (o) The Inglewood District Pest Destruction Board; and
  - (p) The Egmont County Pest Destruction Board; and
  - (q) The Hawera District Pest Destruction Board; and
  - (r) The Patea District Pest Destruction Board; and
  - (s) Subject to Part VI of this order, the Taranaki Harbours Board; and
  - (t) The Wanganui United Council; and
  - (u) The South-West North Island Pest Destruction Board; and
  - (v) The Wanganui District Noxious Plants Authority; and
  - (w) The Tongariro United Council; and
  - (x) The Central North Island Pest Destruction Board; and
  - (y) The Taumarunui District Noxious Plants Authority,
- and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Taranaki Region" means the Taranaki Region in existence immediately before the coming into force of this clause of this order:

"Taranaki Region" means the Taranaki Region constituted by this order.

## 11 CONSTITUENCIES

- (1) The Taranaki Region is hereby divided into 4 constituencies.
- (2) Those 4 constituencies are:
  - (a) The New Plymouth Constituency, comprising the area

delineated on S.O. Plan No. 13044 deposited with the Chief Surveyor of the Taranaki Land District:

(b) The North Taranaki Constituency, comprising the area delineated on S.O. Plan No. 13045 deposited with the Chief Surveyor of the Taranaki Land District:

(c) The Stratford Constituency, comprising the area delineated on S.O. Plan No. 13046 deposited with the Chief Surveyor of the Taranaki Land District:

(d) The South Taranaki Constituency, comprising the area delineated on S.O. Plan No. 13047 deposited with the Chief Surveyor of the Taranaki Land District.

## 12 MEMBERSHIP

The Taranaki Regional Council shall consist of 11 members, of whom:

(a) Four members shall be elected by the electors of the New Plymouth Constituency; and

(b) Three members shall be elected by the electors of the North Taranaki Constituency; and

(c) One member shall be elected by the electors of the Stratford Constituency; and

(d) Three members shall be elected by the electors of the South Taranaki Constituency.

## 13 FIRST ELECTION

(1) For the purposes of the first election of the Taranaki Regional Council:

(a) The Returning Officer for the New Plymouth Constituency and the North Taranaki Constituency shall be the Returning Officer for the New Plymouth City; and

(b) The Returning Officer for the Stratford Constituency shall be the Returning Officer for the Stratford District; and

(c) The Returning Officer for the South Taranaki Constituency shall be the Returning Officer for the Hawera District.

(2) The first election of the Taranaki Regional Council shall be conducted by postal vote.

## 14 FIRST MEETING

(1) The principal administrative officer of the Taranaki Regional Council:

(a) Shall convene the first meeting of that Council; and

(b) Shall preside at the first meeting of that Council until the election of the Chairperson of that Council.

(2) The first meeting of the Taranaki Regional Council shall be held no later than the 14th day of November 1989.

## 15 CHIEF EXECUTIVE

(1) The Chief Executive of the Taranaki Regional Council shall be the person appointed to that position in accordance with clause 31 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Taranaki Regional Council.

## 16 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Taranaki Regional Council shall be:

(a) Except as otherwise provided in this order, the functions, duties, and powers of a regional council under—

(i) The Local Government Act 1974; and

(ii) The Urban Transport Act 1980; and

(iii) Any public Act relating to the Taranaki Regional Council or any of the former authorities and not expressly referred to in this clause; and

(iv) Any local Act relating to the Taranaki Regional Council or any of the former authorities; and

(b) The functions, duties, and powers in relation to regional

planning of a regional council under the Town and Country Planning Act 1977 or any other Act; and

(c) The functions, duties, and powers in relation to maritime planning of a maritime planning authority under the Town and Country Planning Act 1977 or any other Act; and

(d) The functions, duties, and powers of a catchment board and a regional water board under the Soil Conservation and Rivers Control Act 1941 and the Water and Soil Conservation Act 1967 or any other Act; and

(e) The functions, duties, and powers in relation to civil defence of a regional council under the Civil Defence Act 1983 or any other Act; and

(f) Except as otherwise provided in this order, the functions, duties, and powers of a harbour board under the Harbours Act 1950 and the Marine Pollution Act 1974 or any other Act; and

(g) The functions, duties, and powers of a pest destruction board under the Agricultural Pests Destruction Act 1967 or any other Act; and

(h) The functions, duties, and powers of a district noxious plants authority under the Noxious Plants Act 1978 or any other Act.

### 17 RURAL SERVICES COMMITTEE

(1) The Taranaki Regional Council shall, at least until the 1st day of November 1995, establish and maintain a Rural Services Committee.

(2) The Rural Services Committee shall be responsible for:

- (a) Agricultural pests destruction; and
- (b) Noxious plants control; and

(c) Any other functions considered by the Taranaki Regional Council to be of particular concern to the rural community.

(3) The persons appointed by the Taranaki Regional Council to the Rural Services Committee established under this clause shall include not less than 2 persons:

- (a) Who are not members of that Council; but
- (b) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

### 18 JOINT COMMITTEE

The Taranaki Regional Council shall, at least until the 1st day of November 1995, unite with the Waikato Regional Council, the Bay of Plenty Regional Council, the Hawke's Bay Regional Council and the Manawatu-Wanganui Regional Council in appointing a joint committee, comprising an equal number of representatives of those councils, for the purpose of:

(a) Co-ordinating planning for the control of those agricultural pests and noxious plants of particular concern in relation to their regions; and

(b) Co-ordinating action on such other matters as the Councils are jointly interested in.

### 19 REGIONAL LAND TRANSPORT COMMITTEE

(1) The Taranaki Regional Council shall establish and maintain a Regional Land Transport Committee.

(2) The Regional Land Transport Committee shall be responsible for:

(a) Regional roading within the region under Part XXII of the Local Government Act 1974; and

(b) Such transport or other roading responsibilities as may from time to time, pursuant to any Act, become a function of a regional council; and

(c) Such other functions as the Taranaki Regional Council considers appropriate.

### 20 HARBOUR COMMITTEE

(1) The Taranaki Regional Council shall, at least until the 1st day of November 1995, establish and maintain a Taranaki Harbour Committee.

(2) The Taranaki Harbour Committee shall be responsible for:

(a) Navigation and safety within those areas within harbour limits for which the Taranaki Regional Council is from time to time responsible; and

(b) Any other matter associated with the regulation of those areas other than maritime planning; and

(c) Such other functions as that Council considers appropriate.

(3) The persons appointed by the Taranaki Regional Council to the Taranaki Harbour Committee established under this clause shall include not less than 2 persons:

- (a) Who are not members of the Council; but
- (b) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

### 21 ADMINISTRATION HEADQUARTERS

Until the Taranaki Regional Council otherwise resolves, the administration headquarters of that Council shall be located in Stratford.

### 22 RATING

(1) Without limiting the powers of the Taranaki Regional Council under the Rating Powers Act 1988 to make and levy any rate under a different system of rating, the system of rating in the Taranaki Region shall be the capital value system.

(2) The Taranaki Regional Council shall exercise within the Taranaki Region or any part thereof:

(a) Any rating powers possessed by any former authority; and

(b) Any power to make and levy assessments relating to the functions and powers possessed by any former authority.

(3) Subject to subclause (7) of this clause, and until at least the 30th day of June 1992, all rates made by the Taranaki Regional Council shall be levied and collected by the constituent authorities of the Taranaki Region as if an agreement had been made under section 127(1) of the Rating Powers Act 1988.

(4) Where a rate to which subclause (3) of this clause applies has been made on a different rating system to that which applies in the district of the constituent authority by which the rate is to be collected, that rate shall be levied and collected by the constituent authority:

(a) On the system of rating in force in the district of the constituent authority; or

(b) On the system of rating upon which the rate was made by the Taranaki Regional Council.

(5) Where any rate to which subclause (3) of this clause applies is made by the Taranaki Regional Council in respect of an area of benefit, it shall be levied and collected by the constituent authority or authorities within which that area of benefit is located and, where appropriate, according to any graduated scale applying to that rate.

(6) Subject to subclause (7) of this clause, the Taranaki Regional Council shall, for the purpose of:

(a) Reimbursing each constituent authority for costs incurred in the levying and collecting of rates (including goods and services tax); and

(b) Paying reasonable remuneration for clerical and other work,

pay to each constituent authority an amount equal to 2 percent of the total amount of rates, including goods and services tax, collected by that constituent authority on behalf of that Council.

(7) The Taranaki Regional Council and the constituent authorities may, by unanimous agreement, resolve:

(a) That, at any time after the 1st day of July 1990, that Council shall levy and collect all or any rates directly; or



(b) That, at any time after the 1st day of July 1990, the amount payable by that Council to each constituent authority, pursuant to subclause (6) of this clause, may be increased or decreased or calculated in accordance with a formula not based upon a percentage.

### 23 REGIONAL PLANNING

(1) The Taranaki Regional Council shall not be required to prepare a new regional planning scheme immediately.

(2) The approved regional planning schemes and the proposed regional planning schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the approved, or as the case may be the proposed, regional planning scheme of the Taranaki Region.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its regional planning scheme or any change or variation thereof, then, subject to any resolution of the Taranaki Regional Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Taranaki Regional Council, and may be adopted and acted upon by it.

### 24 CIVIL DEFENCE

The operative regional civil defence plans of the former Taranaki Region, the Wanganui Region and the Tongariro Region shall continue in force in those areas included in the Taranaki Region until a new plan is approved for the whole region, in accordance with the Civil Defence Act 1983.

### 25 VESTING OF PROPERTY

(1) Except as otherwise provided in this order, all property, real and personal, vested in the corporation of any former authority and situated in the Taranaki Region is hereby vested in the corporation of the Taranaki Regional Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than those former authorities named in paragraphs (t) to (y) of clause 10 of this order, and situated in a region in which that former authority is not also a former authority is hereby vested in the corporation of the Taranaki Regional Council, subject to all existing encumbrances.

### 26 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Taranaki Regional Council by clause 25 of this order shall, unless the context otherwise requires, be read as a reference to "The Taranaki Regional Council".

### 27 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Taranaki Region.

(2) The local authorities to which this clause applies shall be:

- (a) The Taranaki United Council; and
- (b) The Taranaki Catchment Board and Regional Water Board; and
- (c) The Taranaki Harbours Board; and
- (d) The Egmont District Noxious Plants Authority; and
- (e) The Eltham District Noxious Plants Authority; and
- (f) The Hawera District Noxious Plants Authority; and
- (g) The North Taranaki District Noxious Plants Authority; and
- (h) The Taranaki County-New Plymouth District Noxious Plants Authority; and
- (i) The Patea District Noxious Plants Authority; and
- (j) The Stratford District Noxious Plants Authority; and

- (k) The Clifton County Pest Destruction Board; and
- (l) The North Taranaki District Pest Destruction Board; and
- (m) The Stratford District Pest Destruction Board; and
- (n) The Waimate Plains District Pest Destruction Board; and
- (o) The Eltham District Pest Destruction Board; and
- (p) The Inglewood District Pest Destruction Board; and
- (q) The Egmont County Pest Destruction Board; and
- (r) The Hawera District Pest Destruction Board; and
- (s) The Patea District Pest Destruction Board.

### 28 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Taranaki Region shall consist of:

(a) Three members appointed by the Taranaki Catchment Board and Regional Water Board; and

(b) Three members appointed by the Taranaki United Council; and

(c) One member appointed by the Taranaki Harbours Board; and

(d) One member appointed jointly by the district noxious plants authorities and the pest destruction boards named in paragraphs (d) to (s) of clause 27(2) of this order;

(e) One officer appointed by each local authority named in paragraphs (a) to (c) of clause 27(2) who shall be non-voting members of the transitional committee; and

(f) One officer appointed jointly by the district noxious plants authorities and pest destruction boards named in paragraphs (d) to (s) of clause 27(2) of this order, who shall be a non-voting member of the transitional committee; and

(g) The Chief Executive designate, when appointed in accordance with clause 31 of this order, who shall be a non-voting member of the transitional committee; and

(h) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 27(2) of this order, who shall be a non-voting member of the transitional committee.

### 29 NO CASTING VOTE

The Chairperson of the transitional committee for the Taranaki Region or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

### 30 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Taranaki Region may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 31 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Taranaki Region shall appoint a person to be the Chief Executive of the Taranaki Regional Council.

### 32 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Taranaki Region shall be the Taranaki Catchment Board and Regional Water Board.

### 33 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Taranaki Region (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 27(2) of this order on the following basis:

- (a) The Taranaki Catchment Board and Regional Water Board shall pay three eighths; and

(b) The Taranaki United Council shall pay three eighths; and

(c) The Taranaki Harbours Board shall pay one eighth; and

(d) The district noxious plants authorities and pest destruction boards to which this clause applies shall jointly pay one eighth.

### 34 DELEGATION OF SERVICE DELIVERY

The transitional committee for the Taranaki Region shall meet with:

(a) Each of the other transitional committees specified in this order; and

(b) The Stratford District Council,

for the purpose of considering the most appropriate arrangements for the physical delivery of services relating to the functions allocated to the Taranaki Regional Council by this order.

## PART III

### *New Plymouth District*

### 35 CONSTITUTION OF NEW PLYMOUTH DISTRICT

There is hereby constituted a district, to be known as "The New Plymouth District", which shall comprise the area delineated on S. O. Plan No. 13049 deposited with the Chief Surveyor of the Taranaki Land District.

### 36 NEW PLYMOUTH DISTRICT COUNCIL

A territorial authority, to be known as "The New Plymouth District Council", is hereby constituted for the New Plymouth District.

### 37 INTERPRETATION

In this Part of this order, "the former authorities" means:

(a) The New Plymouth City Council; and

(b) The North Taranaki District Council; and

(c) The Inglewood District Council; and

(d) The Clifton County Council; and

(e) The Pukearuhe Domain Board; and

(f) The Huirangi Domain Board; and

(g) The Okato Domain Board; and

(h) The Upper Mangorei Domain Board; and

(i) Subject to Part VI of this order, the Taranaki Harbours Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

### 38 WARDS

(1) The New Plymouth District is hereby divided into 8 wards:

(2) Those 8 wards are:

(a) The Clifton Ward, comprising the area delineated on S.O. Plan No. 13050 deposited with the Chief Surveyor of the Taranaki Land District:

(b) The Waitara Ward, comprising the area delineated on S.O. Plan No. 13051 deposited with the Chief Surveyor of the Taranaki Land District:

(c) The Bell Block Ward, comprising the area delineated on S.O. Plan No. 13052 deposited with the Chief Surveyor of the Taranaki Land District:

(d) The New Plymouth East Ward, comprising the area delineated on S.O. Plan No. 13053 deposited with the Chief Surveyor of the Taranaki Land District:

(e) The New Plymouth Central Ward, comprising the area delineated on S.O. Plan No. 13054 deposited with the Chief Surveyor of the Taranaki Land District:

(f) The New Plymouth West Ward, comprising the area

delineated on S.O. Plan No. 13055 deposited with the Chief Surveyor of the Taranaki Land District:

(g) The Inglewood Ward, comprising the area delineated on S.O. Plan No. 13056 deposited with the Chief Surveyor of the Taranaki Land District:

(h) The Okato Ward, comprising the area delineated on S.O. Plan No. 13057 deposited with the Chief Surveyor of the Taranaki Land District.

### 39 MEMBERSHIP

(1) The New Plymouth District Council shall consist of a Mayor and 16 members.

(2) The members of the New Plymouth District Council to be elected at the first election of that Council shall be elected as follows:

(a) One member shall be elected by the electors of the Clifton Ward; and

(b) Two members shall be elected by the electors of the Waitara Ward; and

(c) Two members shall be elected by the electors of the Bell Block Ward; and

(d) Two members shall be elected by the electors of the New Plymouth East Ward; and

(e) Three members shall be elected by the electors of the New Plymouth Central Ward; and

(f) Three members shall be elected by the electors of the New Plymouth West Ward; and

(g) Two members shall be elected by the electors of the Inglewood Ward; and

(h) One member shall be elected by the electors of the Okato Ward.

### 40 FIRST ELECTION

(1) For the purposes of the first election of the New Plymouth District Council, the Returning Officer and the principal administrative officer for the New Plymouth District shall be, respectively, the Returning Officer and the principal administrative officer for the New Plymouth City.

(2) The first election of the New Plymouth District Council shall be conducted by postal vote.

### 41 FIRST MEETING

The first meeting of the New Plymouth District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 42 CHIEF EXECUTIVE

(1) The Chief Executive of the New Plymouth District Council shall be the person appointed to that position in accordance with clause 56 of this order.

(2) The Chief Executive shall be the principal administrative officer of the New Plymouth District Council.

### 43 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the New Plymouth District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the New Plymouth District Council or any of the former authorities; and

(iii) Any local Act relating to the New Plymouth District Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the provision and maintenance of those marinas,

wharves, jetties, boat ramps, and other harbour facilities formerly the responsibility of the Taranaki Harbours Board and transferred to the New Plymouth District Council by Part VI of this order; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of those reserves being administered by the former authorities immediately before the date of commencement of this clause.

#### 44 ADMINISTRATION HEADQUARTERS

The administration headquarters of the New Plymouth District Council shall be located in New Plymouth.

#### 45 SERVICE DELIVERY CENTRES

The New Plymouth District Council shall, at least until the 1st day of November 1995, establish and maintain service delivery centres, in

- (a) Inglewood; and
- (b) Waitara; and
- (c) Oakura,

in accordance with the provisions of the Third Schedule to this order.

#### 46 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

- (a) The area of the Okato Ward, to be known as "The Okato Community"; and
- (b) The area of the Inglewood Ward, to be known as "The Inglewood Community"; and
- (c) The area of the Waitara Ward, to be known as "The Waitara Community"; and
- (d) The area of the Clifton Ward, to be known as "The Clifton Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

- (a) Six members elected by the electors of the community; and
- (b) The persons elected from time to time as members of the New Plymouth District Council, representing the ward comprising the area of the community, and appointed by the New Plymouth District Council to the community board.

(3) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the New Plymouth City.

(4) The first election for the community boards for those communities constituted by this clause shall be conducted by postal vote.

#### 47 RATING

(1) The system of rating in the New Plymouth District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the New Plymouth District, Part XIV of the Rating Powers Act 1988 shall apply as if the New Plymouth District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

#### 48 TOWN AND COUNTRY PLANNING

(1) The New Plymouth District Council shall not be required to prepare a new district scheme, immediately, for the New Plymouth District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the New Plymouth District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the New Plymouth District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the New Plymouth District Council and may be adopted and acted upon by it.

(4) Where before the date of commencement of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the New Plymouth District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the New Plymouth District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the New Plymouth District Council or, as the case may require, a committee or delegate thereof.

#### 49 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the New Plymouth District until a new plan is approved for the New Plymouth District, in accordance with the Civil Defence Act 1983.

#### 50 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the New Plymouth District is hereby vested in the corporation of the New Plymouth District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the New Plymouth District Council, subject to all existing encumbrances.

#### 51 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the New Plymouth District Council by clause 50 of this order shall, unless the context otherwise requires, be read as a reference to "The New Plymouth District Council".

#### 52 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the New Plymouth District.

- (2) The local authorities to which this clause applies shall be:
- (a) The New Plymouth City Council; and
  - (b) The North Taranaki District Council; and
  - (c) The Inglewood District Council; and
  - (d) The Clifton County Council.

#### 53 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the New Plymouth District shall consist of:

- (a) Three members appointed by the New Plymouth City Council; and

(b) Two members appointed by the North Taranaki District Council; and

(c) One member appointed by the Inglewood District Council; and

(d) One member appointed by the Clifton County Council; and

(e) One officer appointed by each local authority named in clause 52(2) of this order, who shall be non-voting members of the transitional committee; and

(f) The Chief Executive designate, when appointed in accordance with clause 56 of this order, who shall be a non-voting member of the transitional committee; and

(g) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 52(2) of this order, who shall be a non-voting member of the transitional committee.

#### 54 NO CASTING VOTE

The Chairperson of the transitional committee for the New Plymouth District or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

#### 55 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the New Plymouth District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

#### 56 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the New Plymouth District shall appoint a person to be the Chief Executive of the New Plymouth District Council.

#### 57 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the New Plymouth District shall be the New Plymouth City Council.

#### 58 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the New Plymouth District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 52(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the 31st day of March 1988) of:

(i) The district of that local authority; or

(ii) Those parts of the district of that local authority to be included in the New Plymouth District,

as the case may be, bears to the total of the populations (as at that date) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the New Plymouth District.

#### 59 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The transitional committee for the New Plymouth District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the New Plymouth District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the New Plymouth District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the New Plymouth District Council that it establish such a committee or committees of management.

### PART IV

#### Stratford District

#### 60 CONSTITUTION OF STRATFORD DISTRICT

There is hereby constituted a district, to be known as "The Stratford District", which shall comprise the area delineated on S. O. Plan No. 13058 deposited with the Chief Surveyor of the Taranaki Land District.

#### 61 STRATFORD DISTRICT COUNCIL

A territorial authority, to be known as "The Stratford District Council", is hereby constituted for the Stratford District.

#### 62 INTERPRETATION

In this Part of this order:

"The former authorities" means—

(a) The former Stratford District Council; and

(b) The Tamarunui County,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Stratford District" means the Stratford District in existence immediately before the coming into force of this clause of this order:

"Former Stratford District Council" means the Stratford District Council in existence immediately before the coming into force of this clause of this order:

"Stratford District" means the Stratford District constituted by this order:

"Stratford District Council" means the Stratford District Council constituted by this order.

#### 63 WARDS

(1) The Stratford District is hereby divided into 4 wards:

(2) Those 4 wards are:

(a) The Eastern Ward, comprising the area delineated on S.O. Plan No. 13059 deposited with the Chief Surveyor of the Taranaki Land District:

(b) The Central Ward, comprising the area delineated on S.O. Plan No. 13060 deposited with the Chief Surveyor of the Taranaki Land District:

(c) The Stratford Ward, comprising the area delineated on S.O. Plan No. 13061 deposited with the Chief Surveyor of the Taranaki Land District:

(d) The Western Ward, comprising the area delineated on S.O. Plan No. 13062 deposited with the Chief Surveyor of the Taranaki Land District.

#### 64 MEMBERSHIP

(1) The Stratford District Council shall consist of a Mayor and 12 members.

(2) Subject to the provisions of the Local Elections and Polls Act 1976 and the Local Government Act 1974, the mayor and those members of the former Stratford District Council who were first elected on the 28th day of March 1989 to represent:

(a) The Eastern Ward; and

(b) The Central Ward; and

(c) The Stratford Ward; and

(d) The Western Ward,

shall continue in office until the triennial general election of members of local authorities to be conducted in October 1992.

**65 FIRST MEETING**

The first meeting of the Stratford District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

**66 CHIEF EXECUTIVE**

(1) The Chief Executive of the Stratford District Council shall be the person holding the position of Chief Executive of the former Stratford District Council immediately before the date of commencement of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Stratford District Council.

**67 FUNCTIONS, DUTIES, AND POWERS**

The functions, duties, and powers of the Stratford District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Stratford District Council or any of the former authorities; and

(iii) Any local Act relating to the Stratford District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of those reserves being administered by the former authorities immediately before the date of commencement of this clause.

**68 ADMINISTRATION HEADQUARTERS**

The administration headquarters of the Stratford District Council shall be located in Stratford.

**69 RATING**

(1) The system of rating in the Stratford District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Stratford District, Part XIV of the Rating Powers Act 1988 shall apply as if the Stratford District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

**70 TOWN AND COUNTRY PLANNING**

(1) The Stratford District Council shall not be required to prepare a new district scheme, immediately, for the Stratford District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Stratford District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Stratford District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Stratford District Council and may be adopted and acted upon by it.

(4) Where before the date of commencement of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Stratford District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed

of by that former authority and either the time for any appeal against such decision had not expired or notice of such appeal had been given, any such appeal shall be deemed to be against the Stratford District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Stratford District Council or, as the case may require, a committee or delegate thereof.

**71 CIVIL DEFENCE**

The operative local civil defence plan for the districts of the former authorities shall continue in force in the respective parts of the Stratford District until a new plan is approved for the Stratford District, in accordance with the Civil Defence Act 1983.

**72 VESTING OF PROPERTY**

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Stratford District is hereby vested in the corporation of the Stratford District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of the former Stratford District Council and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Stratford District Council.

**73 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Stratford District Council by clause 72 of this order shall, unless the context otherwise requires, be read as a reference to "The Stratford District Council".

**PART V*****South Taranaki District*****74 CONSTITUTION OF SOUTH TARANAKI DISTRICT**

There is hereby constituted a district, to be known as "The South Taranaki District", which shall comprise the area delineated on S.O. Plan No. 13063 deposited with the Chief Surveyor of the Taranaki Land District.

**75 SOUTH TARANAKI DISTRICT COUNCIL**

A territorial authority, to be known as "The South Taranaki District Council", is hereby constituted for the South Taranaki District.

**76 INTERPRETATION**

In this Part of this order, "the former authorities" means:

(a) The Egmont County Council; and

(b) The Waimate Plains District Council; and

(c) The Hawera District Council; and

(d) The Patea District Council; and

(e) The Eltham District Council; and

(f) The Wanganui County Council; and

(g) The Eltham Drainage Board; and

(h) The North Taranaki District Council; and

(i) In respect of the Patea Harbour and subject to Part VI of this order, the Taranaki Harbours Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

**77 WARDS**

(1) The South Taranaki District is hereby divided into 5 wards:

(2) Those 5 wards are:

(a) The Egmont Plains Ward, comprising the area delineated on S.O. Plan No. 13064 deposited with the Chief Surveyor of the Taranaki Land District:

(b) The Eltham Ward, comprising the area delineated on S.O. Plan No. 13065 deposited with the Chief Surveyor of the Taranaki Land District:

(c) The Tangahoe Ward, comprising the area delineated on S.O. Plan No. 13067 deposited with the Chief Surveyor of the Taranaki Land District:

(d) The Hawera Ward, comprising the area delineated on S.O. Plan No. 13066 deposited with the Chief Surveyor of the Taranaki Land District:

(e) The Patea Ward, comprising the area delineated on S.O. Plan No. 13068 deposited with the Chief Surveyor of the Taranaki Land District.

## 78 MEMBERSHIP

(1) The South Taranaki District Council shall consist of a Mayor and 12 members.

(2) The members of the South Taranaki District Council to be elected at the first election of that Council shall be elected as follows:

(a) Three members shall be elected by the electors of the Egmont Plains Ward; and

(b) Two members shall be elected by the electors of the Eltham Ward; and

(c) Two members shall be elected by the electors of the Tangahoe Ward; and

(d) Three members shall be elected by the electors of the Hawera Ward; and

(e) Two members shall be elected by the electors of the Patea Ward.

## 79 FIRST ELECTION

(1) For the purposes of the first election of the South Taranaki District Council, the Returning Officer and the principal administrative officer for the South Taranaki District shall be, respectively, the Returning Officer and the principal administrative officer for the Hawera District.

(2) The first election of the South Taranaki District Council shall be conducted by postal vote.

## 80 FIRST MEETING

The first meeting of the South Taranaki District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

## 81 CHIEF EXECUTIVE

(1) The Chief Executive of the South Taranaki District Council shall be the person appointed to that position in accordance with clause 97 of this order.

(2) The Chief Executive shall be the principal administrative officer of the South Taranaki District Council.

## 82 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the South Taranaki District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the South Taranaki District Council or any of the former authorities; and

(iii) Any local Act relating to the South Taranaki District Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the provision and maintenance of those marinas,

wharves, jetties, boatramps, and other harbour facilities, formerly the responsibility of the Taranaki Harbours Board and transferred to the South Taranaki District Council by Part VI of this order, in respect of the Patea Harbour; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of those reserves being administered by the former authorities immediately before the date of commencement of this clause.

## 83 ELTHAM DRAINAGE AREA

The area of the former Eltham Drainage District is hereby deemed to be a drainage area constituted under section 504 of the Local Government Act 1974 to be known as "The Eltham Drainage Area".

## 84 ELTHAM DRAINAGE COMMITTEE

(1) The South Taranaki District Council shall establish and maintain a committee to be known as "The Eltham Drainage Committee".

(2) The functions of the Eltham Drainage Committee shall be:

(a) To express the views of the ratepayers of the Eltham Drainage Area to the South Taranaki District Council; and

(b) To perform such functions and exercise such powers, in respect of the Eltham Drainage Area, as may from time to time be delegated to it by the South Taranaki District Council.

(3) The persons appointed by the South Taranaki District Council to the Eltham Drainage Committee established under subclause (1) of this clause shall consist of:

(a) Three members of the South Taranaki District Council; and

(b) At least one member of the Stratford District Council; and

(c) Four persons appointed by the South Taranaki District Council—

(i) Who are ratepayers in respect of the Eltham Drainage Area; and

(ii) Who are not members of that Council; but

(iii) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

## 85 ADMINISTRATION HEADQUARTERS

The administration headquarters of the South Taranaki District Council shall be located in Hawera.

## 86 SERVICE DELIVERY CENTRES

The South Taranaki District Council shall, at least until the 1st day of November 1995, establish and maintain service delivery centres, in:

(a) Patea; and

(b) Eltham; and

(c) Opunake; and

(d) Manaia,

in accordance with the provisions of the Third Schedule to this order.

## 87 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Patea Ward, to be known as "The Patea Community"; and

(b) The area of the Eltham Ward, to be known as "The Eltham Community"; and

(c) The area of the Egmont Plains Ward, to be known as "The Egmont Plains Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) Four persons elected from time to time as members of the South Taranaki District Council, representing the ward comprising the area of the community, and appointed by the South Taranaki District Council to the community board.

(3) There shall be constituted a community for the area of the Hawera Ward and the Tangahoe Ward, to be known as "The Hawera Community".

(4) The community board for the Hawera Community shall consist of:

(a) Four members elected by the electors of the Hawera Ward and two members elected by the electors of the Tangahoe Ward; and

(b) Four persons elected, from time to time, as members of the South Taranaki District Council representing the Hawera Ward and the Tangahoe Ward, comprising the area of the community, and appointed by the South Taranaki District Council to the community board.

(5) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Hawera District.

(6) The first election for the community boards for those communities constituted by this clause shall be conducted by postal vote.

## 88 RATING

(1) The system of rating in the South Taranaki District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the South Taranaki District, Part XIV of the Rating Powers Act 1988 shall apply as if the South Taranaki District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

(3) Subject to section 103 of the Rating Powers Act 1988, until the 30th day of June 1994 the capital value rating system shall apply in:

(a) the area of the former county of Waimate West as existing prior to its abolition by the Waimate West County-Manaia Town District Union Order 1987; and

(b) the area of the Patea Rural Division of the former Patea District as defined in the Patea Borough—Patea County-Waverley Town District Union Order 1987; and

(c) the area of the Ohangai and Okaiawa Wards of the former Hawera District; and

(d) the area of the Kaponga Ward of the former Eltham District Council; and

(e) that part of the former Wanganui County to be included within the South Taranaki District.

## 89 TOWN AND COUNTRY PLANNING

(1) The South Taranaki District Council shall not be required to prepare a new district scheme, immediately, for the South Taranaki District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the South Taranaki District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the South Taranaki District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the South Taranaki District Council and may be adopted and acted upon by it.

(4) Where before the date of commencement of this clause any application had been made to any former authority by any

person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the South Taranaki District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of such appeal had been given, any such appeal shall be deemed to be against the South Taranaki District Council; or

(c) Such application had been either partly or fully heard or considered by the former authority but no decision thereon had been given, the application shall be heard or considered again by the South Taranaki District Council or, as the case may require, a committee or delegate thereof.

## 90 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the South Taranaki District until a new plan is approved for the South Taranaki District, in accordance with the Civil Defence Act 1983.

## 91 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the South Taranaki District is hereby vested in the corporation of the South Taranaki District Council, subject to all existing encumbrances.

(2) Except as otherwise provided in this order, all property, real and personal, vested in the corporation of any former authority, other than the North Taranaki District Council and the Wanganui County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the South Taranaki District Council, subject to all existing encumbrances.

## 92 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the South Taranaki District Council by clause 91 of this order shall, unless the context otherwise requires, be read as a reference to "The South Taranaki District Council".

## 93 TRANSITIONAL COMMITTEE

(1) The local authorities listed in subclause (2) of this clause shall unite in appointing a transitional committee for the South Taranaki District.

(2) The local authorities to which this clause applies shall be:

(a) the Hawera District Council; and

(b) the Patea District Council; and

(c) the Eltham District Council; and

(d) the Waimate Plains District Council; and

(e) the Egmont County Council; and

(f) the Wanganui County Council.

## 94 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the South Taranaki District shall consist of:

(a) Four members appointed by the Hawera District Council; and

(b) Two members appointed by the Patea District Council; and

(c) Two members appointed by the Eltham District Council; and



(d) Two members appointed by the Waimate Plains District Council; and

(e) Two members appointed by the Egmont County Council; and

(f) One member appointed by the Wanganui County Council who shall be a non-voting member of the transitional committee; and

(g) One officer appointed by each local authority named in paragraphs (a) to (e) of clause 93(2) of this order, who shall be non-voting members of the transitional committee; and

(h) The Chief Executive designate, when appointed in accordance with clause 97 of this order, who shall be a non-voting member of the transitional committee; and

(i) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 93(2) of this order, who shall be a non-voting member of the transitional committee.

### 95 NO CASTING VOTE

The Chairperson of the transitional committee for the South Taranaki District or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

### 96 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the South Taranaki District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 97 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the South Taranaki District shall appoint a person to be the Chief Executive of the South Taranaki District Council.

### 98 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the South Taranaki District shall be the Hawera District Council.

### 99 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the South Taranaki District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in paragraphs (a) to (e) of clause 93(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

(i) The district of that local authority; or

(ii) Those parts of the district of that local authority to be included in the South Taranaki District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the South Taranaki District.

## PART VI

### *Taranaki Harbours Board*

### 100 VESTING OF PROPERTY

(1) This clause shall apply to that property, real and personal,

vested in the Taranaki Harbours Board as at the 31st day of October 1989.

(2) Subject to subclauses (6), (8), (9) and (10) of this clause, all property:

(a) Which is vested in the Taranaki Harbours Board as at the 31st day of October 1989; and

(b) Which is situated within the area of the New Plymouth District or the South Taranaki District constituted by this order; and

(c) Which—

(i) Is a reserve under the Reserves Act 1977; or

(ii) Is principally used for recreational purposes, whether or not it is a reserve under the Reserves Act 1977; or

(iii) Is a marina, wharf, jetty, boat ramp or other harbour facility, used principally for recreational purposes; or

(iv) Is an item of plant or equipment used principally in association with the maintenance, use or operation of the facilities referred to in subparagraphs (i) or (ii) or (iii) of this paragraph, or,

is hereby vested in the New Plymouth District Council or, as the case may be, the South Taranaki District Council for the purpose for which it is so reserved, or, where there is no such purpose, for the purposes of any function transferred by this order to the New Plymouth District Council or the South Taranaki District Council.

(3) Subject to subclauses (6), (8), (9), and (10) of this clause, all that property which is vested in the Taranaki Harbours Board as at the 31st day of October 1989 which is situated in the New Plymouth District or the South Taranaki District as constituted by this order, and which is adjacent to any harbour or the sea, is hereby vested in the New Plymouth District Council or, as the case may be, the South Taranaki District Council.

(4) Where there is any dispute over whether any property comes within a category of property referred to in this clause, the matter shall be referred to the Local Government Commission for determination.

(5) Subject to subclauses (8) to (10) of this clause, any property which is vested in the Taranaki Harbours Board as at the 31st day of October 1989 and which does not come within a category of property referred to in subclause (2) or subclause (3) of this clause is hereby vested in the Taranaki Regional Council.

(6) Notwithstanding anything in subclauses (2) and (3) of this clause, but subject to subclauses (9) and (10) of this clause, any land which is vested in the Taranaki Harbours Board as at the 31st day of October 1989 and which is below the mean high water mark is hereby vested in the Taranaki Regional Council.

(7) For the purposes of this clause, any property which is fixed to, or under or over, any land which is below the mean high water mark, and which is used for, or in conjunction with, any purpose referred to in subclause (2) of this clause, and which is situated within the New Plymouth District as constituted by this order is hereby transferred to the the New Plymouth District Council, whether or not any interest in the land is also transferred.

(8) Without limiting the provisions of subclauses (2), (3), (5) and (6) of this clause, but subject to subclauses (9) and (10) of this clause, that property described in the Fourth Schedule to this order shall vest without cost in the New Plymouth District Council.

(9) If any of the land specified in the Fourth Schedule to this order is, between the 9th day of June 1989 and the 31st day of October 1989, allocated to Westgate Transport Port Taranaki Limited pursuant to an approved port company plan within the meaning of the Port Companies Act 1988 then,



notwithstanding subclause (8) of this clause, that land shall not vest in the New Plymouth District Council.

(10) Notwithstanding anything in this clause, if, after the 31st day of October 1989:

(a) The Minister of Transport approves a port company plan within the meaning of the Port Companies Act 1988 pursuant to which any of the property, real or personal, identified in this clause is liable to be transferred to the Westgate Transport Port Taranaki Limited, the local authority which has received that property pursuant to this clause, shall transfer such property to the Westgate Transport Port Taranaki Limited at the cost of that company, subject to any appropriate adjustment for incomings and outgoings in relation to such property for the period beginning on the 1st day of November 1989 and ending on the date of the transfer of the property to the Westgate Transport Port Taranaki Limited; or

(b) Any approved port company plan is cancelled, withdrawn, re-issued or in any way altered and, as a result, property is deemed to be returned to the ownership (notional or otherwise) of the Taranaki Harbours Board that property shall be allocated under this order as if the property had been owned by the Taranaki Harbours Board on the 31st day of October 1989.

### 101 TITLE TO PROPERTY

Any reference, express or implied, to the Taranaki Harbours Board in any instrument or other document whatsoever, or in any entry or record made in any register in relation to any property whatsoever vested in any local authority by this order shall, unless the context otherwise requires, be read as a reference to that local authority.

### 102 WESTGATE TRANSPORT PORT TARANAKI LIMITED

All those shares in the Westgate Transport Port Taranaki Limited that are held by the Taranaki Harbours Board as at the 31st day of October 1989 are hereby vested in the Taranaki Regional Council.

### 103 LIABILITIES IN RESPECT OF PORT RELATED COMMERCIAL UNDERTAKINGS

(1) All those liabilities of the Taranaki Harbours Board as determined under section 29 of the Port Companies Act 1988 shall become liabilities of the Taranaki Regional Council.

(2) All those debt securities issued by the Westgate Transport Port Taranaki Limited to the Taranaki Harbours Board under section 29 of the Port Companies Act 1988 are hereby transferred to the Taranaki Regional Council.

### 104 RESIDUAL ASSETS AND LIABILITIES

All the assets and liabilities of the Taranaki Harbours Board as at the close of the 31st day of October 1989 for which provision for vesting is not otherwise made in this order are declared to be assets and liabilities of the Taranaki Regional Council.

## PART VII

### General

### 105 TRANSFER OF RESPONSIBILITIES

(1) Except as otherwise provided in this order, a local authority constituted by this order shall, in respect of the district of that local authority:

(a) Have and may exercise and be responsible for all the powers, duties, acts of authority and functions which were previously exercised, or which could have been so exercised, by the former authorities had they not been dissolved; and

(b) 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 former authorities had they not been dissolved; and

(c) 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 former authorities had they not been dissolved; and

(d) Succeed to the bylaws which are in force in the districts of the former authorities. Until revoked or altered by the newly constituted local authority each such bylaw shall remain in force in the area to which it applied immediately before the constitution of the district, and every bylaw which cannot be restricted to that area shall be deemed inapplicable and revoked by the dissolution of the former authorities; and

(e) Succeed to all rates and levies, and other money payable to the former authorities, had they not been dissolved; and

(f) Succeed to the valuation rolls and rate records in force in the districts of the former authorities. These shall remain in force in the district of the newly constituted local authority until new valuation rolls are made by that local authority.

(2) The Mayor or Chairperson of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the Mayors and Chairmen of the former authorities.

(3) The principal administrative officer of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the principal administrative officers of the former authorities.

### 106 CREDITORS

Subject to section 37F of the Local Government Act 1974, the rights or interests of creditors of the former authorities shall not be affected by this order.

### 107 LOCAL AUTHORITIES PETROLEUM TAX

For the purposes of Part XI of the Local Government Act 1974, the local authorities constituted by this order shall be successors to the former authorities.

### 108 SPECIAL FUNDS

(1) The special funds of the former authorities shall:

(a) Be expended only for the purposes for which they were set aside; and

(b) Except for any plant renewal fund, be expended for the benefit of the area in which they originated and, after provision has been made for all liabilities, any money required to be paid into any such fund, to meet any deficit, shall be found from within that area.

(2) After the 1st day of November 1996, the local authorities constituted by this order:

(a) Shall review any special fund provided for in subclause (1) of this clause; and

(b) May resolve that from a date to be determined by the council, such special fund may be applied for such other purpose or purposes as the council considers appropriate.

(3) Notwithstanding subclause (2) of this clause, the local authorities constituted by this order may at any time before the 1st day of November 1996, with the approval of the Local Government Commission, resolve to vary the use of any special funds.

(4) All funds held by the administering authorities of reserves under the Reserves Act 1977 shall be deemed to be special funds for the purposes of this clause.

(5) All funds held by the former Eltham Drainage Board shall be deemed to be a special fund of the South Taranaki District Council.

### 109 LOANS

Any rate made and levied to meet the annual charges in respect of any loan secured over the district of any of the

former authorities shall continue to be made and levied on the same basis as applied before the 1st day of November 1989:

Provided that the local authorities constituted by this order may at any time before the 1st day of November 1996 review the basis upon which any such rate is made and levied and may, with the approval of the Local Government Commission, resolve to vary such basis.

### 110 ASSETS AND LIABILITIES

The provisions of section 60 of the Local Government Amendment Act (No. 2) 1989 shall apply in relation to the apportionment of the assets and liabilities of the former authorities, as defined in Parts II to V of this order, as if this order did not make provision for the apportionment of those assets and liabilities:

Provided that there shall be no apportionment of the assets and liabilities of the Taranaki Harbours Board pursuant to this clause.

### 111 LOAN LIABILITIES

Subject to section 37F(2) of the Local Government Act 1974, all loan liabilities existing immediately before the 1st day of November 1989, shall continue to be secured against the area over which they were secured at that date.

### 112 RESIDUAL AUTHORITIES

In the case of a former authority listed in the Fifth Schedule to this order, the local authority that shall be responsible for:

(a) The preparation of the annual financial statement for that former authority for the financial year commencing on the 1st day of April 1989 and for any earlier financial years for which an annual financial statement has not been prepared or, in the case of the Taranaki Harbours Board, for the financial year commencing on the 1st day of October 1989 and for any earlier financial years for which an annual financial statement has not been prepared; and

(b) The documents (as defined in section 248 of the Local Government Act 1974) and local archives (as so defined) of that former authority, other than those documents or local archives relating to a specified area or function,

shall be the local authority designated in that Schedule as a residual authority in relation to that former authority.

### 113 CONDUCT OF AFFAIRS

The provisions of section 223C of the Local Government Act 1974 relating to the conduct of affairs of local authorities and community boards applies to the local authorities and community boards constituted by this order.

## SCHEDULES

### First Schedule

#### PART I

#### *Local Authorities Dissolved and Districts Abolished*

Local Authorities	Districts
Taranaki United Council	Taranaki Region
Taranaki Catchment Board and Regional Water Board	Taranaki Catchment District
Taranaki Harbours Board	Taranaki Harbours District
New Plymouth City Council	New Plymouth City
North Taranaki District Council	North Taranaki District
Inglewood District Council	Inglewood District
Clifton County Council	Clifton County
Eltham District Council	Eltham District
Stratford District Council	Stratford District
Egmont County Council	Egmont County
Waimate Plains District Council	Waimate Plains District
Hawera District Council	Hawera District

Local Authorities	Districts
Patea District Council	Patea District
Eltham Drainage Board	Eltham Drainage District

#### PART II

#### *Local Authorities Dissolved*

Egmont District Noxious Plants Authority  
 Eltham District Noxious Plants Authority  
 Hawera District Noxious Plants Authority  
 North Taranaki District Noxious Plants Authority  
 Taranaki County-New Plymouth District Noxious Plants Authority  
 Patea District Noxious Plants Authority  
 Stratford District Noxious Plants Authority  
 Clifton County Pest Destruction Board  
 North Taranaki District Pest Destruction Board  
 Stratford District Pest Destruction Board  
 Waimate Plains District Pest Destruction Board  
 Eltham District Pest Destruction Board  
 Inglewood District Pest Destruction Board  
 Egmont County Pest Destruction Board  
 Hawera District Pest Destruction Board  
 Patea District Pest Destruction Board  
 Pukearuhe Domain Board  
 Okato Domain Board  
 Upper Mangorei Domain Board  
 Huirangi Domain Board

#### Second Schedule

#### *Community Councils Dissolved and Communities Abolished*

Community Councils	Communities
Urenui Community Council	Urenui Community
Oakura Community Council	Oakura Community
Midhurst Community Council	Midhurst Community
Kaponga Community Council	Kaponga Community
Normanby Community Council	Normanby Community
Waitotara Community Council	Waitotara Community

#### Third Schedule

#### *Service Delivery Centres*

A service delivery centre shall provide services not less than those required for:

- the payment of money due to the council; and
- the provision of information relating to rates and other accounts due to the council; and
- the provision of information relating to the district planning scheme, bylaws or information otherwise necessary for the preparation of town planning applications, and permit applications; and
- the provision of information relating to community development and recreation; and
- the making of rates rebate applications; and
- the making of applications for housing accommodation; and
- the registration of dogs; and
- such other purposes as the council considers appropriate.

#### Fourth Schedule

#### *Land To Be Vested In The New Plymouth District Council*

Description	Certificate of Title (Taranaki Registry)	Residual Authority	Former Authority
Lots 9 to 15, 18, 19, 21, 22, 25, and 32 to 38, & Part Lot 24, D.P. 578	114/58, 114/59, 116/183, Part 112/607 & H2607	Stratford District Council Taranaki Regional Council	Stratford District Council Clifton County Pest Destruction Board
Lots 1 to 3, D.P. 4787 & Lots 1 to 4 & 6 to 8, D.P. 6567	162/173	Taranaki Regional Council	Stratford District Pest Destruction Board
Lot 1, D.P. 4853	198/33	Taranaki Regional Council	Stratford District Noxious Plants Authority
Moturoa Island & Whareumu (Lion Rock), M.D. 4970	102/148	Taranaki Regional Council	Taranaki Harbours Board Taranaki United Council
			North Taranaki District Noxious Plants Authority

**Fifth Schedule****Residual Authorities**

Residual Authority	Former Authority
New Plymouth District Council	North Taranaki District Council

C. J. HILL, Acting for Clerk of the Executive Council.

(I.A. 104/131)

The Local Government (Waikato Region) Reorganisation Order 1989

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 9th day of June 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to section 36 of 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.

**Analysis**

- |   |  |
|---|--|
| 1 Title and commencement  | 32 Obligation of transitional committee to appoint chief executive |
| 2 Elections   | 33 Principal local authority                                       |
| 3 Communities   | 34 Costs of transitional committee                                 |
| <b>PART I</b>   | 35 Delegation of service delivery                                  |
| <i>Waikato Region</i>   | <b>PART III</b>  |
| 4 Constitution of Waikato Region  | <i>Hamilton City</i>   |
| 5 Constituent authorities   | 36 Constitution of Hamilton City                                   |
| 6 Dissolution of existing local authorities and abolition of existing districts                           | 37 Hamilton City Council   |
| 7 References to former authority  | 38 Interpretation  |
| 8 Dissolution of existing district community councils and community councils and abolition of communities | 39 Wards   |
| <b>PART II</b>  | 40 Membership  |
| <i>Waikato Regional Council</i>   | 41 First election  |
| 9 Waikato Regional Council  | 42 First meeting   |
| 10 Interpretation   | 43 Chief executive   |
| 11 Constituencies   | 44 Functions, duties, and powers                                   |
| 12 Membership   | 45 Administration headquarters                                     |
| 13 First election   | 46 Rating  |
| 14 First meeting  | 47 Town and country planning                                       |
| 15 Chief executive  | 48 Civil defence   |
| 16 Functions, duties, and powers  | 49 Vesting of property   |
| 17 Drainage areas   | 50 Assets and liabilities  |
| 18 Rural services committee   | 51 Title to property   |
| 19 Auckland-Waikato Inter-Regional Committee  | <b>PART IV</b>   |
| 20 Joint committee  | <i>Waikato District</i>  |
| 21 Regional land transport committee  | 52 Constitution of Waikato District                                |
| 22 Administration headquarters  | 53 Waikato District Council  |
| 23 Rating   | 54 Interpretation  |
| 24 Regional planning  | 55 Wards   |
| 25 Civil defence  | 56 Membership  |
| 26 Vesting of property  | 57 First election  |
| 27 Title to property  | 58 First meeting   |
| 28 Transitional committee   | 59 Chief executive   |
| 29 Membership of transitional committee   | 60 Functions, duties, and powers                                   |
| 30 No casting vote  | 61 Administration headquarters                                     |
| 31 Exclusion of non-voting members  | 62 Service delivery centres  |
|   | 63 Communities   |
|   | 64 Rating  |

65 Town and country planning  
 66 Civil defence  
 67 Vesting of property  
 68 Title to property  
 69 Transitional committee  
 70 Membership of transitional committee  
 71 No casting vote  
 72 Exclusion of non-voting members  
 73 Obligation of transitional committee to appoint chief executive  
 74 Principal local authority  
 75 Costs of transitional committee  
 76 Consultation with administering authorities of reserves

## PART V

*Waipa District*

77 Constitution of Waipa District  
 78 Waipa District Council  
 79 Interpretation  
 80 Wards  
 81 Membership  
 82 First election  
 83 First meeting  
 84 Chief executive  
 85 Functions, duties, and powers  
 86 Drainage areas  
 87 Administration headquarters  
 88 Service delivery centre  
 89 Communities  
 90 Rating  
 91 Town and country planning  
 92 Civil defence  
 93 Vesting of property  
 94 Title to property  
 95 Transitional committee  
 96 Membership of transitional committee  
 97 No casting vote  
 98 Exclusion of non-voting members  
 99 Obligation of transitional committee to appoint chief executive  
 100 Principal local authority  
 101 Costs of transitional committee  
 102 Consultation with administering authorities of reserves

## PART VI

*Otorohanga District*

103 Constitution of Otorohanga District  
 104 Otorohanga District Council  
 105 Interpretation  
 106 Wards  
 107 Membership  
 108 First election  
 109 First meeting  
 110 Chief executive  
 111 Functions, duties, and powers  
 112 Administration headquarters  
 113 Communities  
 114 Rating

115 Town and country planning  
 116 Civil defence  
 117 Vesting of property  
 118 Title to property  
 119 Consultation with administering authorities of reserves

## PART VII

*Waitomo District*

120 Constitution of Waitomo District  
 121 Waitomo District Council  
 122 Interpretation  
 123 Wards  
 124 Membership  
 125 First election  
 126 First meeting  
 127 Chief executive  
 128 Functions, duties, and powers  
 129 Administration headquarters  
 130 Piopio Community  
 131 Rating  
 132 Town and country planning  
 133 Civil defence  
 134 Vesting of property  
 135 Title to property

## PART VIII

*Thames-Coromandel District*

136 Constitution of Thames-Coromandel District  
 137 Thames-Coromandel District Council  
 138 Interpretation  
 139 Wards  
 140 Membership  
 141 First election  
 142 First meeting  
 143 Chief executive  
 144 Functions, duties, and powers  
 145 Administration headquarters  
 146 Communities  
 147 Rating  
 148 Town and country planning  
 149 Civil defence  
 150 Vesting of property  
 151 Title to property  
 152 Consultation with administering authorities of reserves

## PART IX

*Hauraki District*

153 Constitution of Hauraki District  
 154 Hauraki District Council  
 155 Interpretation  
 156 Wards  
 157 Membership  
 158 First election  
 159 First meeting  
 160 Chief executive  
 161 Functions, duties, and powers  
 162 Administration headquarters  
 163 Service delivery centres  
 164 Communities

- 165 Rating
- 166 Town and country planning
- 167 Civil defence
- 168 Vesting of property
- 169 Title to property
- 170 Transitional committee
- 171 Membership of transitional committee
- 172 No casting vote
- 173 Exclusion of non-voting members
- 174 Obligation of transitional committee to appoint chief executive
- 175 Principal local authority
- 176 Costs of transitional committee
- 177 Consultation with administering authorities of reserves

## PART X

*Matamata-Piako District*

- 178 Constitution of Matamata-Piako District
- 179 Matamata-Piako District Council
- 180 Interpretation
- 181 Wards
- 182 Membership
- 183 First election
- 184 First meeting
- 185 Chief executive
- 186 Functions, duties, and powers
- 187 Administration headquarters
- 188 Service delivery centres
- 189 Communities
- 190 Rating
- 191 Town and country planning
- 192 Civil defence
- 193 Vesting of property
- 194 Title to property
- 195 Transitional committee
- 196 Membership of transitional committee
- 197 No casting vote
- 198 Exclusion of non-voting members
- 199 Obligation of transitional committee to appoint chief executive
- 200 Principal local authority
- 201 Costs of transitional committee
- 202 Consultation with administering authorities of reserves

## PART XI

*South Waikato District*

- 203 Constitution of South Waikato District
- 204 South Waikato District Council
- 205 Interpretation
- 206 Wards
- 207 Membership
- 208 First election
- 209 First meeting

- 210 Chief executive
- 211 Functions, duties, and powers
- 212 Administration headquarters
- 213 Service delivery centres
- 214 Communities
- 215 Rating
- 216 Town and country planning
- 217 Civil defence
- 218 Vesting of property
- 219 Title to property
- 220 Transitional committee
- 221 Membership of transitional committee
- 222 No casting vote
- 223 Exclusion of non-voting members
- 224 Obligation of transitional committee to appoint chief executive
- 225 Principal local authority
- 226 Costs of transitional committee
- 227 Consultation with administering authorities of reserves

## PART XII

*Taupo District*

- 228 Constitution of Taupo District
- 229 Taupo District Council
- 230 Interpretation
- 231 Wards
- 232 Membership
- 233 First election
- 234 First meeting
- 235 Chief executive
- 236 Functions, duties, and powers
- 237 Administration headquarters
- 238 Service delivery centres
- 239 Communities
- 240 Rating
- 241 Town and country planning
- 242 Civil defence
- 243 Vesting of property
- 244 Title to property

## PART XIII

*General*

- 245 Transfer of responsibilities
  - 246 Creditors
  - 247 Local authorities petroleum tax
  - 248 Special funds
  - 249 Loans
  - 250 Assets and liabilities
  - 251 Loan liabilities
  - 252 Residual authorities
  - 253 Conduct of affairs
- Schedules

**Order****1 TITLE AND COMMENCEMENT**

(1) This order may be cited as the Local Government (Waikato Region) Reorganisation Order 1989.

(2) Subject to subclause (3) of this clause, this order shall come into force on the 1st day of November 1989.

(3) Those provisions of this order necessary:

(a) To provide for the first election of the members of the

local authorities, and the members of the community boards for the communities, constituted by this order; and

(b) For the purposes of clauses 28 to 35, 69 to 76, 95 to 102, 119, 152, 170 to 177, 195 to 202, 220 to 227, and 250 of this order; and

(c) For the appointment of the principal administrative officers of those local authorities constituted by this order, shall come into force on the making of this order.

## 2 ELECTIONS

Except as otherwise provided in Part XII of this order, the first elections of the local authorities, and the community boards for the communities, constituted by this order shall be held on the 14th day of October 1989.

## 3 COMMUNITIES

Each community constituted by this order shall come into existence on the day after the date on which the Returning Officer declares the result of the first election of members of the community board for that community, provided that no such community shall come into existence prior to the 1st day of November 1989.

## PART I

### *Waikato Region*

#### 4 CONSTITUTION OF WAIKATO REGION

There is hereby constituted a region, to be known as "The Waikato Region", which shall comprise the area delineated on S.O. Plan No. 58086 deposited with the Chief Surveyor of the South Auckland Land District.

#### 5 CONSTITUENT AUTHORITIES

The constituent authorities of the Waikato Region shall comprise:

(a) The territorial authorities constituted by Parts III to XII of this order; and

(b) In relation to any part of the Franklin District constituted by the Local Government (Auckland Region) Reorganisation Order 1989 that is within the Waikato Region, the Franklin District Council; and

(c) In relation to any part of the Rotorua District constituted by the Local Government (Bay of Plenty) Reorganisation Order 1989 that is within the Waikato Region, the Rotorua District Council.

#### 6 DISSOLUTION OF EXISTING LOCAL AUTHORITIES AND ABOLITION OF EXISTING DISTRICTS

(1) Every local authority named in Part I or Part II of the First Schedule to this order is hereby dissolved.

(2) Every district named in Part I of the First Schedule to this order is hereby abolished.

#### 7 REFERENCES TO FORMER AUTHORITY

(1) Every reference in this order to a former authority shall, where part only of the district of a former authority has been included within the district of a local authority, or any function of a former authority has been allocated to a local authority, be read as a reference to the former authority only in relation to that part, or, as the case may be, that function.

(2) Any reference in Part XIII of this order to "the former authorities" or "former authority" shall be a reference to any of the former authorities defined in Parts II to XII of this order.

#### 8 DISSOLUTION OF EXISTING DISTRICT COMMUNITY COUNCILS AND ABOLITION OF COMMUNITIES

(1) Every district community council and community council

named in the Second Schedule to this order is hereby dissolved.

(2) Every community named in the Second Schedule to this order is hereby abolished.

## PART II

### *Waikato Regional Council*

#### 9 WAIKATO REGIONAL COUNCIL

A regional council, to be known as "The Waikato Regional Council", is hereby constituted for the Waikato Region.

#### 10 INTERPRETATION

In this Part of this order:

"The former authorities" means—

- (a) The Waikato United Council; and
- (b) The Thames Valley United Council; and
- (c) The Tongariro United Council; and
- (d) The Waikato Catchment Board and Regional Water Board; and
- (e) The Hauraki Catchment Board and Regional Water Board; and
- (f) The Hamilton District Noxious Plants Authority; and
- (g) The Waikato District Noxious Plants Authority; and
- (h) The Raglan District Noxious Plants Authority; and
- (i) The Waipa District Noxious Plants Authority; and
- (j) The Otorohanga District Noxious Plants Authority; and
- (k) The Waitomo District Noxious Plants Authority; and
- (l) The Thames-Coromandel District Noxious Plants Authority; and
- (m) The Hauraki Plains District Noxious Plants Authority; and
- (n) The Ohinemuri District Noxious Plants Authority; and
- (o) The Piako District Noxious Plants Authority; and
- (p) The Matamata District Noxious Plants Authority; and
- (q) The Taupo District Noxious Plants Authority; and
- (r) The Waikato County Pest Destruction Board; and
- (s) The Raglan County Pest Destruction Board; and
- (t) The Waipa County Pest Destruction Board; and
- (u) The Otorohanga District Pest Destruction Board; and
- (v) The Waitomo District Pest Destruction Board; and
- (w) The Thames-Coromandel District Pest Destruction Board; and
- (x) The Hauraki Plains County Pest Destruction Board; and
- (y) The Ohinemuri County Pest Destruction Board; and
- (z) The Piako County Pest Destruction Board; and
- (aa) The Matamata County Pest Destruction Board; and
- (ab) The Central North Island Pest Destruction Board; and
- (ac) The Aka Aka-Otaua Drainage Board; and
- (ad) The Taupiri Drainage and River Board; and
- (ae) The Eureka Drainage Board; and
- (af) The Fencourt Drainage Board; and
- (ag) The Hautapu Drainage Board; and
- (ah) The Te Rapa Drainage Board; and
- (ai) The Rotomanuka Drainage Board; and
- (aj) The Ohaupo-Ngaroto Drainage Board; and
- (ak) The Tirohia-Rotokohu Drainage Board; and
- (al) The Thames Valley Drainage Board; and
- (am) The Auckland Regional Authority; and
- (an) The Franklin-Manukau Pest Destruction Board; and

(ao) The South Auckland District Noxious Plants Authority; and

(ap) The Bay of Plenty Catchment Board and Regional Water Board; and

(aq) The Bay of Plenty United Council; and

(ar) The Tauranga County Pest Destruction Board; and

(as) The Tauranga District Noxious Plants Authority; and

(at) The Rotorua District Noxious Plants Authority; and

(au) The Taumarunui District Noxious Plants Authority; and

(av) The Taranaki United Council; and

(aw) The Clifton County Pest Destruction Board; and

(ax) The North Taranaki District Noxious Plants Authority,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Waikato Region" means the Waikato Region in existence immediately before the coming into force of this clause of this order:

"Waikato Region" means the Waikato Region constituted by this order.

## 11 CONSTITUENCIES

(1) The Waikato Region is hereby divided into 9 constituencies.

(2) Those 9 constituencies are:

(a) The Hamilton East Constituency, comprising the area delineated on S.O. Plan No. 58088 deposited with the Chief Surveyor of the South Auckland Land District:

(b) The Hamilton West Constituency, comprising the area delineated on S.O. Plan No. 58089 deposited with the Chief Surveyor of the South Auckland Land District:

(c) The North Waikato Constituency, comprising the area delineated on S.O. Plan No. 58087 deposited with the Chief Surveyor of the South Auckland Land District:

(d) The Waipa Constituency, comprising the area delineated on S.O. Plan No. 58090 deposited with the Chief Surveyor of the South Auckland Land District:

(e) The Northern King Country Constituency, comprising the area delineated on S.O. Plan No. 58091 deposited with the Chief Surveyor of the South Auckland Land District:

(f) The Thames-Coromandel Constituency, comprising the area delineated on S.O. Plan No. 58092 deposited with the Chief Surveyor of the South Auckland Land District:

(g) The Waihou Constituency, comprising the area delineated on S.O. Plan No. 58093 deposited with the Chief Surveyor of the South Auckland Land District:

(h) The South Waikato Constituency, comprising the area delineated on S.O. Plan No. 58094 deposited with the Chief Surveyor of the South Auckland Land District:

(i) The Taupo Constituency, comprising the area delineated on S.O. Plan No. 58095 deposited with the Chief Surveyor of the South Auckland Land District.

## 12 MEMBERSHIP

The Waikato Regional Council shall consist of 16 members, of whom:

(a) Two members shall be elected by the electors of the Hamilton East Constituency; and

(b) Three members shall be elected by the electors of the Hamilton West Constituency; and

(c) Two members shall be elected by the electors of the North Waikato Constituency; and

(d) Two members shall be elected by the electors of the Waipa Constituency; and

(e) One member shall be elected by the electors of the Northern King Country Constituency; and

(f) One member shall be elected by the electors of the Thames-Coromandel Constituency; and

(g) Two members shall be elected by the electors of the Waihou Constituency; and

(h) One member shall be elected by the electors of the South Waikato Constituency; and

(i) Two members shall be elected by the electors of the Taupo Constituency.

## 13 FIRST ELECTION

(1) For the purposes of the first election of the Waikato Regional Council:

(a) The Returning Officer for the Hamilton East and Hamilton West Constituencies shall be the Returning Officer for the Hamilton City; and

(b) The Returning Officer for the North Waikato Constituency shall be the Returning Officer for the Waikato County; and

(c) The Returning Officer for the Waipa Constituency shall be the Returning Officer for the Te Awamutu Borough; and

(d) The Returning Officer for the Northern King Country Constituency shall be the Returning Officer for the Waitomo District; and

(e) The Returning Officer for the Thames-Coromandel Constituency shall be the Returning Officer for the Thames-Coromandel District; and

(f) The Returning Officer for the Waihou Constituency shall be the Returning Officer for the Matamata Borough; and

(g) The Returning Officer for the South Waikato Constituency shall be the Returning Officer for the Tokoroa Borough; and

(h) The Returning Officer for the Taupo Constituency shall be the Returning Officer for the Taupo District.

(2) The first election of the Waikato Regional Council shall be conducted by postal vote.

## 14 FIRST MEETING

(1) The principal administrative officer of the Waikato Regional Council:

(a) Shall convene the first meeting of that Council; and

(b) Shall preside at the first meeting of that Council until the election of the Chairperson of that Council.

(2) The first meeting of the Waikato Regional Council shall be held no later than the 14th day of November 1989.

## 15 CHIEF EXECUTIVE

(1) The Chief Executive of the Waikato Regional Council shall be the person appointed to that position in accordance with clause 32 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Waikato Regional Council.

## 16 FUNCTIONS, DUTIES, AND POWERS

(1) The functions, duties, and powers of the Waikato Regional Council shall be:

(a) Except as otherwise provided in this order, the functions, duties, and powers of a regional council under—

(i) The Local Government Act 1974; and

(ii) The Urban Transport Act 1980; and

(iii) Any public Act relating to the Waikato Regional Council or any of the former authorities and not expressly referred to in this clause; and

(iv) Any local Act relating to the Waikato Regional Council or any of the former authorities; and

(b) The functions, duties, and powers in relation to regional planning of a regional council under the Town and Country Planning Act 1977 or any other Act; and



(c) The functions, duties, and powers in relation to maritime planning of a maritime planning authority under the Town and Country Planning Act 1977 or any other Act; and

(d) The functions, duties, and powers of a catchment board and a regional water board under the Soil Conservation and Rivers Control Act 1941 and the Water and Soil Conservation Act 1967 or any other Act; and

(e) The functions, duties, and powers in relation to civil defence of a regional council under the Civil Defence Act 1983 or any other Act; and

(f) The functions, duties, and powers of a pest destruction board under the Agricultural Pests Destruction Act 1967 or any other Act; and

(g) The functions, duties, and powers of a district noxious plants authority under the Noxious Plants Act 1978 or any other Act; and

(h) In respect of the area of the Taupiri Drainage and River District, the functions, duties, and powers of the Taupiri Drainage and River Board under the Taupiri Drainage and River District Act 1929 or any other Act; and

(i) In respect of those drainage areas listed in clause 17(1) of this order, the functions, duties, and powers of a territorial authority under Part XXIX of the Local Government Act 1974.

(2) For the purposes of subclause (1)(i) of this clause, any reference in Part XXIX of the Local Government Act 1974 to:

“Council” shall be deemed to include the Waikato Regional Council;

“District” shall be deemed to include the Waikato Region.

## 17 DRAINAGE AREAS

(1) The areas of the following former drainage districts are hereby deemed to be drainage areas constituted under section 504 of the Local Government Act 1974:

- (a) The Aka Aka-Otaua Drainage District; and
- (b) The Taupiri Drainage and River District; and
- (c) The Eureka Drainage District; and
- (d) The Fencourt Drainage District; and
- (e) The Hautapu Drainage District; and
- (f) The Te Rapa Drainage District; and
- (g) The Rotomanuka Drainage District; and
- (h) The Ohaupo-Ngaroto Drainage District; and
- (i) The Tirohia-Rotokohu Drainage District; and
- (j) The Thames Valley Drainage District.

(2) Notwithstanding anything else in this order, the provisions of the Taupiri Drainage and River District Act 1929 shall, with the necessary modifications, continue to apply to the area of the former Taupiri Drainage and River District.

## 18 RURAL SERVICES COMMITTEE

(1) The Waikato Regional Council shall, at least until the 1st day of November 1995, establish and maintain a Rural Services Committee.

(2) The Rural Services Committee shall be responsible for:

- (a) Agricultural pests destruction; and
- (b) Noxious plants control; and

(c) Any other functions considered by the Waikato Regional Council to be of particular concern to the rural community.

(3) The persons appointed by the Waikato Regional Council to the Rural Services Committee established under this clause shall include not less than 2 persons:

(a) Who are not members of that Council; but

(b) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

## 19 AUCKLAND-WAIKATO INTER-REGIONAL COMMITTEE

(1) The Waikato Regional Council and the Auckland Regional Council shall, at least until the 1st day of November 1995, unite in appointing a joint committee to be known as “The Auckland-Waikato Inter-Regional Committee”.

(2) The Auckland-Waikato Inter-Regional Committee shall consist of:

(a) Three persons appointed by the Waikato Regional Council; and

(b) Three persons appointed by the Auckland Regional Council.

(3) The functions of the Auckland-Waikato Inter-Regional Committee shall be:

(a) To consider and report to the Waikato Regional Council and the Auckland Regional Council on all matters which are functions of either regional council and which have a significance to both regions; and

(b) To co-ordinate action on such other matters as may be referred to the Committee by either regional council.

## 20 JOINT COMMITTEE

The Waikato Regional Council shall, at least until the 1st day of November 1995, unite with the Bay of Plenty Regional Council, the Hawke's Bay Regional Council, the Manawatu-Wanganui Regional Council and the Taranaki Regional Council in appointing a joint committee, comprising an equal number of representatives of those councils, for the purposes of:

(a) Co-ordinating planning for the control of those agricultural pests and noxious plants of particular concern in relation to their regions; and

(b) Co-ordinating action on such other matters as those councils are jointly interested in.

## 21 REGIONAL LAND TRANSPORT COMMITTEE

(1) The Waikato Regional Council shall establish and maintain a Regional Land Transport Committee.

(2) The Regional Land Transport Committee shall be responsible for:

(a) Regional roading under Part XXII of the Local Government Act 1974; and

(b) Such transport or other roading responsibilities as may from time to time, pursuant to any Act, become a function of a regional council; and

(c) Such other functions as the Waikato Regional Council considers appropriate.

## 22 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Waikato Regional Council shall be located in Hamilton.

## 23 RATING

(1) Without limiting the powers of the Waikato Regional Council under the Rating Powers Act 1988 to make and levy any rate under a different system of rating, the system of rating in the Waikato Region shall be the capital value system.

(2) The Waikato Regional Council shall exercise within the Waikato Region or any part thereof:

(a) Any rating powers possessed by any former authority; and

(b) Any powers to make and levy assessments relating to the functions and powers possessed by any former authority.

(3) Subject to subclause (7) of this clause, and until at least the 30th day of June 1992, all rates made by the Waikato Regional Council shall be levied and collected by the constituent authorities of the Waikato Region as if an agreement had been made under section 127(1) of the Rating Powers Act 1988.

(4) Where a rate to which subclause (3) of this clause applies has been made on a different rating system to that which applies in the district of the constituent authority by which the rate is to be collected, that rate shall be levied and collected by the constituent authority:

(a) On the system of rating in force in the district of the constituent authority; or

(b) On the system of rating upon which the rate was made by the Waikato Regional Council.

(5) Where any rate to which subclause (3) of this clause applies is made by the Waikato Regional Council in respect of an area of benefit, it shall be levied and collected by the constituent authority or authorities within which that area of benefit is located and, where appropriate, according to any graduated scale applying to that rate.

(6) Subject to subclause (7) of this clause, the Waikato Regional Council shall, for the purpose of:

(a) Reimbursing each constituent authority for costs incurred in the levying and collecting of rates (including goods and services tax); and

(b) Paying reasonable remuneration for clerical and other work,

pay to each constituent authority an amount equal to 2 percent of the total amount of rates, including goods and services tax, collected by that constituent authority on behalf of that Council.

(7) The Waikato Regional Council and the constituent authorities may, by unanimous agreement, resolve:

(a) That, at any time after the 1st day of July 1990, that Council shall levy and collect all or any rates directly; or

(b) That, at any time after the 1st day of July 1990, the amount payable by that Council to each constituent authority, pursuant to subclause (6) of this clause, may be increased or decreased or calculated in accordance with a formula not based upon a percentage.

## 24 REGIONAL PLANNING

(1) The Waikato Regional Council shall not be required to prepare a new regional planning scheme immediately.

(2) The approved regional planning schemes and the proposed regional planning schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the approved or, as the case may be, the proposed regional planning scheme of the Waikato Region.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its regional planning scheme or any change or variation thereof, then, subject to any resolution of the Waikato Regional Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Waikato Regional Council, and may be adopted and acted upon by it.

## 25 CIVIL DEFENCE

The operative regional civil defence plans of the Auckland, Thames Valley, Bay of Plenty, Tongariro, Taranaki and former Waikato Regions shall continue in force in those areas included in the Waikato Region until a new plan is approved for the whole region, in accordance with the Civil Defence Act 1983.

## 26 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Waikato Region is hereby vested in the corporation of the Waikato Regional Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than those former authorities named in paragraphs (am) to (ax) of clause 10 of this order, and situated in a region in which that former authority is not

also a former authority, is hereby vested in the corporation of the Waikato Regional Council, subject to all existing encumbrances.

## 27 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Waikato Regional Council by clause 26 of this order shall, unless the context otherwise requires, be read as a reference to "The Waikato Regional Council".

## 28 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Waikato Region.

(2) The local authorities to which this clause applies shall be:

(a) The Waikato United Council; and

(b) The Thames Valley United Council; and

(c) The Tongariro United Council; and

(d) The Waikato Catchment Board and Regional Water Board; and

(e) The Hauraki Catchment Board and Regional Water Board; and

(f) The Hamilton District Noxious Plants Authority; and

(g) The Waikato District Noxious Plants Authority; and

(h) The Raglan District Noxious Plants Authority; and

(i) The Waipa District Noxious Plants Authority; and

(j) The Otorohanga District Noxious Plants Authority; and

(k) The Waitomo District Noxious Plants Authority; and

(l) The Thames-Coromandel District Noxious Plants Authority; and

(m) The Hauraki Plains District Noxious Plants Authority; and

(n) The Ohinemuri District Noxious Plants Authority; and

(o) The Piako District Noxious Plants Authority; and

(p) The Matamata District Noxious Plants Authority; and

(q) The Taupo District Noxious Plants Authority; and

(r) The Waikato County Pest Destruction Board; and

(s) The Raglan County Pest Destruction Board; and

(t) The Waipa County Pest Destruction Board; and

(u) The Otorohanga District Pest Destruction Board; and

(v) The Waitomo District Pest Destruction Board; and

(w) The Thames-Coromandel District Pest Destruction Board; and

(x) The Hauraki Plains County Pest Destruction Board; and

(y) The Ohinemuri County Pest Destruction Board; and

(z) The Piako County Pest Destruction Board; and

(aa) The Matamata County Pest Destruction Board; and

(ab) The Central North Island Pest Destruction Board; and

(ac) The Aka Aka-Otaua Drainage Board; and

(ad) The Taupiri Drainage and River Board; and

(ae) The Eureka Drainage Board; and

(af) The Fencourt Drainage Board; and

(ag) The Hautapu Drainage Board; and

(ah) The Te Rapa Drainage Board; and

(ai) The Rotomanuka Drainage Board; and

(aj) The Ohaupo-Ngaroto Drainage Board; and

(ak) The Tirohia-Rotokohu Drainage Board; and

(al) The Thames Valley Drainage Board.

## 29 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Waikato Region shall consist of:

- (a) Two members appointed by the Waikato United Council; and
- (b) One member appointed by the Thames Valley United Council; and
- (c) One member appointed by the Tongariro United Council; and
- (d) Two members appointed by the Waikato Catchment Board and Regional Water Board; and
- (e) Two members appointed by the Hauraki Catchment Board and Regional Water Board; and
- (f) One member appointed jointly by the district noxious plants authorities and the pest destruction boards named in paragraphs (f) to (ab) of clause 28(2) of this order; and
- (g) One member appointed jointly by the drainage boards named in paragraphs (ac) to (al) of clause 28(2) of this order; and
- (h) One officer appointed by each local authority named in paragraphs (a) to (e) of clause 28(2) of this order, who shall be non-voting members of the transitional committee; and
- (i) One officer appointed jointly by the district noxious plants authorities and the pest destruction boards named in paragraphs (f) to (ab) of clause 28(2) of this order, who shall be a non-voting member of the transitional committee; and
- (j) One officer appointed jointly by the drainage boards named in paragraphs (ac) to (al) of clause 28(2) of this order, who shall be a non-voting member of the transitional committee; and
- (k) The Chief Executive designate, when appointed in accordance with clause 32 of this order, who shall be a non-voting member of the transitional committee; and
- (l) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 28(2) of this order, who shall be a non-voting member of the transitional committee.

## 30 NO CASTING VOTE

The Chairperson of the transitional committee for the Waikato Region or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

## 31 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Waikato Region may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

## 32 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Waikato Region shall appoint a person to be the Chief Executive of the Waikato Regional Council.

## 33 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Waikato Region shall be the Waikato Catchment Board and Regional Water Board.

## 34 COSTS OF TRANSITIONAL COMMITTEE

(1) The costs of the transitional committee for the Waikato Region (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 28(2) of this order either:

- (a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the gross revenue of the local authority, for the year ended on the 31st day of March 1988, bears to the gross revenue of all the local authorities to which this clause applies for that year.

(2) For the purpose of this clause the gross revenue of a local authority shall be the gross revenue reasonably related to the area of a local authority which is to be included in the Waikato Region or any function of a local authority which is to be transferred to the Waikato Regional Council, whichever is applicable.

## 35 DELEGATION OF SERVICE DELIVERY

The transitional committee for the Waikato Region shall meet with:

- (a) Each of the other transitional committees specified in this order; and
- (b) The transitional committee for the Franklin District; and
- (c) The following territorial authorities—
  - (i) The Hamilton City Council; and
  - (ii) The Otorohanga District Council; and
  - (iii) The Waitomo District Council; and
  - (iv) The Thames-Coromandel District Council; and
  - (v) The Taupo District Council; and
  - (vi) The Rotorua District Council; and
- (d) Each of the former authorities named in paragraphs (ac) to (al) of clause 10 of this order,

for the purpose of considering the most appropriate arrangements for the physical delivery of services relating to the functions allocated to the Waikato Regional Council by this order.

## PART III

### *Hamilton City*

## 36 CONSTITUTION OF HAMILTON CITY

There is hereby constituted a district, to be known as "The Hamilton City", which shall comprise the area delineated on S.O. Plan No. 57982 deposited with the Chief Surveyor of the South Auckland Land District.

## 37 HAMILTON CITY COUNCIL

A territorial authority, to be known as "The Hamilton City Council", is hereby constituted for the Hamilton City.

## 38 INTERPRETATION

In this Part of this order:

"The former authorities" means—

- (a) The former Hamilton City Council; and
- (b) The Waikato County Council; and
- (c) The Waipa County Council,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Hamilton City" means the Hamilton City in existence immediately before the coming into force of this clause of this order:

"Former Hamilton City Council" means the Hamilton City Council in existence immediately before the coming into force of this clause of this order:

"Hamilton City" means the Hamilton City constituted by this order:

"Hamilton City Council" means the Hamilton City Council constituted by this order.

**39 WARDS**

(1) The Hamilton City is hereby divided into 5 wards.

(2) Those 5 wards are:

(a) The Chartwell-Fairfield Ward, comprising the area delineated on S.O. Plan No. 57983 deposited with the Chief Surveyor of the South Auckland Land District:

(b) The Hamilton East-Hillcrest Ward, comprising the area delineated on S.O. Plan No. 57986 deposited with the Chief Surveyor of the South Auckland Land District:

(c) The North Central Ward, comprising the area delineated on S.O. Plan No. 57984 deposited with the Chief Surveyor of the South Auckland Land District:

(d) The Dinsdale-Nawton Ward, comprising the area delineated on S.O. Plan No. 57985 deposited with the Chief Surveyor of the South Auckland Land District:

(e) The Melville-Lake Ward, comprising the area delineated on S.O. Plan No. 57987 deposited with the Chief Surveyor of the South Auckland Land District.

**40 MEMBERSHIP**

(1) The Hamilton City Council shall consist of a Mayor and 17 members.

(2) The members of the Hamilton City Council to be elected at the first election of that Council shall be elected as follows:

(a) Four members shall be elected by the electors of the Chartwell-Fairfield Ward; and

(b) Four members shall be elected by the electors of the Hamilton East-Hillcrest Ward; and

(c) Three members shall be elected by the electors of the North Central Ward; and

(d) Three members shall be elected by the electors of the Dinsdale-Nawton Ward; and

(e) Three members shall be elected by the electors of the Melville-Lake Ward.

**41 FIRST ELECTION**

(1) For the purposes of the first election of the Hamilton City Council, the Returning Officer and the principal administrative officer for the Hamilton City shall be, respectively, the Returning Officer and the principal administrative officer for the former Hamilton City.

(2) The first election of the Hamilton City Council shall be conducted by postal vote.

**42 FIRST MEETING**

The first meeting of the Hamilton City Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

**43 CHIEF EXECUTIVE**

(1) The Chief Executive of the Hamilton City Council shall be the person holding the position of Chief Executive of the former Hamilton City Council immediately before the coming into force of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Hamilton City Council.

**44 FUNCTIONS, DUTIES, AND POWERS**

The functions, duties, and powers of the Hamilton City Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Hamilton City Council or any of the former authorities; and

(iii) Any local Act relating to the Hamilton City Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

**45 ADMINISTRATION HEADQUARTERS**

The administration headquarters of the Hamilton City Council shall be located in Hamilton.

**46 RATING**

(1) The system of rating in the Hamilton City shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Hamilton City, Part XIV of the Rating Powers Act 1988 shall apply as if the Hamilton City was the district of a special purpose authority and the areas from which it was formed were constituent districts.

**47 TOWN AND COUNTRY PLANNING**

(1) The Hamilton City Council shall not be required to prepare a new district scheme, immediately, for the Hamilton City.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme of the Hamilton City.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Hamilton City Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Hamilton City Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Hamilton City Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Hamilton City Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Hamilton City Council or, as the case may require, a committee or delegate thereof.

**48 CIVIL DEFENCE**

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Hamilton City until a new plan is approved for the Hamilton City, in accordance with the Civil Defence Act 1983.

**49 VESTING OF PROPERTY**

(1) Subject to clause 67(3) of this order, all property, real and personal, vested in the corporation of any former authority and situated in the Hamilton City is hereby vested in the corporation of the Hamilton City Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of the former Hamilton City Council and situated in a district in which that council is not also a former authority, is hereby

vested in the corporation of the Hamilton City Council, subject to all existing encumbrances.

## 50 ASSETS AND LIABILITIES

In respect of the constitution of the Hamilton City and notwithstanding anything in clause 250 of this order, there shall be no apportionment of assets and liabilities, including loan liabilities.

## 51 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Hamilton City Council by clause 49 of this order shall, unless the context otherwise requires, be read as a reference to "The Hamilton City Council".

## PART IV

### *Waikato District*

## 52 CONSTITUTION OF WAIKATO DISTRICT

There is hereby constituted a district, to be known as "The Waikato District", which shall comprise the area delineated on S.O. Plan No. 57988 deposited with the Chief Surveyor of the South Auckland Land District.

## 53 WAIKATO DISTRICT COUNCIL

A territorial authority, to be known as "The Waikato District Council", is hereby constituted for the Waikato District.

## 54 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Waikato County Council; and
- (b) The Raglan County Council; and
- (c) The Waipa County Council; and
- (d) The Huntly Borough Council; and
- (e) The Ngaruawahia Borough Council; and
- (f) The Raglan Harbour Board; and
- (g) The Ohinewai Domain Board; and
- (h) The Raglan Recreation Reserve Board; and
- (i) The Te Mata Recreation Reserve Board; and
- (j) The Te Uku and District Memorial Recreation Reserve Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

## 55 WARDS

(1) The Waikato District is hereby divided into 11 wards.

(2) Those 11 wards are:

- (a) The Maungakawa Ward, comprising the area delineated on S.O. Plan No. 57991 deposited with the Chief Surveyor of the South Auckland Land District;
- (b) The Whangamarino Ward, comprising the area delineated on S.O. Plan No. 57989 deposited with the Chief Surveyor of the South Auckland Land District;
- (c) The Whangape Ward, comprising the area delineated on S.O. Plan No. 57990 deposited with the Chief Surveyor of the South Auckland Land District;
- (d) The Huntly Ward, comprising the area delineated on S.O. Plan No. 57992 deposited with the Chief Surveyor of the South Auckland Land District;
- (e) The Ngaruawahia Ward, comprising the area delineated on S.O. Plan No. 57993 deposited with the Chief Surveyor of the South Auckland Land District;
- (f) The Hukanui Ward, comprising the area delineated on S.O. Plan No. 57994 deposited with the Chief Surveyor of the South Auckland Land District;

(g) The Newcastle Ward, comprising the area delineated on S.O. Plan No. 57997 deposited with the Chief Surveyor of the South Auckland Land District;

(h) The Raglan Ward, comprising the area delineated on S.O. Plan No. 57999 deposited with the Chief Surveyor of the South Auckland Land District;

(i) The Whaingaroa Ward, comprising the area delineated on S.O. Plan No. 57998 deposited with the Chief Surveyor of the South Auckland Land District;

(j) The Eureka Ward, comprising the area delineated on S.O. Plan No. 57995 deposited with the Chief Surveyor of the South Auckland Land District;

(k) The Tamahere Ward, comprising the area delineated on S.O. Plan No. 57996 deposited with the Chief Surveyor of the South Auckland Land District.

## 56 MEMBERSHIP

(1) The Waikato District Council shall consist of a Mayor and 14 members.

(2) The members of the Waikato District Council to be elected at the first election of that Council shall be elected as follows:

- (a) One member shall be elected by the electors of the Maungakawa Ward; and
- (b) One member shall be elected by the electors of the Whangamarino Ward; and
- (c) One member shall be elected by the electors of the Whangape Ward; and
- (d) Three members shall be elected by the electors of the Huntly Ward; and
- (e) Two members shall be elected by the electors of the Ngaruawahia Ward; and
- (f) One member shall be elected by the electors of the Hukanui Ward; and
- (g) One member shall be elected by the electors of the Newcastle Ward; and
- (h) One member shall be elected by the electors of the Raglan Ward; and
- (i) One member shall be elected by the electors of the Whaingaroa Ward; and
- (j) One member shall be elected by the electors of the Eureka Ward; and
- (k) One member shall be elected by the electors of the Tamahere Ward.

## 57 FIRST ELECTION

(1) For the purposes of the first election of the Waikato District Council, the Returning Officer and the principal administrative officer for the Waikato District shall be, respectively, the Returning Officer and the principal administrative officer for the Waikato County.

(2) The first election of the Waikato District Council shall be conducted by postal vote.

## 58 FIRST MEETING

The first meeting of the Waikato District Council:

- (a) Shall be convened by the principal administrative officer of that Council; and
- (b) Shall be held no later than the 14th day of November 1989.

## 59 CHIEF EXECUTIVE

(1) The Chief Executive of the Waikato District Council shall be the person appointed to that position in accordance with clause 73 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Waikato District Council.

## 60 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Waikato District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

- (i) The Local Government Act 1974; and
- (ii) Any other public Act relating to the Waikato District Council or any of the former authorities; and
- (iii) Any local Act relating to the Waikato District Council or any of the former authorities; and

(b) The functions, duties, and powers of the Raglan Harbour Board; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

## 61 ADMINISTRATION HEADQUARTERS

Until the Waikato District Council otherwise resolves, the administration headquarters of that Council shall be located in Hamilton.

## 62 SERVICE DELIVERY CENTRES

The Waikato District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in:

- (a) Huntly; and
- (b) Ngaruawahia; and
- (c) Raglan,

in accordance with the provisions of the Third Schedule to this order.

## 63 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Huntly Ward, to be known as "The Huntly Community"; and

(b) The area of the Ngaruawahia Ward, to be known as "The Ngaruawahia Community"; and

(c) The area of the Raglan Ward, to be known as "The Raglan Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected from time to time as members of the Waikato District Council, representing the ward comprising the area of the community, and appointed by the Waikato District Council to the community board.

(3) There is hereby constituted a community for each of the following areas:

(a) A community to be known as "The Meremere Community", comprising the area delineated on S.O. Plan No. 58098 deposited with the Chief Surveyor of the South Auckland Land District; and

(b) A community to be known as "The Te Kauwhata Community", comprising the area delineated on S.O. Plan No. 58096 deposited with the Chief Surveyor of the South Auckland Land District; and

(c) A community to be known as "The Taupiri Community", comprising the area delineated on S.O. Plan No. 58097 deposited with the Chief Surveyor of the South Auckland Land District.

(4) The community board for each community constituted by subclause (3) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) One person elected from time to time as a member of the Waikato District Council, representing the ward including the area of the community, and appointed by the Waikato District Council to the community board.

(5) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning officer for the Waikato County.

(6) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

## 64 RATING

(1) The system of rating in the Waikato District shall be the capital value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Waikato District, Part XIV of the Rating Powers Act 1988 shall apply as if the Waikato District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

(3) Subject to section 103 of the Rating Powers Act 1988, until the 30th day of June 1993, the system of rating within the former Huntly Borough, the former Ngaruawahia Borough and the former Raglan Community shall be the land value system.

## 65 TOWN AND COUNTRY PLANNING

(1) The Waikato District Council shall not be required to prepare a new district scheme, immediately, for the Waikato District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme of the Waikato District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Waikato District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Waikato District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Waikato District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Waikato District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Waikato District Council or, as the case may require, a committee or delegate thereof.

## 66 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Waikato District until a new plan is approved for the Waikato District, in accordance with the Civil Defence Act 1983.

**67 VESTING OF PROPERTY**

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Waikato District is hereby vested in the corporation of the Waikato District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Waipa County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Waikato District Council, subject to all existing encumbrances.

(3) The following areas of land situated in the Hamilton City:

(a) Allotment 415, Town of Hamilton East, All C.T. 24/19 (South Auckland Land District); and

(b) Lot 1, D.P.S. 1751, All C.T. 9D/705 (South Auckland Land District); and

(c) Lot 2, D.P.S. 1751, All C.T. 9D/706 (South Auckland Land District); and

(d) Lot 6, D.P. 27699, Balance C.T. 703/344 (South Auckland Land District); and

(e) Lot 1, D.P.S. 19661, All C.T. 27D/25 (South Auckland Land District); and

(f) Allotment 485, Parish of Kirikiriroa, All C.T. 22D/30 (South Auckland Land District); and

(g) Lot 1, D.P.S. 1022, All C.T. 1028/173 (South Auckland Land District); and

(h) Part Lot 1, D.P. 14541, Balance C.T. 660/147 (South Auckland Land District); and

(i) Allotment 484, Parish of Kirikiriroa, All C.T. 22D/29 (South Auckland Land District); and

(j) Part Allotment 257, Parish of Kirikiriroa, Balance C.T. 556/227 (South Auckland Land District); and

(k) Part Lot 12, D.P. 14466, Balance C.T. 453/233 (South Auckland Land District); and

(l) Allotment 488, Parish of Kirikiriroa, All C.T. 22D/33 (South Auckland Land District); and

(m) Lot 1, D.P. 36856, All C.T. 976/203 (South Auckland Land District); and

(n) Allotment 487, Parish of Kirikiriroa, All C.T. 22D/32 (South Auckland Land District),

together with all plant, fixtures, and fittings normally located or based thereon, are hereby vested in the corporation of the Waikato District Council, subject to all existing encumbrances, but otherwise at no cost.

**68 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Waikato District Council by clause 67 of this order shall, unless the context otherwise requires, be read as a reference to "The Waikato District Council".

**69 TRANSITIONAL COMMITTEE**

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Waikato District.

(2) The local authorities to which this clause applies shall be:

(a) The Waikato County Council; and

(b) The Raglan County Council; and

(c) The Waipa County Council; and

(d) The Huntly Borough Council; and

(e) The Ngaurawahia Borough Council.

**70 MEMBERSHIP OF TRANSITIONAL COMMITTEE**

The transitional committee for the Waikato District shall consist of:

(a) Two members appointed by the Huntly Borough Council; and

(b) One member appointed by the Ngaurawahia Borough Council; and

(c) Three members appointed by the Waikato County Council; and

(d) Two members appointed by the Raglan County Council; and

(e) One member appointed by the Waipa County Council; and

(f) One officer appointed by each local authority named in clause 69(2) of this order, who shall be non-voting members of the transitional committee; and

(g) The Chief Executive designate, when appointed in accordance with clause 73 of this order, who shall be a non-voting member of the transitional committee; and

(h) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 69(2) of this order, who shall be a non-voting member of the transitional committee.

**71 NO CASTING VOTE**

The Chairperson of the transitional committee for the Waikato District or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

**72 EXCLUSION OF NON-VOTING MEMBERS**

The transitional committee for the Waikato District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

**73 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE**

The transitional committee for the Waikato District shall appoint a person to be the Chief Executive of the Waikato District Council.

**74 PRINCIPAL LOCAL AUTHORITY**

The principal local authority for the transitional committee for the Waikato District shall be the Raglan County Council.

**75 COSTS OF TRANSITIONAL COMMITTEE**

The costs of the transitional committee for the Waikato District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 69(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

(i) The district of that local authority; or

(ii) Those parts of the district of that local authority to be included in the Waikato District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Waikato District.

**76 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES**

(1) The transitional committee for the Waikato District shall



consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Waikato District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Waikato District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Waikato District Council that it establish such a committee or committees of management.

## PART V

### *Waipa District*

#### 77 CONSTITUTION OF WAIPA DISTRICT

There is hereby constituted a district, to be known as "The Waipa District", which shall comprise the area delineated on S.O. Plan No. 58024 deposited with the Chief Surveyor of the South Auckland Land District.

#### 78 WAIPA DISTRICT COUNCIL

A territorial authority, to be known as "The Waipa District Council", is hereby constituted for the Waipa District.

#### 79 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Waipa County Council; and
- (b) The Waikato County Council; and
- (c) The Raglan County Council; and
- (d) The Matamata County Council; and
- (e) The Cambridge Borough Council; and
- (f) The Te Awamutu Borough Council; and
- (g) The Pirongia Recreation Reserve Board; and
- (h) The Rangioahia Recreation Reserve Board; and
- (i) The Rukuhia Central Recreation Reserve Board; and
- (j) The Te Miro Recreation Reserve Board; and
- (k) The Te Rahu Recreation Reserve Board; and
- (l) The Wharepapa Domain Board; and
- (m) The Mangahoe Drainage Board; and
- (n) The Upper Mangapiko Drainage Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

#### 80 WARDS

- (1) The Waipa District is hereby divided into 3 wards.
- (2) Those 3 wards are:

(a) The Pirongia Ward, comprising the area delineated on S.O. Plan No. 58027 deposited with the Chief Surveyor of the South Auckland Land District:

(b) The Te Awamutu Ward, comprising the area delineated on S.O. Plan No. 58026 deposited with the Chief Surveyor of the South Auckland Land District:

(c) The Cambridge Ward, comprising the area delineated on S.O. Plan No. 58025 deposited with the Chief Surveyor of the South Auckland Land District.

#### 81 MEMBERSHIP

(1) The Waipa District Council shall consist of a Mayor and 13 members.

(2) The members of the Waipa District Council to be elected at the first election of that Council shall be elected as follows:

(a) Three members shall be elected by the electors of the Pirongia Ward; and

(b) Five members shall be elected by the electors of the Te Awamutu Ward; and

(c) Five members shall be elected by the electors of the Cambridge Ward.

#### 82 FIRST ELECTION

(1) For the purposes of the first election of the Waipa District Council, the Returning Officer and the principal administrative officer for the Waipa District shall be, respectively, the Returning Officer and the principal administrative officer for the Te Awamutu Borough.

(2) The first election of the Waipa District Council shall be conducted by postal vote.

#### 83 FIRST MEETING

The first meeting of the Waipa District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

#### 84 CHIEF EXECUTIVE

(1) The Chief Executive of the Waipa District Council shall be the person appointed to that position in accordance with clause 99 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Waipa District Council.

#### 85 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Waipa District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

- (i) The Local Government Act 1974; and
- (ii) Any other public Act relating to the Waipa District Council or any of the former authorities; and
- (iii) Any local Act relating to the Waipa District Council or any of the former authorities; and

(b) The functions, duties, and powers of the Mangahoe Drainage Board and the Upper Mangapiko Drainage Board under the Land Drainage Act 1908; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

#### 86 DRAINAGE AREAS

The areas of the former Mangahoe Drainage District and the former Upper Mangapiko Drainage District are hereby deemed to be drainage areas constituted under section 504 of the Local Government Act 1974.

#### 87 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Waipa District Council shall be located in Te Awamutu.

#### 88 SERVICE DELIVERY CENTRE

The Waipa District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in Cambridge, in accordance with the provisions of the Third Schedule to this order.

#### 89 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Cambridge Ward, to be known as "The Cambridge Community"; and

(b) The area of the Te Awamutu Ward, to be known as "The Te Awamutu Community".



(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) Not more than 4 persons elected from time to time as members of the Waipa District Council, representing the ward comprising the area of the community, and appointed by the Waipa District Council to the community board.

(3) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning officer for the Te Awamutu Borough.

(4) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

## 90 RATING

(1) The system of rating in the Waipa District shall be the capital value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Waipa District, Part XIV of the Rating Powers Act 1988 shall apply as if the Waipa District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

## 91 TOWN AND COUNTRY PLANNING

(1) The Waipa District Council shall not be required to prepare a new district scheme, immediately, for the Waipa District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Waipa District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Waipa District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Waipa District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Waipa District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Waipa District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Waipa District Council or, as the case may require, a committee or delegate thereof.

## 92 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Waipa District until a new plan is approved for the Waipa District, in accordance with the Civil Defence Act 1983.

## 93 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Waipa District is

hereby vested in the corporation of the Waipa District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than those former authorities listed in paragraphs (b) to (d) of clause 79 of this order, and situated in a district in which that former authority is not also a former authority is hereby vested in the corporation of the Waipa District Council, subject to all existing encumbrances.

## 94 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Waipa District Council by clause 93 of this order shall, unless the context otherwise requires, be read as a reference to "The Waipa District Council".

## 95 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Waipa District.

(2) The local authorities to which this clause applies shall be:

- (a) The Waipa County Council; and
- (b) The Waikato County Council; and
- (c) The Raglan County Council; and
- (d) The Matamata County Council; and
- (e) The Cambridge Borough Council; and
- (f) The Te Awamutu Borough Council.

## 96 MEMBERSHIP OF TRANSITIONAL COMMITTEE

(1) The transitional committee for the Waipa District shall consist of:

- (a) Two members appointed by the Te Awamutu Borough Council; and
- (b) Two members appointed by the Cambridge Borough Council; and
- (c) Two members appointed by the Waipa County Council; and
- (d) One member appointed by the Raglan County Council; and
- (e) One member appointed by the Waikato County Council; and
- (f) One member appointed by the Matamata County Council; and
- (g) One officer appointed by each local authority named in clause 95(2) of this order, who shall be non-voting members of the transitional committee; and
- (h) The Chief Executive designate, when appointed in accordance with clause 99 of this order, who shall be a non-voting member of the transitional committee; and
- (i) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 95(2) of this order, who shall be a non-voting member of the transitional committee.

(2) Each member appointed by the Te Awamutu Borough Council, the Cambridge Borough Council and the Waipa County Council shall have 2 votes.

## 97 NO CASTING VOTE

The Chairperson of the transitional committee for the Waipa District or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

## 98 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Waipa District may resolve to exclude any non-voting member of that committee from any

meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 99 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Waipa District shall appoint a person to be the Chief Executive of the Waipa District Council.

### 100 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Waipa District shall be the Waipa County Council.

### 101 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Waipa District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 95(2) of this order either:

- (a) In accordance with a formula agreed to by that committee; or
- (b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Waipa District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Waipa District.

### 102 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

- (1) The transitional committee for the Waipa District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Waipa District Council.
- (2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.
- (3) Where, following that consultation, the transitional committee for the Waipa District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Waipa District Council that it establish such a committee or committees of management.

## PART VI

### *Otorohanga District*

### 103 CONSTITUTION OF OTOROHANGA DISTRICT

There is hereby constituted a district, to be known as "The Otorohanga District", which shall comprise the area delineated on S.O. Plan No. 58012 deposited with the Chief Surveyor of the South Auckland Land District.

### 104 OTOROHANGA DISTRICT COUNCIL

A territorial authority, to be known as "The Otorohanga District Council", is hereby constituted for the Otorohanga District.

### 105 INTERPRETATION

In this Part of this order:

"The former authorities" means—

- (a) The former Otorohanga District Council; and
- (b) The Paewhenua Recreation Reserve Board; and

(c) The Korakonui Recreation Reserve Board, and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Otorohanga District" means the Otorohanga District in existence immediately before the coming into force of this clause of this order:

"Former Otorohanga District Council" means the Otorohanga District Council in existence immediately before the coming into force of this clause of this order:

"Otorohanga District" means the Otorohanga District constituted by this order:

"Otorohanga District Council" means the Otorohanga District Council constituted by this order.

### 106 WARDS

(1) The Otorohanga District is hereby divided into 9 wards.

(2) Those 9 wards are:

(a) The Otorohanga Ward, comprising the area delineated on S.O. Plan No. 58021 deposited with the Chief Surveyor of the South Auckland Land District:

(b) The Kawhia North Ward, comprising the area delineated on S.O. Plan No. 58020 deposited with the Chief Surveyor of the South Auckland Land District:

(c) The Te Rauamoia Ward, comprising the area delineated on S.O. Plan No. 58018 deposited with the Chief Surveyor of the South Auckland Land District:

(d) The Honikiwi Ward, comprising the area delineated on S.O. Plan No. 58019 deposited with the Chief Surveyor of the South Auckland Land District:

(e) The Kiokio Ward, comprising the area delineated on S.O. Plan No. 58017 deposited with the Chief Surveyor of the South Auckland Land District:

(f) The Korakonui Ward, comprising the area delineated on S.O. Plan No. 58014 deposited with the Chief Surveyor of the South Auckland Land District:

(g) The Ngaroma Ward, comprising the area delineated on S.O. Plan No. 58013 deposited with the Chief Surveyor of the South Auckland Land District:

(h) The Paewhenua Ward, comprising the area delineated on S.O. Plan No. 58015 deposited with the Chief Surveyor of the South Auckland Land District:

(i) The Waipa Ward, comprising the area delineated on S.O. Plan No. 58016 deposited with the Chief Surveyor of the South Auckland Land District.

### 107 MEMBERSHIP

(1) The Otorohanga District Council shall consist of a Mayor and 10 members.

(2) The members of the Otorohanga District Council to be elected at the first election of that Council shall be elected as follows:

(a) Two members shall be elected by the electors of the Otorohanga Ward; and

(b) One member shall be elected by the electors of the Kawhia North Ward; and

(c) One member shall be elected by the electors of the Te Rauamoia Ward; and

(d) One member shall be elected by the electors of the Honikiwi Ward; and

(e) One member shall be elected by the electors of the Kiokio Ward; and

(f) One member shall be elected by the electors of the Korakonui Ward; and

(g) One member shall be elected by the electors of the Ngaroma Ward; and

(h) One member shall be elected by the electors of the Paewhenua Ward; and

(i) One member shall be elected by the electors of the Waipa Ward.

### 108 FIRST ELECTION

(1) For the purposes of the first election of the Otorohanga District Council, the Returning Officer and the principal administrative officer for the Otorohanga District shall be, respectively, the Returning Officer and the principal administrative officer for the former Otorohanga District.

(2) The first election of the Otorohanga District Council shall be conducted by postal vote.

### 109 FIRST MEETING

The first meeting of the Otorohanga District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 110 CHIEF EXECUTIVE

(1) The Chief Executive of the Otorohanga District Council shall be the person holding the position of Chief Executive Officer of the former Otorohanga District Council immediately before the coming into force of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Otorohanga District Council.

### 111 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Otorohanga District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Otorohanga District Council or any of the former authorities; and

(iii) Any local Act relating to the Otorohanga District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 112 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Otorohanga District Council shall be located in Otorohanga.

### 113 COMMUNITIES

(1) There is hereby constituted a community for the area of the Otorohanga Ward, to be known as "The Otorohanga Community".

(2) The community board for the Otorohanga Community shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected from time to time as members of the Otorohanga District Council, representing the ward comprising the area of the community, and appointed by the Otorohanga District Council to the community board.

(3) There is hereby constituted a community, to be known as "The Kawhia Community", comprising the area delineated on S.O. Plan No. 58099 deposited with the Chief Surveyor of the South Auckland Land District.

(4) The community board for the Kawhia Community shall consist of:

(a) Six members elected by the electors of the community; and

(b) One person elected from time to time as a member of the

Otorohanga District Council, representing the ward including the area of the community, and appointed by the Otorohanga District Council to the community board.

(5) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning officer for the former Otorohanga District.

(6) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

### 114 RATING

The system of rating in the Otorohanga District shall be the land value system.

### 115 TOWN AND COUNTRY PLANNING

(1) The Otorohanga District Council shall not be required to prepare a new district scheme, immediately, for the Otorohanga District.

(2) The operative district scheme and the proposed district scheme under the Town and Country Planning Act 1977 of the former Otorohanga District Council shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme of the Otorohanga District.

(3) Where the former Otorohanga District Council had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Otorohanga District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Otorohanga District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to the former Otorohanga District Council by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Otorohanga District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Otorohanga District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Otorohanga District Council or, as the case may require, a committee or delegate thereof.

### 116 CIVIL DEFENCE

The operative local civil defence plan for the former Otorohanga District shall continue in force in the Otorohanga District until a new plan is approved for the Otorohanga District, in accordance with the Civil Defence Act 1983.

### 117 VESTING OF PROPERTY

All property, real and personal, vested in the corporation of any former authority is hereby vested in the corporation of the Otorohanga District Council, subject to all existing encumbrances.

### 118 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Otorohanga District Council by clause 117 of this order shall, unless the context otherwise requires, be read as a reference to "The Otorohanga District Council".

### 119 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The former Otorohanga District Council shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Otorohanga District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the former Otorohanga District Council considers it desirable that any committee or committees of management be established, the former Otorohanga District Council shall recommend to the Otorohanga District Council that it establish such a committee or committees of management.

## PART VII

### *Waitomo District*

### 120 CONSTITUTION OF WAITOMO DISTRICT

There is hereby constituted a district, to be known as "The Waitomo District", which shall comprise the area delineated on S.O. Plan No. 58028 deposited with the Chief Surveyor of the South Auckland Land District.

### 121 WAITOMO DISTRICT COUNCIL

A territorial authority, to be known as "The Waitomo District Council", is hereby constituted for the Waitomo District.

### 122 INTERPRETATION

In this Part of this order:

"The former authorities" means—

- (a) The former Waitomo District Council; and
- (b) The Clifton County Council; and
- (c) The Taumarunui County Council,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Waitomo District" means the Waitomo District in existence immediately before the coming into force of this clause of this order:

"Former Waitomo District Council" means the Waitomo District Council in existence immediately before the coming into force of this clause of this order:

"Waitomo District" means the Waitomo District constituted by this order:

"Waitomo District Council" means the Waitomo District Council constituted by this order.

### 123 WARDS

(1) The Waitomo District is hereby divided into 7 wards.

(2) Those 7 wards are:

(a) The Te Kuiti Ward, comprising the area delineated on S.O. Plan No. 58022 deposited with the Chief Surveyor of the South Auckland Land District:

(b) The Aria Ward, comprising the area delineated on S.O. Plan No. 58032 deposited with the Chief Surveyor of the South Auckland Land District:

(c) The Mangaokewa Ward, comprising the area delineated on S.O. Plan No. 58029 deposited with the Chief Surveyor of the South Auckland Land District:

(d) The Paemako Ward, comprising the area delineated on S.O. Plan No. 58031 deposited with the Chief Surveyor of the South Auckland Land District:

(e) The Tainui Ward, comprising the area delineated on S.O. Plan No. 58034 deposited with the Chief Surveyor of the South Auckland Land District:

(f) The Te Anga Ward, comprising the area delineated on S.O. Plan No. 58033 deposited with the Chief Surveyor of the South Auckland Land District:

(g) The Waitomo Ward, comprising the area delineated on S.O. Plan No. 58030 deposited with the Chief Surveyor of the South Auckland Land District.

### 124 MEMBERSHIP

(1) The Waitomo District Council shall consist of a Mayor and 10 members.

(2) The members of the Waitomo District Council to be elected at the first election of that Council shall be elected as follows:

(a) Four members shall be elected by the electors of the Te Kuiti Ward; and

(b) One member shall be elected by the electors of the Aria Ward; and

(c) One member shall be elected by the electors of the Mangaokewa Ward; and

(d) One member shall be elected by the electors of the Paemako Ward; and

(e) One member shall be elected by the electors of the Tainui Ward; and

(f) One member shall be elected by the electors of the Te Anga Ward; and

(g) One member shall be elected by the electors of the Waitomo Ward.

### 125 FIRST ELECTION

(1) For the purposes of the first election of the Waitomo District Council, the Returning Officer and the principal administrative officer for the Waitomo District shall be, respectively, the Returning Officer and the principal administrative officer for the former Waitomo District.

(2) The first election of the Waitomo District Council shall be conducted by postal vote.

### 126 FIRST MEETING

The first meeting of the Waitomo District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 127 CHIEF EXECUTIVE

(1) The Chief Executive of the Waitomo District Council shall be the person holding the position of Chief Executive Officer of the former Waitomo District Council immediately before the coming into force of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Waitomo District Council.

### 128 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Waitomo District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Waitomo District Council or any of the former authorities; and

(iii) Any local Act relating to the Waitomo District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

**129 ADMINISTRATION HEADQUARTERS**

The administration headquarters of the Waitomo District Council shall be located in Te Kuiti.

**130 PIOPIO COMMUNITY**

(1) There is hereby constituted a community, to be known as "The Piopio Community", comprising the area delineated on S.O. Plan No. 58100 deposited with the Chief Surveyor of the South Auckland Land District.

(2) The community board for the Piopio Community shall consist of:

(a) Six members elected by the electors of the community; and

(b) One person elected from time to time as a member of the Waitomo District Council, representing the ward including the area of the community, and appointed by the Waitomo District Council to the community board.

(3) The Returning Officer for the first election of the community board for the community constituted by this clause shall be the Returning officer for the former Waitomo District.

(4) The first election of the community board for the community constituted by this clause shall be conducted by postal vote.

**131 RATING**

(1) The system of rating in the Waitomo District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Waitomo District, Part XIV of the Rating Powers Act 1988 shall apply as if the Waitomo District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

**132 TOWN AND COUNTRY PLANNING**

(1) The Waitomo District Council shall not be required to prepare a new district scheme, immediately, for the Waitomo District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme of the Waitomo District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Waitomo District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Waitomo District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Waitomo District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Waitomo District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Waitomo District Council or, as the case may require, a committee or delegate thereof.

**133 CIVIL DEFENCE**

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Waitomo District until a new plan is approved for the Waitomo District, in accordance with the Civil Defence Act 1983.

**134 VESTING OF PROPERTY**

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Waitomo District is hereby vested in the corporation of the Waitomo District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of the former Waitomo District Council and situated in a district in which that council is not also a former authority, is hereby vested in the corporation of the Waitomo District Council, subject to all existing encumbrances.

**135 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Waitomo District Council by clause 134 of this order shall, unless the context otherwise requires, be read as a reference to "The Waitomo District Council".

**PART VIII*****Thames-Coromandel District*****136 CONSTITUTION OF THAMES-COROMANDEL DISTRICT**

There is hereby constituted a district, to be known as "The Thames-Coromandel District", which shall comprise the area delineated on S.O. Plan No. 57967 deposited with the Chief Surveyor of the South Auckland Land District.

**137 THAMES-COROMANDEL DISTRICT COUNCIL**

A territorial authority, to be known as "The Thames—Coromandel District Council", is hereby constituted for the Thames-Coromandel District.

**138 INTERPRETATION**

In this Part of this order:

"The former authorities" means—

- (a) The former Thames-Coromandel District Council; and
- (b) The Kuaotunu Recreation Reserve Board; and
- (c) The Ngarimu Recreation Reserve Board; and
- (d) The Tapu Flat Recreation Reserve Board; and
- (e) The Waiomu Domain Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Thames-Coromandel District" means the Thames—Coromandel District in existence immediately before the coming into force of this clause of this order:

"Former Thames-Coromandel District Council" means the Thames-Coromandel District Council in existence immediately before the coming into force of this clause of this order:

"Thames-Coromandel District" means the Thames-Coromandel District constituted by this order:

"Thames-Coromandel District Council" means the Thames—Coromandel District Council constituted by this order.

**139 WARDS**

(1) The Thames-Coromandel District is hereby divided into 9 wards.

(2) Those 9 wards are:

(a) The Coromandel-Colville Ward, comprising the area delineated on S.O. Plan No. 57968 deposited with the Chief Surveyor of the South Auckland Land District:

(b) The Whitianga Ward, comprising the area delineated on S.O. Plan No. 57970 deposited with the Chief Surveyor of the South Auckland Land District:

(c) The Mercury Bay Ward, comprising the area delineated on S.O. Plan No. 57969 deposited with the Chief Surveyor of the South Auckland Land District:

(d) The Whenuakite Ward, comprising the area delineated on S.O. Plan No. 57971 deposited with the Chief Surveyor of the South Auckland Land District:

(e) The Tairua Ward, comprising the area delineated on S.O. Plan No. 57973 deposited with the Chief Surveyor of the South Auckland Land District:

(f) The Whangamata Ward, comprising the area delineated on S.O. Plan No. 57976 deposited with the Chief Surveyor of the South Auckland Land District:

(g) The Hastings Ward, comprising the area delineated on S.O. Plan No. 57972 deposited with the Chief Surveyor of the South Auckland Land District:

(h) The Thames Ward, comprising the area delineated on S.O. Plan No. 57974 deposited with the Chief Surveyor of the South Auckland Land District:

(i) The Puriri Ward, comprising the area delineated on S.O. Plan No. 57975 deposited with the Chief Surveyor of the South Auckland Land District.

#### 140 MEMBERSHIP

(1) The Thames-Coromandel District Council shall consist of a Mayor and 13 members.

(2) The members of the Thames-Coromandel District Council to be elected at the first election of that Council shall be elected as follows:

(a) Two members shall be elected by the electors of the Coromandel-Colville Ward; and

(b) One member shall be elected by the electors of the Whitianga Ward; and

(c) One member shall be elected by the electors of the Mercury Bay Ward; and

(d) One member shall be elected by the electors of the Whenuakite Ward; and

(e) One member shall be elected by the electors of the Tairua Ward; and

(f) Two members shall be elected by the electors of the Whangamata Ward; and

(g) One member shall be elected by the electors of the Hastings Ward; and

(h) Three members shall be elected by the electors of the Thames Ward; and

(i) One member shall be elected by the electors of the Puriri Ward.

#### 141 FIRST ELECTION

(1) For the purposes of the first election of the Thames—Coromandel District Council, the Returning Officer and the principal administrative officer for the Thames—Coromandel District shall be, respectively, the Returning Officer and the principal administrative officer for the former Thames-Coromandel District.

(2) The first election of the Thames-Coromandel District Council shall be conducted by postal vote.

#### 142 FIRST MEETING

The first meeting of the Thames-Coromandel District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

#### 143 CHIEF EXECUTIVE

(1) The Chief Executive of the Thames-Coromandel District Council shall be the person holding the position of General Manager of the former Thames-Coromandel District immediately before the coming into force of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Thames-Coromandel District Council.

#### 144 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Thames-Coromandel District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Thames—Coromandel District Council or any of the former authorities; and

(iii) Any local Act relating to the Thames-Coromandel District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

#### 145 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Thames-Coromandel District Council shall be located in Thames.

#### 146 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Coromandel-Colville Ward, to be known as "The Coromandel-Colville Community"; and

(b) The area of the Tairua Ward, to be known as "The Tairua-Pauanui Community"; and

(c) The area of the Whangamata Ward, to be known as "The Whangamata Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected from time to time as members of the Thames-Coromandel District Council, representing the ward comprising the area of the community, and appointed by the Thames-Coromandel District Council to the community board.

(3) There is hereby constituted a community for each of the following:

(a) The area of—

(i) The Whitianga Ward; and

(ii) The Mercury Bay Ward; and

(iii) The Whenuakite Ward,

to be known as "The Whitianga Community"; and

(b) The area of—

(i) The Thames Ward; and

(ii) The Hastings Ward; and

(iii) The Puriri Ward,

to be known as "The Thames Community".

(4) The community board for the Whitianga Community shall consist of:

(a) Three members elected by the electors of the Whitianga Ward; and

(b) One member elected by the electors of the Mercury Bay Ward; and

(c) Two members elected by the electors of the Whenuakite Ward; and

(d) The persons elected from time to time as members of the Thames-Coromandel District Council, representing the wards comprising the area of the community, and appointed by the Thames-Coromandel District Council to the community board.

(5) The community board for the Thames Community shall consist of:

(a) Four members elected by the electors of the Thames Ward; and

(b) One member elected by the electors of the Hastings Ward; and

(c) One member elected by the electors of the Puriri Ward; and

(d) Not more than 4 persons elected from time to time as members of the Thames-Coromandel District Council, representing the wards comprising the area of the community, and appointed by the Thames-Coromandel District Council to the community board.

(6) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning officer for the former Thames-Coromandel District Council.

(7) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

#### 147 RATING

The system of rating in the Thames-Coromandel District shall be the land value system.

#### 148 TOWN AND COUNTRY PLANNING

(1) The Thames-Coromandel District Council shall not be required to prepare a new district scheme, immediately, for the Thames-Coromandel District.

(2) The operative district scheme and the proposed district scheme under the Town and Country Planning Act 1977 of the former Thames-Coromandel District Council shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Thames-Coromandel District.

(3) Where the former Thames-Coromandel District Council had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Thames-Coromandel District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Thames-Coromandel District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to the former Thames-Coromandel District Council by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Thames-Coromandel District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Thames-Coromandel District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Thames-Coromandel District Council or, as the case may require, a committee or delegate thereof.

#### 149 CIVIL DEFENCE

The operative local civil defence plan for the former Thames-Coromandel District shall continue in force in the Thames-Coromandel District until a new plan is approved for the Thames-Coromandel District, in accordance with the Civil Defence Act 1983.

#### 150 VESTING OF PROPERTY

All property, real and personal, vested in the corporation of any former authority is hereby vested in the corporation of the Thames-Coromandel District Council, subject to all existing encumbrances.

#### 151 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Thames-Coromandel District Council by clause 150 of this order shall, unless the context otherwise requires, be read as a reference to "The Thames-Coromandel District Council".

#### 152 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The former Thames-Coromandel District Council shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Thames-Coromandel District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the former Thames-Coromandel District Council considers it desirable that any committee or committees of management be established, the former Thames-Coromandel District Council shall recommend to the Thames-Coromandel District Council that it establish such a committee or committees of management.

#### PART IX

##### *Hauraki District*

#### 153 CONSTITUTION OF HAURAKI DISTRICT

There is hereby constituted a district, to be known as "The Hauraki District", which shall comprise the area delineated on S.O. Plan No. 57978 deposited with the Chief Surveyor of the South Auckland Land District.

#### 154 HAURAKI DISTRICT COUNCIL

A territorial authority, to be known as "The Hauraki District Council", is hereby constituted for the Hauraki District.

#### 155 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Hauraki Plains County Council; and
- (b) The Ohinemuri County Council; and
- (c) The Paeroa Borough Council; and
- (d) The Waihi Borough Council; and
- (e) The Tauranga County Council; and
- (f) The Mackaytown Domain Board; and
- (g) The Kerepehi Recreation Reserve Board; and
- (h) The Nethererton Recreation Reserve Board; and
- (i) The Waikino Recreation Reserve Board; and
- (j) The Waitakaruru Recreation Reserve Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

#### 156 WARDS

- (1) The Hauraki District is hereby divided into 3 wards.
- (2) Those 3 wards are:



(a) The Plains Ward, comprising the area delineated on S.O. Plan No. 57981 deposited with the Chief Surveyor of the South Auckland Land District:

(b) The Paeroa Ward, comprising the area delineated on S.O. Plan No. 57980 deposited with the Chief Surveyor of the South Auckland Land District:

(c) The Waihi Ward, comprising the area delineated on S.O. Plan No. 57979 deposited with the Chief Surveyor of the South Auckland Land District.

### 157 MEMBERSHIP

(1) The Hauraki District Council shall consist of a Mayor and 12 members.

(2) The members of the Hauraki District Council to be elected at the first election of that Council shall be elected as follows:

(a) Four members shall be elected by the electors of the Plains Ward; and

(b) Four members shall be elected by the electors of the Paeroa Ward; and

(c) Four members shall be elected by the electors of the Waihi Ward.

### 158 FIRST ELECTION

(1) For the purposes of the first election of the Hauraki District Council, the Returning Officer and the principal administrative officer for the Hauraki District shall be, respectively, the Returning Officer and the principal administrative officer for the Hauraki Plains County.

(2) The first election of the Hauraki District Council shall be conducted by postal vote.

### 159 FIRST MEETING

The first meeting of the Hauraki District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 160 CHIEF EXECUTIVE

(1) The Chief Executive of the Hauraki District Council shall be the person appointed to that position in accordance with clause 174 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Hauraki District Council.

### 161 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Hauraki District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Hauraki District Council or any of the former authorities; and

(iii) Any local Act relating to the Hauraki District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 162 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Hauraki District Council shall be located in Paeroa.

### 163 SERVICE DELIVERY CENTRES

The Hauraki District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in Waihi and in Ngatea, in accordance with the provisions of the Third Schedule to this order.

## 164 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Plains Ward, to be known as "The Plains Community"; and

(b) The area of the Paeroa Ward, to be known as "The Paeroa Community"; and

(c) The area of the Waihi Ward, to be known as "The Waihi Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected from time to time as members of the Hauraki District Council, representing the ward comprising the area of the community, and appointed by the Hauraki District Council to the community board.

(3) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning officer for the Hauraki Plains County.

(4) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

## 165 RATING

(1) The system of rating in the Hauraki District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Hauraki District, Part XIV of the Rating Powers Act 1988 shall apply as if the Hauraki District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

## 166 TOWN AND COUNTRY PLANNING

(1) The Hauraki District Council shall not be required to prepare a new district scheme, immediately, for the Hauraki District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Hauraki District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Hauraki District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Hauraki District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Hauraki District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Hauraki District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered



again by the Hauraki District Council or, as the case may require, a committee or delegate thereof.

### 167 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Hauraki District until a new plan is approved for the Hauraki District, in accordance with the Civil Defence Act 1983.

### 168 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Hauraki District is hereby vested in the corporation of the Hauraki District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Tauranga County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Hauraki District Council, subject to all existing encumbrances.

### 169 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Hauraki District Council by clause 168 of this order shall, unless the context otherwise requires, be read as a reference to "The Hauraki District Council".

### 170 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Hauraki District.

(2) The local authorities to which this clause applies shall be:

- (a) The Hauraki Plains County Council; and
- (b) The Ohinemuri County Council; and
- (c) The Paeroa Borough Council; and
- (d) The Waihi Borough Council.

### 171 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Hauraki District shall consist of:

- (a) Two members appointed by the Hauraki Plains County Council; and
- (b) Two members appointed by the Ohinemuri County Council; and
- (c) Two members appointed by the Paeroa Borough Council; and
- (d) Two members appointed by the Waihi Borough Council; and
- (e) One officer appointed by each local authority named in clause 170(2) of this order, who shall be non-voting members of the transitional committee; and
- (f) The Chief Executive designate, when appointed in accordance clause 174 of this order, who shall be a non-voting member of the transitional committee; and
- (g) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 170(2) of this order, who shall be a non-voting member of the transitional committee.

### 172 NO CASTING VOTE

The Chairperson of the transitional committee for the Hauraki District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

### 173 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Hauraki District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 174 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Hauraki District shall appoint a person to be the Chief Executive of the Hauraki District Council.

### 175 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Hauraki District shall be the Ohinemuri County Council.

### 176 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Hauraki District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 170(2) of this order either:

- (a) In accordance with a formula agreed to by that committee; or
- (b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Hauraki District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Hauraki District.

### 177 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The transitional committee for the Hauraki District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Hauraki District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Hauraki District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Hauraki District Council that it establish such a committee or committees of management.

## PART X

### *Matamata-Piako District*

### 178 CONSTITUTION OF MATAMATA-PIAKO DISTRICT

There is hereby constituted a district, to be known as "The Matamata-Piako District", which shall comprise the area delineated on S.O. Plan No. 58040 deposited with the Chief Surveyor of the South Auckland Land District.

### 179 MATAMATA-PIAKO DISTRICT COUNCIL

A territorial authority, to be known as "The Matamata-Piako District Council", is hereby constituted for the Matamata—Piako District.

### 180 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Piako County Council; and
- (b) The Matamata County Council; and
- (c) The Morrinsville Borough Council; and
- (d) The Matamata Borough Council; and
- (e) The Te Aroha Borough Council; and
- (f) The Ohinemuri County Council; and
- (g) The Waikato County Council; and
- (h) The Mangateparu Recreation Reserve Board; and
- (i) The Ngarua Recreation Reserve Board; and
- (j) The Tahuna Recreation Reserve Board; and
- (k) The Waharoa Recreation Reserve Board; and

(l) In respect of the Walton War Memorial Recreation Reserve, the Walton War Memorial Recreation Reserve Board, and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

### 181 WARDS

(1) The Matamata-Piako District is hereby divided into 3 wards.

(2) Those 3 wards are:

(a) The Morrinsville Ward, comprising the area delineated on S.O. Plan No. 58043 deposited with the Chief Surveyor of the South Auckland Land District:

(b) The Te Aroha Ward, comprising the area delineated on S.O. Plan No. 58042 deposited with the Chief Surveyor of the South Auckland Land District:

(c) The Matamata Ward, comprising the area delineated on S.O. Plan No. 58041 deposited with the Chief Surveyor of the South Auckland Land District.

### 182 MEMBERSHIP

(1) The Matamata-Piako District Council shall consist of a Mayor and 12 members.

(2) The members of the Matamata-Piako District Council to be elected at the first election of that Council shall be elected as follows:

(a) Four members shall be elected by the electors of the Morrinsville Ward; and

(b) Three members shall be elected by the electors of the Te Aroha Ward; and

(c) Five members shall be elected by the electors of the Matamata Ward.

### 183 FIRST ELECTION

(1) For the purposes of the first election of the Matamata—Piako District Council, the Returning Officer and the principal administrative officer for the Matamata-Piako District shall be, respectively, the Returning Officer and the principal administrative officer for the Matamata Borough.

(2) The first election of the Matamata-Piako District Council shall be conducted by postal vote.

### 184 FIRST MEETING

The first meeting of the Matamata-Piako District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 185 CHIEF EXECUTIVE

(1) The Chief Executive of the Matamata-Piako District Council shall be the person appointed to that position in accordance with clause 199 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Matamata-Piako District Council.

### 186 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Matamata-Piako District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Matamata—Piako District Council or any of the former authorities; and

(iii) Any local Act relating to the Matamata-Piako District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 187 ADMINISTRATION HEADQUARTERS

Until the Matamata-Piako District Council otherwise resolves, the administration headquarters of that Council shall be located in Te Aroha.

### 188 SERVICE DELIVERY CENTRES

The Matamata-Piako District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in Matamata and in Morrinsville, in accordance with the provisions of the Third Schedule to this order.

### 189 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Morrinsville Ward, to be known as "The Morrinsville Community"; and

(b) The area of the Te Aroha Ward, to be known as "The Te Aroha Community"; and

(c) The area of the Matamata Ward, to be known as "The Matamata Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) Not more than 4 persons elected from time to time as members of the Matamata-Piako District Council, representing the ward comprising the area of the community, and appointed by the Matamata-Piako District Council to the community board.

(3) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning officer for the Matamata Borough.

(4) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

### 190 RATING

(1) The system of rating in the Matamata-Piako District shall be the capital value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Matamata-Piako District, Part XIV of the Rating Powers Act 1988 shall apply as if the Matamata—Piako District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 191 TOWN AND COUNTRY PLANNING

(1) The Matamata-Piako District Council shall not be required to prepare a new district scheme, immediately, for the Matamata-Piako District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative

district scheme or, as the case may be, the proposed district scheme, of the Matamata—Piako District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Matamata-Piako District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Matamata-Piako District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Matamata-Piako District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Matamata-Piako District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Matamata-Piako District Council or, as the case may require, a committee or delegate thereof.

## 192 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Matamata-Piako District until a new plan is approved for the Matamata-Piako District, in accordance with the Civil Defence Act 1983.

## 193 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Matamata-Piako District is hereby vested in the corporation of the Matamata-Piako District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than those former authorities named in paragraphs (b), (f), and (g) of clause 180 of this order, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Matamata-Piako District Council, subject to all existing encumbrances.

## 194 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Matamata-Piako District Council by clause 193 of this order shall, unless the context otherwise requires, be read as a reference to "The Matamata-Piako District Council".

## 195 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Matamata-Piako District.

(2) The local authorities to which this clause applies shall be:

- (a) The Piako County Council; and
- (b) The Matamata County Council; and
- (c) The Morrinsville Borough Council; and
- (d) The Matamata Borough Council; and
- (e) The Te Aroha Borough Council; and
- (f) The Ohinemuri County Council.

## 196 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Matamata-Piako District shall consist of:

(a) Two members appointed by the Morrinsville Borough Council; and

(b) Two members appointed by the Matamata Borough Council; and

(c) One member appointed by the Te Aroha Borough Council; and

(d) Three members appointed by the Piako County Council; and

(e) Two members appointed by the Matamata County Council; and

(f) One member appointed by the Ohinemuri County Council, who shall be a non-voting member of the transitional committee; and

(g) One officer appointed by each local authority, named in clause 195(2) of this order, who shall be non-voting members of the transitional committee; and

(h) The Chief Executive designate, when appointed in accordance with clause 199 of this order, who shall be a non-voting member of the transitional committee; and

(i) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 195(2) of this order, who shall be a non-voting member of the transitional committee.

## 197 NO CASTING VOTE

The Chairperson of the transitional committee for the Matamata-Piako District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

## 198 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Matamata-Piako District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

## 199 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Matamata-Piako District shall appoint a person to be the Chief Executive of the Matamata-Piako District Council.

## 200 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Matamata-Piako District shall be the Piako County Council.

## 201 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Matamata-Piako District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 195(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Matamata-Piako District,

as the case may be, bears to the total of the populations (as

at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Matamata-Piako District.

## 202 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The transitional committee for the Matamata-Piako District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Matamata-Piako District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Matamata-Piako District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Matamata-Piako District Council that it establish such a committee or committees of management.

## PART XI

### *South Waikato District*

## 203 CONSTITUTION OF SOUTH WAIKATO DISTRICT

There is hereby constituted a district, to be known as "The South Waikato District", which shall comprise the area delineated on S.O. Plan No. 58035 deposited with the Chief Surveyor of the South Auckland Land District.

## 204 SOUTH WAIKATO DISTRICT COUNCIL

A territorial authority, to be known as "The South Waikato District Council", is hereby constituted for the South Waikato District.

## 205 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Matamata County Council; and
- (b) The Putaruru Borough Council; and
- (c) The Tokoroa Borough Council; and
- (d) The Rotorua District Council; and
- (e) The Waipa County Council; and
- (f) The Lichfield Recreation Reserve Board; and
- (g) The Tirau Recreation Reserve Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

## 206 WARDS

- (1) The South Waikato District is hereby divided into 4 wards.
- (2) Those 4 wards are:

(a) The Tirau Ward, comprising the area delineated on S.O. Plan No. 58036 deposited with the Chief Surveyor of the South Auckland Land District:

(b) The Putaruru Ward, comprising the area delineated on S.O. Plan No. 58037 deposited with the Chief Surveyor of the South Auckland Land District:

(c) The Tokoroa West Ward, comprising the area delineated on S.O. Plan No. 58038 deposited with the Chief Surveyor of the South Auckland Land District:

(d) The Tokoroa East Ward, comprising the area delineated on S.O. Plan No. 58039 deposited with the Chief Surveyor of the South Auckland Land District.

## 207 MEMBERSHIP

- (1) The South Waikato District Council shall consist of a Mayor and 14 members.
- (2) The members of the South Waikato District Council to be

elected at the first election of that Council shall be elected as follows:

(a) Two members shall be elected by the electors of the Tirau Ward; and

(b) Four members shall be elected by the electors of the Putaruru Ward; and

(c) Four members shall be elected by the electors of the Tokoroa West Ward; and

(d) Four members shall be elected by the electors of the Tokoroa East Ward.

## 208 FIRST ELECTION

(1) For the purposes of the first election of the South Waikato District Council, the Returning Officer and the principal administrative officer for the South Waikato District shall be, respectively, the Returning Officer and the principal administrative officer for the Tokoroa Borough.

(2) The first election of the South Waikato District Council shall be conducted by postal vote.

## 209 FIRST MEETING

The first meeting of the South Waikato District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

## 210 CHIEF EXECUTIVE

(1) The Chief Executive of the South Waikato District Council shall be the person appointed to that position in accordance with clause 224 of this order.

(2) The Chief Executive shall be the principal administrative officer of the South Waikato District Council.

## 211 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the South Waikato District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the South Waikato District Council or any of the former authorities; and

(iii) Any local Act relating to the South Waikato District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

## 212 ADMINISTRATION HEADQUARTERS

The administration headquarters of the South Waikato District Council shall be located in Tokoroa.

## 213 SERVICE DELIVERY CENTRES

The South Waikato District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in Tirau and in Putaruru, in accordance with the provisions of the Third Schedule to this order.

## 214 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Tirau Ward, to be known as "The Tirau Community"; and

(b) The area of the Putaruru Ward, to be known as "The Putaruru Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected from time to time as members of the South Waikato District Council, representing the ward comprising the area of the community, and appointed by the South Waikato District Council to the community board.

(3) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning officer for the Tokoroa Borough.

(4) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

### 215 RATING

(1) The system of rating in the South Waikato District shall be the capital value system.

(2) Until the Valuer-General is able to produce a valuation roll for the South Waikato District, Part XIV of the Rating Powers Act 1988 shall apply as if the South Waikato District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

(3) Subject to section 103 of the Rating Powers Act 1988, until the 30th day of June 1994, the system of rating in the former Tirau Community shall be the land value system.

### 216 TOWN AND COUNTRY PLANNING

(1) The South Waikato District Council shall not be required to prepare a new district scheme, immediately, for the South Waikato District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the South Waikato District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the South Waikato District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the South Waikato District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the South Waikato District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the South Waikato District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the South Waikato District Council or, as the case may require, a committee or delegate thereof.

### 217 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the South Waikato District until a new plan is approved for the South Waikato District, in accordance with the Civil Defence Act 1983.

### 218 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation

of any former authority and situated in the South Waikato District is hereby vested in the corporation of the South Waikato District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Rotorua District Council and the Waipa County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the South Waikato District Council, subject to all existing encumbrances.

### 219 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the South Waikato District Council by clause 218 of this order shall, unless the context otherwise requires, be read as a reference to "The South Waikato District Council".

### 220 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the South Waikato District.

(2) The local authorities to which this clause applies shall be:

- (a) The Matamata County Council; and
- (b) The Putaruru Borough Council; and
- (c) The Tokoroa Borough Council.

### 221 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the South Waikato District shall consist of:

- (a) Two members appointed by the Matamata County Council; and
- (b) Two members appointed by the Putaruru Borough Council; and
- (c) Four members appointed by the Tokoroa Borough Council; and
- (d) One officer appointed by each local authority, named in clause 220(2) of this order, who shall be non-voting members of the transitional committee; and
- (e) The Chief Executive designate, when appointed in accordance with clause 224 of this order, who shall be a non-voting member of the transitional committee; and
- (f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 220(2) of this order, who shall be a non-voting member of the transitional committee.

### 222 NO CASTING VOTE

The Chairperson of the transitional committee for the South Waikato District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

### 223 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the South Waikato District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 224 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the South Waikato District shall appoint a person to be the Chief Executive of the South Waikato District Council.

### 225 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the South Waikato District shall be the Tokoroa Borough Council.

## 226 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the South Waikato District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 220(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

(i) The district of that local authority; or

(ii) Those parts of the district of that local authority to be included in the South Waikato District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the South Waikato District.

## 227 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The transitional committee for the South Waikato District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the South Waikato District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the South Waikato District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the South Waikato District Council that it establish such a committee or committees of management.

## PART XII

### *Taupo District*

## 228 CONSTITUTION OF TAUPO DISTRICT

There is hereby constituted a district, to be known as "The Taupo District", which shall comprise the area delineated on S.O. Plan No. 58049 deposited with the Chief Surveyor of the South Auckland Land District.

## 229 TAUPO DISTRICT COUNCIL

A territorial authority, to be known as "The Taupo District Council", is hereby constituted for the Taupo District.

## 230 INTERPRETATION

In this Part of this order:

"The former authorities" means—

- (a) The former Taupo District Council; and
- (b) The Rotorua District Council; and
- (c) The Taumarunui County Council; and
- (d) The Matamata County Council; and
- (e) The Whakatane District Council,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Taupo District" means the Taupo District in existence immediately before the coming into force of this clause of this order:

"Former Taupo District Council" means the Taupo District Council in existence immediately before the coming into force of this clause of this order:

"Taupo District" means the Taupo District constituted by this order:

"Taupo District Council" means the Taupo District Council constituted by this order.

## 231 WARDS

(1) The Taupo District is hereby divided into 6 wards.

(2) Those 6 wards are:

(a) The Mangakino Ward, comprising the area delineated on S.O. Plan No. 58023 deposited with the Chief Surveyor of the South Auckland Land District:

(b) The Pouakani Ward, comprising the area delineated on S.O. Plan No. 58050 deposited with the Chief Surveyor of the South Auckland Land District:

(c) The Taupo Ward, comprising the area delineated on S.O. Plan No. 58051 deposited with the Chief Surveyor of the South Auckland Land District:

(d) The Kaingaroa Ward, comprising the area delineated on S.O. Plan No. 58052 deposited with the Chief Surveyor of the South Auckland Land District:

(e) The Tongariro Ward, comprising the area delineated on S.O. Plan No. 58053 deposited with the Chief Surveyor of the South Auckland Land District:

(f) The Turangi Ward, comprising the area delineated on S.O. Plan No. 58112 deposited with the Chief Surveyor of the South Auckland Land District.

## 232 MEMBERSHIP

(1) The Taupo District Council shall consist of a Mayor and 15 members.

(2) Subject to the provisions of the Local Elections and Polls Act 1976, and the Local Government Act 1974, the Mayor and those members of the Taupo District Council who were first elected on the 19th day of November 1988 to represent:

The Mangakino Ward; and  
The Pouakani Ward; and  
The Taupo Ward; and  
The Kaingaroa Ward; and  
The Tongariro Ward,

shall continue in office until the triennial general election of members of local authorities to be conducted in October 1992.

(3) Two members of the Taupo District Council shall be elected to represent the Turangi Ward at the elections held pursuant to clause 2 of this order on the 14th day of October 1989.

## 233 FIRST ELECTION

(1) For the purposes of the first election of members to represent the Turangi Ward, and members of the Turangi and Mangakino Community Boards, the Returning Officer and the principal administrative officer for the Taupo District shall be, respectively, the Returning Officer and the principal administrative officer for the former Taupo District.

(2) The first election of members to represent the Turangi Ward and members of the Turangi and Mangakino Community Boards shall be conducted by postal vote.

## 234 FIRST MEETING

The first meeting of the Taupo District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

## 235 CHIEF EXECUTIVE

(1) The Chief Executive of the Taupo District Council shall be the person holding the position of General Manager of the former Taupo District Council immediately before the coming into force of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Taupo District Council.

### 236 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Taupo District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

- (i) The Local Government Act 1974; and
- (ii) Any other public Act relating to the Taupo District Council or any of the former authorities; and
- (iii) Any local Act relating to the Taupo District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 237 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Taupo District Council shall be located in Taupo.

### 238 SERVICE DELIVERY CENTRES

The Taupo District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in Turangi and in Mangakino, in accordance with the provisions of the Third Schedule to this order.

### 239 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Turangi Ward and the Tongariro Ward, to be known as "The Turangi Community"; and

(b) The area of the Mangakino Ward and the Pouakani Ward, to be known as "The Mangakino Community".

(2) The community board for the Turangi Community shall consist of:

(a) Four members elected by the electors of the Turangi Ward; and

(b) Two members elected by the electors of the Tongariro Ward; and

(c) The persons elected from time to time as members of the Taupo District Council, representing the wards comprising the area of the community, and appointed by the Taupo District Council to the community board.

(3) The community board for the Mangakino Community shall consist of:

(a) Two members elected by the electors of the Mangakino Ward; and

(b) Four members elected by the electors of the Pouakani Ward; and

(c) The persons elected from time to time as members of the Taupo District Council, representing the wards comprising the area of the community, and appointed by the Taupo District Council to the community board.

### 240 RATING

(1) The system of rating in the Taupo District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Taupo District, Part XIV of the Rating Powers Act 1988 shall apply as if the Taupo District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 241 TOWN AND COUNTRY PLANNING

(1) The Taupo District Council shall not be required to prepare a new district scheme, immediately, for the Taupo District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Taupo District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Taupo District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Taupo District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Taupo District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Taupo District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Taupo District Council or, as the case may require, a committee or delegate thereof.

### 242 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Taupo District until a new plan is approved for the Taupo District, in accordance with the Civil Defence Act 1983.

### 243 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Taupo District is hereby vested in the corporation of the Taupo District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of the former Taupo District Council and situated in a district in which that Council is not also a former authority, is hereby vested in the corporation of the Taupo District Council, subject to all existing encumbrances.

### 244 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Taupo District Council by clause 243 of this order shall, unless the context otherwise requires, be read as a reference to "The Taupo District Council".

## PART XIII

### General

### 245 TRANSFER OF RESPONSIBILITIES

(1) Except as otherwise provided in this order, a local authority constituted by this order shall, in respect of the district of that local authority:

(a) Have and may exercise and be responsible for all the powers, duties, acts of authority and functions which were previously exercised, or which could have been so exercised, by the former authorities had they not been dissolved; and

(b) 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 former authorities had they not been dissolved; and

(c) 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 former authorities had they not been dissolved; and

(d) Succeed to the bylaws which are in force in the districts of the former authorities. Until revoked or altered by the newly constituted local authority each such bylaw shall remain in force in the area to which it applied immediately before the constitution of the district, and every bylaw which cannot be restricted to that area shall be deemed inapplicable and revoked by the dissolution of the former authorities; and

(e) Succeed to all rates and levies, and other money payable to the former authorities, had they not been dissolved; and

(f) Succeed to the valuation rolls and rate records in force in the districts of the former authorities. These shall remain in force in the district of the newly constituted local authority until new valuation rolls are made by that local authority.

(2) The Mayor or Chairperson of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the Mayors and Chairmen of the former authorities.

(3) The principal administrative officer of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the principal administrative officers of the former authorities.

#### 246 CREDITORS

Subject to section 37F of the Local Government Act 1974, the rights or interests of creditors of the former authorities shall not be affected by this order.

#### 247 LOCAL AUTHORITIES PETROLEUM TAX

For the purposes of Part XI of the Local Government Act 1974, the local authorities constituted by this order shall be successors to the former authorities.

#### 248 SPECIAL FUNDS

(1) The special funds of the former authorities shall:

(a) Be expended only for the purposes for which they were set aside; and

(b) Except for any plant renewal fund, be expended for the benefit of the area in which they originated and, after provision has been made for all liabilities, any money required to be paid into any such fund, to meet any deficit, shall be found from within that area.

(2) After the 1st day of November 1996, the local authorities constituted by this order:

(a) Shall review any special fund provided for in subclause (1) of this clause; and

(b) May resolve that from a date to be determined by the council, such special fund may be applied for such other purpose or purposes as the council considers appropriate.

(3) Notwithstanding subclause (2) of this clause, the local authorities constituted by this order may at any time before the 1st day of November 1996, with the approval of the Local Government Commission, resolve to vary the use of any special funds.

(4) All funds held by the administering authorities of reserves under the Reserves Act 1977 shall be deemed to be special funds for the purposes of this clause.

#### 249 LOANS

Any rate made and levied to meet the annual charges in respect of any loan secured over the district of any of the former authorities shall continue to be made and levied on the same basis as applied before the 1st day of November 1989:

Provided that the local authorities constituted by this order

may at any time before the 1st day of November 1996 review the basis upon which any such rate is made and levied and may, with the approval of the Local Government Commission, resolve to vary such basis.

#### 250 ASSETS AND LIABILITIES

The provisions of section 60 of the Local Government Amendment Act (No. 2) 1989 shall apply in relation to the apportionment of the assets and liabilities of the former authorities, as defined in Parts II to XII of this order, as if this order did not make provision for the apportionment of those assets and liabilities.

#### 251 LOAN LIABILITIES

Subject to section 37F(2) of the Local Government Act 1974, all loan liabilities existing immediately before the 1st day of November 1989, shall continue to be secured against the area over which they were secured at that date.

#### 252 RESIDUAL AUTHORITIES

In the case of a former authority listed in the Fourth Schedule to this order, the local authority that shall be responsible for:

(a) The preparation of the annual financial statement for that former local authority for the financial year commencing on the 1st day of April 1989 and for any earlier financial years for which an annual financial statement has not been prepared; and

(b) The documents (as defined in section 248 of the Local Government Act 1974) and local archives (as so defined) of that former local authority, other than those documents or local archives relating to a specified area or function, shall be the local authority designated in that Schedule as a residual authority in relation to that former authority.

#### 253 CONDUCT OF AFFAIRS

The provisions of section 223C of the Local Government Act 1974 relating to the conduct of affairs of local authorities and community boards applies to the local authorities and community boards constituted by this order.

#### First Schedule

##### PART I

##### *Local Authorities Dissolved and Districts Abolished*

Local Authorities	Districts
Waikato United Council	Waikato Region
Thames Valley United Council	Thames Valley Region
Tongariro United Council	Tongariro Region
Waikato Catchment Board and Regional Water Board	Waikato Catchment District
Hauraki Catchment Board and Regional Water Board	Hauraki Catchment District
Waikato County Council	Waikato County
Raglan County Council	Raglan County
Huntly Borough Council	Huntly Borough
Ngaruawahia Borough Council	Ngaruawahia Borough
Hamilton City Council	Hamilton City
Waipa County Council	Waipa County
Cambridge Borough Council	Cambridge Borough
Te Awamutu Borough Council	Te Awamutu Borough
Otorohanga District Council	Otorohanga District
Waitomo District Council	Waitomo District
Thames-Coromandel District Council	Thames-Coromandel District
Hauraki Plains County Council	Hauraki Plains County
Ohinemuri County Council	Ohinemuri County
Waihi Borough Council	Waihi Borough
Paeroa Borough Council	Paeroa Borough



Local Authorities	Districts
Piako County Council	Piako County
Te Aroha Borough Council	Te Aroha Borough
Morrinsville Borough Council	Morrinsville Borough
Matamata County Council	Matamata County
Matamata Borough Council	Matamata Borough
Putaruru Borough Council	Putaruru Borough
Tokoroa Borough Council	Tokoroa Borough
Taupo District Council	Taupo District
Aka Aka-Otaua Drainage Board	Aka Aka-Otaua Drainage District
Taupiri Drainage and River Board	Taupiri Drainage and River District
Eureka Drainage Board	Eureka Drainage District
Fencourt Drainage Board	Fencourt Drainage District
Hautapu Drainage Board	Hautapu Drainage District
Te Rapa Drainage Board	Te Rapa Drainage District
Rotomanuka Drainage Board	Rotomanuka Drainage District
Ohaupo-Ngaroto Drainage Board	Ohaupo-Ngaroto Drainage District
Tirohia-Rotokohu Drainage Board	Tirohia-Rotokohu Drainage District
Thames Valley Drainage Board	Thames Valley Drainage District
Mangahoe Drainage Board	Mangahoe Drainage District
Upper Mangapiko Drainage Board	Upper Mangapiko Drainage District
Central North Island Pest Destruction Board	Central North Island Pest Destruction District

**PART II****Local Authorities Dissolved**

Raglan Harbour Board  
 Hamilton District Noxious Plants Authority  
 Waikato District Noxious Plants Authority  
 Raglan District Noxious Plants Authority  
 Waipa District Noxious Plants Authority  
 Otorohanga District Noxious Plants Authority  
 Waitomo District Noxious Plants Authority  
 Thames-Coromandel District Noxious Plants Authority  
 Hauraki Plains District Noxious Plants Authority  
 Ohinemuri District Noxious Plants Authority  
 Piako District Noxious Plants Authority  
 Matamata District Noxious Plants Authority  
 Taupo District Noxious Plants Authority  
 Waikato County Pest Destruction Board  
 Raglan County Pest Destruction Board  
 Waipa County Pest Destruction Board  
 Otorohanga District Pest Destruction Board  
 Waitomo District Pest Destruction Board  
 Thames-Coromandel District Pest Destruction Board  
 Hauraki Plains County Pest Destruction Board  
 Ohinemuri County Pest Destruction Board  
 Piako County Pest Destruction Board  
 Matamata County Pest Destruction Board  
 Ohinewai Domain Board  
 Raglan Recreation Reserve Board  
 Te Mata Recreation Reserve Board  
 Te Uku and District Memorial Recreation Reserve Board  
 Pirongia Recreation Reserve Board  
 Rangioahia Recreation Reserve Board  
 Rukuhia Central Recreation Reserve Board  
 Te Miro Recreation Reserve Board  
 Te Rahu Recreation Reserve Board  
 Wharepapa Domain Board  
 Paewhenua Recreation Reserve Board  
 Korakonui Recreation Reserve Board  
 Kuaotunu Recreation Reserve Board  
 Ngarimu Recreation Reserve Board  
 Tapu Flat Recreation Reserve Board  
 Waiomu Domain Board

Mackaytown Domain Board  
 Kerepehi Recreation Reserve Board  
 Netherton Recreation Reserve Board  
 Waikino Recreation Reserve Board  
 Waitakaruru Recreation Reserve Board  
 Mangateparu Recreation Reserve Board  
 Ngarua Recreation Reserve Board  
 Tahuna Recreation Reserve Board  
 Waharoa Recreation Reserve Board  
 Lichfield Recreation Reserve Board  
 Tirau Recreation Reserve Board

**Second Schedule****District Community Councils and Community Councils Dissolved and Communities Abolished**

District Community and Community Councils	Communities
Otorohanga District Community Council	Otorohanga Community
Thames District Community Council	Thames Community
Turangi District Community Council	Turangi Community
Mangakino District Community Council	Mangakino Community
Whangamata Community Council	Whangamata Community
Whitianga Community Council	Whitianga Community
Meremere Community Council	Meremere Community
Te Kauwhata Community Council	Te Kauwhata Community
Taupiri Community Council	Taupiri Community
Raglan Community Council	Raglan Community
Ohaupo Community Council	Ohaupo Community
Kihikihiki Community Council	Kihikihiki Community
Kawhia Community Council	Kawhia Community
Piopio Community Council	Piopio Community
Coromandel Community Council	Coromandel Community
Tairua Community Council	Tairua Community
Pauanui Community Council	Pauanui Community
Ngatea Community Council	Ngatea Community
Waharoa Community Council	Waharoa Community
Tirau Community Council	Tirau Community
Omori Community Council	Omori Community

**Third Schedule****Service Delivery Centres**

A service delivery centre shall provide services not less than those required for:

- (a) The payment of money due to the council; and
- (b) The provision of information relating to rates and other accounts due to the council; and
- (c) The provision of information relating to the district planning scheme, bylaws or information otherwise necessary

for the preparation of town planning applications, and permit applications; and

(d) The provision of information relating to community development and recreation; and

(e) The making of rates rebate applications; and

(f) The making of applications for housing accommodation; and

(g) The registration of dogs; and

(h) Such other purposes as the council considers appropriate.

#### Fourth Schedule

##### *Residual Authorities*

Residual Authority	Former Authority
Waikato District Council	Raglan County Council
Waikato District Council	Waikato County Council
Waipa District Council	Waipa County Council
Waitomo District Council	Waitomo District Council
Hauraki District Council	Ohinemuri County Council
South Waikato District Council	Matamata County Council
Taupo District Council	Taupo District Council
Waikato Regional Council	Waitomo District Noxious Plants Authority

Residual Authority	Former Authority
Waikato Regional Council	Ohinemuri District Noxious Plants Authority
Waikato Regional Council	Matamata District Noxious Plants Authority
Waikato Regional Council	Taupo District Noxious Plants Authority
Waikato Regional Council	Waitomo District Pest Destruction Board
Waikato Regional Council	Ohinemuri County Pest Destruction Board
Waikato Regional Council	Matamata County Pest Destruction Board
Waikato Regional Council	Central North Island Pest Destruction Board
Waikato Regional Council	Waikato Catchment Board and Regional Water Board
Waikato Regional Council	Hauraki Catchment Board and Regional Water Board

C. J. HILL, Acting for Clerk of the Executive Council.  
(I.A. 104/18)

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## The Local Government (Wellington Region) Reorganisation Order 1989

PAUL REEVES, Governor-General

### ORDER IN COUNCIL

At Wellington this 9th day of June 1989

Present:

HIS EXCELLENCY THE Governor-GENERAL IN COUNCIL

Pursuant to section 36 of 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.

### Analysis

- |  |  |
|--|--|
| 1 Title and commencement   | 33 Obligation of transitional committee to appoint chief executive |
| 2 Elections  | 34 Principal local authority                                       |
| 3 Communities  | 35 Costs of transitional committee                                 |
| PART I   | 36 Delegation of service delivery                                  |
| <i>Wellington Region</i>   | PART III   |
| 4 Constitution of Wellington Region  | <i>Wellington City</i>   |
| 5 Constituent authorities  | 37 Constitution of Wellington City                                 |
| 6 Dissolution of existing local authorities and abolition of existing districts                                    | 38 Wellington City Council   |
| 7 References to former authority   | 39 Interpretation  |
| 8 Dissolution of existing district community councils and community councils and abolition of existing communities | 40 Wards   |
| PART II  | 41 Membership  |
| <i>Wellington Regional Council</i>   | 42 First election  |
| 9 Wellington Regional Council  | 43 First meeting   |
| 10 Interpretation  | 44 Chief executive   |
| 11 Constituencies  | 45 Functions, duties, and powers                                   |
| 12 Membership  | 46 Administration headquarters                                     |
| 13 First election  | 47 Service delivery centres  |
| 14 First meeting   | 48 Communities   |
| 15 Chief executive   | 49 Rating  |
| 16 Functions, duties, and powers   | 50 Town and country planning                                       |
| 17 Wairarapa committee   | 51 Civil defence   |
| 18 Rural services committee  | 52 Vesting of property   |
| 19 Joint committee   | 53 Title to property   |
| 20 Regional land transport committee   | 54 Transitional committee  |
| 21 Harbour committee   | 55 Membership of transitional committee                            |
| 22 Administration headquarters   | 56 No casting vote   |
| 23 Regional service delivery centre  | 57 Exclusion of non-voting members                                 |
| 24 Rating  | 58 Principal local authority                                       |
| 25 Regional planning   | 59 Costs of transitional committee                                 |
| 26 Civil defence   | PART IV  |
| 27 Vesting of property   | <i>Porirua City</i>  |
| 28 Title to property   | 60 Constitution of Porirua City                                    |
| 29 Transitional committee  | 61 Porirua City Council  |
| 30 Membership of transitional committee  | 62 Interpretation  |
| 31 No casting vote   | 63 Wards   |
| 32 Exclusion of non-voting members   | 64 Membership  |
|  | 65 First election  |

- 66 First meeting  
 67 Chief executive  
 68 Functions, duties, and powers  
 69 Administration headquarters  
 70 Rating  
 71 Town and country planning  
 72 Civil defence  
 73 Vesting of property  
 74 Title to property  
 PART V  
*Kapiti Coast District*  
 75 Constitution of Kapiti Coast District  
 76 Kapiti Coast District Council  
 77 Interpretation  
 78 Wards  
 79 Membership  
 80 First election  
 81 First meeting  
 82 Chief executive  
 83 Functions, duties, and powers  
 84 Administration headquarters  
 85 Service delivery centres  
 86 Communities  
 87 Rating  
 88 Town and county planning  
 89 Civil defence  
 90 Vesting of property  
 91 Title to property  
 92 Transitional committee  
 93 Membership of transitional committee  
 94 No casting vote  
 95 Exclusion of non-voting members  
 96 Obligation of transitional committee to appoint chief executive  
 97 Principal local authority  
 98 Costs of transitional committee  
 PART VI  
*Lower Hutt City*  
 99 Constitution of Lower Hutt City  
 100 Lower Hutt City Council  
 101 Interpretation  
 102 Wards  
 103 Membership  
 104 First election  
 105 First meeting  
 106 Chief executive  
 107 Functions, duties, and powers  
 108 Administration headquarters  
 109 Service delivery centres  
 110 Communities  
 111 Rating  
 112 Town and country planning  
 113 Civil defence  
 114 Vesting of property  
 115 Title to property  
 116 Transitional committee  
 117 Membership of transitional committee  
 118 No casting vote  
 119 Exclusion of non-voting members  
 120 Obligation of transitional committee to appoint chief executive  
 121 Principal local authority  
 122 Costs of transitional committee  
 PART VII  
*Upper Hutt City*  
 123 Constitution of Upper Hutt City  
 124 Upper Hutt City Council  
 125 Interpretation  
 126 Wards  
 127 Membership  
 128 First election  
 129 First meeting  
 130 Chief executive  
 131 Functions, duties, and powers  
 132 Administration headquarters  
 133 Service delivery centre  
 134 Rating  
 135 Town and country planning  
 136 Civil defence  
 137 Vesting of property  
 138 Title to property  
 PART VIII  
*Masterton District*  
 139 Constitution of Masterton District  
 140 Masterton District Council  
 141 Interpretation  
 142 Wards  
 143 Membership  
 144 First election  
 145 First meeting  
 146 Chief executive  
 147 Functions, duties, and powers  
 148 Administration headquarters  
 149 Rating  
 150 Town and country planning  
 151 Civil defence  
 152 Vesting of property  
 153 Title to property  
 154 Consultation with administering authorities of reserves  
 PART IX  
*Carterton District*  
 155 Constitution of Carterton District  
 156 Carterton District Council  
 157 Interpretation  
 158 Wards  
 159 Membership  
 160 First election  
 161 First meeting  
 162 Chief executive  
 163 Functions, duties, and powers  
 164 Administration headquarters  
 165 Rating

166 Town and country planning

167 Civil defence

168 Vesting of property

169 Title to property

#### PART X

*South Wairarapa District*

170 Constitution of South Wairarapa District

171 South Wairarapa District Council

172 Interpretation

173 Wards

174 Membership

175 First election

176 First meeting

177 Chief executive

178 Functions, duties, and powers

179 Administration headquarters

180 Service delivery centres

181 Communities

182 Rating

183 Town and country planning

184 Civil defence

185 Vesting of property

186 Title to property

187 Transitional committee

188 Membership of transitional committee

189 No casting vote

190 Exclusion of non-voting members

191 Obligation of transitional committee to appoint chief executive

192 Principal local authority

193 Costs of transitional committee

#### PART XI

*Wellington Harbour Board*

194 Vesting of property

195 Wellington Harbour Board and Wellington City Council Vesting and Empowering Act 1987

196 Title to property

197 Port of Wellington Limited

198 Liabilities in respect of port related commercial undertakings

199 Residual assets and liabilities

#### PART XII

*Hutt Valley Drainage Board*

200 Transfer of functions

201 Hutt Valley services committee

202 Hutt Valley drainage fund

203 Vesting of property

204 Title to property

#### PART XIII

*Wellington Waste Disposal Committee*

205 Functions

206 Membership

#### PART XIV

*General*

207 Transfer of responsibilities

208 Creditors

209 Local authorities petroleum tax

210 Special funds

211 Loans

212 Assets and liabilities

213 Loan liabilities

214 Residual authorities

215 Conduct of affairs

Schedules

## Order

### 1 TITLE AND COMMENCEMENT

(1) This order may be cited as the Local Government (Wellington Region) Reorganisation Order 1989.

(2) Subject to subclause (3) of this clause, this order shall come into force on the 1st day of November 1989.

(3) Those provisions of this order necessary:

(a) To provide for the first election of the members of the local authorities, and the members of community boards for the communities, constituted by this order; and

(b) For the purposes of clauses 29 to 36, 54 to 59, 92 to 98, 116 to 122, 154, 187 to 193, and 212 of this order; and

(c) For the appointment of the principal administrative officers of the local authorities constituted by this order, shall come into force on the making of this order.

### 2 ELECTIONS

The first elections of the local authorities, and the community boards for the communities, constituted by this order shall be held on the 14th day of October 1989.

### 3 COMMUNITIES

Each community constituted by this order shall come into existence on the day after the date on which the Returning Officer declares the result of the first election of members of

the community board for that community, provided that no such community shall come into existence prior to the 1st day of November 1989.

#### PART I

*Wellington Region*

### 4 CONSTITUTION OF WELLINGTON REGION

There is hereby constituted a region, to be known as "The Wellington Region", which shall comprise the area delineated on S.O. Plan No. 35951 deposited with the Chief Surveyor of the Wellington Land District.

### 5 CONSTITUENT AUTHORITIES

The constituent authorities of the Wellington Region shall comprise:

(a) The territorial authorities constituted by Parts III to X of this order; and

(b) In relation to any part of the Tararua District constituted by the Local Government (Manawatu-Wanganui Region) Reorganisation Order 1989 that is within the Wellington Region, the Tararua District Council.

### 6 DISSOLUTION OF EXISTING LOCAL AUTHORITIES AND ABOLITION OF EXISTING DISTRICTS

(1) Every local authority named in Part I or Part II of the First Schedule to this order is hereby dissolved.

(2) Every district named in Part I of the First Schedule to this order is hereby abolished.

## 7 REFERENCES TO FORMER AUTHORITY

(1) Every reference in this order to a former authority shall, where part only of the district of a former authority has been included within the district of a local authority or any function of a former authority has been allocated to a local authority, be read as a reference to the former authority only in relation to that part or, as the case may be, that function.

(2) Any reference in Part XIV of this order to "the former authorities" or "former authority" shall be a reference to the former authorities defined in Parts II to X of this order.

## 8 DISSOLUTION OF EXISTING DISTRICT COMMUNITY COUNCILS AND COMMUNITY COUNCILS AND ABOLITION OF EXISTING COMMUNITIES

(1) Every district community council and community council named in the Second Schedule to this order is hereby dissolved.

(2) Every community named in the Second Schedule to this order is hereby abolished.

## PART II

### *Wellington Regional Council*

## 9 WELLINGTON REGIONAL COUNCIL

A regional council, to be known as "The Wellington Regional Council", is hereby constituted for the Wellington Region.

## 10 INTERPRETATION

In this Part of this order:

"The former authorities" means—

- (a) The former Wellington Regional Council; and
- (b) The Horowhenua United Council; and
- (c) The Wairarapa United Council; and
- (d) The Wairarapa Catchment Board and Regional Water Board; and
- (e) The Manawatu Catchment Board and Regional Water Board; and
- (f) Subject to Part XI of this order, the Wellington Harbour Board; and
- (g) The Wellington Maritime Planning Authority; and
- (h) The Wellington District Noxious Plants Authority; and
- (i) The Horowhenua District Noxious Plants Authority; and
- (j) The Featherston District Noxious Plants Authority; and
- (k) The Masterton District Noxious Plants Authority; and
- (l) The Eketahuna District Noxious Plants Authority; and
- (m) The Wairarapa South-Carterton District Noxious Plants Authority; and
- (n) The Wainuiomata District Pest Destruction Board; and
- (o) The South-west North Island Pest Destruction Board; and
- (p) The South-east Coast North Island Pest Destruction Board, and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Wellington Region" means the Wellington Region in existence immediately before the coming into force of this clause of this order:

"Former Wellington Regional Council" means the Wellington Regional Council in existence immediately before the coming into force of this clause of this order:

"Wellington Region" means the Wellington Region constituted by this order:

"Wellington Regional Council" means the Wellington Regional Council constituted by this order.

## 11 CONSTITUENCIES

(1) The Wellington Region shall be divided into 7 constituencies.

(2) Those 7 constituencies are:

(a) The Kapiti Coast Constituency, comprising the area delineated on S.O. Plan No. 35952 deposited with the Chief Surveyor of the Wellington Land District:

(b) The Porirua Constituency, comprising the area delineated on S.O. Plan No. 35953 deposited with the Chief Surveyor of the Wellington Land District:

(c) The Wellington North Constituency, comprising the area delineated on S.O. Plan No. 35954 deposited with the Chief Surveyor of the Wellington Land District:

(d) The Wellington South Constituency, comprising the area delineated on S.O. Plan No. 35955 deposited with the Chief Surveyor of the Wellington Land District:

(e) The Lower Hutt Constituency, comprising the area delineated on S.O. Plan No. 35956 deposited with the Chief Surveyor of the Wellington Land District:

(f) The Upper Hutt Constituency, comprising the area delineated on S.O. Plan No. 35957 deposited with the Chief Surveyor of the Wellington Land District:

(g) The Wairarapa Constituency, comprising the area delineated on S.O. Plan No. 35958 deposited with the Chief Surveyor of the Wellington Land District.

## 12 MEMBERSHIP

The Wellington Regional Council shall consist of 19 members, of whom:

- (a) Two members shall be elected by the electors of the Kapiti Coast Constituency; and
- (b) Two members shall be elected by the electors of the Porirua Constituency; and
- (c) Three members shall be elected by the electors of the Wellington North Constituency; and
- (d) Four members shall be elected by the electors of the Wellington South Constituency; and
- (e) Four members shall be elected by the electors of the Lower Hutt Constituency; and
- (f) Two members shall be elected by the electors of the Upper Hutt Constituency; and
- (g) Two members shall be elected by the electors of the Wairarapa Constituency.

## 13 FIRST ELECTION

(1) For the purposes of the first election of the Wellington Regional Council:

(a) The Returning Officer for the Kapiti Coast Constituency shall be the Returning Officer for the Kapiti Borough; and

(b) The Returning Officer for the Porirua Constituency shall be the Returning Officer for the Porirua City; and

(c) The Returning Officer for the Wellington North Constituency shall be the Returning Officer for the Wellington City; and

(d) The Returning Officer for the Wellington South Constituency shall be the Returning Officer for the Wellington City; and

(e) The Returning Officer for the Lower Hutt Constituency shall be the Returning Officer for the Lower Hutt City; and

(f) The Returning Officer for the Upper Hutt Constituency shall be the Returning Officer for the Upper Hutt City; and

(g) The Returning Officer for the Wairarapa Constituency shall be the Returning Officer for the Masterton District.

(2) The first election of the Wellington Regional Council shall be conducted by postal vote.

#### 14 FIRST MEETING

(1) The principal administrative officer of the Wellington Regional Council:

(a) Shall convene the first meeting of that Council; and

(b) Shall preside at the first meeting of that Council until the election of the Chairperson of that Council.

(2) The first meeting of the Wellington Regional Council shall be held no later than the 14th day of November 1989.

#### 15 CHIEF EXECUTIVE

(1) The Chief Executive of the Wellington Regional Council shall be the person appointed to that position in accordance with clause 33 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Wellington Regional Council.

#### 16 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Wellington Regional Council shall be:

(a) Except as otherwise provided in this order, the functions, duties, and powers of a regional council under—

(i) The Local Government Act 1974; and

(ii) The Urban Transport Act 1980; and

(iii) Any public Act relating to the Wellington Regional Council or any of the former authorities and not expressly referred to in this clause; and

(iv) Any local Act relating to the Wellington Regional Council or any of the former authorities; and

(b) The functions, duties, and powers in relation to regional planning of a regional council under the Town and Country Planning Act 1977 or any other Act; and

(c) The functions, duties, and powers in relation to maritime planning of a maritime planning authority under the Town and Country Planning Act 1977 or any other Act; and

(d) The functions, duties, and powers of a catchment board and a regional water board under the Soil Conservation and Rivers Control Act 1941, the Water and Soil Conservation Act 1967 and of the former Wellington Regional Council under the Wellington Regional Water Board Act 1972, or any other Act; and

(e) The functions, duties, and powers in relation to civil defence of a regional council under the Civil Defence Act 1983 or any other Act; and

(f) Except as otherwise provided in this order, the functions, duties, and powers of a harbour board under the Harbours Act 1950 and the Marine Pollution Act 1974 or any other Act; and

(g) The functions, duties, and powers of a pest destruction board under the Agricultural Pests Destruction Act 1967 or any other Act; and

(h) The functions, duties, and powers of a district noxious plants authority under the Noxious Plants Act 1978 or any other Act; and

(i) The provision of bulk water supplies for the territorial authority districts within the Wellington Region, with the exception of the Masterton District, the Carterton District, the South Wairarapa District, and the Kapiti Coast District.

#### 17 WAIRARAPA COMMITTEE

(1) The Wellington Regional Council shall establish and maintain a committee, to be known as "The Wairarapa Committee", comprising:

(a) Those members of the Wellington Regional Council elected from the Wairarapa Constituency; and

(b) Three other persons appointed by the Wellington Regional Council, after consultation with the district councils in the Wairarapa Constituency, who are themselves resident in the Wairarapa Constituency; and

(c) The Chairperson of the Wellington Regional Council.

(2) The Chairperson of the Wairarapa Committee shall be appointed by the Wellington Regional Council from the members elected to the Wellington Regional Council from the Wairarapa Constituency.

(3) The Wairarapa Committee may request the Wellington Regional Council to appoint other persons from the Wairarapa Constituency, with special knowledge of the Wairarapa Constituency, to the Wairarapa Committee.

(4) The function of the Wairarapa Committee shall be to consider and make recommendations on all matters affecting the Wairarapa Constituency which the Wellington Regional Council refers to it.

(5) Subject to section 114Q of the Local Government Act 1974, the Wellington Regional Council may delegate any matter to the Wairarapa Committee with power to act.

(6) The Wairarapa Committee may, of its own motion, consider any matter of concern to the Wairarapa Constituency and refer it with a recommendation to the Wellington Regional Council.

#### 18 RURAL SERVICES COMMITTEE

(1) The Wellington Regional Council shall, at least until the 1st day of November 1995, establish and maintain a Rural Services Committee.

(2) The Rural Services Committee shall be responsible for:

(a) Agricultural pests destruction; and

(b) Noxious plants control; and

(c) Any other functions considered by the Wellington Regional Council to be of particular concern to the rural community.

(3) The persons appointed by the Wellington Regional Council to the Rural Services Committee established under this clause shall include not less than two persons:

(a) Who are not members of that Council; but

(b) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

#### 19 JOINT COMMITTEE

(1) The Wellington Regional Council shall, at least until the 1st day of November 1995, unite with the Manawatu-Wanganui Regional Council in appointing a joint committee.

(2) This joint committee shall comprise an equal number of representatives appointed by the Councils named in sub-clause (1) of this clause.

(3) The functions of this joint committee shall be:

(a) Co-ordinating planning for the control of those agricultural pests and noxious plants of particular concern in relation to their regions; and

(b) Co-ordinating action on such other matters as those councils are jointly interested in.

#### 20 REGIONAL LAND TRANSPORT COMMITTEE

(1) The Wellington Regional Council shall establish and maintain a Regional Land Transport Committee.

(2) The Regional Land Transport Committee shall be responsible for:

(a) Regional roading, under Part XXII of the Local Government Act 1974; and

(b) Such transport or other roading responsibilities as may from time to time, pursuant to any Act, become a function of a regional council; and

(c) Such other functions as the Wellington Regional Council considers appropriate.

## 21 HARBOUR COMMITTEE

(1) The Wellington Regional Council shall, at least until the 1st day of November 1995, establish and maintain a "Wellington Harbour Committee".

(2) The Wellington Harbour Committee shall be responsible for:

(a) Navigation and safety within those areas within harbour limits for which the Wellington Regional Council is, from time to time, responsible; and

(b) Any other matter associated with the regulation of those areas, other than maritime planning; and

(c) Such other functions as that Council considers appropriate.

(3) The persons appointed by the Wellington Regional Council to the Wellington Harbour Committee established under this clause shall include not less than two persons:

(a) Who are not members of that Council; but

(b) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

## 22 ADMINISTRATION HEADQUARTERS

Until the Wellington Regional Council otherwise resolves, the administration headquarters of the Wellington Regional Council shall be located in Wellington City.

## 23 REGIONAL SERVICE DELIVERY CENTRE

The Wellington Regional Council shall establish and maintain a regional service delivery centre in Masterton.

## 24 RATING

(1) Without limiting the powers of the Wellington Regional Council under the Rating Powers Act 1988 to make and levy any rate under a different system of rating, the system of rating in the Wellington Region shall be the capital value system.

(2) The Wellington Regional Council shall exercise within the Wellington Region or any part thereof:

(a) Any rating powers possessed by any former authority; and

(b) Any powers to make and levy assessments relating to the functions and powers possessed by any former authority.

(3) Subject to subclause (7) of this clause, and until at least the 30th day of June 1992, all rates made by the Wellington Regional Council shall be levied and collected by the constituent authorities of the Wellington Region as if an agreement had been made under section 127(1) of the Rating Powers Act 1988.

(4) Where a rate to which subclause (3) of this clause applies has been made on a different rating system to that which applies in the district of the constituent authority by which the rate is to be collected, that rate shall be levied and collected by the constituent authority:

(a) On the system of rating in force in the district of the constituent authority; or

(b) On the system of rating upon which the rate was made by the Wellington Regional Council.

(5) Where any rate to which subclause (3) of this clause applies is made by the Wellington Regional Council in respect of an area of benefit, it shall be levied and collected by the constituent authority or authorities within which that area of benefit is located and, where appropriate, according to any graduated scale applying to that rate.

(6) Subject to subclause (7) of this clause, the Wellington Regional Council shall, for the purpose of:

(a) Reimbursing each constituent authority for costs

incurred in the levying and collecting of rates (including goods and services tax); and

(b) Paying reasonable remuneration for clerical and other work,

pay to each constituent authority an amount equal to 2 percent of the total amount of the rates, including goods and services tax, collected by that constituent authority on behalf of that Council.

(7) The Wellington Regional Council and the constituent authorities may, by unanimous agreement, resolve:

(a) That, at any time after the 1st day of July 1990, that Council shall levy and collect all or any rates directly; or

(b) That, at any time after the 1st day of July 1990, the amount payable by that Council to each constituent authority, pursuant to subclause (6) of this clause, may be increased or decreased or calculated in accordance with a formula not based upon a percentage.

## 25 REGIONAL PLANNING

(1) The Wellington Regional Council shall not be required to prepare a new regional planning scheme immediately.

(2) The approved regional planning schemes and the proposed regional planning schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the approved, or as the case may be the proposed, regional planning scheme of the Wellington Region.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its regional planning scheme or of any change or variation thereof, then subject to any resolution of the Wellington Regional Council to the contrary, all such preparation shall be deemed to have been done by, or on the behalf of, the Wellington Regional Council, and may be adopted and acted upon by it.

## 26 CIVIL DEFENCE

The operative regional civil defence plans of the former Wellington Region, the Wairarapa Region and the Horowhenua Region shall continue in force in those areas included in the Wellington Region until a new plan is approved for the whole region, in accordance with the Civil Defence Act 1983.

## 27 VESTING OF PROPERTY

(1) Except as otherwise provided in this order, all property, real and personal, vested in the corporation of any former authority and situated in the Wellington Region is hereby vested in the corporation of the Wellington Regional Council, subject to all existing encumbrances.

(2) Except as otherwise provided in this order, all property, real and personal, vested in the corporation of any former authority, other than the former authorities named in paragraphs (b), (e), (i), (l) and (o) of clause 10 of this order, and situated in a region in which that former authority is not also a former authority is hereby vested in the corporation of the Wellington Regional Council, subject to all existing encumbrances.

## 28 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Wellington Regional Council by clause 27 of this order shall, unless the context otherwise requires, be read as a reference to "The Wellington Regional Council".

## 29 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Wellington Region.

(2) The local authorities to which this clause applies



shall be:

- (a) The former Wellington Regional Council; and
- (b) The Horowhenua United Council; and
- (c) The Wairarapa United Council; and
- (d) The Wairarapa Catchment Board and Regional Water Board; and
- (e) The Manawatu Catchment Board and Regional Water Board; and
- (f) The Wellington Harbour Board; and
- (g) The Wellington District Noxious Plants Authority; and
- (h) The Horowhenua District Noxious Plants Authority; and
- (i) The Featherston District Noxious Plants Authority; and
- (j) The Masterton District Noxious Plants Authority; and
- (k) The Eketahuna District Noxious Plants Authority; and
- (l) The Wairarapa South-Carterton District Noxious Plants Authority; and
- (m) The Wainuiomata District Pest Destruction Board; and
- (n) The South-west North Island Pest Destruction Board; and
- (o) The South-east Coast North Island Pest Destruction Board.

### **30 MEMBERSHIP OF TRANSITIONAL COMMITTEE**

(1) The transitional committee for the Wellington Region shall consist of:

- (a) Two members appointed by the former Wellington Regional Council; and
- (b) One member appointed by the Horowhenua United Council; and
- (c) One member appointed by the Wairarapa United Council; and
- (d) One member appointed by the Wairarapa Catchment Board and Regional Water Board; and
- (e) One member appointed by the Wellington Harbour Board; and
- (f) One member appointed by the Manawatu Catchment Board and Regional Water Board; and
- (g) One member appointed jointly by the district noxious plants authorities and the pest destruction boards named in paragraphs (g) to (o) of clause 29(2) of this order; and
- (h) One officer appointed by each local authority, named in paragraphs (a) to (f) of clause 29(2) of this order, each of whom shall be a non-voting member of the transitional committee; and
- (i) One officer appointed jointly by the district noxious plants authorities and the pest destruction boards named in paragraphs (g) to (o) of clause 29(2) of this order, who shall be a non-voting member of the transitional committee; and
- (j) The Chief Executive designate, when appointed in accordance with clause 33 of this order, who shall be a non-voting member of the transitional committee; and
- (k) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 29(2) of this order, who shall be a non-voting member of the transitional committee.

(2) Each member appointed by the former Wellington Regional Council shall have 2 votes.

### **31 NO CASTING VOTE**

The Chairperson of the transitional committee for the Wellington Region or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

### **32 EXCLUSION OF NON-VOTING MEMBERS**

The transitional committee for the Wellington Region may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### **33 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE**

The transitional committee for the Wellington Region shall appoint a person to be the Chief Executive of the Wellington Regional Council.

### **34 PRINCIPAL LOCAL AUTHORITY**

The principal local authority for the transitional committee for the Wellington Region shall be the former Wellington Regional Council.

### **35 COSTS OF TRANSITIONAL COMMITTEE**

(1) The costs of the transitional committee for the Wellington Region (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 29(2) of this order either:

- (a) In accordance with a formula agreed to by that committee; or
- (b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the gross revenue of the local authority for the year ended on the 31st day of March 1988 bears to the gross revenue of all the local authorities to which this clause applies for that year.

(2) For the purposes of this clause, the gross revenue of a local authority shall be the gross revenue reasonably related to the area of a local authority which is to be included in the Wellington Region or any function of a local authority which is to be transferred to the Wellington Regional Council, whichever is applicable.

### **36 DELEGATION OF SERVICE DELIVERY**

The transitional committee for the Wellington Region shall meet with:

- (a) Each of the other transitional committees specified in this order; and
- (b) The Porirua City Council, the Upper Hutt City Council, the Carterton District Council, and the Masterton District Council, for the purpose of considering the most appropriate arrangements for the physical delivery of services relating to the functions allocated to the Wellington Regional Council by this order.

## **PART III**

### *Wellington City*

### **37 CONSTITUTION OF WELLINGTON CITY**

There is hereby constituted a district, to be known as "The Wellington City", which shall comprise the area delineated on S.O. Plan No. 35959 deposited with the Chief Surveyor of the Wellington Land District.

### **38 WELLINGTON CITY COUNCIL**

A territorial authority, to be known as "The Wellington City Council", is hereby constituted for the Wellington City.

### **39 INTERPRETATION**

In this Part of this order:

"The former authorities" means—

- (a) The former Wellington City Council; and
- (b) The Tawa Borough Council; and
- (c) The Porirua City Council; and

(d) The Lower Hutt City Council; and

(e) Subject to Part XI of this order, the Wellington Harbour Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Wellington City" means the Wellington City in existence immediately before the coming into force of this clause of this order:

"Former Wellington City Council" means the Wellington City Council in existence immediately before the coming into force of this clause of this order:

"Wellington City" means the Wellington City constituted by this order:

"Wellington City Council" means the Wellington City Council constituted by this order.

#### 40 WARDS

(1) The Wellington City is hereby divided into 7 wards.

(2) Those 7 wards are:

(a) The Tawa Ward, comprising the area delineated on S.O. Plan No. 35960 deposited with the Chief Surveyor of the Wellington Land District:

(b) The Northern Ward, comprising the area delineated on S.O. Plan No. 35961 deposited with the Chief Surveyor of the Wellington Land District:

(c) The Western Ward, comprising the area delineated on S.O. Plan No. 35962 deposited with the Chief Surveyor of the Wellington Land District:

(d) The Onslow Ward, comprising the area delineated on S.O. Plan No. 35963 deposited with the Chief Surveyor of the Wellington Land District:

(e) The Lambton Ward, comprising the area delineated on S.O. Plan No. 35964 deposited with the Chief Surveyor of the Wellington Land District:

(f) The Southern Ward, comprising the area delineated on S.O. Plan No. 35965 deposited with the Chief Surveyor of the Wellington Land District:

(g) The Eastern Ward, comprising the area delineated on S.O. Plan No. 35966 deposited with the Chief Surveyor of the Wellington Land District.

#### 41 MEMBERSHIP

(1) The Wellington City Council shall consist of a Mayor and 21 members.

(2) The members of the Wellington City Council to be elected at the first election of that Council shall be elected as follows:

(a) Two members shall be elected by the electors of the Tawa Ward; and

(b) Three members shall be elected by the electors of the Northern Ward; and

(c) Three members shall be elected by the electors of the Western Ward; and

(d) Two members shall be elected by the electors of the Onslow Ward; and

(e) Three members shall be elected by the electors of the Lambton Ward; and

(f) Four members shall be elected by the electors of the Southern Ward; and

(g) Four members shall be elected by the electors of the Eastern Ward.

#### 42 FIRST ELECTION

(1) For the purposes of the first election of the Wellington City Council, the Returning Officer and the principal administrative officer for the Wellington City shall be, respectively, the Returning Officer and the principal administrative officer for the former Wellington City.

(2) The first election of the Wellington City Council shall be conducted by postal vote.

#### 43 FIRST MEETING

The first meeting of the Wellington City Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

#### 44 CHIEF EXECUTIVE

(1) The Chief Executive of the Wellington City Council shall be the person holding the position of Chief Executive of the former Wellington City Council immediately before the coming into force of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Wellington City Council.

#### 45 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Wellington City Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Wellington City Council or any of the former authorities; and

(iii) Any local Act relating to the Wellington City Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the provision and maintenance of those marinas, wharves, jetties, boat ramps, and other harbour facilities, formerly the responsibility of the Wellington Harbour Board, and transferred to the Wellington City Council by Part XI of this order; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

#### 46 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Wellington City Council shall be located in Wellington.

#### 47 SERVICE DELIVERY CENTRES

The Wellington City Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in:

(a) Tawa; and

(b) not less than two other localities within Wellington City, in accordance with the provisions of the Third Schedule to this order.

#### 48 COMMUNITIES

(1) There is hereby constituted a community for the area of the Tawa Ward, to be known as "The Tawa Community".

(2) The community board for the Tawa Community shall consist of:

(a) Six members elected by the electors of that community; and

(b) The persons elected, from time to time as members of the Wellington City Council representing the ward comprising the area of that community, and appointed by the Wellington City Council to the community board.

(3) There is hereby constituted a community to be known as "The Makara-Ohariu Community", comprising the area delineated on S.O. Plan No. 36004 deposited with the Chief Surveyor of the Wellington Land District.

(4) The community board for the Makara-Ohariu Community

shall consist of six members elected by the electors of that community.

(5) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the former Wellington City.

(6) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

#### 49 RATING

(1) The system of rating in the Wellington City shall be the capital value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Wellington City, Part XIV of the Rating Powers Act 1988 shall apply as if the Wellington City was the district of a special purpose authority and the areas from which it was formed were constituent districts.

(3) Subject to section 103 of the Rating Powers Act 1988, until the 30th day of June 1991 or unless the Wellington City Council resolves otherwise and with the approval of the Local Government Commission pursuant to section 35(1)(k) of the Local Government Act 1974, the system of rating in the area of the former Tawa Borough shall be the land value system.

#### 50 TOWN AND COUNTRY PLANNING

(1) The Wellington City Council shall not be required to prepare a new district scheme, immediately, for the Wellington City.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme, or as the case may be, the proposed district scheme, of the Wellington City.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Wellington City Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Wellington City Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Wellington City Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal been given, any such appeal shall be deemed to be against the Wellington City Council; or

(c) Such application had been either partly or fully heard or considered by the former authority but no decision thereon had been given, the application shall be heard or considered again by the Wellington City Council or, as the case may require, a committee or delegate thereof.

#### 51 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Wellington City until a new plan is approved for the Wellington City, in accordance with the Civil Defence Act 1983.

#### 52 VESTING OF PROPERTY

(1) Subject to subclause (3) of this clause, all property, real

and personal, vested in the corporation of any former authority and situated in Wellington City is hereby vested in the corporation of the Wellington City Council, subject to all existing encumbrances.

(2) Notwithstanding clauses 114 and 137 of this order, all property, real and personal, vested in the corporation of any former authority, other than the Porirua City Council and the Lower Hutt City Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Wellington City Council, subject to all existing encumbrances.

(3) All those areas of land specified in paragraphs (a) to (c) of this subclause shall not be vested in the Wellington City Council, as constituted in Part III of this order:

(a) 1 perch, more or less, being part sections 10 and 12 Takapu District, and also being Lot 10, D.P. 29715, Blocks II and VIII, Belmont Survey District, Certificate of Title 10C/966; and

(b) 7 perches, more or less, being part section 12 Takapu District and also being Lot 11, D.P. 29715, Block II, Belmont Survey District, Certificate of Title 10C/967; and

(c) 14.0264 hectares, more or less, being Lot 2, D.P. 51415, Block VII, Belmont Survey District, Certificate of Title 24A/191.

#### 53 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Wellington City Council by clause 52 of this order shall, unless the context otherwise requires, be read as a reference to "The Wellington City Council".

#### 54 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Wellington City.

(2) The local authorities to which this clause applies shall be:

(a) The former Wellington City Council; and

(b) The Tawa Borough Council; and

(c) The Porirua City Council.

#### 55 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Wellington City shall consist of:

(a) Two members appointed by the former Wellington City Council; and

(b) Two members appointed by the Tawa Borough Council; and

(c) One member appointed by the Porirua City Council; and

(d) One officer appointed by each local authority, named in clause 54(2) of this order, each of whom shall be a non-voting member of the transitional committee; and

(e) The Chief Executive designate, appointed in accordance with clause 44 of this order, who shall be a non-voting member of the transitional committee; and

(f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 54(2) of this order, who shall be a non-voting member of the transitional committee.

#### 56 NO CASTING VOTE

The Chairperson of the transitional committee for the Wellington City or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

## 57 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Wellington City may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

## 58 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Wellington City shall be the former Wellington City Council.

## 59 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Wellington City (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 54(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

(i) The district of that local authority; or

(ii) Those parts of the district of that local authority to be included in the Wellington City,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Wellington City.

## PART IV

### *Porirua City*

## 60 CONSTITUTION OF PORIRUA CITY

There is hereby constituted a district, to be known as "The Porirua City", which shall comprise the area delineated on S.O. Plan No. 35967 deposited with the Chief Surveyor of the Wellington Land District.

## 61 PORIRUA CITY COUNCIL

A territorial authority, to be known as "The Porirua City Council", is hereby constituted for the Porirua City.

## 62 INTERPRETATION

In this Part of this order:

"Former authority" means the Porirua City Council, and any reference to "former authority" shall be a reference to the former authority named in this clause:

"Former Porirua City" means the Porirua City in existence immediately before the coming into force of this clause of this order:

"Former Porirua City Council" means the Porirua City Council in existence immediately before the coming into force of this clause of this order:

"Porirua City" means the Porirua City constituted by this order:

"Porirua City Council" means the Porirua City Council constituted by this order.

## 63 WARDS

(1) The Porirua City is hereby divided into 5 wards.

(2) Those 5 wards are:

(a) The Titahi Bay Ward, comprising the area delineated on S.O. Plan No. 35968 deposited with the Chief Surveyor of the Wellington Land District:

(b) The Cannons Creek Ward, comprising the area

delineated on S.O. Plan No. 35969 deposited with the Chief Surveyor of the Wellington Land District:

(c) The Tairangi Ward, comprising the area delineated on S.O. Plan No. 35970 deposited with the Chief Surveyor of the Wellington Land District:

(d) The Horokiri Ward, comprising the area delineated on S.O. Plan No. 35971 deposited with the Chief Surveyor of the Wellington Land District:

(e) The Plimmerton Ward, comprising the area delineated on S.O. Plan No. 35972 deposited with the Chief Surveyor of the Wellington Land District.

## 64 MEMBERSHIP

(1) The Porirua City Council shall consist of a Mayor and 13 members.

(2) The members of the Porirua City Council to be elected at the first election of that Council shall be elected as follows:

(a) Three members shall be elected by the electors of the Titahi Bay Ward; and

(b) Four members shall be elected by the electors of the Cannons Creek Ward; and

(c) Two members shall be elected by the electors of the Tairangi Ward; and

(d) Two members shall be elected by the electors of the Horokiri Ward; and

(e) Two members shall be elected by the electors of the Plimmerton Ward.

## 65 FIRST ELECTION

(1) For the purposes of the first election of the Porirua City Council, the Returning Officer and the principal administrative officer for the Porirua City shall be, respectively, the Returning Officer and the principal administrative officer for the former Porirua City.

(2) The first election of the Porirua City Council shall be conducted by postal vote.

## 66 FIRST MEETING

The first meeting of the Porirua City Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

## 67 CHIEF EXECUTIVE

(1) The Chief Executive of the Porirua City Council shall be the person holding the position of Chief Executive of the former Porirua City Council immediately before the coming into force of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Porirua City Council.

## 68 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Porirua City Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Porirua City Council or the former authority; and

(iii) Any local Act relating to the Porirua City Council or the former authority; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authority immediately before the coming into force of this clause.

**69 ADMINISTRATION HEADQUARTERS**

The administration headquarters of the Porirua City Council shall be located in Porirua.

**70 RATING**

The system of rating in the Porirua City shall be the capital value system.

**71 TOWN AND COUNTRY PLANNING**

(1) The Porirua City Council shall not be required to prepare a new district scheme, immediately, for the Porirua City.

(2) The operative district scheme and the proposed district scheme under the Town and Country Planning Act 1977 of the former authority shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme of the Porirua City.

(3) Where the former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Porirua City Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Porirua City Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to the former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Porirua City Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Porirua City Council; or

(c) Such application had been either partly or fully heard or considered by the former authority but no decision thereon had been given, the application shall be heard or considered again by the Porirua City Council or, as the case may require, a committee or delegate thereof.

**72 CIVIL DEFENCE**

The operative local civil defence plan for the district of the former authority shall continue in force in the respective parts of the Porirua City until a new plan is approved for the Porirua City, in accordance with the Civil Defence Act 1983.

**73 VESTING OF PROPERTY**

(1) Subject to subclause (3) of this clause, all property, real and personal, vested in the corporation of the former authority and situated in the Porirua City is hereby vested in the corporation of the Porirua City Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of the former authority, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Porirua City Council, subject to all existing encumbrances.

(3) All those areas of land specified in paragraphs (a) to (c) of this subclause are hereby vested in the Porirua City Council, as constituted by this part of this order, subject to all existing encumbrances:

(a) 1 perch, more or less, being part Sections 10 and 12, Takapu District and also being Lot 10, D.P. 29715, Blocks II and VIII, Belmont Survey District, Certificate of Title 10C/966; and

(b) 7 perches, more or less, being part Section 12, Takapu

District and also being Lot 11, D.P. 29715, Block II, Belmont Survey District, Certificate of Title 10C/967; and

(c) 14.0264 hectares, more or less, being Lot 2, D.P. 51415, Certificate of Title 24A/191,

together with all plant, fixtures, and fittings normally located or based thereon.

**74 TITLE TO PROPERTY**

Any reference, express or implied, to the former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Porirua City Council by clause 73 of this order shall, unless the context otherwise requires, be read as a reference to "The Porirua City Council".

**PART V*****Kapiti Coast District*****75 CONSTITUTION OF KAPITI COAST DISTRICT**

There is hereby constituted a district, to be known as "The Kapiti Coast District", which shall comprise the area delineated on S.O. Plan No. 35973 deposited with the Chief Surveyor of the Wellington Land District.

**76 KAPITI COAST DISTRICT COUNCIL**

A territorial authority, to be known as "The Kapiti Coast District Council", is hereby constituted for the Kapiti Coast District.

**77 INTERPRETATION**

In this Part of this order, "the former authorities" means:

- (a) The Kapiti Borough Council; and
- (b) The Otaki Borough Council; and
- (c) The Horowhenua County Council,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

**78 WARDS**

(1) The Kapiti Coast District is hereby divided into 5 wards.

(2) Those 5 wards are:

(a) The Paekakariki Ward, comprising the area delineated on S.O. Plan No. 35974 deposited with the Chief Surveyor of the Wellington Land District:

(b) The Raumati Ward, comprising the area delineated on S.O. Plan No. 35975 deposited with the Chief Surveyor of the Wellington Land District:

(c) The Paraparaumu Ward, comprising the area delineated on S.O. Plan No. 35976 deposited with the Chief Surveyor of the Wellington Land District:

(d) The Waikanae Ward, comprising the area delineated on S.O. Plan No. 35977 deposited with the Chief Surveyor of the Wellington Land District:

(e) The Otaki Ward, comprising the area delineated on S.O. Plan No. 35978 deposited with the Chief Surveyor of the Wellington Land District.

**79 MEMBERSHIP**

(1) The Kapiti Coast District Council shall consist of a Mayor and 14 members.

(2) The members of the Kapiti Coast District Council to be elected at the first election of that Council shall be elected as follows:

(a) One member shall be elected by the electors of the Paekakariki Ward; and

(b) Three members shall be elected by the electors of the Raumati Ward; and

(c) Four members shall be elected by the electors of the Paraparaumu Ward; and

(d) Three members shall be elected by the electors of the Waikanae Ward; and

(e) Three members shall be elected by the electors of the Otaki Ward.

### 80 FIRST ELECTION

(1) For the purposes of the first election of the Kapiti Coast District Council, the Returning Officer and the principal administrative officer for the Kapiti Coast District shall be, respectively, the Returning Officer and the principal administrative officer for the Kapiti Borough.

(2) The first election of the Kapiti Coast District Council shall be conducted by postal vote.

### 81 FIRST MEETING

The first meeting of the Kapiti Coast District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 82 CHIEF EXECUTIVE

(1) The Chief Executive of the Kapiti Coast District Council shall be the person appointed to that position in accordance with clause 96 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Kapiti Coast District Council.

### 83 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Kapiti Coast District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Kapiti Coast District Council or any of the former authorities; and

(iii) Any local Act relating to the Kapiti Coast District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 84 ADMINISTRATION HEADQUARTERS

Until the Kapiti Coast District Council otherwise resolves, the administration headquarters of that Council shall be located in Paraparaumu.

### 85 SERVICE DELIVERY CENTRES

The Kapiti Coast District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre, in:

(a) Waikanae; and

(b) Otaki,

in accordance with the provisions of the Third Schedule to this order.

### 86 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Waikanae Ward, to be known as "The Waikanae Community"; and

(b) The area of the Otaki Ward, to be known as "The Otaki Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected from time to time as members of the Kapiti Coast District Council representing the ward comprising the area of that community, and appointed by the Kapiti Coast District Council to the community board.

(3) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the Kapiti Borough.

(4) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

### 87 RATING

(1) The system of rating in the Kapiti Coast District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Kapiti Coast District, Part XIV of the Rating Powers Act 1988 shall apply as if the Kapiti Coast District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 88 TOWN AND COUNTRY PLANNING

(1) The Kapiti Coast District Council shall not be required to prepare a new district scheme, immediately, for the Kapiti Coast District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme of the Kapiti Coast District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or of any change or variation thereof, then, subject to any resolution of the Kapiti Coast District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Kapiti Coast District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Kapiti Coast District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Kapiti Coast District Council; or

(c) Such application had been either partly or fully heard or considered by the former authority but no decision thereon had been given, the application shall be heard or considered again by the Kapiti Coast District Council or, as the case may require, a committee or delegate thereof.

### 89 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Kapiti Coast District until a new plan is approved for the Kapiti Coast District, in accordance with the Civil Defence Act 1983.

### 90 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Kapiti Coast District is hereby vested in the corporation of the Kapiti Coast District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Horowhenua County

Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Kapiti Coast District Council, subject to all existing encumbrances.

### 91 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Kapiti Coast District Council by clause 90 of this order shall, unless the context otherwise requires, be read as a reference to "The Kapiti Coast District Council".

### 92 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Kapiti Coast District.

(2) The local authorities to which this clause applies shall be:

- (a) The Kapiti Borough Council; and
- (b) The Otaki Borough Council; and
- (c) The Horowhenua County Council.

### 93 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Kapiti Coast District shall consist of:

- (a) Four members appointed by the Kapiti Borough Council; and
- (b) Two members appointed by the Otaki Borough Council; and
- (c) Two members appointed by the Horowhenua County Council; and
- (d) One officer appointed by each local authority, named in clause 92(2) of this order, each of whom shall be non-voting members of the transitional committee; and
- (e) The Chief Executive designate, when appointed in accordance with clause 96 of this order, who shall be a non-voting member of the transitional committee; and
- (f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 92(2) of this order, who shall be a non-voting member of the transitional committee.

### 94 NO CASTING VOTE

The Chairperson of the transitional committee for the Kapiti Coast District or other person presiding at any meeting of that Committee shall not have a casting vote in the case of equality of votes.

### 95 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Kapiti Coast District may resolve to exclude any non-voting member of that Committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 96 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Kapiti Coast District shall appoint a person to be the Chief Executive of the Kapiti Coast District Council.

### 97 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Kapiti Coast District shall be the Kapiti Borough Council.

### 98 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Kapiti Coast District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 92(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in Kapiti Coast District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Kapiti Coast District.

## PART VI

### Lower Hutt City

### 99 CONSTITUTION OF LOWER HUTT CITY

There is hereby constituted a district, to be known as "The Lower Hutt City", which shall comprise the area delineated on S.O. Plan No. 35979 deposited with the Chief Surveyor of the Wellington Land District.

### 100 LOWER HUTT CITY COUNCIL

A territorial authority, to be known as "The Lower Hutt City Council", is hereby constituted for the Lower Hutt City.

### 101 INTERPRETATION

In this Part of this order:

"The former authorities" means—

- (a) The former Lower Hutt City Council; and
- (b) The Petone Borough Council; and
- (c) The Eastbourne Borough Council; and
- (d) The Wainuiomata District Council; and
- (e) Subject to Part XII of this order, the Hutt Valley Drainage Board; and
- (f) The Wellington City Council; and
- (g) The Upper Hutt City Council; and
- (h) Subject to Part XI of this order, the Wellington Harbour Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Lower Hutt City" means the Lower Hutt City in existence immediately before the coming into force of this clause of this order:

"Former Lower Hutt City Council" means the Lower Hutt City Council in existence immediately before the coming into force of this clause of this order:

"Lower Hutt City" means the Lower Hutt City constituted by this order:

"Lower Hutt City Council" means the Lower Hutt City Council constituted by this order.

### 102 WARDS

- (1) The Lower Hutt City is hereby divided into 5 wards.
- (2) Those 5 wards are:

(a) The Northern Ward, comprising the area delineated on S.O. Plan No. 35980 deposited with the Chief Surveyor of the Wellington Land District:

(b) The Western Ward, comprising the area delineated on S.O. Plan No. 35981 deposited with the Chief Surveyor of the Wellington Land District:

(c) The Eastern Ward, comprising the area delineated on



S.O. Plan No. 35982 deposited with the Chief Surveyor of the Wellington Land District:

(d) The Harbour Ward, comprising the area delineated on S.O. Plan No. 35983 deposited with the Chief Surveyor of the Wellington Land District:

(e) The Wainuiomata Ward, comprising the area delineated on S.O. Plan No. 35984 deposited with the Chief Surveyor of the Wellington Land District.

### 103 MEMBERSHIP

(1) The Lower Hutt City Council shall consist of a Mayor and 15 members.

(2) The members of the Lower Hutt City Council to be elected at the first election of that Council shall be elected as follows:

(a) Three members shall be elected by the electors of the Northern Ward; and

(b) Three members shall be elected by the electors of the Western Ward; and

(c) Three members shall be elected by the electors of the Eastern Ward; and

(d) Three members shall be elected by the electors of the Harbour Ward; and

(e) Three members shall be elected by the electors of the Wainuiomata Ward.

### 104 FIRST ELECTION

(1) For the purposes of the first election of the Lower Hutt City Council, the Returning Officer and the principal administrative officer for the Lower Hutt City shall be, respectively, the Returning Officer and the principal administrative officer for the former Lower Hutt City.

(2) The first election of the Lower Hutt City Council shall be conducted by postal vote.

### 105 FIRST MEETING

The first meeting of the Lower Hutt City Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 106 CHIEF EXECUTIVE

(1) The Chief Executive of the Lower Hutt City Council shall be the person appointed to that position in accordance with clause 120 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Lower Hutt City Council.

### 107 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Lower Hutt City Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Lower Hutt City Council or any of the former authorities; and

(iii) Any local Act relating to the Lower Hutt City Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the provision and maintenance of those marinas, wharves, jetties, boat ramps, and other harbour facilities, formerly the responsibility of the Wellington Harbour Board and transferred to it by Part XI of this order; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 108 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Lower Hutt City Council shall be located in Lower Hutt.

### 109 SERVICE DELIVERY CENTRES

The Lower Hutt City Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in:

(a) Eastbourne; and

(b) Wainuiomata; and

(c) Petone,

in accordance with the provisions of the Third Schedule to this order.

### 110 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) A community to be known as "The Eastbourne Community", comprising that area delineated on S.O. Plan No. 36005 deposited with the Chief Surveyor of the Wellington Land District; and

(b) A community to be known as the "The Petone Community", comprising the area delineated on S.O. Plan No. 36006 deposited with the Chief Surveyor of the Wellington Land District.

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) One person elected, from time to time, as a member of the Lower Hutt City Council, representing the ward including the area of the community, and appointed by the Lower Hutt City Council to the community board.

(3) There is hereby constituted a community for the area of the Wainuiomata Ward, to be known as "The Wainuiomata Community".

(4) The community board for the Wainuiomata Community shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected, from time to time, as members of the Lower Hutt City Council, representing the Wainuiomata Ward and appointed by the Lower Hutt City Council to the community board.

(5) The Returning Officer for the first election of the community boards for those communities constituted by this clause shall be the Returning Officer for the former Lower Hutt City.

(6) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

### 111 RATING

(1) The system of rating in the Lower Hutt City shall be the capital value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Lower Hutt City, Part XIV of the Rating Powers Act 1988 shall apply as if the Lower Hutt City was the district of a special purpose authority and the areas from which it was formed were constituent districts.

(3) Subject to section 103 of the Rating Powers Act 1988, until the 30th day of June 1991 or until such time as the Lower Hutt City Council otherwise resolves and with the approval of the Local Government Commission pursuant to section 35(1)(k) of the Local Government Act 1974, the rating system for the area of the former Eastbourne Borough shall be the land value system.



**112 TOWN AND COUNTRY PLANNING**

(1) The Lower Hutt City Council shall not be required to prepare a new district scheme, immediately, for the Lower Hutt City.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme of Lower Hutt City.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Lower Hutt City Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Lower Hutt City Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Lower Hutt City Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Lower Hutt City Council; or

(c) Such application had been either partly or fully heard or considered by the former authority but no decision thereon had been given, the application shall be heard or considered again by the Lower Hutt City Council or, as the case may require, a committee or delegate thereof.

**113 CIVIL DEFENCE**

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Lower Hutt City until a new plan is approved for the Lower Hutt City, in accordance with the Civil Defence Act 1983.

**114 VESTING OF PROPERTY**

(1) Subject to subclauses (3) and (4) of this clause, all property, real and personal, vested in the corporation of any former authority and situated in the Lower Hutt City is hereby vested in the corporation of the Lower Hutt City Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Wellington City Council and the Upper Hutt City Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Lower Hutt City Council, subject to all existing encumbrances.

(3) All that area described as the Williams Park, consisting of: Part Section 33, Harbour District, comprising 6.7068 Hectares; and Part Section 33, Harbour District, D.P. 3820, comprising 8321 square metres; and Part Section 33, Harbour District, comprising 182 square metres; and Sections 29, 30 and 32, and Part Sections 28, 31, 33, 34 and 35, Harbour District, comprising 253.3416 hectares; and Sections 77 and 78, Harbour District, comprising 87.8547 hectares, is hereby vested in the Lower Hutt City Council, together with all plant, fixtures, and fittings normally located or based thereon.

(4) The Keith George Memorial Park as described in clause

137(3) of this order shall not be vested in the Lower Hutt City Council.

**115 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Lower Hutt City Council by clause 114 of this order shall, unless the context otherwise requires, be read as a reference to "The Lower Hutt City Council".

**116 TRANSITIONAL COMMITTEE**

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Lower Hutt City.

(2) The local authorities to which this clause applies shall be:

(a) The former Lower Hutt City Council; and

(b) The Petone Borough Council; and

(c) The Eastbourne Borough Council; and

(d) The Wainuiomata District Council; and

(e) Subject to Part XII of this order, the Hutt Valley Drainage Board.

**117 MEMBERSHIP OF TRANSITIONAL COMMITTEE**

(1) The transitional committee for the Lower Hutt City shall consist of:

(a) Three members appointed by the former Lower Hutt City Council; and

(b) Two members appointed by the Wainuiomata District Council; and

(c) One member appointed by the Eastbourne Borough Council; and

(d) One member appointed by the Petone Borough Council; and

(e) One member appointed by the Hutt Valley Drainage Board; and

(f) One officer appointed by each local authority, named in clause 116(2) of this order, each of whom shall be a non-voting member of the transitional committee; and

(g) The Chief Executive designate, when appointed in accordance with clause 120 of this order, who shall be a non-voting member of the transitional committee; and

(h) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 116(2) of this order, who shall be a non-voting member of the transitional committee.

(2) Each member appointed by the former Lower Hutt City Council shall have 2 votes.

**118 NO CASTING VOTE**

The Chairperson of the transitional committee for the Lower Hutt City or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

**119 EXCLUSION OF NON-VOTING MEMBERS**

The transitional committee for the Lower Hutt City may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

**120 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE**

The transitional committee for the Lower Hutt City shall appoint a person to be the Chief Executive of the Lower Hutt City Council.

**121 PRINCIPAL LOCAL AUTHORITY**

The principal local authority for the transitional committee for the Lower Hutt City shall be the former Lower Hutt City Council.

**122 COSTS OF TRANSITIONAL COMMITTEE**

(1) The costs of the transitional committee for the Lower Hutt City (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 116(2) of this order, either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the gross revenue of the local authority for the year ending on the 31st day of March 1988 bears to the gross revenue of all the local authorities to which this clause applies, for that year.

(2) For the purposes of this clause the gross revenue of a local authority shall be the gross revenue reasonably related to the area of a local authority which is to be included in Lower Hutt City or any function of a local authority which is to be transferred to the Lower Hutt City Council, whichever is applicable.

**PART VII*****Upper Hutt City*****123 CONSTITUTION OF UPPER HUTT CITY**

There is hereby constituted a district, to be known as "The Upper Hutt City", which shall comprise the area delineated on S.O. Plan No. 35985 deposited with the Chief Surveyor of the Wellington Land District.

**124 UPPER HUTT CITY COUNCIL**

A territorial authority, to be known as "The Upper Hutt City Council", is hereby constituted for the Upper Hutt City.

**125 INTERPRETATION**

In this Part of this order:

"The former authorities" means—

- (a) The former Upper Hutt City Council; and
- (b) The Porirua City Council,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause:

"Former Upper Hutt City" means the Upper Hutt City in existence immediately before the coming into force of this clause of this order:

"Former Upper Hutt City Council" means the Upper Hutt City Council in existence immediately before the coming into force of this clause of this order:

"Upper Hutt City" means the Upper Hutt City constituted by this order:

"Upper Hutt City Council" means the Upper Hutt City Council constituted by this order.

**126 WARDS**

(1) The Upper Hutt City is hereby divided into 4 wards.

(2) Those 4 wards are:

(a) The Northern Ward, comprising the area delineated on S.O. Plan No. 35986 deposited with the Chief Surveyor of the Wellington Land District:

(b) The Central Ward, comprising the area delineated on S.O. Plan No. 35987 deposited with the Chief Surveyor of the Wellington Land District:

(c) The Southern Ward, comprising the area delineated on S.O. Plan No. 35988 deposited with the Chief Surveyor of the Wellington Land District:

(d) The Rural Ward, comprising the area delineated on S.O. Plan No. 35989 deposited with the Chief Surveyor of the Wellington Land District.

**127 MEMBERSHIP**

(1) The Upper Hutt City Council shall consist of a Mayor and 12 members.

(2) The members of the Upper Hutt City Council to be elected at the first election of the District Council shall be elected as follows:

(a) Four members shall be elected by the electors of the Northern Ward; and

(b) Three members shall be elected by the electors of the Central Ward; and

(c) Four members shall be elected by the electors of the Southern Ward; and

(d) One member shall be elected by the electors of the Rural Ward.

**128 FIRST ELECTION**

(1) For the purposes of the first election of the Upper Hutt City Council, the Returning Officer and the principal administrative officer for the Upper Hutt City shall be, respectively, the Returning Officer and the principal administrative officer for the former Upper Hutt City.

(2) The first election of the Upper Hutt City Council shall be conducted by postal vote.

**129 FIRST MEETING**

The first meeting of the Upper Hutt City Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

**130 CHIEF EXECUTIVE**

(1) The Chief Executive of the Upper Hutt City Council shall be the person holding the position of the Chief Executive of the former Upper Hutt City Council immediately before the coming into effect of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Upper Hutt City Council.

**131 FUNCTIONS, DUTIES, AND POWERS**

The functions, duties, and powers of the Upper Hutt City Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

- (i) The Local Government Act 1974; and
- (ii) Any other public Act relating to the Upper Hutt City Council or any of the former authorities; and
- (iii) Any local Act relating to the Upper Hutt City Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

**132 ADMINISTRATION HEADQUARTERS**

The administration headquarters of the Upper Hutt City Council shall be located in Upper Hutt.

**133 SERVICE DELIVERY CENTRE**

The Upper Hutt City Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in the Southern Ward, in accordance with the provisions of the Third Schedule to this order.

**134 RATING**

(1) The system of rating in the Upper Hutt City shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Upper Hutt City, Part XIV of the Rating Powers Act 1988 shall apply as if the Upper Hutt City was the district of a special purpose authority and the areas from which it was formed were constituent districts.

**135 TOWN AND COUNTRY PLANNING**

(1) The Upper Hutt City Council shall not be required to prepare a new district scheme, immediately, for the Upper Hutt City.

(2) The operative district scheme and the proposed district scheme under the Town and Country Planning Act 1977 of the former authority shall be deemed to be the operative district scheme, or as the case may be, the proposed district scheme, of the Upper Hutt City.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Upper Hutt City Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Upper Hutt City Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Upper Hutt City Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Upper Hutt City Council; or

(c) Such application had been either partly or fully heard or considered by the former authority but no decision thereon had been given, the application shall be heard or considered again by the Upper Hutt City Council or, as the case may require, a committee or delegate thereof.

**136 CIVIL DEFENCE**

The operative local civil defence plan for the district of the former authority shall continue in force in the respective parts of the Upper Hutt City until a new plan is approved for the Upper Hutt City, in accordance with the Civil Defence Act 1983.

**137 VESTING OF PROPERTY**

(1) All property, real and personal, vested in the corporation of any former authority and situated in Upper Hutt City is hereby vested in the corporation of the Upper Hutt City Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Porirua City Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Upper Hutt City Council, subject to all existing encumbrances.

(3) The Keith George Memorial Park, consisting of: Sections 452, 453, 454 and 455, and Part Sections 196 and 197, Hutt District, and Parts Lot 2 and 3, D.P. 7415, Part Lots 1 and 2, D.P. 8202 and Part Lot 2, D.P. 12488, Block IV, Belmont Survey District, comprising 60.5425 hectares more or less, is hereby vested in the Upper Hutt City Council, together with all plant, fixtures, and fittings normally located or based thereon.

**138 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Upper Hutt City Council by clause 137 of this order shall, unless the context otherwise requires, be read as a reference to "The Upper Hutt City Council".

**PART VIII*****Masterton District*****139 CONSTITUTION OF MASTERTON DISTRICT**

There is hereby constituted a district, to be known as "The Masterton District", which shall comprise the area delineated on S.O. Plan No. 35990 deposited with the Chief Surveyor of the Wellington Land District.

**140 MASTERTON DISTRICT COUNCIL**

A territorial authority, to be known as "The Masterton District Council", is hereby constituted for the Masterton District.

**141 INTERPRETATION**

In this Part of this order:

"The former authorities" means—

- (a) The Masterton District Council; and
- (b) The Eketahuna County Council; and
- (c) The Rangitumau Scenic Reserve Board; and
- (d) The Mauriceville Recreation Reserve Board; and
- (e) The Hastwell Scenic Reserve Board,

and any reference to "former authority" shall be read as a reference to any of the former authorities named in this clause:

"Former Masterton District" means the Masterton District in existence immediately before the coming into force of this clause of this order:

"Former Masterton District Council" means the Masterton District Council in existence immediately before the coming into force of this clause of this order:

"Masterton District" means the Masterton District constituted by this order:

"Masterton District Council" means the Masterton District Council constituted by this order.

**142 WARDS**

(1) The Masterton District is hereby divided into 2 wards.

(2) Those 2 wards are:

(a) The Urban Ward, comprising the area delineated on S.O. Plan No. 35991 deposited with the Chief Surveyor of the Wellington Land District:

(b) The Rural Ward, comprising the area delineated on S.O. Plan No. 35992 deposited with the Chief Surveyor of the Wellington Land District.

**143 MEMBERSHIP**

(1) The Masterton District Council shall consist of a Mayor and 15 members.

(2) The members of the Masterton District Council to be elected at the first election of that Council shall be elected as follows:

(a) Nine members shall be elected by the electors of the Urban Ward; and

(b) Six members shall be elected by the electors of the Rural Ward.

**144 FIRST ELECTION**

(1) For the purposes of the first election of the Masterton District Council, the Returning Officer and the principal administrative officer for the Masterton District shall be,

respectively, the Returning Officer and the principal administrative officer for the former Masterton District.

(2) The first election of the Masterton District Council shall be conducted by postal vote.

#### 145 FIRST MEETING

The first meeting of the Masterton District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

#### 146 CHIEF EXECUTIVE

(1) The Chief Executive of the Masterton District Council shall be the person holding the position of the Chief Executive of the former Masterton District Council immediately before the coming into force of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Masterton District Council.

#### 147 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Masterton District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Masterton District Council or any of the former authorities; and

(iii) Any local Act relating to the Masterton District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

#### 148 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Masterton District Council shall be located in Masterton.

#### 149 RATING

(1) The system of rating in the Masterton District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Masterton District, Part XIV of the Rating Powers Act 1988 shall apply as if the Masterton District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

#### 150 TOWN AND COUNTRY PLANNING

(1) The Masterton District Council shall not be required to prepare a new district scheme, immediately, for the Masterton District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme of the Masterton District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Masterton District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Masterton District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee

thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Masterton District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Masterton District Council; or

(c) Such application had been either partly or fully heard or considered by the former authority but no decision thereon had been given, the application shall be heard or considered again by the Masterton District Council or, as the case may require, a committee or delegate thereof.

#### 151 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Masterton District until a new plan is approved for the Masterton District, in accordance with the Civil Defence Act 1983.

#### 152 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Masterton District is hereby vested in the corporation of the Masterton District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Eketahuna County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Masterton District Council, subject to all existing encumbrances.

#### 153 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Masterton District Council by clause 152 of this order shall, unless the context otherwise requires, be read as a reference to "The Masterton District Council".

#### 154 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The former Masterton District Council shall meet with the Rangitumau Scenic Reserve Board, the Mauriceville Recreation Reserve Board, and the Hastwell Scenic Reserve Board, for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(2) Where, following that consultation, the former Masterton District Council considers it desirable that any committee or committees of management be established, that Council shall recommend to the Masterton District Council that such a committee or committees of management be established.

### PART IX

#### *Carterton District*

#### 155 CONSTITUTION OF CARTERTON DISTRICT

There is hereby constituted a district, to be known as "The Carterton District", which shall comprise the area delineated on S.O. Plan No. 35993 deposited with the Chief Surveyor of the Wellington Land District.

#### 156 CARTERTON DISTRICT COUNCIL

A territorial authority, to be known as "The Carterton District Council", is hereby constituted for the Carterton District.

#### 157 INTERPRETATION

In this Part of this order:

"Former authority" means the Carterton District Council, and any reference to "the former authority" shall be read as a reference to the former authority named in this clause:

"Former Carterton District" means the Carterton District in existence immediately before the coming into force of this clause of this order:

"Former Carterton District Council" means the Carterton District Council in existence immediately before the coming into force of this clause of this order:

"Carterton District" means the Carterton District constituted by this order:

"Carterton District Council" means the Carterton District Council constituted by this order.

### 158 WARDS

(1) The Carterton District is hereby divided into 4 wards.

(2) Those 4 wards are:

(a) The Carterton Ward, comprising the area delineated on S.O. Plan No. 35994 deposited with the Chief Surveyor of the Wellington Land District:

(b) The Tararua Ward, comprising the area delineated on S.O. Plan No. 35995 deposited with the Chief Surveyor of the Wellington Land District:

(c) The Parkvale Ward, comprising the area delineated on S.O. Plan No. 35996 deposited with the Chief Surveyor of the Wellington Land District:

(d) The Maungaraki Ward, comprising the area delineated on S.O. Plan No. 35997 deposited with the Chief Surveyor of the Wellington Land District.

### 159 MEMBERSHIP

(1) The Carterton District Council shall consist of a Mayor and 12 members.

(2) The members of the Carterton District Council to be elected at the first election of the Carterton District Council shall be elected as follows:

(a) Six members shall be elected by the electors of the Carterton Ward; and

(b) Two members shall be elected by the electors of the Tararua Ward; and

(c) Two members shall be elected by the electors of the Parkvale Ward; and

(d) Two members shall be elected by the electors of the Maungaraki Ward.

### 160 FIRST ELECTION

(1) For the purposes of the first election of the Carterton District Council, the Returning Officer and the principal administrative officer for the Carterton District shall be, respectively, the Returning Officer and principal administrative officer for the former Carterton District.

(2) The first election of the Carterton District Council shall be conducted by postal vote.

### 161 FIRST MEETING

The first meeting of the Carterton District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 162 CHIEF EXECUTIVE

(1) The Chief Executive of the Carterton District Council shall be the person holding the position of the Chief Executive of the former Carterton District Council immediately before the coming into force of this clause.

(2) The Chief Executive shall be the principal administrative officer of the Carterton District Council.

### 163 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Carterton District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Carterton District Council or the former authority; and

(iii) Any local Act relating to the Carterton District Council or the former authority; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 164 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Carterton District Council shall be located in Carterton.

### 165 RATING

(1) The system of rating in the Carterton District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Carterton District, Part XIV of the Rating Powers Act 1988 shall apply as if the Carterton District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 166 TOWN AND COUNTRY PLANNING

(1) The Carterton District Council shall not be required to prepare a new district scheme, immediately, for the Carterton District.

(2) The operative district scheme and the proposed district scheme under the Town and Country Planning Act 1977 of the former authority shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme of the Carterton District.

(3) Where the former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Carterton District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Carterton District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to the former authority by any person pursuant to the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Carterton District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Carterton District Council; or

(c) Such application had been either partly or fully heard or considered by the former authority but no decision thereon had been given, the application shall be heard or considered again by the Carterton District Council or, as the case may require, a committee or delegate thereof.

### 167 CIVIL DEFENCE

The operative local civil defence plan for the district of the former authority shall continue in force in the respective parts of the Carterton District until a new plan is approved for the

Carterton District, in accordance with the Civil Defence Act 1983.

### 168 VESTING OF PROPERTY

All property, real and personal, vested in the corporation of the former authority is hereby vested in the corporation of the Carterton District Council, subject to all existing encumbrances.

### 169 TITLE TO PROPERTY

Any reference, express or implied, to the former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Carterton District Council by clause 168 of this order shall, unless the context otherwise requires, be read as a reference to "The Carterton District Council".

## PART X

### *South Wairarapa District*

### 170 CONSTITUTION OF SOUTH WAIRARAPA DISTRICT

There is hereby constituted a district, to be known as "The South Wairarapa District", which shall comprise the area delineated on S.O. Plan No. 35998 deposited with the Chief Surveyor of the Wellington Land District.

### 171 SOUTH WAIRARAPA DISTRICT COUNCIL

A territorial authority, to be known as "The South Wairarapa District Council", is hereby constituted for the South Wairarapa District.

### 172 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Featherston Borough Council; and
- (b) The Featherston County Council; and
- (c) The Martinborough Borough Council; and
- (d) The Greytown Borough Council,

and any reference to "former authority" shall be read as a reference to any of the former authorities named in this clause.

### 173 WARDS

(1) The South Wairarapa District is hereby divided into 3 wards.

(2) Those 3 wards are:

(a) The Martinborough Ward, comprising the area delineated on S.O. Plan No. 35999 deposited with the Chief Surveyor of the Wellington Land District:

(b) The Featherston Ward, comprising the area delineated on S.O. Plan No. 36000 deposited with the Chief Surveyor of the Wellington Land District:

(c) The Greytown Ward, comprising the area delineated on S.O. Plan No. 36001 deposited with the Chief Surveyor of the Wellington Land District.

### 174 MEMBERSHIP

(1) The South Wairarapa District Council shall consist of a Mayor and 10 members.

(2) The members of the South Wairarapa District Council to be elected at the first election of that Council shall be elected as follows:

(a) Four members shall be elected by the electors of the Martinborough Ward; and

(b) Three members shall be elected by the electors of the Featherston Ward; and

(c) Three members shall be elected by the electors of the Greytown Ward.

### 175 FIRST ELECTION

(1) For the purposes of the first election of the South

Wairarapa District Council, the Returning Officer and the principal administrative officer for the South Wairarapa District shall be, respectively, the Returning Officer and the principal administrative officer for the Featherston Borough.

(2) The first election of the South Wairarapa District Council shall be conducted by postal vote.

### 176 FIRST MEETING

The first meeting of the South Wairarapa District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 177 CHIEF EXECUTIVE

(1) The Chief Executive of the South Wairarapa District Council shall be the person appointed to that position in accordance with clause 191 of this order.

(2) The Chief Executive shall be the principal administrative officer of the South Wairarapa District Council.

### 178 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the South Wairarapa District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the South Wairarapa District Council or any of the former authorities; and

(iii) Any local Act relating to the South Wairarapa District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 179 ADMINISTRATION HEADQUARTERS

Until the South Wairarapa District Council otherwise resolves, the administration headquarters of the South Wairarapa District Council shall be located in Martinborough.

### 180 SERVICE DELIVERY CENTRES

The South Wairarapa District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre, in:

(a) Featherston; and

(b) Greytown,

in accordance with the provisions of the Third Schedule to this order.

### 181 COMMUNITIES

(1) There is hereby constituted a community for each of the following:

(a) The area of the Martinborough Ward, to be known as "The Martinborough Community"; and

(b) The area of the Featherston Ward, to be known as "The Featherston Community"; and

(c) The area of the Greytown Ward, to be known as "The Greytown Community".

(2) The community board for each community constituted by subclause (1) of this clause shall consist of:

(a) Six members elected by the electors of the community; and

(b) The persons elected from time to time, as members of the South Wairarapa District Council, representing the ward comprising the area of that community, and appointed by the South Wairarapa District Council to the community board.

(3) The Returning Officer for the first election of the

community boards for those communities constituted by this clause shall be the Returning Officer for the Featherston Borough.

(4) The first election of the community boards for those communities constituted by this clause shall be conducted by postal vote.

### 182 RATING

(1) The system of rating in the South Wairarapa District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the South Wairarapa District, Part XIV of the Rating Powers Act 1988 shall apply as if the South Wairarapa District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 183 TOWN AND COUNTRY PLANNING

(1) The South Wairarapa District Council shall not be required to prepare a new district scheme, immediately, for the South Wairarapa District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme of the South Wairarapa District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the South Wairarapa District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the South Wairarapa District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the South Wairarapa District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the South Wairarapa District Council; or

(c) Such application had been either partly or fully heard or considered by the former authority but no decision thereon had been given, the application shall be heard or considered again by the South Wairarapa District Council or, as the case may require, a committee or delegate thereof.

### 184 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the South Wairarapa District until a new plan is approved for the South Wairarapa District, in accordance with the Civil Defence Act 1983.

### 185 VESTING OF PROPERTY

All property, real and personal, vested in the corporation of any former authority is hereby vested in the corporation of the South Wairarapa District Council, subject to all existing encumbrances.

### 186 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the South Wairarapa District Council by clause 185 of this order

shall, unless the context otherwise requires, be read as a reference to "The South Wairarapa District Council".

### 187 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the South Wairarapa District.

(2) The local authorities to which this clause applies shall be:

- (a) The Featherston Borough Council; and
- (b) The Featherston County Council; and
- (c) The Martinborough Borough Council; and
- (d) The Greytown Borough Council.

### 188 MEMBERSHIP OF TRANSITIONAL COMMITTEE

(1) The transitional committee for the South Wairarapa District shall consist of:

- (a) Two members appointed by the Featherston County Council; and
- (b) Two members appointed by the Featherston Borough Council; and
- (c) Two members appointed by the Greytown Borough Council; and
- (d) One member appointed by the Martinborough Borough Council; and
- (e) One officer to be appointed by each local authority, named in clause 187(2) of this order, each of whom shall be non-voting members of the transitional committee; and
- (f) The Chief Executive designate, when appointed in accordance with clause 191 of this order, who shall be a non-voting member of the transitional committee; and

(g) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 187(2) of this order, who shall be a non-voting member of the transitional committee.

(2) Each member appointed by the Featherston County Council shall have 2 votes.

### 189 NO CASTING VOTE

The Chairperson of the transitional committee for the South Wairarapa District or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

### 190 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the South Wairarapa District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 191 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the South Wairarapa District shall appoint a person to be the Chief Executive of the South Wairarapa District Council.

### 192 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the South Wairarapa District shall be the Featherston County Council.

### 193 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the South Wairarapa District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 187(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or



(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in South Wairarapa District—

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the South Wairarapa District.

## PART XI

### *Wellington Harbour Board*

#### 194 VESTING OF PROPERTY

(1) This clause shall apply to that property, real and personal, vested in the Wellington Harbour Board as at the 31st day of October 1989.

(2) Subject to subclauses (6), (8), (9), (10) and (11) of this clause, all property—

(a) Which is vested in the Wellington Harbour Board as at the 31st day of October 1989; and

(b) Which—

- (i) Is a reserve under the Reserves Act 1977; or
- (ii) Is principally used for recreational purposes, whether or not it is a reserve under the Reserves Act 1977; or
- (iii) Is a marina, wharf, jetty, boat ramp or other harbour facility, used principally for recreational purposes; or
- (iv) Is an item of plant or equipment used principally in association with the maintenance, use or operation of the facilities referred to in subparagraphs (i), or (ii) or (iii) of this paragraph,

is hereby vested in the territorial authority, in whose district it is situated, for the purpose which it is so reserved, or, where there is no such purpose, for the purposes of any function transferred by this order to that territorial authority.

(3) Subject to subclauses (6), (8), (9), (10) and (11) of this clause, all that property which is vested in the Wellington Harbour Board as at the 31st day of October 1989 which is situated in any district of a territorial authority, as constituted by this order, and which is adjacent to any harbour or the sea, is hereby vested in the territorial authority in whose district it is situated.

(4) Where there is any dispute over whether any property comes within a category of property referred to in this clause, the matter shall be referred to the Local Government Commission for determination.

(5) Subject to subclauses (8) to (10) of this clause, any property which is vested in the Wellington Harbour Board as at the 31st day of October 1989 and which does not come within a category of property referred to in subclause (2) or subclause (3) of this clause is hereby vested in the Wellington Regional Council.

(6) Notwithstanding anything in subclauses (2) and (3) of this clause, but subject to subclauses (9) and (10) of this clause, any land which is vested in the Wellington Harbour Board as at the 31st day of October 1989 and which is below the mean high water mark is hereby vested in the Wellington Regional Council.

(7) For the purposes of this clause, any property which is fixed to, or under or over, any land which is below the mean high water mark, and which is used for, or in conjunction with, any purpose referred to in subclause (2) of this clause, and which is situated in the district of a territorial authority constituted by

this order is hereby transferred to that territorial authority whether or not any interest in the land is also transferred.

(8) Without limiting the provisions of subclauses (2), (3), (5) and (6) of this clause, but subject to subclauses (10) and (11) of this clause:

(a) That property described in the Fourth Schedule to this order shall vest without cost in the Wellington City Council:

(b) That property described in the Fifth Schedule to this order shall vest without cost in the Lower Hutt City Council:

(c) That land described in the Sixth Schedule to this order shall vest without cost in the Wellington Regional Council, and in respect of the marinas described in Part I of the Fourth Schedule and Part I of the Fifth Schedule that property shall include:

(i) Any loan liabilities, sinking funds, unexpended loan money and cash balances;

(ii) Any outstanding income and expenditure; and

(iii) Any stores, materials, plant and equipment relating to those marinas.

(9) The site of the National Museum of New Zealand, which is subject to a subdivision by Lambton Harbour Development Limited and the Wellington Harbour Board is hereby vested in the Wellington City Council.

(10) If any of the land specified in the Fourth, Fifth and Sixth Schedules to this order is, between the 9th day of June 1989 and the 31st day of October 1989, allocated to the Port of Wellington Limited pursuant to an approved port company plan within the meaning of the Port Companies Act 1988 then, notwithstanding subclause (8) of this clause, that land shall not vest in the local authority in which it has been vested by this clause.

(11) Notwithstanding anything in this clause, if, after the 31st day of October 1989,—

(a) The Minister of Transport approves a port company plan within the meaning of the Port Companies Act 1988 pursuant to which any of the property, real or personal, identified in this clause is liable to be transferred to the Port of Wellington Limited, the local authority which has received such property pursuant to this clause, shall transfer such property to the Port of Wellington Limited at the cost of that company, subject to any appropriate adjustment for incomings and outgoings in relation to such property for the period beginning on the 1st day of November 1989 and ending on the date of the transfer of the property to the Port of Wellington Limited; or

(b) Any approved port company plan is cancelled, withdrawn, re-issued or in any way altered and, as a result, property is deemed to be returned to the ownership (notional or otherwise) of the Wellington Harbour Board, that property shall be allocated under this order as if the property had been owned by the Wellington Harbour Board on the 31st day of October 1989.

#### 195 WELLINGTON HARBOUR BOARD AND WELLINGTON CITY COUNCIL VESTING AND EMPOWERING ACT 1987

(1) The functions, duties and powers of the Wellington Harbour Board arising under the Wellington Harbour Board and the Wellington City Council Vesting and Empowering Act 1987 are hereby transferred to and shall be exercised by the Wellington City Council. Any reference in the Act to the Wellington Harbour Board and the Wellington City Council, shall be read as a reference solely to "The Wellington City Council".

(2) All land vested in the Wellington Harbour Board pursuant to section 4 of the Wellington Harbour Board and Wellington City Council Vesting and Empowering Act 1987 shall vest in



the Wellington City Council, subject to all existing encumbrances.

(3) Every right, title, or interest whatsoever, including any chose in action possessed by the Wellington Harbour Board pursuant to section 7 of the Wellington Harbour Board and the Wellington City Council Vesting and Empowering Act 1987, shall vest in the Wellington City Council.

### 196 TITLE TO PROPERTY

Any reference, express or implied, to the Wellington Harbour Board in any instrument or other document whatsoever, or in any entry or record made in any register in relation to any property whatsoever vested in any local authority by this order shall, unless the context otherwise requires, be read as a reference to that local authority.

### 197 PORT OF WELLINGTON LIMITED

(1) All those shares in the Port of Wellington Limited that are held by the Wellington Harbour Board as at the 31st day of October 1989 are hereby vested in the Wellington Regional Council and the Manawatu-Wanganui Regional Council as follows:

Ten-thirteenthths of the number of those shares shall be vested in the Wellington Regional Council:

Three-thirteenthths of the number of those shares shall be vested in the Manawatu-Wanganui Regional Council.

(2) Fifty-one percent of the shares vested in each local authority by subclause (1) of this clause shall be shares that belong to the class of shares referred to in section 7(1) of the Port Companies Act 1988

(3) The other 49 percent of the shares vested in each local authority by subclause (1) of this clause shall be shares:

(a) Which carry voting rights; but

(b) Which do not belong to the class of shares referred to in section 7(1) of the Port Companies Act 1988.

### 198 LIABILITIES IN RESPECT OF PORT RELATED COMMERCIAL UNDERTAKINGS

(1) All those liabilities of the Wellington Harbour Board as determined under section 29 of the Port Companies Act 1988 shall become liabilities of the Wellington Regional Council and the Manawatu-Wanganui Regional Council, in the same proportions specified in clause 197(1) of this order.

(2) All those debt securities issued by the Port of Wellington Limited to the Wellington Harbour Board under section 29 of the Port Companies Act 1988 are hereby transferred to the Wellington Regional Council and the Manawatu-Wanganui Regional Council, in the same proportions specified in clause 197(1) of this order.

### 199 RESIDUAL ASSETS AND LIABILITIES

All the assets and liabilities of the Wellington Harbour Board as at the close of the 31st day of October 1989 for which provision for vesting is not otherwise made in this order are declared to be assets and liabilities of the Wellington Regional Council.

## PART XII

### *Hutt Valley Drainage Board*

### 200 TRANSFER OF FUNCTIONS

(1) The functions, duties, and powers of the Hutt Valley Drainage Board, under the Hutt Valley Drainage Act 1967 or any other Act, are hereby transferred to the Lower Hutt City Council.

(2) The provisions of sections 1 and 2, and 20 to 88 of the Hutt Valley Drainage Act 1967 shall, with the necessary modifications, continue to apply to the functions, duties, and powers transferred by subclause (1) of this clause to the Lower Hutt City Council in its conduct thereof:

Provided that for the purposes of sections 57 to 66 of that Act

the Lower Hutt City Council shall also be a contributing authority.

### 201 HUTT VALLEY SERVICES COMMITTEE

(1) The Lower Hutt City Council shall unite with the Upper Hutt City Council to establish and maintain a Hutt Valley Services Committee as a joint committee.

(2) The Hutt Valley Services Committee shall be responsible for considering the co-ordination of activities of the two councils in respect of matters affecting the Hutt Valley as a whole.

(3) The Hutt Valley Services Committee shall, in particular, co-ordinate waste disposal services for the Hutt Valley.

(4) The Committee shall consist of an equal number of members appointed by the Upper Hutt City Council and the Lower Hutt City Council.

(5) The position of Chairperson of the Committee shall alternate annually, between first, a member appointed by the Lower Hutt City Council, and secondly, a member appointed by the Upper Hutt City Council.

### 202 HUTT VALLEY DRAINAGE FUND

(1) The Lower Hutt City Council shall establish and maintain a special fund, to be known as the "Hutt Valley Drainage Fund", in respect of the functions, duties, and powers previously vested in the Hutt Valley Drainage Board.

(2) The Lower Hutt City Council shall establish and maintain a register of the assets of the Hutt Valley Drainage Board and those assets purchased or otherwise obtained by the Lower Hutt City Council in respect of the functions previously carried out by the Hutt Valley Drainage Board.

(3) The proceeds of the sale or the disposition of any of the assets to which this clause applies shall be credited to the Hutt Valley Drainage Fund.

(4) If any asset to which this clause applies is transferred to another activity of the Lower Hutt City Council, the Hutt Valley Drainage Fund shall be credited with the value of that asset.

(5) If at any time the whole of the assets to which this clause applies are sold or otherwise disposed of, the proceeds of that sale or disposition shall be apportioned between the Lower Hutt City Council and the Upper Hutt City Council on the basis of the proportion of contributions for which each council is liable, pursuant to section 58 of the Hutt Valley Drainage Act 1967.

### 203 VESTING OF PROPERTY

Any property vested in the Hutt Valley Drainage Board is hereby vested in the Lower Hutt City Council, subject to all existing encumbrances.

### 204 TITLE TO PROPERTY

Any reference, express or implied, to the "Hutt Valley Drainage Board" in any instrument or other document whatsoever, or in any entry or record made in any register in relation to any land whatsoever vested in the Lower Hutt City Council by clause 203 of this order shall, unless the context otherwise requires, be read as a reference to "The Lower Hutt City Council".

## PART XIII

### *Wellington Waste Disposal Committee*

### 205 FUNCTIONS

(1) A joint committee, to be known as "The Wellington Waste Disposal Committee", shall be established by the Lower Hutt City Council, the Wellington City Council and the Upper Hutt City Council.

(2) The Wellington Waste Disposal Committee shall be responsible for implementing and supervising a joint agreement made between the Wellington City Council and and

the Hutt Valley Drainage Board prior to the coming into force of this order, for the treatment and disposal of sewage from the districts of Lower Hutt City, Upper Hutt City and Wellington City as constituted by this order.

### 206 MEMBERSHIP

(1) The Wellington Waste Disposal Committee shall consist of:

(a) Three members appointed by the Wellington City Council; and

(b) Two members appointed by the Lower Hutt City Council; and

(c) One member appointed by the Upper Hutt City Council.

(2) The position of Chairperson of the committee shall alternate annually between, first, a member appointed by the Wellington City Council and, secondly, a member appointed by the Lower Hutt City Council and, thirdly, the member appointed by the Upper Hutt City Council.

## PART XIV

### General

### 207 TRANSFER OF RESPONSIBILITIES

(1) Except as otherwise provided in this order, a local authority constituted by this order shall, in respect of the district of that local authority,

(a) Have and may exercise and be responsible for all the powers, duties, acts of authority and functions which were previously exercised, or which could have been so exercised, by the former authorities had they not been dissolved; and

(b) 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 former authorities had they not been dissolved; and

(c) 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 former authorities had they not been dissolved; and

(d) Succeed to the bylaws which are in force in the districts of the former authorities. Until revoked or altered by the newly constituted local authority, each such bylaw shall remain in force in the area to which it applied immediately before the constitution of the district, and every bylaw which cannot be restricted to that area shall be deemed inapplicable and revoked by the dissolution of the former authorities; and

(e) Succeed to all rates and levies, and other money payable to the former authorities, had they not been dissolved; and

(f) Succeed to the valuation rolls, and rate records in force in the districts of the former authorities. These shall remain in force in the district of the newly constituted local authority until new valuation rolls are made by that local authority.

(2) The Mayor or Chairperson of each local authority constituted by this order shall have and may exercise the duties, powers, and functions of the Mayors and Chairmen of the former authorities.

(3) The principal administrative officer of each local authority constituted by this order shall have and may exercise the duties, powers, and functions of the principal administrative officers of the former authorities.

### 208 CREDITORS

Subject to section 37F of the Local Government Act 1974, the rights or interests of creditors of the former authorities shall not be affected by this order.

### 209 LOCAL AUTHORITIES PETROLEUM TAX

For the purposes of Part XI of the Local Government Act 1974, the local authorities constituted by this order shall be successors to the former authorities.

### 210 SPECIAL FUNDS

(1) The special funds of the former authorities shall:

(a) Be expended only for the purposes for which they were set aside; and

(b) Except for any plant renewal fund, be expended for the benefit of the area in which they originated, and after provision has been made for all liabilities, any money required to be paid into any such fund, to meet any deficit, shall be found from within that area.

(2) After the 1st day of November 1996, the local authorities constituted by this order:

(a) Shall review any special fund provided for in subclause (1) of this clause; and

(b) May resolve that from a date to be determined by the council, such special fund may be applied for such other purpose or purposes as the council considers appropriate.

(3) Notwithstanding subclause (2) of this clause, the local authorities constituted by this order may at any time before the 1st day of November 1996, with the approval of the Local Government Commission, resolve to vary the use of any special funds.

(4) All funds held by the administering authorities of reserves under the Reserves Act 1977 shall be deemed to be special funds for the purposes of this clause.

### 211 LOANS

Any rate made and levied to meet the annual charges in respect of any loan secured over the district of any of the former authorities shall continue to be made and levied on the same basis as applied before the 1st day of November 1989:

Provided that the local authorities constituted by this order may at any time before the 1st day of November 1996 review the basis upon which any such rate is made and levied and may, with the approval of the Local Government Commission, resolve to vary such basis.

### 212 ASSETS AND LIABILITIES

The provisions of section 60 of the Local Government Amendment Act (No. 2) 1989 shall apply in relation to the apportionment of the assets and liabilities of the former authorities, as defined in Parts II to X of this order, as if this order did not make provision for the apportionment of those assets and liabilities:

Provided that there shall be no apportionment of the assets and liabilities of the Wellington Harbour Board pursuant to this clause.

### 213 LOAN LIABILITIES

Subject to section 37F(2) of the Local Government Act 1974, all loan liabilities existing immediately before the 1st day of November 1989, shall continue to be secured against the area over which they were secured at that date.

### 214 RESIDUAL AUTHORITIES

In the case of a former authority listed in the Seventh Schedule to this order, the local authority that shall be responsible for:

(a) The preparation of the annual financial statement for that former authority for the financial year commencing on the 1st day of April 1989 and for any earlier financial years for which an annual financial statement has not been prepared or, in the case of the Wellington Harbour Board, for the financial year commencing on the 1st day of October 1989 and for any earlier financial years for which an annual financial statement has not been prepared; and

(b) The documents (as defined in section 248 of the Local Government Act 1974) and local archives (as so defined) of that former authority, other than those documents or local archives relating to a specified area or function—

shall be the local authority designated in that Schedule as a residual authority in relation to that former authority.

## 215 CONDUCT OF AFFAIRS

The provisions of section 223C of the Local Government Act 1974 relating to the conduct of affairs of local authorities and community boards applies to the local authorities and community boards constituted by this order.

## SCHEDULES

### First Schedule

#### Part I

#### *Local Authorities Dissolved and Districts Abolished*

Local Authorities	Districts
Wellington Regional Council	Wellington Region
Wairarapa United Council	Wairarapa Region
Wellington City Council	Wellington City
Tawa Borough Council	Tawa Borough
Porirua City Council	Porirua City
Kapiti Borough Council	Kapiti Borough
Otaki Borough Council	Otaki Borough
Lower Hutt City Council	Lower Hutt City
Petone Borough Council	Petone Borough
Eastbourne Borough Council	Eastbourne Borough
Wainuiomata District Council	Wainuiomata District
Upper Hutt City Council	Upper Hutt City
Masterton District Council	Masterton District
Carterton District Council	Carterton District
Featherston County Council	Featherston County
Featherston Borough Council	Featherston Borough
Greytown Borough Council	Greytown Borough
Martinborough Borough Council	Martinborough Borough
Wairarapa Catchment Board and Regional Water Board	Wairarapa Catchment District
Wellington Harbour Board	Wellington Harbour District
South-east Coast North Island Pest Destruction Board	South-east Coast North Island Pest Destruction District

#### Part II

#### *Local Authorities Dissolved*

Wellington District Noxious Plants Authority
Hutt Valley Drainage Board
Featherston District Noxious Plants Authority
Masterton District Noxious Plants Authority
Wairarapa South-Carterton District Noxious Plants Authority
Eketahuna District Noxious Plants Authority
Wainuiomata District Pest Destruction Board
Rangitumau Scenic Reserve Board
Hastwell Recreation Reserve Board
Mauriceville Recreation Reserve Board
Wellington Maritime Planning Authority

### Second Schedule

#### *District Community Councils and Community Councils Dissolved and Communities Abolished*

District Community Councils and Community Councils	Communities
Waikanae District Community Council	Waikanae Community
Makara-Ohariu Community Council	Makara-Ohariu Community
Heretaunga-Pinehaven District Community Council	Heretaunga-Pinehaven Community
Tairangi Community Council	Tairangi Community
Cannons Creek Community Council	Cannons Creek Community

### Third Schedule

#### *Service Delivery Centres*

A service delivery centre shall provide services not less than those required for:

- the payment of money due to the council; and
- the provision of information relating to rates and other accounts due to the council; and
- the provision of information relating to the district planning scheme, bylaws or information otherwise necessary for the preparation of town planning applications, and permit applications; and
- the provision of information relating to community development and recreation; and
- the making of rates rebates applications; and
- the making of applications for housing accommodation; and
- the registration of dogs; and
- such other purposes as the council considers appropriate.

### Fourth Schedule

#### *Property to be Vested in the Wellington City Council*

#### Part I

##### *Harbour Facilities*

First those wharves situated at:

- Seatoun; and
- Karaka Bay; and
- Greta Point.

Secondly, those marinas situated at:

- Evans Bay; and
- Clyde Quay.

#### Part II

##### *Land To Be Vested*

Description	Certificate of Title (Wellington Registry)
Part Sections 10 and 16 SD, Watts Peninsula District	D1 3/3650, D1 3/711
Lots 1 and 2, 4 to 6, 10, 13 & 15, D.P. 2851	D2/392, D2/393, C2/322, D1/614
Part Lots 1 & 6 & Lots 7 to 10, D.P.2755	C2/322
Part Lot 16 and 17, D.P.5112	C2/322
Part Closed Road through Section 4, Watts Peninsula District	156/99
Part Lot 2 and Reclamation, D.P.2592	C1/1428
Section 159 and Part Reserve A, Evans Bay District	Part E1/1042, 7D/365
Lots 1 to 3, D.P. 60206	31A/111-113
Part Section 3, Evans Bay District	Part 31A/114
Lot 1, Wellington Harbour Board Plan	Part 31A/114
Lot 1, D.P.26895	Part E1/1042
Lot 3, Wellington Harbour Board Plan	Part E1/1042
All D.P.11079	451/274
Part Reserve, L Town of Wellington	C1/1427
Part S26, Blk VII, Port Nicholson Part Survey District	Part 6C/1393
Part Lot 2, D.P. 1372	Part 147/148

**Fifth Schedule****Property to be Vested in the Lower Hutt City Council****Part I****Harbour Facilities**

First, those wharves situated at:

- (a) Days Bay; and
- (b) Point Howard; and
- (c) Petone.

Secondly, those marinas situated at:

- (a) Lowry Bay; and
- (b) Seaview.

**Part II****Land To Be Vested**

Description	Certificate of Title (Wellington Registry)
Lots 141 to 148, D.P.59	79/286, 16/203, 52/142, 32/133, 22/194, 17/83, 16/55 to 56
Lot 50, D.P.14160	191/99
Part Lot 2, D.P.13037, Part Lot 2, D.P.45140	Part 17A/1001
Part Section 831, Hutt District	17A/1002
Lot 4, D.P.20061	6D/1425
Lots 1 and 2, 8 & 10 to 15, D.P.28209	F4/930 to 940, F4/943 to 949
Lot 1, D.P.28210	F4/950
Lots 1 to 19, D.P.28211	F4/951 to 964, 5B/579 to 582
Lots 1 and 2, D.P.30190	6D/998 to 999
Lot 1, D.P.30673	90/666
Lot 1, D.P.32305	8D/1068
Lot 1, D.P.43866	15A/1063
Lots 1 and 2, Part Lot 3, D.P.56188	26C/152 to 153

**Sixth Schedule****Land To Be Vested In The Wellington Regional Council**

Description	Certificate of Title (Wellington Registry)
Lot 434A, D.P.171	84/41
Part Section 17, Watts Peninsula Survey District	151/276, 54/279
Lots 4 and 5, Block II, D.P.1335	380/74, 125/269
Lots 1 to 19, D.P.1302	5B/417 to 427, 5B/202 to 206, 5C/139, 5C/276 to 277
Lots 1 and 2, D.P.55194	23B/58 to 59
Lots 22, 23 and 25, D.P.1302	5C/142, 22A/963, 5C/144
Lots 2 and 3, D.P.7107	5C/147 to 148
Lots 1 and 2, D.P.55915	25B/61 to 62

**Seventh Schedule****Residual Authorities**

Residual Authority	Former Authority
Wellington Regional Council	Wellington Harbour Board
Wellington Regional Council	Wairarapa United Council
Wellington Regional Council	Wairarapa Catchment Board and Regional Water Board
Wellington Regional Council	South-east Coast North Island Pest Destruction Board
Wellington Regional Council	Masterton District Noxious Plants Authority
Lower Hutt City Council	Lower Hutt City Council
Lower Hutt City Council	Hutt Valley Drainage Board
Porirua City Council	Porirua City Council
Masterton District Council	Masterton District Council
Wellington City Council	Wellington City Council
Upper Hutt City Council	Upper Hutt City Council

C. J. HILL, Acting for Clerk of the Executive Council.

(I.A. 104/105)

**The Local Government (West Coast Region) Reorganisation Order 1989**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 9th day of June 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

Pursuant to section 36 of 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.

**A n a l y s i s**

1 Title and commencement	32 Delegation of service delivery
2 Elections	PART III
3 Communities	<i>Buller District</i>
PART I	33 Constitution of Buller District
<i>West Coast Region</i>	34 Buller District Council
4 Constitution of West Coast Region	35 Interpretation
5 Constituent authorities	36 Wards
6 Dissolution of existing local authorities and abolition of existing districts	37 Membership
7 References to former authority	38 First election
8 Dissolution of existing community council and abolition of existing community	39 First meeting
PART II	40 Chief executive
<i>West Coast Regional Council</i>	41 Functions, duties, and powers
9 West Coast Regional Council	42 Administration headquarters
10 Interpretation	43 Service delivery centre
11 Constituencies	44 Inangahua Community
12 Membership	45 Rating
13 First election	46 Town and country planning
14 First meeting	47 Civil defence
15 Chief executive	48 Vesting of property
16 Functions, duties, and powers	49 Title to property
17 Rural services committee	50 Transitional committee
18 Regional land transport committee	51 Membership of transitional committee
19 Administration headquarters	52 No casting vote
20 Rating	53 Exclusion of non-voting members
21 Regional planning	54 Obligation of transitional committee to appoint chief executive
22 Civil defence	55 Principal local authority
23 Vesting of property	56 Costs of transitional committee
24 Title to property	57 Consultation with administering authorities of reserves
25 Transitional committee	PART IV
26 Membership of transitional committee	<i>Grey District</i>
27 No casting vote	58 Constitution of Grey District
28 Exclusion of non-voting members	59 Grey District Council
29 Obligation of transitional committee to appoint chief executive	60 Interpretation
30 Principal local authority	61 Wards
31 Costs of transitional committee	62 Membership
	63 First election
	64 First meeting

65 Chief executive
66 Functions, duties, and powers
67 Harbour committee
68 Administration headquarters
69 Service delivery centre
70 Runanga Community
71 Rating
72 Town and country planning
73 Civil defence
74 Vesting of property
75 Title to property
76 Transitional committee
77 Membership of transitional committee
78 No casting vote
79 Exclusion of non-voting members
80 Obligation of transitional committee to appoint chief executive
81 Principal local authority
82 Costs of transitional committee
83 Consultation with administering authorities of reserves
PART V
<i>WESTLAND DISTRICT</i>
84 Constitution of Westland District
85 Westland District Council
86 Interpretation
87 Wards
88 Membership
89 First election
90 First meeting
91 Chief executive
92 Functions, duties, and powers
93 Administration headquarters

94 Rating
95 Town and country planning
96 Civil defence
97 Vesting of property
98 Title to property
99 Transitional committee
100 Membership of transitional committee
101 No casting vote
102 Exclusion of non-voting members
103 Obligation of transitional committee to appoint chief executive
104 Principal local authority
105 Costs of transitional committee
106 Consultation with administering authorities of reserves
PART VI
<i>Greymouth Harbour Board</i>
107 Vesting of property
108 Title to property
109 Finance
PART VII
<i>GENERAL</i>
110 Transfer of responsibilities
111 Creditors
112 Local authorities petroleum tax
113 Special funds
114 Loans
115 Assets and liabilities
116 Loan liabilities
117 Residual authorities
118 Conduct of affairs
Schedules

## Order

### 1 TITLE AND COMMENCEMENT

(1) This order may be cited as the Local Government (West Coast Region) Reorganisation Order 1989.

(2) Subject to subclause (3) of this clause, this order shall come into force on the 1st day of November 1989.

(3) Those provisions of this order necessary:

(a) To provide for the first election of the members of the local authorities, and the members of the community boards for the communities, constituted by this order; and

(b) For the purposes of clauses 25 to 32, 50 to 57, 76 to 83, 99 to 106 and 115 of this order; and

(c) For the appointment of the principal administrative officers of the local authorities constituted by this order, shall come into force on the making of this order.

### 2 ELECTIONS

The first elections of the local authorities, and the community boards for the communities constituted by this order shall be held on the 14th day of October 1989.

### 3 COMMUNITIES

Each community constituted by this order shall come into existence on the day after the date on which the Returning Officer declares the result of the first election of members of the community board for that community, provided that no

such community shall come into existence prior to the 1st day of November 1989.

## PART I

### *West Coast Region*

#### 4 CONSTITUTION OF WEST COAST REGION

There is hereby constituted a region, to be known as "The West Coast Region", which shall comprise the area delineated on S.O. Plan No. 11466 deposited with the Chief Surveyor of the Westland Land District.

#### 5 CONSTITUENT AUTHORITIES

The constituent authorities of the West Coast Region shall comprise:

(a) The territorial authorities constituted by Parts III to V of this order; and

(b) In relation to any part of the Tasman District constituted by the Local Government (Nelson-Marlborough Region) Reorganisation Order 1989 that is within the West Coast Region, the Tasman District Council.

#### 6 DISSOLUTION OF EXISTING LOCAL AUTHORITIES AND ABOLITION OF EXISTING DISTRICTS

(1) Every local authority named in Part I or Part II of the First Schedule to this order is hereby dissolved.

(2) Every district named in Part I of the First Schedule to this order is hereby abolished.

## 7 REFERENCES TO FORMER AUTHORITY

(1) Every reference in this order to a former authority shall, where part only of the district of a former authority has been included within the district of a local authority or any function of a former authority has been allocated to a local authority, be read as a reference to the former authority only in relation to that part, or, as the case may be, that function.

(2) Any reference in Part VII of this order to "the former authorities" or "former authority" shall be a reference to any of the former authorities defined in Parts II to V of this order.

## 8 DISSOLUTION OF EXISTING COMMUNITY COUNCIL AND ABOLITION OF EXISTING COMMUNITY

(1) The Karoro Community Council is hereby dissolved.

(2) The Karoro Community is hereby abolished.

## PART II

### *West Coast Regional Council*

## 9 WEST COAST REGIONAL COUNCIL

A regional council, to be known as "The West Coast Regional Council", is hereby constituted for the West Coast Region.

## 10 INTERPRETATION

In this Part of this order:

"The former authorities" means—

- (a) The West Coast United Council; and
- (b) The Westland Catchment Board and Regional Water Board; and
- (c) The Buller District Noxious Plants Authority; and
- (d) The Grey District Noxious Plants Authority; and
- (e) The Inangahua District Noxious Plants Authority; and
- (f) The Westland District Noxious Plants Authority; and
- (g) The West Coast Counties Pest Destruction Board; and
- (h) The Nelson Bays United Council; and
- (i) The Waimea District Noxious Plants Authority; and
- (j) The Waimea Pest Destruction Board; and
- (k) The Clutha-Central Otago United Council; and
- (l) The Lake District Noxious Plants Authority; and
- (m) The Central Otago Pest Destruction Board,

and any reference to "former authority" shall be read as a reference to any of the former authorities named in this clause.

"Former West Coast Region" means the West Coast Region in existence immediately before the coming into force of this clause of this order; and

"West Coast Region" means the West Coast Region constituted by this order.

## 11 CONSTITUENCIES

(1) The West Coast Region is hereby divided into 4 constituencies.

(2) Those 4 constituencies are:

(a) The Buller Constituency, comprising the area delineated on S.O. Plan No. 14481 deposited with the Chief Surveyor of the Westland Land District:

(b) The Lyell Constituency, comprising the area delineated on S.O. Plan No. 14482 deposited with the Chief Surveyor of the Westland Land District:

(c) The Grey Constituency, comprising the area delineated on S.O. Plan No. 11458 deposited with the Chief Surveyor of the Westland Land District:

(d) The Westland Constituency, comprising the area delineated on S.O. Plan No. 11464 deposited with the Chief Surveyor of the Westland Land District.

## 12 MEMBERSHIP

The West Coast Regional Council shall consist of 10 members, of whom:

(a) Two members shall be elected by the electors of the Buller Constituency; and

(b) One member shall be elected by the electors of the Lyell Constituency; and

(c) Four members shall be elected by the electors of the Grey Constituency; and

(d) Three members shall be elected by the electors of the Westland Constituency.

## 13 FIRST ELECTION

(1) For the purposes of the first election of the West Coast Regional Council:

(a) The Returning Officer for the Buller Constituency shall be the Returning Officer for the Westport Borough; and

(b) The Returning Officer for the Lyell Constituency shall be the Returning Officer for the Inangahua County; and

(c) The Returning Officer for the Grey Constituency shall be the Returning Officer for the Grey County; and

(d) The Returning Officer for the Westland Constituency shall be the Returning Officer for the Westland County.

(2) The first election of the West Coast Regional Council shall be conducted by postal vote.

## 14 FIRST MEETING

(1) The principal administrative officer of the West Coast Regional Council:

(a) Shall convene the first meeting of that Council; and

(b) Shall preside at the first meeting of that Council until the election of the Chairperson of that Council.

(2) The first meeting of the West Coast Regional Council shall be held no later than the 14th day of November 1989.

## 15 CHIEF EXECUTIVE

(1) The Chief Executive of the West Coast Regional Council shall be the person appointed to that position in accordance with clause 29 of this order.

(2) The Chief Executive shall be the principal administrative officer of the West Coast Regional Council.

## 16 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the West Coast Regional Council shall be:

(a) Except as otherwise provided by this order, the functions, duties, and powers of a regional council under—

(i) The Local Government Act 1974; and

(ii) The Urban Transport Act 1980; and

(iii) Any public Act relating to the West Coast Regional Council or any of the former authorities and not expressly referred to in this clause; and

(iv) Any local Act relating to the West Coast Regional Council or any of the former authorities; and

(b) The functions, duties, and powers in relation to regional planning of a regional council under the Town and Country Planning Act 1977 or any other Act; and

(c) The functions, duties, and powers in relation to maritime planning of a maritime planning authority under the Town and Country Planning Act 1977 or any other Act; and

(d) The functions, duties, and powers of a catchment board and a regional water board under the Soil Conservation and Rivers Control Act 1941 and the Water and Soil Conservation Act 1967 or any other Act; and

(e) The functions, duties, and powers in relation to civil

defence of a regional council under the Civil Defence Act 1983 or any other Act; and

(f) The functions, duties, and powers of a pest destruction board under the Agricultural Pests Destruction Act 1967 or any other Act; and

(g) The functions, duties, and powers of a district noxious plants authority under the Noxious Plants Act 1978 or any other Act.

### 17 RURAL SERVICES COMMITTEE

(1) The West Coast Regional Council shall, at least until the 1st day of November 1995, establish and maintain a Rural Services Committee.

(2) The Rural Services Committee shall be responsible for:

(a) Agricultural pests destruction; and

(b) Noxious plants control; and

(c) Any other functions considered by the West Coast Regional Council to be of particular concern to the rural community.

(3) The persons appointed by the West Coast Regional Council to the Rural Services Committee established under this clause shall include not less than 2 persons:

(a) Who are not members of that Council; but

(b) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

### 18 REGIONAL LAND TRANSPORT COMMITTEE

(1) The West Coast Regional Council shall establish and maintain a Regional Land Transport Committee.

(2) The Regional Land Transport Committee shall be responsible for:

(a) Regional roading under Part XXII of the Local Government Act 1974; and

(b) Such transport or other roading responsibilities as may from time to time, pursuant to any Act, become a function of a regional council; and

(c) Such other functions as the West Coast Regional Council considers appropriate.

### 19 ADMINISTRATION HEADQUARTERS

Until the West Coast Regional Council otherwise resolves, the administration headquarters of that Council shall be located in Greymouth.

### 20 RATING

(1) Without limiting the powers of the West Coast Regional Council under the Rating Powers Act 1988 to make and levy any rate under a different system of rating, the system of rating in the West Coast Region shall be the capital value system.

(2) The West Coast Regional Council shall exercise within the West Coast Region or any part thereof:

(a) Any rating powers possessed by any former authority; and

(b) Any powers to make and levy assessments relating to the functions and powers possessed by any former authority.

### 21 REGIONAL PLANNING

(1) The West Coast Regional Council shall not be required to prepare a new regional planning scheme immediately.

(2) The approved regional planning schemes and the proposed regional planning schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the approved, or as the case may be the proposed, regional planning scheme of the West Coast Region.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its regional planning scheme or any change or variation thereof, then subject to any

resolution of the West Coast Regional Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the West Coast Regional Council, and may be adopted and acted upon by it.

### 22 CIVIL DEFENCE

The operative regional civil defence plans for the former West Coast, Clutha-Central Otago, and Nelson Bays Regions shall continue in force in those areas included in the West Coast Region until a new plan is approved for the whole region in accordance with the Civil Defence Act 1983.

### 23 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporations of any former authority and situated in the West Coast Region is hereby vested in the corporation of the West Coast Regional Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than those former authorities named in paragraphs (h) to (m) of clause 10 of this order, and situated in a region in which that former authority is not also a former authority, is hereby vested in the corporation of the West Coast Regional Council, subject to all existing encumbrances.

### 24 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the West Coast Regional Council by clause 23 of this order shall, unless the context otherwise requires, be read as a reference to "The West Coast Regional Council".

### 25 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the West Coast Region.

(2) The local authorities to which this clause applies shall be:

(a) The West Coast United Council; and

(b) The Nelson Bays United Council; and

(c) The Westland Catchment Board and Regional Water Board; and

(d) The Buller District Noxious Plants Authority; and

(e) The Grey District Noxious Plants Authority; and

(f) The Inangahua District Noxious Plants Authority; and

(g) The Westland District Noxious Plants Authority; and

(h) The West Coast Counties Pest Destruction Board; and

(i) The Waimea District Noxious Plants Authority; and

(j) The Waimea Pest Destruction Board.

### 26 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the West Coast Region shall consist of:

(a) Two members appointed by the West Coast United Council; and

(b) One member appointed by the Nelson Bays United Council; and

(c) Two members appointed by the Westland Catchment Board and Regional Water Board; and

(d) One member appointed jointly by the district noxious plants authorities and the pest destruction boards named in paragraphs (d) to (j) of clause 25(2) of this order; and

(e) One officer appointed by each local authority named in paragraphs (a) to (c) of clause 25(2) of this order, who shall be non-voting members of the transitional committee; and

(f) One officer appointed jointly by the pest destruction boards and the district noxious plants authorities named in



paragraphs (d) to (j) of clause 25(2) of this order, who shall be a non-voting member of the transitional committee; and

(g) The Chief Executive designate, when appointed in accordance with clause 29 of this order, who shall be a non-voting member of the transitional committee; and

(h) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 25(2) of this order, who shall be a non-voting member of the transitional committee.

### 27 NO CASTING VOTE

The Chairperson of the transitional committee for the West Coast Region or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

### 28 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the West Coast Region may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 29 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the West Coast Region shall appoint a person to be the Chief Executive of the West Coast Regional Council.

### 30 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the West Coast Region shall be the West Coast United Council.

### 31 COSTS OF TRANSITIONAL COMMITTEE

(1) The costs of the transitional committee for the West Coast Region (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 25(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the gross revenue of the local authority for the year ended on the 31st day of March 1988, bears to the gross revenue of all the local authorities to which this clause applies for that year.

(2) For the purpose of this clause, the gross revenue of a local authority shall be the gross revenue reasonably related to the area of a local authority which is to be included in the West Coast Region or any function of a local authority which is to be transferred to the West Coast Regional Council, whichever is applicable.

### 32 DELEGATION OF SERVICE DELIVERY

The transitional committee for the West Coast Region shall meet with each of the other transitional committees specified in this order and the transitional committee for the Tasman District, for the purpose of considering the most appropriate arrangements for the physical delivery of services relating to the functions allocated to the West Coast Regional Council by this order.

## PART III

### *Buller District*

### 33 CONSTITUTION OF BULLER DISTRICT

There is hereby constituted a district, to be known as "The Buller District", which shall comprise the area delineated on S.O. Plan No. 14451 deposited with the Chief Surveyor of the Westland Land District.

### 34 BULLER DISTRICT COUNCIL

A territorial authority, to be known as "The Buller District Council", is hereby constituted for the Buller District.

### 35 INTERPRETATION

In this Part of this order, "the former authorities" means:

- (a) The Buller County Council; and
- (b) The Westport Borough Council; and
- (c) The Inangahua County Council; and
- (d) The Grey County Council; and
- (e) The Brougham Street Reserve Board; and
- (f) The Carter Beach Reserve Board; and
- (g) The Karamea Memorial Reserve Board; and
- (h) The Mokihinui Reserve Board; and
- (i) The Little Wanganui Reserve Board; and
- (j) The Mawheraiti Reserve Board; and
- (k) The Ngakawau/Hector Reserve Board; and
- (l) The Omau Reserve Board; and
- (m) The Seddonville Soldiers Reserve Board; and
- (n) The Waimangaroa Reserve Board; and
- (o) The Reefton Reserve Board,

and any reference to "former authority" shall be read as a reference to any of the former authorities named in this clause.

### 36 WARDS

(1) The Buller District is hereby divided into 3 wards.

(2) Those 3 wards are:

(a) The Seddon Ward, comprising the area delineated on S.O. Plan No. 14452 deposited with the Chief Surveyor of the Westland Land District:

(b) The Westport Ward, comprising the area delineated on S.O. Plan No. 14453 deposited with the Chief Surveyor of the Westland Land District:

(c) The Inangahua Ward, comprising the area delineated on S.O. Plan No. 14454 deposited with the Chief Surveyor of the Westland Land District.

### 37 MEMBERSHIP

(1) The Buller District Council shall consist of a Mayor and 11 members.

(2) The members of the Buller District Council to be elected at the first election of that Council shall be elected as follows:

(a) Three members shall be elected by the electors of the Seddon Ward; and

(b) Five members shall be elected by the electors of the Westport Ward; and

(c) Three members shall be elected by the electors of the Inangahua Ward.

### 38 FIRST ELECTION

(1) For the purposes of the first election of the Buller District Council, the Returning Officer and the principal administrative officer for the Buller District shall be, respectively, the Returning Officer and the principal administrative officer for the Buller County.

(2) The first election of the Buller District Council shall be conducted by postal vote.

### 39 FIRST MEETING

The first meeting of the Buller District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

#### 40 CHIEF EXECUTIVE

(1) The Chief Executive of the Buller District Council shall be the person appointed to that position in accordance with clause 54 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Buller District Council.

#### 41 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Buller District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

- (i) The Local Government Act 1974; and
- (ii) Any other public Act relating to the Buller District Council or any of the former authorities; and
- (iii) Any local Act relating to the Buller District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

#### 42 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Buller District Council shall be located in Westport.

#### 43 SERVICE DELIVERY CENTRE

The Buller District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in Reefton, in accordance with the provisions of the Second Schedule to this order.

#### 44 INANGAHUA COMMUNITY

(1) There is hereby constituted a community for the area of the Inangahua Ward, to be known as "The Inangahua Community".

(2) The community board for the Inangahua Community shall consist of:

- (a) Six members elected by the electors of that community; and
- (b) The persons elected, from time to time, as members of the district council representing the Inangahua Ward and appointed by the Buller District Council to the community board.

(3) The Returning Officer for the first election of the community board for the community constituted by this clause shall be the Returning Officer for the Buller County.

(4) The first election of the community board for the community constituted by this clause shall be conducted by postal vote.

#### 45 RATING

(1) The system of rating in the Buller District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Buller District, Part XIV of the Rating Powers Act 1988 shall apply as if the Buller District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

#### 46 TOWN AND COUNTRY PLANNING

(1) The Buller District Council shall not be required to prepare a new district scheme, immediately, for the Buller District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Buller District.

(3) Where any former authority had, prior to its dissolution,

begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Buller District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Buller District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Buller District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against any such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Buller District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Buller District Council or, as the case may require, a committee or delegate thereof.

#### 47 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Buller District until a new plan is approved for the Buller District, in accordance with the Civil Defence Act 1983.

#### 48 VESTING OF PROPERTY

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Buller District is hereby vested in the corporation of the Buller District, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Grey County Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Buller District Council, subject to all existing encumbrances.

#### 49 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Buller District Council by clause 48 of this order shall, unless the context otherwise requires, be read as a reference to "The Buller District Council".

#### 50 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Buller District.

- (2) The local authorities to which this clause applies shall be:
- (a) The Buller County Council; and
  - (b) The Westport Borough Council; and
  - (c) The Inangahua County Council.

#### 51 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Buller District shall consist of:

- (a) Two members appointed by the Buller County Council; and
- (b) Three members appointed by the Westport Borough Council; and

(c) Two members appointed by the Inangahua County Council; and

(d) One officer appointed by each local authority, named in paragraphs (a) to (c) of clause 50(2) of this order, who shall be non-voting members of the committee; and

(e) The Chief Executive designate, when appointed in accordance with clause 54 of this order, who shall be a non-voting member of the transitional committee; and

(f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 50(2) of this order, who shall be a non-voting member of the transitional committee.

## 52 NO CASTING VOTE

The Chairperson of the transitional committee for the Buller District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

## 53 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Buller District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

## 54 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Buller District shall appoint a person to be the Chief Executive of the Buller District Council.

## 55 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Buller District shall be the Westport Borough Council.

## 56 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Buller District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 50(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

(i) The district of that local authority; or

(ii) Those parts of the district of that local authority to be included in the Buller District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Buller District.

## 57 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The transitional committee for the Buller District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Buller District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Buller District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Buller District

Council that it establish such a committee or committees of management.

## PART IV

### Grey District

## 58 CONSTITUTION OF GREY DISTRICT

There is hereby constituted a district, to be known as "The Grey District", which shall comprise the area delineated on S.O. Plan No. 11457 deposited with the Chief Surveyor of the Westland Land District.

## 59 GREY DISTRICT COUNCIL

A territorial authority, to be known as "The Grey District Council", is hereby constituted for the Grey District.

## 60 INTERPRETATION

In this Part of this order, "the former authorities" means:

(a) The Grey County Council; and

(b) The Greymouth Borough Council; and

(c) The Runanga Borough Council; and

(d) Subject to Part VI of this order, the Greymouth Harbour Board; and

(e) The Blackball Reserve Board; and

(f) The Dobson Reserve Board; and

(g) The Garth Reserve Board; and

(h) The Ngahere Reserve Board; and

(i) The Paroa Reserve Board; and

(j) The Rapahoe Reserve Board; and

(k) The Taylorville Reserve Board; and

(l) The Ogilvie Reserve Board,

and any reference to "former authority" shall be a reference to any of the former authorities named in this clause.

## 61 WARDS

(1) The Grey District shall be divided into 5 wards.

(2) Those 5 wards are:

(a) The Ahaura Ward, comprising the area delineated on S.O. Plan No. 11455 deposited with the Chief Surveyor of the Westland Land District:

(b) The Moana Ward, comprising the area delineated on S.O. Plan No. 11456 deposited with the Chief Surveyor of the Westland Land District:

(c) The Cobden Ward, comprising the area delineated on S.O. Plan No. 11453 deposited with the Chief Surveyor of the Westland Land District:

(d) The Karoro Ward, comprising the area delineated on S.O. Plan No. 11452 deposited with the Chief Surveyor of the Westland Land District:

(e) The Runanga Ward, comprising the area delineated on S.O. Plan No. 11454 deposited with the Chief Surveyor of the Westland Land District.

## 62 MEMBERSHIP

(1) The Grey District Council shall consist of a Mayor and 12 members.

(2) The members of the Grey District Council to be elected at the first election of that Council shall be elected as follows:

(a) Two members shall be elected by the electors of the Ahaura Ward; and

(b) Two members shall be elected by the electors of the Moana Ward; and

(c) Three members shall be elected by the electors of the Cobden Ward; and

(d) Three members shall be elected by the electors of the Karoro Ward; and

(e) Two members shall be elected by the electors of the Runanga Ward.

### 63 FIRST ELECTION

(1) For the purposes of the first election of the Grey District Council, the Returning Officer and principal administrative officer for the Grey District shall be, respectively, the Returning Officer and the principal administrative officer for the Greymouth Borough.

(2) The first election of the Grey District Council shall be conducted by postal vote.

### 64 FIRST MEETING

The first meeting of the Grey District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

### 65 CHIEF EXECUTIVE

(1) The Chief Executive of the Grey District Council shall be the person appointed to that position in accordance with clause 80 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Grey District Council.

### 66 FUNCTIONS, DUTIES, AND POWERS

The functions, duties, and powers of the Grey District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Grey District Council or any of the former authorities; and

(iii) Any local Act relating to the Grey District Council or any of the former authorities; and

(b) The functions, duties, and powers of a harbour board in respect of the Greymouth Harbour under the Harbours Act 1950 and the Marine Pollution Act 1974 or any other Act; and

(c) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves being administered by the former authorities immediately before the coming into force of this clause.

### 67 HARBOUR COMMITTEE

(1) The Grey District Council shall, at least until the 1st day of November 1995, establish and maintain a Greymouth Harbour Committee.

(2) The Grey District Council may delegate to the Greymouth Harbour Committee all or any of its functions, duties, and powers as a Harbour Board.

(3) The persons appointed by the Grey District Council to the Greymouth Harbour Committee established under this clause shall include not less than 2 persons:

(a) Who are not members of that council; but

(b) Who, in the opinion of the Council, have knowledge that will assist the work of the Committee.

### 68 ADMINISTRATION HEADQUARTERS

The administration headquarters of the Grey District Council shall be located in Greymouth.

### 69 SERVICE DELIVERY CENTRE

The Grey District Council shall, at least until the 1st day of November 1995, establish and maintain a service delivery centre in Runanga, in accordance with the provisions of the Second Schedule to this order.

### 70 RUNANGA COMMUNITY

(1) There is hereby constituted a community for the area of the Runanga Ward, to be known as "The Runanga Community".

(2) The community board for the Runanga Community shall consist of:

(a) Six members elected by the electors of that community; and

(b) The persons elected, from time to time, as members of the district council representing the Runanga Ward and appointed by the Grey District Council to the community board.

(3) The Returning Officer for the first election of the community board for the community constituted by this clause shall be the Returning Officer for the Greymouth Borough.

(4) The first election of the community board for the community constituted by this clause shall be conducted by postal vote.

### 71 RATING

(1) The system of rating in the Grey District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Grey District, Part XIV of the Rating Powers Act 1988 shall apply as if the Grey District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

### 72 TOWN AND COUNTRY PLANNING

(1) The Grey District Council shall not be required to prepare a new district scheme, immediately, for the Grey District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Grey District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Grey District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Grey District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Grey District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against any such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Grey District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Grey District Council or, as the case may require, a committee or delegate thereof.

### 73 CIVIL DEFENCE

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Grey District until a new plan is approved for the Grey District, in accordance with the Civil Defence Act 1983.

**74 VESTING OF PROPERTY**

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Grey District is hereby vested in the corporation of the Grey District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Grey District Council, subject to all existing encumbrances.

**75 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Grey District Council by clause 74 of this order shall, unless the context otherwise requires, be read as a reference to "The Grey District Council".

**76 TRANSITIONAL COMMITTEE**

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Grey District.

(2) The local authorities to which this clause applies shall be:

- (a) The Grey County Council; and
- (b) The Greymouth Borough Council; and
- (c) The Runanga Borough Council; and
- (d) The Greymouth Harbour Board.

**77 MEMBERSHIP OF TRANSITIONAL COMMITTEE**

The transitional committee for the Grey District shall consist of:

- (a) Three members appointed by the Grey County Council; and
- (b) Three members appointed by the Greymouth Borough Council; and
- (c) One member appointed by the Runanga Borough Council; and
- (d) One member appointed by the Greymouth Harbour Board; and
- (e) One officer appointed by each local authority, named in clause 76(2) of this order, who shall be non-voting members of the committee; and
- (f) The Chief Executive designate, when appointed in accordance with clause 80 of this order, who shall be a non-voting member of the transitional committee; and
- (g) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 76(2) who shall be a non-voting member of the transitional committee.

**78 NO CASTING VOTE**

The Chairperson of the transitional committee for the Grey District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

**79 EXCLUSION OF NON-VOTING MEMBERS**

The transitional committee for the Grey District may resolve to exclude any non-voting member of the committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

**80 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE**

The transitional committee for the Grey District shall appoint a person to be the Chief Executive of the Grey District Council.

**81 PRINCIPAL LOCAL AUTHORITY**

The principal local authority for the transitional committee for the Grey District shall be the Grey County Council.

**82 COSTS OF TRANSITIONAL COMMITTEE**

(1) The costs of the transitional committee for the Grey District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 76(2) of this order either:

- (a) In accordance with a formula agreed to by that committee; or
- (b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the gross revenue of the local authority for the year ended on the 31st day of March 1988 bears to the gross revenue of all the local authorities to which this clause applies for that year.

(2) For the purpose of this clause the gross revenue of a local authority shall be the gross revenue reasonably related to the area of a local authority which is to be included in the Grey District or any function of a local authority which is to be transferred to the Grey District Council, whichever is applicable.

**83 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES**

(1) The transitional committee for the Grey District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Grey District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Grey District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Grey District Council that it establish such a committee or committees of management.

**PART V*****Westland District*****84 CONSTITUTION OF WESTLAND DISTRICT**

There is hereby constituted a district, to be known as "The Westland District", which shall comprise the area delineated on S.O. Plan No. 11463 deposited with the Chief Surveyor of the Westland Land District.

**85 WESTLAND DISTRICT COUNCIL**

A territorial authority, to be known as "The Westland District Council", is hereby constituted for the Westland District.

**86 INTERPRETATION**

In this Part of this order, "the former authorities" means:

- (a) The Hokitika Borough Council; and
- (b) The Westland County Council; and
- (c) The Queenstown-Lakes District Council; and
- (d) The Hari Hari Reserve Board; and
- (e) The Kokatahi Reserve Board; and
- (f) The Kowhitirangi Reserve Board; and
- (g) The Woodstock Reserve Board; and
- (h) The Whataroa Reserve Board; and
- (i) The Three Mile Reserve Board,

and any reference to "former authority" shall be read as a reference to any of the former authorities named in this clause.

**87 WARDS**

(1) The Westland District is hereby divided into 4 wards.

(2) Those 4 wards are:

(a) The Northern Ward, comprising the area delineated on S.O. Plan No. 11460 deposited with the Chief Surveyor of the Westland Land District:

(b) The Hokitika Ward, comprising the area delineated on S.O. Plan No. 11459 deposited with the Chief Surveyor of the Westland Land District:

(c) The Central Ward, comprising the area delineated on S.O. Plan No. 11461 deposited with the Chief Surveyor of the Westland Land District:

(d) The Southern Ward, comprising the area delineated on S.O. Plan No. 11462 deposited with the Chief Surveyor of the Westland Land District.

**88 MEMBERSHIP**

(1) The Westland District Council shall consist of a Mayor and 12 members.

(2) The members of the Westland District Council to be elected at the first election of that Council shall be elected as follows:

(a) One member shall be elected by the electors of the Northern Ward; and

(b) Four members shall be elected by the electors of the Hokitika Ward; and

(c) Three members shall be elected by the electors of the Central Ward; and

(d) Four members shall be elected by the electors of the Southern Ward.

**89 FIRST ELECTION**

(1) For the purposes of the first election of the Westland District Council, the Returning Officer and principal administrative officer for the Westland District shall be, respectively, the Returning Officer and the principal administrative officer for the Hokitika Borough.

(2) The first election of the Westland District Council shall be conducted by postal vote.

**90 FIRST MEETING**

The first meeting of the Westland District Council:

(a) Shall be convened by the principal administrative officer of that Council; and

(b) Shall be held no later than the 14th day of November 1989.

**91 CHIEF EXECUTIVE**

(1) The Chief Executive of the Westland District Council shall be the person appointed to that position in accordance with clause 103 of this order.

(2) The Chief Executive shall be the principal administrative officer of the Westland District Council.

**92 FUNCTIONS, DUTIES, AND POWERS**

The functions, duties, and powers of the Westland District Council shall be:

(a) The functions, duties, and powers of a territorial authority under—

(i) The Local Government Act 1974; and

(ii) Any other public Act relating to the Westland District Council or any of the former authorities; and

(iii) Any local Act relating to the Westland District Council or any of the former authorities; and

(b) The functions, duties, and powers of an administering body under the Reserves Act 1977 in respect of the reserves

being administered by the former authorities immediately before the coming into force of this clause.

**93 ADMINISTRATION HEADQUARTERS**

The administration headquarters of the Westland District Council shall be located in Hokitika.

**94 RATING**

(1) The system of rating in the Westland District shall be the land value system.

(2) Until the Valuer-General is able to produce a valuation roll for the Westland District, Part XIV of the Rating Powers Act 1988 shall apply as if the Westland District was the district of a special purpose authority and the areas from which it was formed were constituent districts.

**95 TOWN AND COUNTRY PLANNING**

(1) The Westland District Council shall not be required to prepare a new district scheme, immediately, for the Westland District.

(2) The operative district schemes and the proposed district schemes under the Town and Country Planning Act 1977 of the former authorities shall be deemed to be the operative district scheme or, as the case may be, the proposed district scheme, of the Westland District.

(3) Where any former authority had, prior to its dissolution, begun the preparation of any review of its district scheme or any change or variation thereof, then, subject to any resolution of the Westland District Council to the contrary, all such preparation shall be deemed to have been done by, or on behalf of, the Westland District Council and may be adopted and acted upon by it.

(4) Where before the coming into force of this clause any application had been made to any former authority by any person pursuant to any provision of the Town and Country Planning Act 1977, and:

(a) No hearing by that former authority or any committee thereof had begun of such application or any objection thereto, the application shall be deemed to have been made to the Westland District Council and shall be dealt with by it accordingly; or

(b) Such application had been heard or otherwise disposed of by that former authority and either the time for any appeal against any such decision had not expired or notice of appeal had been given, any such appeal shall be deemed to be against the Westland District Council; or

(c) Such application had been either partly or fully heard or considered by that former authority but no decision thereon had been given, the application shall be heard or considered again by the Westland District Council or, as the case may require, a committee or delegate thereof.

**96 CIVIL DEFENCE**

The operative local civil defence plans for the districts of the former authorities shall continue in force in the respective parts of the Westland District until a new plan is approved for the Westland District, in accordance with the Civil Defence Act 1983.

**97 VESTING OF PROPERTY**

(1) All property, real and personal, vested in the corporation of any former authority and situated in the Westland District is hereby vested in the corporation of the Westland District Council, subject to all existing encumbrances.

(2) All property, real and personal, vested in the corporation of any former authority, other than the Queenstown-Lakes District Council, and situated in a district in which that former authority is not also a former authority, is hereby vested in the corporation of the Westland District Council, subject to all existing encumbrances.

**98 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Westland District Council by clause 97 of this order shall, unless the context otherwise requires, be read as a reference to "The Westland District Council".

**99 TRANSITIONAL COMMITTEE**

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Westland District.

(2) The local authorities to which this clause applies shall be:

- (a) The Westland County Council; and
- (b) The Hokitika Borough Council.

**100 MEMBERSHIP OF TRANSITIONAL COMMITTEE**

The transitional committee for the Westland District shall consist of:

- (a) Three members appointed by the Westland County Council; and
- (b) Three members appointed by the Hokitika Borough Council; and
- (c) One member appointed by the Local Government Commission; and
- (d) One officer appointed by each local authority named in clause 99(2) of this order, who shall be non-voting members of the committee; and
- (e) The Chief Executive designate, when appointed in accordance with clause 103 of this order, who shall be a non-voting member of the transitional committee; and
- (f) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 99(2) of this order, who shall be a non-voting member of the transitional committee.

**101 NO CASTING VOTE**

The Chairperson of the transitional committee for the Westland District or other person presiding at any meeting of the committee shall not have a casting vote in the case of equality of votes.

**102 EXCLUSION OF NON-VOTING MEMBERS**

The transitional committee for the Westland District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

**103 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE**

The transitional committee for the Westland District shall appoint a person to be the Chief Executive of the Westland District Council.

**104 PRINCIPAL LOCAL AUTHORITY**

The principal local authority for the transitional committee for the Westland District shall be the Westland County Council.

**105 COSTS OF TRANSITIONAL COMMITTEE**

(1) The costs of the transitional committee for the Westland District (including the costs of providing administrative services to it) shall be borne and paid by the local authorities named in clause 99(2) of this order either:

- (a) In accordance with a formula agreed to by that committee; or
- (b) If there is no such agreement, in accordance with the following formula—

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the

population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Westland District,

as the case may be, bears to the total of the populations (as at the time of that census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Westland District.

**106 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES**

(1) The transitional committee for the Westland District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Westland District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Westland District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Westland District Council that it establish such a committee or committees of management.

**PART VI*****Greymouth Harbour Board*****107 VESTING OF PROPERTY**

All assets and liabilities of the Greymouth Harbour Board are hereby vested in the Grey District Council, subject to all existing encumbrances.

**108 TITLE TO PROPERTY**

Any reference, express or implied, to the "Greymouth Harbour Board" in any instrument or other document whatsoever, or in any entry or record made in any register made in relation to any property whatsoever vested in the Grey District Council by clause 107 of this order shall, unless the context otherwise requires, be read as a reference to that local authority.

**109 FINANCE**

(1) The income derived from the use or disposal of any property vested in the Grey District Council by clause 107 of this order, may only be applied:

- (a) Towards the operation or development of the Port of Greymouth; or
- (b) For such other purposes as authorised by the Harbours Act 1950 or any other Act.

(2) For accounting purposes, the functions of the former Greymouth Harbour Board shall be a separate activity for which a separate set of financial statements shall be prepared.

**PART VII*****General*****110 TRANSFER OF RESPONSIBILITIES**

(1) Except as otherwise provided in this order, a local authority constituted by this order shall, in respect of the district of that local authority:

(a) Have and may exercise and be responsible for all the powers, duties, acts of authority and functions which were previously exercised, or which could have been so exercised, by the former authorities had they not been dissolved; and

(b) 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 former authorities had they not been dissolved; and



(c) 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 former authorities had they not been dissolved; and

(d) Succeed to the bylaws which are in force in the districts of the former authorities. Until revoked or altered by the newly constituted local authority, each such bylaw shall remain in force in the area to which it applied immediately before the constitution of the district, and every bylaw which cannot be restricted to that area shall be deemed inapplicable and revoked by the dissolution of the former authorities; and

(e) Succeed to all rates and levies, and other money payable to the former authorities, had they not been dissolved; and

(f) Succeed to the valuation rolls and rate records in force in the districts of the former authorities. These shall remain in force in the district of the newly constituted local authority until new valuation rolls are made by that local authority.

(2) The Mayor or Chairperson of each local authority constituted by this order shall have and may exercise the duties, powers, and functions of the Mayors and Chairmen of the former authorities.

(3) The principal administrative officer of each local authority constituted by this order shall have and may exercise the duties, powers, and functions of the principal administrative officers of the former authorities.

### 111 CREDITORS

Subject to section 37F of the Local Government Act 1974, the rights or interests of creditors of the former authorities shall not be affected by this order.

### 112 LOCAL AUTHORITIES PETROLEUM TAX

For the purposes of Part XI of the Local Government Act 1974, the local authorities constituted by this order shall be successors to the former authorities.

### 113 SPECIAL FUNDS

(1) The special funds of the former authorities shall:

(a) Be expended only for the purposes for which they were set aside; and

(b) Except for any plant renewal fund, be expended for the benefit of the area in which they originated and, after provision has been made for all liabilities, any money required to be paid into any such fund, to meet any deficit, shall be found from within that area.

(2) After the 1st day of November 1996, the local authorities constituted by this order:

(a) Shall review any special fund provided for in subclause (1) of this clause; and

(b) May resolve that from a date to be determined by the council, such special fund may be applied for such other purpose or purposes as the council considers appropriate.

(3) Notwithstanding subclause (2) of this clause, the local authorities constituted by this order may at any time before the 1st day of November 1996, with the approval of the Local Government Commission, resolve to vary the use of any special funds.

(4) All funds held by the administering authorities of reserves under the Reserves Act 1977 shall be deemed to be special funds for the purposes of this clause.

### 114 LOANS

Any rate made and levied to meet the annual charges in respect of any loan secured over the district of any of the former authorities shall continue to be made and levied on the same basis as applied before the 1st day of November 1989:

Provided that the local authorities constituted by this order may at any time before the 1st day of November 1996 review the basis upon which any such rate is made and levied and

may, with the approval of the Local Government Commission, resolve to vary such basis.

### 115 ASSETS AND LIABILITIES

The provisions of section 60 of the Local Government Amendment Act (No. 2) 1989 shall apply in relation to the apportionment of the assets and liabilities of the former authorities, as defined in Parts II to V of this order, as if this order did not make provision for the apportionment of those assets and liabilities.

### 116 LOAN LIABILITIES

Subject to section 37F(2) of the Local Government Act 1974, all loan liabilities existing immediately before the 1st day of November 1989, shall continue to be secured against the area over which they were secured at that date.

### 117 RESIDUAL AUTHORITIES

In the case of a former authority listed in the Third Schedule to this order, the local authority that shall be responsible for:

(a) The preparation of the annual financial statement for that former local authority for the financial year commencing on the 1st day of April 1989 and for any earlier financial years for which an annual financial statement has not been prepared or, in the case of the Greymouth Harbour Board, for the financial year commencing on the 1st day of October 1989 and for any earlier financial years for which an annual financial statement has not yet been prepared; and

(b) The documents (as defined in section 248 of the Local Government Act 1974) and local archives (as so defined) of that former authority, other than those documents or local archives relating to a specified area or function, shall be the local authority designated in that Schedule as a residual authority in relation to that former authority.

### 118 CONDUCT OF AFFAIRS

The provisions of section 223C of the Local Government Act 1974 relating to the conduct of affairs of local authorities and community boards applies to the local authorities and community boards constituted by this order.

#### First Schedule

##### PART I

#### *Local Authorities Dissolved and Districts Abolished*

Local Authorities	Districts
West Coast United Council	West Coast Region
Westland Catchment Board and Regional Water Board	Westland Catchment District
Buller County Council	Buller County
Westport Borough Council	Westport Borough
Inangahua County Council	Inangahua County
Runanga Borough Council	Runanga Borough
Greymouth Borough Council	Greymouth Borough
Grey County Council	Grey County
Westland County Council	Westland County
Hokitika Borough Council	Hokitika Borough
Greymouth Harbour Board	Greymouth Harbour District

##### PART II

#### *Local Authorities Dissolved*

Buller District Noxious Plants Authority  
 Grey District Noxious Plants Authority  
 Inangahua District Noxious Plants Authority  
 Westland District Noxious Plants Authority  
 West Coast Counties Pest Destruction Board  
 Blackball Reserve Board  
 Brougham Street Reserve Board  
 Carter Beach Reserve Board  
 Karamea Memorial Reserve Board  
 Mokihinui Reserve Board  
 Little Wanganui Reserve Board



Mawheraiti Reserve Board  
 Ngakawau Hector Reserve Board  
 Omapu Reserve Board  
 Seddonville Soldiers Reserve Board  
 Waimangaroa Reserve Board  
 Dobson Reserve Board  
 Garth Reserve Board  
 Ngahere Reserve Board  
 Paroa Reserve Board  
 Reefton Reserve Board  
 Rapahoe Reserve Board  
 Taylorville Reserve Board  
 Three Mile Reserve Board  
 Whataroa Reserve Board  
 Woodstock Reserve Board  
 Hari Hari Reserve Board  
 Kokatahi Reserve Board  
 Kowhitirangi Reserve Board  
 Ogilvie Reserve Board

### Second Schedule

#### *Service Delivery Centres*

A service delivery centre shall provide at least the services required for:

- (a) The payment of money due to the council; and
- (b) The provision of information relating to rates and other accounts due to the council; and
- (c) The provision of information relating to the district planning scheme, bylaws or information otherwise necessary

for the preparation of town planning applications, and permit applications; and

(d) The provision of information relating to community development and recreation; and

(e) The making of rates rebate applications; and

(f) The making of applications for housing accommodation; and

(g) The registration of dogs; and

(h) Such other purposes as the council considers appropriate.

### Third Schedule

#### *Residual Authorities*

Residual Authority	Former Authority
West Coast Regional Council	West Coast United Council
West Coast Regional Council	Westland Catchment Board and Regional Water Board
West Coast Regional Council	Westland District Noxious Plants Authority
West Coast Regional Council	West Coast Counties Pest Destruction Board
Grey District Council	Grey County Council
Grey District Council	Greymouth Harbour Board
Westland District Council	Westland County Council

C. J. HILL, Acting for Clerk of the Executive Council.  
 (I.A. 104/130)



