

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