

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.