

(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