

(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,