

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.