



LOCAL GOVERNMENT COMMISSION

THE NAPIER CITY - HASTINGS DISTRICT REORGANISATION SCHEME

Pursuant to Part IIBB of the Local Government Act 1974, the Local Government Commission has prepared a draft reorganisation scheme as follows:

CONSTITUTION

1. Commencement

- (1) Except as provided in subclause (2), this scheme shall come into force on the day after the day on which the Returning Officer, pursuant to the Local Government Elections and Polls Act 1976, declares the results of the first election of the members of the Council.
- (2) Those provisions of this scheme necessary:
 - (a) To provide for the first election of the members of the Council and the members of the community board constituted by this scheme; and
 - (b) For the purposes of clauses 8 to 13,

shall come into force on the date fixed by the Order in Council giving effect to this scheme.

2. Constitution

- (1) The districts of Napier City and Hastings District are united into one district to be known as Napier - Hastings City (referred to in this scheme as “the united district”).
- (2) The Napier City Council and Hastings District Council are dissolved.
- (3) There shall be a council for the united district to be known as the Napier - Hastings City Council (referred to in the scheme as “the Council”).

3. First election of Council

- (1) The first election of the Council shall be held on 13 October 2001.
- (2) For the purposes of the first election of the Council, the returning officer and the principal administrative officer for the united district shall be, respectively, the returning officer and the principal administrative officer of the former Napier City Council.
- (3) The first election of the Council shall be conducted by postal voting.

4. Wards

- (1) Napier - Hastings City shall be divided into 4 wards.
- (2) Those wards shall be:
 - (a) The Napier Ward, comprising the area delineated on S.O. Plan 9830 deposited with the Chief Surveyor of the Hawke's Bay Land District:
 - (b) The Hastings Ward, comprising the areas as delineated on S.O. Plans 10300, 10301, 10302, 10303 and 10304 deposited with the Chief Surveyor of the Hawke's Bay Land District:
 - (c) The Northern Rural Ward, comprising the areas as delineated on S.O. Plans 10298 and 10299 deposited with the Chief Surveyor of the Hawke's Bay Land District:
 - (d) The Southern Rural Ward comprising the areas as delineated on S.O. Plans 10305 and 10306 deposited with the Chief Surveyor of the Hawke's Bay Land District.

5. Membership

- (1) The Napier - Hastings City Council shall consist of a Mayor and 14 members.
- (2) The members of the Napier - Hastings City Council to be elected at the first election of the Council shall be elected as follows:
 - (a) Six members shall be elected by the electors of the Napier Ward; and
 - (b) Six members shall be elected by the electors of the Hastings Ward; and
 - (c) One member shall be elected by the electors of the Northern Rural Ward; and
 - (d) One member shall be elected by the electors of the Southern Rural Ward.

6. Napier - Hastings City Rural Community

- (1) There shall be constituted a community for the area of the Southern Rural Ward and the Northern Rural Ward to be known as “the Napier - Hastings City Rural Community”.
- (2) The community board for the Napier - Hastings City Rural Community shall comprise -
 - (a) Three members elected by the electors of the Northern Rural Ward;
 - (b) One member elected by the electors of the Southern Rural Ward; and
 - (c) The persons elected from time to time, as members of the Council, representing the Northern Rural Ward and the Southern Rural Ward.

7. Functions of Community Board

The Napier - Hastings Rural Community Board shall have such functions, powers and duties as are delegated to it from time to time by the Council.

TRANSITIONAL COMMITTEE

8. Transitional Committee

- (1) The Napier City Council and Hastings District Council shall unite in appointing a transitional committee for the united district.
- (2) The transitional committee shall be deemed to be a joint committee appointed under section 114S of the Act.

9. Membership of Transitional Committee

The transitional committee shall consist of:

- (a) Three members appointed by the Napier City Council;
- (b) Three members appointed by the Hastings District Council;
- (c) The Chief Executives of the Napier City Council and the Hastings District Council, who shall be non-voting members of the transitional committee; and
- (d) The Chief Executive designate, when appointed in accordance with clause 12(a), who shall be a non-voting member of the transitional committee.

10. No Casting Vote

The chairperson of the transitional committee or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

11. Exclusion of Non-Voting Members

The transitional committee may resolve to exclude any non-voting member of the committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

12. Functions

The functions of the transitional committee shall be to:

- (a) appoint a person to be the Chief Executive of the Council for the united district;
- (b) undertake preparatory work for the new Council's 2002/2003 draft annual plan; and
- (c) make recommendations to the new Council on:
 - i. the location of council offices and service centres;
 - ii. funding and rating policies for the united district; and
 - iii. such other administrative matters as are required to ensure that the Council is able to function effectively from the day it comes into existence.

13. Costs of Transitional Committee

The costs of the transitional committee shall be borne and paid for by the Napier City Council and the Hastings District Council on an equal basis.

MISCELLANEOUS PROVISIONS

14. University of Hawke's Bay Trust Board

The functions exercised by local authorities under paragraphs (a) to (c) of section 4(1) of the University of Hawke's Bay Trust Act 1960 shall be exercised as if, for those paragraphs were substituted the following paragraphs:

- “(a) Two representatives of Napier-Hastings City to be appointed by the Napier-Hastings City Council:
- (b) Two representatives of all the territorial authority districts (except Napier-Hastings City) that are wholly or partly within the province of Hawke's Bay to be appointed by agreement among the territorial authorities for those districts or in the event of disagreement by the Minister of Internal Affairs.”

TRANSITIONAL MATTERS

15. Transitional Matters

- (1) Parts II and III of Schedule 3B of the Act shall apply in respect of this scheme.

FOR THE LOCAL GOVERNMENT COMMISSION

Sir Ross Jansen, Chairman
Barbara Durbin, Commissioner
Bruce Anderson, Commissioner

3 March 1999

EXPLANATORY STATEMENT

STATEMENT OF ADVANTAGES AND DISADVANTAGES OF THE UNION OF NAPIER CITY AND HASTINGS DISTRICT

This statement is issued pursuant to section 37ZZW of the Local Government Act 1974. It is statement of the advantages and disadvantages of the union of Napier City and Hastings District. The advantages and disadvantages are those which in the opinion of the Commission should be taken into account by persons entitled to vote in any polls held in respect of the proposal. It should be noted that the proposal is a draft at this stage and could be subject to change following consideration of submissions.

ADVANTAGES

Meets the Statutory Criteria

The proposal will promote good local government. In particular the commission is satisfied that -

- it would result in a district containing distinct communities of interest;
- the new district will have the resources necessary to enable its local authority to carry out its functions, duties and powers;
- the new district will be appropriate for the effective and efficient exercise of local government functions, duties and powers;
- the new Council will have the ability to deliver appropriate services to the various parts of the new district in a more effective and efficient manner; and
- the proposal meets the statutory criteria that the Commission is required to take into account when considering such proposals.

Participation in Decision-making

The rural area in the existing Hastings District will be formed into two wards with political representation on the new Council. A rural community board will enable locally elected representatives to participate in decision-making.

Residents of the existing Napier City will have a greater opportunity to participate in the planning and development of the existing Hastings District.

Residents of the existing Hastings District will have a greater opportunity to participate in the planning and development of the community of interest in the existing Napier City.

The Commission is satisfied that a range of administrative arrangements can be made to ensure that local views are heard and taken into account throughout the City.

Administrative Costs

The Commission is of the opinion that in appropriate circumstances it will be more economic to provide the same services through one local authority than through two. This would be achieved through avoiding duplication, through economies in scale, ensuring responsiveness to local concerns and having good financial resources and professional administration. The Commission considers that this will apply to the union of Napier City and Hastings District.

Examples of this include not requiring -

- separate Mayors and elected member structures
- separate Chief Executives and administrative structures
- separate computer systems
- separate annual planning, annual reporting and financial management systems
- separate roading management structures and reporting arrangements to Transfund New Zealand
- separate district plans under the Resource Management Act, and
- separate administration of the requirements of that Act.

Staffing

For a local authority to adequately carry out its functions, duties and powers, particularly those under specific legislation such as the Resource Management Act, there is a need to attract and retain qualified specialist staff.

In the opinion of the Commission, the new authority would have an enhanced ability to obtain and retain the services of staff with the needed competencies, because of the larger administrative base.

DISADVANTAGES

There may be a perceived loss of local democracy in the Hastings and Napier areas, for instance by the council of a larger district not necessarily being able to attend in detail to as many matters as the council of a smaller district. A wider range of responsibilities may, therefore, need to be delegated to the rural community board or Council staff.

CONCLUSION

The Commission believes that the perceived disadvantages will be outweighed by the advantages listed above and the benefits that will result from the proposed union.

EXPLANATORY NOTES TO THE SCHEME

These notes are intended as a guide to the contents of the scheme.

The purpose of the scheme is to provide for -

- the union of Napier City and Hastings District to form a new district;
- the new Council for the combined area to be called the Napier-Hastings City Council.

It is proposed that the members of the new City Council be elected at the 2001 local elections, and that the new Council come into existence when the results of that election have been declared.

Some provisions of the scheme will come into effect as soon as the final scheme is implemented by Order in Council - those provisions necessary to arrange the first election of the new Council, and those relating to the establishment of a transitional committee to recommend administrative arrangements for the new Council.

The existing Napier City will become the Napier Ward of the new City. It will be represented by six councillors.

The existing Clive, Flaxmere, Hastings, Havelock North and Heretaunga Wards of Hastings District will become the Hastings Ward of the new City. It will be represented by six councillors.

The existing Kaweka and Tutira Wards of Hastings District will become the Northern Rural Ward of the new City. It will be represented by one councillor.

The existing Maraekakaho and Poukawa Wards of Hastings District will become the Southern Rural Ward of the new City. It will be represented by one councillor.

A rural community board will be established under the name of the "Napier-Hastings City Rural Community". The board will comprise three members elected by the electors of the Northern Rural Ward, one member elected by the electors of the Southern Rural Ward, and the councillors representing the two rural wards.

The scheme provides for a transitional committee to be formed by the Napier City Council and Hastings District Council. The purpose of the committee is to appoint the Chief Executive for the new Council and to make recommendations for new administrative arrangements and funding and rating policies.

The scheme specifies new membership arrangements for the University of Hawke's Bay Trust Board to fit the new configuration of the territorial authority districts.

The provisions of Parts II and III of Schedule 3B of the Local Government Act apply to the scheme. Part II, which applies to all reorganisation schemes except those specifically excluded, deals with the passing of property to the new local authority,

continuation of bylaws, and other matters that carry over from one local authority to another. Part III deals with the apportionment of assets and liabilities, loan liabilities and local authorities' petroleum tax, and applies to all reorganisation schemes.

WHAT HAPPENS NEXT?

The procedure from now on is as follows -

- The draft scheme is open to submissions until 14 May 1999;
- The Commission meets with those who have made submissions;
- The Commission considers the submissions and makes any other investigations or enquiries it considers necessary;
- The Commission decides whether to -
 - issue a final scheme;
 - issue a final scheme but with modifications to the draft; or
 - if it considers the proposal does not meet the Local Government Act criteria, not issue any final scheme at all.
- If the Commission issues a final scheme, separate polls are held in Napier City and Hastings District. For the scheme to be successful over 50% of votes cast in each poll must be in favour of the proposal;
- If the polls vote in favour of the proposal the scheme is implemented by Order in Council.

SUBMISSIONS

The scheme is open for public submission until 14 May 1999. Submissions should be sent to -

Chief Executive Officer
Local Government Commission
PO Box 5362
Wellington

Fax 04 4957287