



LOCAL GOVERNMENT COMMISSION

**REORGANISATION SCHEME
FOR THE UNION OF
NAPIER CITY
AND HASTINGS DISTRICT
TO FORM
A HAWKE'S BAY DISTRICT**

***Reorganisation Scheme
for the union of
Napier City
and Hastings District
to form
a Hawke's Bay District***

Local Government Commission
WELLINGTON

August 1999

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SECTION A

Introductory Statement

Introductory Statement

Note: This introductory statement does not form part of the reorganisation scheme and explanatory statement but is designed to assist the reader to understand the procedures involved and the nature and content of the formal documentation, namely the reorganisation scheme and explanatory statement.

INTRODUCTION

- 1 The Local Government Commission has prepared a reorganisation scheme for the union of Napier City and Hastings District and the constitution of a Hawke's Bay District and Hawke's Bay District Council. This follows the receipt of reorganisation proposals pursuant to Part IIBB of the Local Government Act 1974, a review of local government in the Hawke's Bay Region pursuant to section 37ZZTB of the Local Government Act 1974, and the subsequent publication on 3 March 1999 of a draft reorganisation scheme.
- 2 The formal documents relating to the scheme consist of:
 - (a) the reorganisation scheme prepared pursuant to section 37ZZZA of the Local Government Act 1974 ("the Act"); and
 - (b) the explanatory statement prepared pursuant to section 37ZZZB of the Act.

These documents should be read in conjunction with the provisions of Part IIBC and Schedule 3B of the Act. Many matters that are not addressed by the reorganisation scheme, or at least not in detail, are dealt with in that legislation.

- 3 Maps of the proposed Hawke's Bay District, the Napier Ward, the Hastings Ward, the Havelock North Ward, the Plains Ward, the Northern Rural Ward, the Southern Rural Ward and the Hawke's Bay District Rural Community are in Section E.

DRAFT REORGANISATION SCHEME

- 4 Before issuing the draft reorganisation scheme and explanatory statement, the Commission was required to consider whether implementation of the proposal would promote the good local government of Napier City and Hastings District. On the basis of the information made available to it, the Commission did come to such a view. Consequently, the Commission decided to issue the draft reorganisation scheme and explanatory statement.

CONSIDERATION OF SUBMISSIONS AND AMENDMENTS TO DRAFT SCHEME

- 5 The draft reorganisation scheme and explanatory statement were open for submissions until 14 May 1999.
- 6 Written submissions were received from 80 persons and organisations. 34 submitters also appeared before the Commission at hearings held in Napier on 8 June and Hastings on 9 June 1999. A list of submitters is attached as an appendix to this Introductory Statement - submitters who appeared before the Commission are highlighted in bold type.
- 7 The submissions contained arguments in favour of:
- abandoning the draft scheme and retaining the status quo or exploring alternative options
 - finalising the draft scheme without modification
 - finalising the draft scheme with modifications, including changes to the proposed name of the new district, and the structure of wards and communities in the new district.
- 8 After considering the submissions and the comments made at the hearings, the Commission decided, pursuant to paragraph (1)(b) of section 37ZZZA of the Act, to approve the draft scheme with certain modifications, and issue it as the reorganisation scheme. In deciding to proceed with a final scheme the Commission was satisfied that the scheme meets the provisions of sections 37ZQA, 37ZR and 37ZRA of the Act.
- 9 In addition to consequential and minor changes throughout the scheme, substantive changes were made to the following clauses of the draft reorganisation scheme:
- Clause 2 Subclauses amended by changing “Napier - Hastings City” to “Hawke’s Bay District”. Provision is also made for the abolition of the Hastings District Rural Community. (A rural community for the new district is provided for in clause 6 of the scheme.)
- Clause 3 Subclause (1) amended to provide for the first election of the new Council to be held on 14 October 2000. A consequential subclause included to provide that the 2001 triennial election of the Council not be held. Subclause (2) amended to provide for the returning officer and principal administrative officer of the Hastings District to be the returning officer and principal administrative officer of the united district. This takes into account the larger number of voting issues and

greater degree of electoral complexity that the returning officer and principal administrative officer of the Hastings District are currently required to be familiar with.

- Clause 4 New subclauses to provide for the Havelock North Ward and the Plains Ward.
- Clause 5 Subclause (1) amended to provide for 15 members - the number of members elected by each ward has been determined on the basis of ward population, rateable value and land area. Subclause (2) amended to make provision for representation of the Havelock North Ward and the Plains Ward, and to reflect the revised Council membership.
- Clause 6 Amended to change name to “Hawke’s Bay District Rural Community Board”, make provision for the community to include the Plains Ward and for representation on the Community Board to include elected representation from the Plains Ward.
- Clause 7 Amended to provide that the delegations to the Hawke’s Bay District Rural Community Board shall be no less than those made to the former Hastings District Rural Community Board.
- Clause 9 Paragraph (d) deleted.
- Clause 12 Amended to enable the transitional committee to make arrangements for an Acting Chief Executive for the new Council.
- Clause 14 Clause deleted.
- New clause A new clause (Clause 14 in final scheme) has been added to make provision for the district plans of the former Councils to become the district plans of the new Council. Also, any matters and proceedings before, or initiated by the former Councils, become the responsibility of the new Council.

The reorganisation scheme remains based on the proposal.

EXPLANATORY STATEMENT

- 10 The Commission was required under section 37ZZW to prepare an explanatory statement of the advantages and disadvantages of the proposal. The Commission included in that statement those advantages and disadvantages which, in its opinion, should be taken into account by any person entitled to vote in the requisite polls.
- 11 Following the submissions and hearings, the Commission decided, pursuant to paragraph (b) of section 37ZZZB, to issue a new explanatory statement.

FUTURE PROCEDURE

- 12 Within one month of the publication of this scheme, and after consulting with the Returning Officers of the Napier City Council and Hastings District Council, the Commission will fix and publicly notify the date of the polls on the proposal which will be conducted under the Local Elections and Polls Act 1976. If more than 50% of the votes cast in each poll are in favour of the proposal, the reorganisation scheme will proceed.
- 13 If the proposal succeeds at the polls, an Order in Council will give effect to the reorganisation scheme.

APPENDIX TO INTRODUCTORY STATEMENT - List of submitters

Hastings District Council

Environment Waikato
Wairoa District Council
E & J Hislop

Protection of the Heretaunga

Plains Land Resource Society

S Dooney

Dooney Partnership

P Dooney

University of Hawke's Bay Trust Board

H Matthews

D Renouf

R & J Tier

T Baker

Napier Council of Social Services

R Jones

D Sabiston

C Bowers

G Robinson

J & A Osborne

K Furlong

Te Awanga Progressive Association

P Woodroffe

Napier Pilot City Trust

Hawke's Bay Forests Ltd

Hawke's Bay Chamber of Commerce

L Yule

D Hyde

Ray Slavin & 5 others

A Dixon

R Angove

G Linwood

Vision 2020

The Hawke's Bay Fruitgrowers

Association

B Coates

H Lawson

D Prebensen

D Anderson

T Wilson

A Black

J Scott

Napier City Council

Hawke's Bay Regional Council

Canterbury Regional Council

D & S Dooney

B McCoward

B Dooney

B Clayton

Napier District Vegetable Produce
Growers' Society

T Lynn

J Walker

M Bartlett

T Pickering

S Rogerson

A East

K Morgan

K Williams

J McCann

P Hocquard

V Reasbeck

C Hardie

J Cawston

J Dwyer

Pan Pac Forest Products Ltd

A Baldock

K Poulain

Hawke's Bay District Council

Reorganisation Committee

Hastings District Citizens and
Ratepayers Association

E Money

D Williams

J Harrison

K Single

M Pyke

Napier & Tuketuki Branches of the Alliance Party

Baker MacCallum / J Gould

Federated Farmers of NZ - Hawke's Bay Provincial District

I Cairns

M Wood

J Calder

W Peterson

Keith Sellar and others

SECTION B

***Reorganisation Scheme
for the union of
Napier City
and
Hastings District
to form a
Hawke's Bay District***

REORGANISATION SCHEME FOR THE UNION OF NAPIER CITY AND HASTINGS DISTRICT TO FORM A HAWKE'S BAY DISTRICT

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Reorganisation Scheme

Pursuant to Part IIBB of the Local Government Act 1974, the Local Government Commission has prepared a 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 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 "Hawke's Bay District" (referred to in this scheme as "the united district"), as delineated on S.O. Plan 10958 deposited with the Chief Surveyor of the Hawke's Bay Land District.
- (2) There shall be a Council for the united district to be known as "The Hawke's Bay District Council" (referred to in the scheme as "the Council").
- (3) The Napier City Council and the Hastings District Council (referred to in this scheme as the "former Councils") are dissolved.
- (4) The Hastings District Rural Community is abolished.
- (5) The Hastings District Rural Community Board is dissolved.

3 First Election of Council

- (1) The first election of the Council shall be held on 14 October 2000.
- (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 Hastings District Council.
- (3) The first election of the Council shall be conducted by postal voting.
- (4) The triennial general election shall not be conducted in the united district in 2001, but the members shall remain in office in all respects as if they were duly elected at that triennial general election.

4 Wards

- (1) The Hawke's Bay District shall be divided into 6 wards.
- (2) The wards shall be:
 - (a) The Napier Ward, comprising the area delineated on S.O. Plan 10959 deposited with the Chief Surveyor of the Hawke's Bay Land District:
 - (b) The Hastings Ward, comprising the area delineated on S.O. Plan 10960 deposited with the Chief Surveyor of the Hawke's Bay Land District:
 - (c) The Havelock North Ward, comprising the area delineated on S.O. Plan 10961 deposited with the Chief Surveyor of the Hawke's Bay Land District:
 - (d) The Plains Ward, comprising the area delineated on S.O. Plan 10962 deposited with the Chief Surveyor of the Hawke's Bay Land District:
 - (e) The Northern Rural Ward, comprising the area delineated on S.O. Plan 10963 deposited with the Chief Surveyor of the Hawke's Bay Land District:
 - (f) The Southern Rural Ward, comprising the area delineated on S.O. Plan 10964 deposited with the Chief Surveyor of the Hawke's Bay Land District.

5 Membership

- (1) The Hawke's Bay District Council shall consist of a Mayor and 15 members.
- (2) The members of the Hawke's Bay District 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) Four members shall be elected by the electors of the Hastings Ward; and
 - (c) One member shall be elected by the electors of the Havelock North Ward; and
 - (d) Two members shall be elected by the electors of the Plains Ward; and
 - (e) One member shall be elected by the electors of the Northern Rural Ward; and
 - (f) One member shall be elected by the electors of the Southern Rural Ward.

6 Hawke's Bay District Rural Community

- (1) There shall be constituted a community for the area of the Plains Ward, the Southern Rural Ward and the Northern Rural Ward to be known as "the Hawke's Bay District Rural Community", as delineated on S.O. Plan 10965 deposited with the Chief Surveyor of the Hawke's Bay Land District.
- (2) The community board for the Hawke's Bay District Rural Community shall comprise -
 - (a) Two members elected by the electors of the Plains Ward; and
 - (b) Two members elected by the electors of the Northern Rural Ward; and
 - (c) Two members elected by the electors of the Southern Rural Ward; and
 - (d) One person elected, from time to time, as a member of the Council representing the Plains Ward and appointed to the community board by the Council; and
 - (e) The person elected, from time to time, as a member of the Council representing the Northern Rural Ward and appointed to the community board by the Council; and
 - (f) The person elected, from time to time, as a member of the Council representing the Southern Rural Ward and appointed to the community board by the Council.

7 Functions of Community Board

The Hawke's Bay District Rural Community Board shall have not less than those delegations made by the Hastings District Council to the Hastings District Rural Community Board that were in effect on 3 March 1999.

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 Local Government Act 1974.

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; and
- (c) The Chief Executives of the Napier City Council and the Hastings District Council, who shall be non-voting members 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) make arrangements for a person to be the Acting Chief Executive of the Council for the united district;
- (b) undertake preparatory work for the 2001/2002 draft annual plan of the Council for the united district; and
- (c) make recommendations to the Council for the united district on:

- i. the location of Council offices and service centres
- ii. the general principles of 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.

TRANSITIONAL MATTERS

14 Resource Management Act

- be
- (1) The district plans and the proposed district plans under the Resource Management Act 1991 of the former Councils shall be the district plans, or as the case may be, the proposed district plans of the Hawke's Bay District Council.
 - (2) Any other matters including proceedings before, or initiated by, the former Councils under the Resource Management Act 1991 shall have effect as matters before, or initiated by, the Hawke's Bay District Council.
 - (3) Paragraph 21 of Part II of Schedule 3B of the Local Government Act 1974 shall not apply to this reorganisation scheme.

15 Transitional Matters

Subject to clause 14(3) of this scheme, Parts II and III of Schedule 3B of the Local Government Act 1974 shall apply in respect of this scheme.

FOR THE LOCAL GOVERNMENT COMMISSION

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

11 August 1999

SECTION C

***Explanatory Statement related to the Reorganisation
Scheme for the union of
Napier City and Hastings District to form a
Hawke's Bay District***

Explanatory Statement related to the Reorganisation Scheme for the union of Napier City and Hastings District to form a Hawke's Bay District

INTRODUCTION

This statement is issued pursuant to sections 37ZZW and 37ZZZB of the Local Government Act 1974. 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.

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 united district will comprise a mix of urban and rural communities. The membership structure of the Council for the united district will ensure effective representation for all communities.

A rural community board, covering the area of the Plains Ward, Northern Rural Ward and Southern Rural Ward, will enable locally elected members to participate in decision-making.

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

Administrative Costs

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

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 and the Local Government Amendment Act (No. 3) 1996, 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.

A Stronger Voice at the National Level

With a population of approximately 120,000, the united district will be the seventh largest in New Zealand in population terms. Through serving this significant population the Council for the united district will be more effective at a national level in advocating the interests and concerns of its community.

DISADVANTAGES

There may be a perceived loss of local democracy in the Hastings and Napier areas. For instance, the Council of a larger district may be perceived as not being able to attend in detail to as many matters as the Council of a smaller district. An enhanced range of responsibilities can, however, be dealt with by the rural community board or Council staff.

There will be one-off costs in moving to a single local authority. These costs may include staff relocation or redundancy costs, and costs involved in rationalising accommodation, operating systems and service delivery. These initial costs, however, will result in medium term cost reductions and efficiencies.

SECTION D

***Notes to the Reorganisation Scheme
for the union of
Napier City and Hastings District to form a
Hawke's Bay District***

***Notes to the Reorganisation Scheme
for the union of
Napier City and Hastings District to form a
Hawke's Bay District***

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 Hawke's Bay District Council.

It is proposed that the Mayor and the members of the new District Council be elected on 14 October 2000, and that the new Council come into existence when the results of that election have been declared. The scheme provides that the triennial general elections shall not be held for the Council in 2001, with the Mayor and elected representatives remaining in office.

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

The existing Hastings and Flaxmere Wards of Hastings District will become the Hastings Ward of the new District. It will be represented by four councillors.

The existing Havelock North Ward of Hastings District will become the Havelock North Ward of the new District. It will be represented by one councillor.

The existing Clive and Heretaunga Wards of Hastings District and the rural areas of Napier City will become the Plains Ward of the new District. It will be represented by two councillors.

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

A rural community board will be established under the name of the “Hawke’s Bay District Rural Community”. Electors of each of the Plains Ward, Northern Rural Ward and Southern Rural Ward will elect two members to the community board. The elected members of Council representing the Northern Rural Ward and the Southern Rural Ward will be appointed to the community board, together with one of the elected members of the Plains Ward.

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

The scheme also makes provision for the district plans of Napier City and Hastings District to become the district plans of the united district. Also, any matters or proceedings before, or initiated by, the Napier City and Hastings District Councils will apply to the new Council.

The provisions of Parts II and III of Schedule 3B of the Local Government Act 1974, with the exception of paragraph 21 of Part II, 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.

SECTION E

Maps