

## MARLBOROUGH DISTRICT COUNCIL

### Background

- 1 The Marlborough District Council (hereafter referred to as “the Council”), as required by section 101H of the Local Government Act (hereafter referred to as “the Act”), considered its membership and the basis of election of its members prior to the local authority elections to be held in October 1998. Apart from resolving to include some additional territory within the Blenheim Ward, it proposed no change to the existing wards or the number of members to be elected from each ward. The current membership, in addition to the Mayor, is 13, elected as follows:

<b>Ward</b>	<b>Members</b>
Picton Ward	2
Blenheim Ward	5
Awatere Ward	1
Wairau Ward	3
Pelorus/Northern	
Marlborough Sounds Ward	<u>2</u>
Total	13

- 2 The changes proposed by the Council to the Blenheim Ward would include in that ward, all properties within a 1½ km radius of the area of the former Blenheim Borough, which have a zoning of residential, service, or industrial. This change would, based upon 1996 census figures, increase the population of the Blenheim Ward by 789. The population of the surrounding Wairau Ward would decrease by that number.

### Council's consideration

- 3 The process of consideration of wards and membership began in July 1997 with a report prepared by the District Administration Officer. This report identified 24 possible scenarios for membership. They ranged from the current situation to a radical redrawing of the ward boundaries. Possible total memberships postulated were 12 or 13. Some of the scenarios were based solely upon the populations of the wards, some on population plus area, and others on population plus area and rateable value. Where all three factors were used, the most common weightings were population 100: rateable values 40: and land area 20.
- 4 The Council considered the various options and, as already noted, opted for the existing situation with the small alterations to the Blenheim and Wairau Wards. The required public notice of the Council's proposal was given and attracted four objections. In addition the Council received 37 letters either supporting its proposals, or opposing any change to its proposals.

- 5 Of the objections to the Council’s proposals, two sought the abolition of all wards and the election of councillors over the District as a whole; and two objected to what was perceived as an over-representation of the rural area of the District. While the latter two acknowledged that perhaps some weighting should be given to rural areas, they maintained that the weightings adopted by the Council were incorrect.
- 6 The Council considered the objections and resolved not to make any change to its original proposals. Two of the objectors then appealed.

**Subject of appeals**

7 The appellants were Mr D W R Dew and the Marlborough People’s Action Group Incorporated (hereafter referred to as the “the Group”). The subject of their appeals may be summarised as follows:

(a) **Mr Dew :**

- the Council has not correctly identified appropriate factors to be taken into account in the determination of fair representation, in particular the weighting given to area is wrong;
- it is unfair to take account of rural and reserve land that is not populated;
- the only factor which could be taken account of in addition to population would be rateable value;
- the Council’s decision was dominated by the desire of councillors to retain their seats;
- the identified workloads of rural councillors is not a justification for an over-representation of the rural sector;
- councillors should be elected from the wards as follows:

<b>Wards</b>	<b>Members</b>
Pelorus	1
Picton	2
Blenheim Vicinity	2
Rural South Marlborough	1
Blenheim	<u>6</u>
Total	12

(b) **The Group :** Either councillors are elected by the electors of the whole district or, if election is on a ward basis, that the representation be as follows:

<b>Wards</b>	<b>Members</b>
Pelorus	1
Picton	2
Blenheim Vicinity	2
Rural South Marlborough	1
Blenheim	<u>7</u>
Total	13

### **Preliminary Matter for Determination**

- 8 The Commission received the appeals and resolved to meet the Council and appellants in Blenheim on Tuesday 20 January.

### **The Hearing**

- 9 The Council was represented by Mr Peter Radich, accompanied by Ayleath Clyne, with the Mayor, Mrs Davidson, and Crs Briggs and Barsanti also present.

The appellants were both present. Mr Dew appeared on his own behalf, and the Marlborough People's Action Group was represented by Messrs Gerry Hey, Tom Harrison, and Peter Alvey-Ball.

***The Council*** : Mr Radich read a submission. The first part of that submission briefly covered the constitutional history of the Marlborough District, and identified the major geographic divisions of the District as identified in the existing wards. In his discussion of the number of members to be elected from the various wards, Mr Radich observed that section 101L of the Act had been amended in 1991 to allow councils to take account of factors other than population when seeking to achieve fair representation of electors of the various wards. He stated that the Council was of the view that representation could not be achieved on the basis of population only, particularly in seeking to represent the areas covered by the Marlborough Sounds. The particular points he made in this connection may be summarised as follows:

- the Sounds is a remote area with difficult access and where travel requires the traversing of unsealed winding roads and/or the use of boats;
- there are a number of developmental issues in the Sounds, particularly relating to marine farming, iwi interests, recreational use and forestry;
- the Sounds has a high absentee population;
- urban residents have easy access to local government, but rural residents find this more difficult because of the distance;
- there are more diverse issues for local government in rural areas, particularly in relation to roading and land use; and

- because of the number of Council responsibilities in that area, the Pelorus/Northern Marlborough Sounds Ward merits 2 members.

**Cr Briggs** : submitted a written statement. The content of his statement may be summarised as follows:

- he has lived in Marlborough since 1970 and has been a member of a local authority since 1980;
- he also spoke about the major factors contributing to the several communities of interest within the District; these factors included geographic features and land use patterns;
- he said as Chairman of the Resource Management and Regulatory Committee he has an extensive knowledge of planning and resource management issues in the District;
- with his knowledge he averred the District is most complex and challenging in resource management terms, and that the greatest number of resource management issues are in the Sounds area, to the extent that he estimates up to 70% of his time would be taken up with those applications;
- he stated that the Pelorus/Northern Marlborough Sounds Ward was allocated two members by the Local Government Amendment Act 1992 when the Council became a unitary authority;
- he estimates that the workloads of the two Sounds councillors are probably greater than those of any other councillor;
- he said that urban residents in the District generally receive the services they require, and because of ready access to officers, rarely feel the need to make contact with a councillor;
- on the other hand, rural residents believe they need to maintain a greater level of councillor contact in order to keep their concerns before the Council;
- there are no substantial local government issues in the urban areas, except in Picton where there are concerns about the proposed Clifford Bay harbour development, and the disposal of sewage generated in the town;
- he acknowledges that the principle of equality of voting has strength. However, if there were a case in New Zealand where other considerations should be taken into account, it must be in Marlborough with its diverse geography and diverse and developing Sounds economy; and
- until now there has not been any rural/urban conflict within the District.

Cr Briggs also produced copies of the Marlborough District Scheme.

**Cr Barsanti**: read a statement. He stated that he is a policeman stationed at Havelock and is elected from the Pelorus/Northern Marlborough Sounds Ward. His evidence may be summarised as follows:-

- he receives an average of four calls a day in his capacity as councillor;
- he attends meetings of local residents at different locations and also council meetings;
- he noted that it is 70km from Havelock to French Pass then a boat ride to D'Urville Island, and 70km to Kenepuru;
- he and Cr Brown rotate attendance at these meetings;
- he has been asked questions about a variety of issues including foreshore reserves, mussel farming, discharge permits, forestry, and maritime and other matters;
- as a local resident, he is often asked whom an elector needs to contact on the Council's staff; and
- he estimates he would spend 30 hours a week on Council business other than attendance at Council meetings.

*The Mayor:* Mrs Davidson also read a statement. The content of that statement may be summarised as follows:

- she has had extensive experience as a member of both the Blenheim Borough and Marlborough District Councils, and also on health boards and is currently a member of the Marlborough Conservation Board;
- urban councillors tend to have a lighter workload than those who represent rural and Sounds residents;
- this is because urban residents are more willing to approach officers directly;
- she confirmed the statement of Cr Briggs that these workload differences are generated by:
  - \* the differences in attitudes of urban and rural residents;
  - \* the greater impact of local authority decisions on rural residents;
  - \* physical barriers to access in rural areas; and
  - \* the simpler issues confronting the urban developed areas of Marlborough;
- due to the more complex issues in rural areas, she believes it fair that members in those areas should represent fewer electors than those in the urban parts of the District; and
- the wide variety of communities of interest in the District means that there must be wards for their effective representation.

The responses to questions to Council representatives may be summarised as follows:

- there are a large number of absentee ratepayers in the Sounds and they deserve consideration equal to that accorded to permanent residents;
- the Council has not considered the constitution of a community for the Pelorus/Northern Sounds Ward, and does not believe that any communities need be established within the District;

- it was agreed that all councillors need to be aware of resource management issues, and the Resource Management Committee has 6 members;
- Sounds people, in particular, like to consult with a councillor rather than an officer first;
- the weightings used by the Council of population 100: rateable value 40: land area 20: reflect an agreement reached by the three uniting districts in 1988, and the Council considers them to be still relevant and that the time to change them has not yet arrived;
- the Council does not have an 0800 number which northern Sounds residents could use;
- in response to a suggestion that perhaps there was a move to encourage rural people to contact councillors, it was stated that the issues in the Sounds have been more complex than in the rest of the District up until now but that the proposal for a Tranzrail port at Clifford Bay has increased the local government involvement in the Awatere Ward recently;
- it was repeated that the allocation of two members to the Pelorus/Northern Marlborough Sounds Ward was done by an Act of Parliament;
- while roading is an important function of the Council, its major business is dealing with resource management issues;
- the communities of interest of the Picton Ward and the Pelorus/Northern Marlborough Sounds Ward are different and therefore require separate ward representation;
- in response to a suggestion that the weighting given to rateable value was heavy, it was stated that from information obtained by the Council from a number of districts, its weighting was somewhere in the middle;
- while both the Picton and Pelorus Wards have a maritime basis, the marine activities differ in that those in Queen Charlotte Sound (in the Picton Ward) are almost entirely recreational, while those in the other Sounds have more to do with marine farming and related commercial activity;
- in response to questioning about other possible ward arrangements referred to in the officers' report and in the appeal documents, it was stated that the Council was aware there was alarm in rural areas about a possible decrease in rural representation; this is because there is doubt about the ability of urban councillors to understand rural issues;
- rural people insist on dealing with councillors they know;
- there needs to be considerable tolerance in population as between the various wards to get fair representation, and going to a population only basis would lead to domination by electors in Blenheim.
- rural areas need representation more than urban areas;
- the District has a very long coastline and there is considerable growth in the Sounds and now the prospect of growth in Clifford Bay;

- while the population of the District is increasing more rapidly in Blenheim and the surrounding Wairau Plains, in percentage terms, increases in the Sounds are very high; and
- there is no feeling of an urban/rural split among councillors.

*Mr Dew* : made an oral submission which, together with answers to questions may be summarised as follows:

- he was a member of the Blenheim Borough Council from 1986. Since 1989 he has been a member of the Council, and is now the Chairman of the Corporate Services Committee;
- he is also a member of the boards of Transit NZ and Transpower;
- the original agreement in 1989 was only reached because the Blenheim Borough Council accepted a transitional inequality of representation upon the new District Council, but the time has come to change this;
- while he accepts the need for separate wards, he does not believe the Awatere and Wairau Valleys should be separately represented;
- all councillors represent the whole District, and he would be contacted by the residents of French Pass, particularly on roading matters, at least as often as any other councillor;
- despite statements to the contrary, his experience is that urban councillors have no difficulty at all in comprehending and dealing with rural issues which come before the Council;
- section 101L(3), in his opinion, states that population is to be the criterion for assessing fairness unless the circumstances require, and not the other way round as he believed the Council viewed it;
- there was no discussion of the factors used around the Council table;
- a very large part of the rural land area of the District is either unpopulated or very sparsely populated. This distinguishes it from the Hastings District which is the only other district using a very large weighting for land area;
- the officers' report before the Council in July identified a large number of possible representation scenarios but these were not rigorously explored;
- representation on Council is the only issue where there is an urban/rural split within the Council;
- despite the statements made to the Commission, the Council itself asked for the second member for the Pelorus/Marlborough Sounds Ward;
- a number of the resource management issues affecting the Marlborough Sounds are not in the Pelorus/Marlborough Sounds Ward, but in the Picton Ward, as are the largest number of absentee owners and the most active of these owners;
- the submissions in favour of the status quo were solicited by rural councillors;
- although Cr Briggs makes much of a need for local knowledge, he is not from the Sounds area even though he is happy to represent it;

- as in most rural areas, there is a history of direct contact between residents and members. He believes the continuation of this practice receives some encouragement;
- he stated that, far from there being urban domination of the District, the Blenheim and other urban ratepayers subsidise the rest of the district's roading without any particular complaints. If the number of urban councillors were to increase, this situation would be unlikely to change;
- French Pass residents are quite happy to contact him on particular issues despite the fact that they are required to make a toll call;
- he considers that the attitude of some councillors has caused "rural polarisation", and that it is time that this was done away with;
- although mention was made of iwi issues as a rural concern, he stated that most of these issues were actually in Blenheim and the closely settled Plains area of the District;
- there has been a considerable growth of population in the Sounds area in percentage terms but, in actual numbers, the greatest growth is in Blenheim;
- he believes that justice and fairness require a change in the balance of councillors and that 12 members would be quite sufficient for the workload;
- he accepts the need for wards for effective representation, and would not like to see a radical change to the ward structure; and
- he does not consider that resource management issues justify a large rural representation because urban councillors are well able to understand the issues.

***Marlborough People's Action Group*** : Mr Hey presented a paper which discussed the Group's perception of the disadvantages of a ward system as opposed to an at-large system of election. Other comments and responses he made may be summarised as follows:

- eight rural sector councillors represent less than 45% of the District's population while 5 urban councillors represent more than 55%;
- if elections were at large, there would be an equality of the value of votes;
- local knowledge is not a necessity for councillors;
- if wards are retained, the Group believes that 13 councillors would be appropriate with 7 coming from an urban ward;
- the District needs a reasonably large number of councillors because of the high workload; and
- the Group feels that the Council is dominated by rural attitudes because of rural control of the Council, and that wards encourage this urban/rural division.

***Mr Harrison*** then spoke. His comments and responses may be summarised as follows:

- the Group considers there is a groundswell of opposition to the existing situation on the Council, particularly because the Council does not engage in public consultation before making its decisions;
- the present Council has been captured by the affluent, the self-employed, and the retired because of the heavy workload and a large number of day-time meetings;
- the introduction of a heavy emphasis upon rateable values means the institution of a de facto property qualification in the election of members; and
- the ward system prevents people from voting for the best candidates.

***Mr Alvey-Hall*** said there had never been any discussion about whether there should be a ward system, and the best thing would be to abolish wards.

General responses of members of the Group to questions may be summarised as follows:

- the elimination of the ward system would, in fact, give rural people greater voting power because they could vote for all of the candidates whom they considered best represented their interests;
- the structure of rural wards gives undue emphasis to things and not people;
- the Group's experience has been that there is support for abolition of wards;
- Blenheim properties pay very high rates in order to support the rest of the District;
- the Group could agree to wards, to allow for effective representation of communities of interest, if they were radically restructured in a way that was suggested in their original appeal and objection;
- the Pelorus and Picton Wards should be combined; and
- Council staff give a good service so there is no need for electors to continually approach councillors.

***Council in reply:***

- Mr Radich said a likely consequence of an at-large system was evidenced by the 1989 elections for the Area Health Board where only urban candidates were elected;
- effective representation refers to the ability for the electorate to have access to councillors;
- fair representation does not relate to a mathematical correlation, rather it allows for flexibility and the use of other factors;
- the use of area relates to the accessibility of electors to councillors;
- Parliament is elected in a manner akin to a ward system;
- there has been no evidence produced of rural domination of the Council;

- the Council’s public notice of its proposals did not generate a great number of submissions, which suggests either acceptance or acquiescence of the electorate to the present structure;
- local expectation is not for a reduction in membership;
- local government is not supposed to be like a commercial enterprise;
- the number of members should reflect the need for contact; and
- it was vigorously denied that the decision of Council to maintain the existing situation was done out of self-interest.

At the conclusion of the proceedings the Chairman said the Commission reserved its decision and declared the meeting closed.

### **Matters for Determination**

10 The legislation relating to the determination of appeals and counter-objections, is contained in sections 101K and 101L(2) and (3) of the Act. Section 101K provides as follows:

- “(1) The Commission shall, before the 29th day of March of the year of each triennial general election, -*
- (a) Consider the resolutions, objections, appeals, counter-objections, and information forwarded to it under section 101J of this Act; and*
  - (b) Subject to section 101L of this Act, determine the number of wards or constituencies and their names and boundaries, and the number of members to be elected by the electors of each ward or constituency or, as the case may be, by the electors of the district as a whole.*
- (2) For the purposes of making a determination under subsection (1)(b) of this section, the Commission may, but shall not be obliged to, hold meetings with the council or any persons or organisations who have indicated a desire to be heard by the Commission.*
- (3) Notice in writing of every determination under subsection (1)(b) of this section, setting out the reasons for the determination, shall be given by the Commission to the council concerned, and by public notice.*
- (4) Forthwith upon the publication of a public notice under subsection (2) of this section, the Commission shall send a copy of that notice to -*
- (a) The Surveyor-General; and*
  - (b) The Government Statistician.*
- (5) Subject to section 37ZE of this Act, the determination of the Commission made under subsection (1)(b) of this section shall be final and shall come into force for the next triennial general election.”*

11 Section 101L(2) and (3) provides as follows:

- “(2) In determining whether the council is to be elected by the electors of the district as a whole or by the electors of two or more*

*wards and in determining (where necessary) the number and boundaries of wards, the territorial authority and, where appropriate, the Commission shall ensure-*

- (a) That the election of members of the council by the electors of the district as a whole or by the electors of the two or more wards whose number and boundaries are determined will provide effective representation of communities of interest within the district; and*
- (b) That ward boundaries coincide with the boundaries of current statistical meshblock areas determined by the Department of Statistics and used for Parliamentary electoral purposes; and*
- (c) That, so far as is practicable, ward boundaries coincide with community boundaries.*

*“(3) In determining the number of members to be elected by the electors of any constituency or ward, the council and, where appropriate, the Commission shall ensure that the electors of the constituency or ward receive fair representation having regard to the population of every constituency or ward within the region or district and, if the circumstances so require, the rateable values, areas, or other relevant characteristics of the various constituencies or wards.”*

### **Consideration by the Commission**

12 The Commission considers that when deciding:

- (a) whether the election of the members of a council (other than the Mayor) be by the electors of the whole district or on a ward basis; and
- (b) if on a ward basis, the number and boundaries of the wards,

the only criterion to be met within the terms of section 101L(2) of the Act is the provision of effective representation for the various communities of interest within the district. This can be achieved by any ward encompassing one or more communities of interest.

13 The Commission further considers that, when deciding on the number of councillors to be elected by the electors of any ward, the sole criterion to be met under section 101L(3) is the provision of fair representation of the electors of the various wards within the district. In deciding this fairness of representation, the Commission must have regard primarily to population, but if this factor alone does not, in the opinion of the Commission, achieve fairness then regard should be given to rateable value and area or other relevant characteristics of the various wards. In the opinion of the Commission, population must remain the predominant factor, but different weightings or even no weighting can be applied to all factors as are appropriate in any given circumstances. The Commission does not consider that any particular formula must be applied and

consequently, any mathematical calculation should be seen only as a guide to a level of fairness which can be achieved on the basis of the factors required to be taken into account under the provisions of the Act. The final decision must be that which the Commission considers will, after having regard to the various factors set out in the Act, provide fair representation for the electors of any ward.

- 14 In the Commission's opinion, its first responsibility, which also applied to the Council, was to decide whether or not the district should be divided into wards, and if so the number and boundaries of those wards to provide effective representation of communities of interest within the district.

The Marlborough District contains the following features:

- the large township of Blenheim;
- the smaller townships of Picton; Renwick, Havelock, and Seddon;
- the intensively developed area of the Wairau Plain;
- the extensive Wairau and Awatere Valleys; and
- the extensive areas contained within the Marlborough Sounds.

The Commission is of the view that, in a district with such diverse characteristics, there must be a presumption that there are also a number of disparate communities of interest even where the residents of those communities share a common belief that they are a part of the Marlborough District. Any challenge to that belief must present a convincing case that the interests of those several communities will be effectively served were the election of members to be conducted over the whole district.

- 15 The Group argued in its appeal that the division of Marlborough into wards is unfair because of the wide variations in the populations of these several wards. They noted that candidates in the rural wards needed fewer votes for success than the number required for success in an urban ward. The Group also stated it was inappropriate where the two members from the Picton Ward were elected unopposed.
- 16 The Group's argument is based upon the concept that there should be some equality between the populations of the wards within a district. The Commission agrees that this was the situation envisaged by the Local Government Act in 1989. At that time, section 101L provided that the definition of wards should be such that the population of each ward, divided by the number of members to be elected, should produce a figure no more than 10% greater or smaller than the population of the district divided by the total number of members.
- 17 This is in complete contrast to the current legislation as enacted in 1991. As already stated, the Commission considers the legislation now requires

that the first consideration is effective representation of communities of interest. If a council, or the Commission is satisfied that the particular circumstances of a community of interest or a group of communities of interest is such that effective representation is best achieved by the establishment of a ward, then that should override any question of mathematical exactness. In other words, it is not repugnant to the legislation that a ward should have a population which is minuscule in comparison to the populations of other wards within a district.

- 18 The Commission is satisfied from its consideration of the Marlborough District that there are several distinct communities of interest which would be most effectively represented by the division of that district into wards. Therefore the appeal of the Group on this point is dismissed.
- 19 The Council itself resolved that the district should continue to be divided into wards which, except for a proposed boundary alteration between the Blenheim and Wairau Wards, are those existing. Prior to making this decision, the Council had the opportunity to consider a large number of other possibilities identified in the report from the District Administration Officer. These varied from current wards to a fairly radical redrawing of the ward boundaries. One proposal was 5 wards comprising the existing Pelorus/Northern Marlborough Sounds, Picton, and Blenheim Wards plus two wards to be known as “Blenheim Vicinity” and “Rural South Marlborough”. The Council decided to make no change other than the small one already referred to.
- 20 The Commission then gave consideration itself to whether it should initiate a major redraft of ward boundaries.
- 21 When the Marlborough District was established in 1989 the whole of the Sounds was included in one ward, and Picton and its immediate environs in a separate ward. The Council itself at a later date extended the Picton Ward to include Queen Charlotte Sound, Port Underwood and part of Port Gore. When questioned on this point, the Council representatives stated that the communities of interest of these two areas are different. The Picton Ward largely encapsulates the Picton community of interest with its concentration on shipping and recreation. The Pelorus/Northern Marlborough Sounds Ward encapsulates a community of interest which concentrates more upon marine farming and the commercial exploitation of the sea together with ordinary pastoral farming of the land. The Commission also notes that it takes some time to drive from, say, Havelock to Picton because the most direct route via Queen Charlotte Drive is somewhat tortuous. The Commission therefore accepts that it is appropriate that the Sounds continue to be divided into the two present wards. While there was a suggestion in the officers’ report that the Picton Ward could be extended southwards, the Commission has no evidence that this would improve representation of community of interest. This is perhaps an aspect which the Council could consider as a part of the next

triennial review. In the meantime the boundaries of those two wards will not be altered from those which currently exist.

- 22 The Awaterere Ward at the southern end of the district is largely the area of the old Awaterere County. It has the smallest population of any of the wards (1,531), and for the most part consists of mountains and the Awaterere Valley. The majority of the population live near to the sea where the two small townships of Seddon and Ward are located. It has a major industry in the salt extraction plant at Lake Grassmere, but the major activity is pastoral farming. This is an activity it shares with the greater area of the adjoining Wairau Ward, but it is separated from that ward by hills over most of its area.
- 23 The Wairau Ward extends from the sea at Cloudy Bay across the Wairau Plains and up the increasingly mountainous valley of the Wairau River to the river's source, and also includes the many tributaries of that river. While most of the area is given over to pastoral farming and some forestry, the most intensive land use is on the Wairau Plains area with horticulture, particular the growing of grapes, being the predominant use. It is this area which was suggested for the Blenheim Vicinity Ward. A consequence of the constitution of such a ward would be the joining of the remainder of the Wairau Ward and the Awaterere Ward to form a "Rural South Marlborough" Ward.
- 24 The Commission notes that these changes, if implemented, would lead to a radical restructuring of the District. It is an issue which the Council may choose to consider in depth as part of a future review, because it would need to be carefully considered by the public and the Council before any firm decisions were made.
- 25 In the meantime, the Commission is satisfied that there are separate communities of interest within the present Awaterere, Wairau, and Blenheim Wards and has determined that, subject to the changes already agreed to by the Council between the Blenheim and Wairau Wards, these wards should continue in existence. Therefore the proposals of the Council relating to its ward structure for the 1998 elections are confirmed and the appeals of the Group and Mr Dew on this point are dismissed.
- 26 As already observed, the Council in seeking to achieve fairness between the electors of the various wards has used a ratio of population 100: rateable value 40: and area 20. One notable effect of this is that the Blenheim Ward which, as stated by Mr Hey as part of the Group's evidence, comprises over 55% of the population of the district, has only 5 of the 13 members on the Council.
- 27 The Council, when defending the proportion of its members which are elected from outside Blenheim, stated that most of the complex issues which confront it, arise in the rural wards in the district. As a corollary to

this, Cr Briggs in particular was somewhat scathing about the ability of councillors from an urban ward as compared to councillors from rural wards.

- 28 The Commission gained the impression that a number of the present councillors favour a more hands on approach to the conduct of Council business than is expected or required by current legislation. The Mayor also made an interesting comment when she stated that residents of Blenheim feel more comfortable in approaching Council officers direct because they are readily accessible. In light of this, the Commission observes, although it has nothing to do with the determination of the appeals, that the availability of an 0800 number for outlying areas of the district would probably help to bring Council officers closer to those more distant residents.
- 29 The Commission was also impressed with Mr Dew’s evidence that, when it comes to roading matters, rural residents apparently have no problem in contacting an urban councillor direct.
- 30 Council representatives, and Cr Briggs in particular, made a strong plea for the retention of 2 members to represent the Pelorus/Northern Marlborough Sounds Ward. The reasons they gave related to the high level of Council involvement in resource management matters affecting that ward which, it was stated, needed the attention of a councillor on the ground. The Commission felt that argument was somewhat weakened by the fact that Cr Briggs, who chairs the resource management committee directly responsible for many of these issues, does not himself come from that ward.
- 31 All the above being said, the Commission does not consider the Marlborough District to be one where fair representation could be achieved solely upon the basis of the population of the various wards. In fact, as the following Table showing membership based on population alone demonstrates, it is very difficult to achieve fairness solely upon the basis of population.

**Table 1**

Ward	Population	%	Members			
			10	11	12	13
<b>Pelorus North Marlborough</b>	2,945	7.7	0.8	0.8	0.9	1.0
<b>Picton</b>	4,471	11.6	1.2	1.3	1.4	1.5
<b>Blenheim</b>	21,288	55.4	5.5	6.1	6.6	7.2
<b>Wairau</b>	8,162	21.3	2.1	2.3	2.6	2.8

<b>Awatere</b>	1,531	4.0	0.4	0.4	0.5	0.5
<b>Totals</b>	38,397	100	10	11	12	13

32 Therefore the Commission decided to consider the representation where use was made of weightings which the Commission has used in a number of other districts, i.e. population 80: rateable value 10: area 10. The various statistics are as shown on Table 2 below, and the indicated memberships for the wards on Table 3 which follows.

**Table 2**

<b>Ward</b>	<b>Population</b>	<b>Area km2</b>	<b>Rateable Value \$ million</b>
<b>Pelorus/Northern Marlborough Sounds</b>	2,945	3,556	261
<b>Picton</b>	4,471	961	220
<b>Blenheim</b>	21,288	28	457
<b>Wairau</b>	8,162	4,138	601
<b>Awatere</b>	1,531	3,810	123
<b>Totals</b>	38,397	12,493	1,662

**Table 3**

<b>Ward</b>	<b>Total Value</b>	<b>Members</b>				
		<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>
<b>Pelorus/North Marlborough Sounds</b>	10.7	1.1	1.2	1.3	1.4	1.5
<b>Picton</b>	11.4	1.1	1.3	1.4	1.5	1.6
<b>Blenheim</b>	47.1	4.7	5.2	5.6	6.1	6.6
<b>Wairau</b>	23.9	2.4	2.6	2.9	3.1	3.3
<b>Awatere</b>	6.9	0.7	0.7	0.8	0.9	1.0
<b>Totals</b>	100	10.0	11.0	12.0	13.0	14.0

33 The position, as shown in Table 3 is that the fairest representation is achieved with a total Council membership of 12. Although a total Council membership of 13 could be achieved by allocating 2 members to the Picton Ward, in fact that ward has very little more claim to 2 members than the Pelorus Ward.

- 34 A total Council membership of 12 ensures that that part of the district which has over half the population is able to elect half the members of the Council. At the same time, that ward does not elect so many members which would dominate the makeup of the Council.
- 35 One other result is that the size of the Council is reduced by 1. In theory this means the workloads of all other councillors will be increased to some extent. However, as evidence was given that some councillors have lighter workloads than others at present, the allocation of extra duties should not present an insuperable problem.
- 36 The Marlborough District is a dynamic area, and its contribution to New Zealand's economy is continually increasing. Population increased by almost 12% in the last inter-censal period. Whether that level of increase is maintainable, given the resources available within the district, will no doubt be revealed in time. One thing which is certain however, is that as with all developing districts, the ward system and the pattern of representation can never be regarded as being more than in transition. It may well be that prior to the election to be held in 2001, the Council will feel that it needs to again make noticeable alterations to its electoral structure.

### **Determination**

- 37 Pursuant to section 101K of the Act, the Commission hereby determines that for the triennial election in 1998:
- (1) the Marlborough District, as delineated on S.O. Plan No 14469 deposited with the Chief Surveyor of the Marlborough Land District, shall continue to be divided into 5 wards;
  - (2) those 5 wards shall be-
    - (a) the Pelorus/Northern Marlborough Sounds Ward, comprising the area delineated on S.O. Plan No. 7025 deposited with the Chief Surveyor of the Marlborough Land District;
    - (b) the Picton Ward, comprising the area delineated on S.O. Plan No. 7024 deposited with the Chief Surveyor of the Marlborough Land District;
    - (c) the Blenheim Ward, comprising the area delineated on S.O. Plan No. 7338 deposited with the Chief Surveyor of the Marlborough Land District;
    - (d) the Wairau Ward, comprising the area delineated on S.O. Plan No. 6821 deposited with the Chief Surveyor of the Marlborough Land District;

- (e) the Awatere Ward, comprising the area delineated on S.O. Plan No. 14472 deposited with the Chief Surveyor of the Marlborough Land District.
- (3) the Council shall comprise the Mayor and 12 members who shall be elected as follows:
- (a) one member who shall be elected by the electors of the Pelorus North Marlborough Sounds Ward; and
  - (b) one member who shall be elected by the electors of the Picton Ward;
  - (c) six members who shall be elected by the electors of the Blenheim Ward;
  - (d) three members who shall be elected by the electors of the Wairau Ward; and
  - (e) one member who shall be elected by the electors of the Awatere Ward.
- 38 As required by section 101L(2) of the Act, the boundaries of the above wards coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.
- 39 As required by section 101M(3) of the Act, plans of the Blenheim and Wairau Wards have been sent to the Chief Surveyor of the Marlborough Land District, and the Chief Surveyor has certified that the plans are sufficient to render the boundaries of each ward capable of identification.

### **The Local Government Commission**

Ian Lawrence (Chairman)  
Barbara Durbin (Commissioner)  
Robin Wilkins (Commissioner)

27 March 1998