

QUEENSTOWN-LAKES DISTRICT COUNCIL

Background

- 1 The Queenstown-Lakes District Council (“the Council”), as required by section 101H of the Local Government Act 1974 (“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, and resolved to make changes. At present it has 15 members elected from wards as follows -

Wakatipu Ward	2 members
Wanaka Ward	4 members
Queenstown Ward	7 members
Arrowtown Ward	2 members

- 2 The only change which has been made since the district was constituted in 1989 has been the amalgamation of what were the Queenstown East and West Wards into a single Queenstown Ward.
- 3 The Council has proposed to amalgamate the Wakatipu, Queenstown, and Arrowtown Wards, and to reduce its total membership to 11 plus the Mayor. The resulting two wards and their memberships would be as follows -

Wakatipu Ward	8 members
Wanaka Ward	3 members

- 4 An appeal and a counter-objection were received against the Council’s proposals.

Council’s Consideration

- 5 The membership of the Council was considered by a working party during early 1997. The Chief Executive Officer reported to the Council on 25 July with the recommendations of the working party which were that the district be divided into 3 wards, with the amalgamation of the Queenstown and Wakatipu Wards, and that the area of the Arrowtown Ward be reduced. A reduction in total Council membership of 3 was proposed, with those members to be elected as follows -

Arrowtown Ward	1 member
Wanaka Ward	3 members
Queenstown/Wakatipu Ward	<u>8 members</u>
Total	12 members

This was a modification to an earlier recommendation for a 2 ward district with a membership of 11 plus the Mayor.

- 6 The Council received a total of 13 objections/submissions on its proposals and, on 26 September, resolved that the District be divided into 2 wards as already described.

Subject of Appeal and of Counter-objection

- 7 Arrowtown and District Residents' Association (appeal) : the Association conducted a poll of residents of Arrowtown, and on the basis of this objected to the abolition of the Arrowtown Ward.

The counter-objector, Mr Norman Smith, also objected on the same grounds.

Matter for Determination

- 8 The Commission received the appeal and counter-objection and resolved to meet the Council in Queenstown on Thursday 22 January.

The Hearing

- 9 The Council was represented by the Mayor, the Hon Warren Cooper and Cr Peter Rennie (Deputy Mayor).
The Arrowtown and Districts Residents' Association were represented by the Chairman, Mr Ian Bowie and Mr Reid.
Mr Norman Smith also appeared to present his counter-objection.

The Council : Both Mr Cooper and Mr Rennie made oral presentations. Their comments and responses to questions may be summarised as follows:

- the Council in its deliberations debated whether to retain the existing membership or to reduce the size of the Council;
- as is obvious from the process, both views prevailed at one time or the other;
- the final decision was on the basis of a desire to minimise over-representation of electors within the district;
- the membership fixed in 1989 was only ever intended to be transitional, and there should have been progressive change in the following triennial reviews, but this had not happened;
- a total of 15 councillors plus a Mayor is much too large for a district with a usually resident population of just over 14,000;
- it was considered it was a case of "the tail wagging the dog";
- the Council was assisted by the results of a newspaper survey which indicated support for the reduction in total membership;
- the Council would not be unduly upset if an Arrowtown Ward were retained so long as it had only 1 representative; two would be too many;
- the retention of 2 members for an Arrowtown Ward would only be possible if the area of the Ward were to be extended well beyond the

area which is considered to be a part of the Arrowtown community of interest;

- the proposed membership of 3 for the Wanaka Ward, in addition to the community council; is justified, both because of distance from Queenstown and the board's responsibilities;
- it was suggested that the Council's proposals are effective, efficient, and equitable;
- a reduction of 4 in total membership would not lessen the Council's efficiency, indeed he suggested it would make the Council even more efficient and effective;
- the Council has only ever considered population in assessing fairness of representation as between the electors of the various wards, and does not need a "country quota";
- there is a special Arrowtown Committee and, no matter what happens, it will be continued by the Council because it works;
- there was some discontent, particularly in Wanaka, with the Council, but the disagreements have been resolved, and there now appears to be acceptance that Wanaka is a part of the District;
- the Hawea area is and has been quiescent;
- there has never been any suggestion to the Council's knowledge, that Arrowtown has been put at a disadvantage by decisions of the Council;
- there was a proposal for a reduced Arrowtown Ward, however it should be borne in mind that this would exclude some people with an Arrowtown community of interest;
- the district has a strong reason for being, and would survive any reduction in activities, such as the loss of roading responsibility; and
- the Council has no desire to see a community established in Arrowtown.

Arrowtown District Residents' Association : The submissions of Messrs Bowie and Reid and their responses to questions may be summarised as follows -

- the retention of an Arrowtown Ward is the only way that the town is assured of a hearing within Council;
- there is no particular professional expertise within Arrowtown, the local matters are run by lay people;
- as an example, the Autumn Festival is run through local action to raise funds for the construction, maintenance, and improvement of local amenities;
- the ward should retain 2 members, even if the present population would not justify this, the population of the town is increasing;
- Mr Bowie has been a resident in Arrowtown since 1992 and a land-owner since 1987;
- Mr Reid is a lifetime resident of Arrowtown, was a member of the Borough Council, and has been a members of the District Council since 1989;

- the Arrowtown Planning Committee deals with resource management issues in Arrowtown;
- its members do not seek remuneration, even though they could technically, be entitled to receive it;
- the present Council is not really too big;
- Arrowtown does have a different community of interest to Queenstown: Arrowtown concentrates upon the retention of its history, while Queenstown is a centre devoted almost entirely to the fostering of tourism;
- it is noted that the Wanaka Ward would have 3 members plus a community board for a population of 3,600; Arrowtown with 1400 residents merits a separate ward;
- even if population figures only warrant 1 member for Arrowtown, consideration could be given to other factors, for example, there are a large number of absentee ratepayers, and the town is a popular tourist resort in its own right,
- there is a suspicion in Arrowtown that it has been discriminated against in the past, and the retention of separate representation would serve to allay such a suspicion;
- the area of the Arrowtown Ward should not be reduced, as was proposed at one time;
- one notable feature of the increase in population in Arrowtown, is that there are a large number of young people moving there because of the cheaper housing costs;
- a new school has just opened which ironically, is just in that part of the Arrowtown which was proposed to be omitted from the Ward;
- the people of Arrowtown like to deal directly with councillors because they feel that staff has been of little help; and
- Arrowtown is 22km from Queenstown.

Mr Smith made an oral presentation. His comments and responses to questions may be summarised as follows -

- he was a regular visitor to Arrowtown from 1966 before taking up permanent residence in 1988;
- the people of Arrowtown get good feedback from their ward councillors;
- the retention of a separate ward for Arrowtown has been seen to be beneficial;
- although all members of the Council are conscious of and take account of the historical significance of Arrowtown, he is worried that this may not be guaranteed should Arrowtown lose direct representation;
- the proposal to reduce the area of Arrowtown Ward is not supported, it divides the Arrowtown community of interest;
- historic buildings within the town are protected by the District Plan;
- did not support the idea that Arrowtown would be better represented by being able to vote for a total 8 members, because none of them would be directly accountable to the Arrowtown electors;

- he assisted in the gathering of signatures for the petition and poll, and said copies had been left at various places throughout the town;
- the local councillors give plenty of information about Council proposals, and agendas are available within the township;
- there is no desire within Arrowtown for the constitution of a formal community, this was offered to the old Borough Council in 1989 but it turned it down;
- there is active participation by Arrowtown residents in the local government processes, for example, the voting turnout at the last election was between 68-71%;
- repeated that two members for Arrowtown were preferred to one.

The Council in reply. Mr Cooper's responses to the points raised may be summarised as follows -

- if the Commission were to give an Arrowtown Ward two members it would be over-represented, which would not be fair to the electors in the other wards;
- local government representation does not give Arrowtown its uniqueness, this comes from its history;
- the Council has consistently acted to preserve this history by the inclusion of appropriate sections within the District Plan;
- the ongoing local government issues within the Wanaka Ward justify its representation of 3 members plus a community board;
- the retention of an Arrowtown Ward with 2 members would be unfair for Wanaka;
- as is well-known, there is no requirement that a person representing Arrowtown on the Council need live in Arrowtown, that person could come from anywhere;
- the Council would not oppose a separate Arrowtown Ward so long as it only had 1 member;
- if he were an Arrowtown Resident his preference would be to vote for 8 representatives from a list, rather than for 1 from a few; and
- no matter what the local government structure of the district is, the interests of Arrowtown will be adequately protected, and the Council has already resolved to maintain the Arrowtown Committee through the next triennium.

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

Matters for Determination

- 11 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 -

“Section 101K. Commission to determine wards and constituencies -

- (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.”*

12 Section 101L(2) and (3) provides as follows -

“Section 101L. Factors in determination of membership and basis of election -

- (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

- 13 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) is the provision of effective representation of the various communities of interest within the district. This can be achieved by any ward encompassing one or more communities of interest.
- 14 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.
- 15 Neither the appellant nor the counter-objector questioned whether the District should be divided into wards. However the Commission notes that some of the original objections did raise this topic. This question is one which the Commission considers should, in all cases, be first considered.
- 16 The Queenstown-Lakes District covers an extensive, mostly mountainous area of Central Otago. The largest town in the District is Queenstown, the urban areas are Arrowtown, Wanaka, and Lake Hawea, and some smaller settlements such as Glenorchy and Kingston. Hawea and the Upper

Clutha Plain area is a considerable distance by road either via State Highway 6 through the adjoining Central Otago District, or by the somewhat more tenuous route over the Crown Ranges. Queenstown is in the Lake Wakatipu Basin at the head of the Kawarau River. While Arrowtown is in the same area, it is some 22km from Queenstown being located in the valley of the Arrow River.

- 17 The Commission considers that the sheer separation of the District into at least two centres of settlement has created at least two distinct communities of interest which would merit the constitution of wards in order to provide for their effective representation.
- 18 The Council considered that these two main divisions were all that needed to be provided for, and therefore proposed that only two wards be constituted. The Association and Mr Smith maintained that Arrowtown has a community of interest which is distinct from that of Queenstown and the rest of the Wakatipu Basin, and therefore Arrowtown merited the retention of a ward for that community of interest. The arguments of both the Association and Mr Smith were that although the principal support for Arrowtown was tourism, and to a large extent, as a dormitory town for Queenstown, the nature of its tourism was different to that offered in the rest of the Wakatipu Basin. They also made the not unreasonable point that this is a separate community of over 1,400 people which, the Commission considers is, in Central Otago terms, a significant settlement. The Hon Warren Cooper, on behalf of the Council, also said that he, and he believed his Council, would not have a great difficulty should the Arrowtown Ward be continued, although he did not personally believe that Arrowtown would find itself disadvantaged as part of a larger ward.
- 19 On the evidence, the Commission accepts that there is a distinct Arrowtown community of interest and has resolved that this ward will be retained.
- 20 One other issue in relation to the ward was the original proposal that its area be reduced. The Council considered that the area to be taken from the ward in its earlier proposals, was not a part of the now existing Arrowtown township. However the Commission established that the new Arrowtown School, which must be considered to be part of the Arrowtown community of interest would be excluded from the Arrowtown Ward. The Commission has therefore decided that the Arrowtown Ward should be retained at its present boundaries. The appeal and counter-objection are upheld on this point.
- 21 The Commission's decision does not affect the Council's proposal to unite the Queenstown and Wakatipu Wards. The Commission was not made aware of any adverse reaction from any residents of the Wakatipu Ward to this proposal, and therefore will confirm this part of the Council's decision.

- 22 The wards for the Queenstown-Lakes District therefore will be -
- the Wanaka Ward;
the Queenstown Ward; and
the Arrowtown Ward.
- 23 Having determined the wards, the Commission then considered the question of the number of members to be elected from each ward in order to ensure fair representation for the electors of those wards. The Council informed the Commission that fair representation for electors could be achieved by considering only the populations of the wards. The Council had proposed that there be 11 members in addition to the Mayor, of whom 8 would have been elected from the Council's proposed Queenstown Ward, and the other 3 from the Wanaka Ward. Given the Commission's decision, and if 11 councillors were to be an appropriate number, this would mean that the electors of the Queenstown Ward would elect 7 members, and the retained Arrowtown Ward, 1 member. Both the Association and Mr Smith argued that Arrowtown would be best represented with its existing 2 members. However the Commission notes that, in the original documents, both the Association and Mr Smith were aware of, and were prepared to accept a reduction of representation to 1. The principal argument advanced for the retention of 2 members was the historical significance of Arrowtown, and a desire to retain a significant voice on the Council to ensure that this significance was not lost sight of.
- 24 While the Commission acknowledges the desire of the residents of Arrowtown to preserve its historical character, the Commission noted, from an examination of the District Plan, that much of the drive for preservation is contained in that Plan.
- 25 The Commission then compared the representation from the various wards for a number of councillors ranging from the proposed 11 up to the existing 15, using only population. The results are shown in the following table.

			Members				
	Population	%	11	12	13	14	15
Queenstown	9234	64.6	7.1	7.8	8.4	9.0	9.7
Arrowtown	1442	10.1	1.1	1.2	1.3	1.4	1.5
Wanaka	3618	25.3	2.8	3.0	3.3	3.5	3.8
Total	14294	100.0	11	12.0	13.0	13.9	15.0

- 26 As this table clearly shows, on the basis of population alone the Council's proposals give fair representation to the electors of the various wards. In fact, even with the present number of 15 councillors, the justification for 2

members for the Arrowtown Ward is, at best, marginal. The Commission therefore determines that the representation for the Arrowtown Ward be reduced to 1 member. The appeal and counter-objection seeking 2 members for the Ward is not upheld. The Commission accepts the evidence, on behalf of the Council that a Mayor and 11 members will be sufficient to enable the Council to perform its functions.

Determination

- 27 Pursuant to section 101K of the Act, the Commission hereby determines that for the triennial general election in 1998 -
- (1) The Queenstown-Lakes District, as delineated on S.O. Plan No 23112 deposited with the Chief Surveyor of the Otago Land District, shall be divided into 3 wards.
 - (2) Those 3 wards shall be -
 - (a) the Wanaka Ward, comprising the area delineated on S.O. No 23114 deposited with the Chief Surveyor of the Otago Land District:
 - (b) the Arrowtown Ward, comprising the area delineated on S.O. Plan No 23117 deposited with the Chief Surveyor of the Otago Land District:
 - (c) the Queenstown Ward, comprising the area delineated on S.O. Plan No 23115 deposited with the Chief Surveyor of the Otago Land District.
 - (3) The Council shall comprise a Mayor and 11 members of whom -
 - (a) three members shall be elected by the electors of the Wanaka Ward:
 - (b) one member will be elected by the electors of the Arrowtown Ward; and
 - (c) seven members shall be elected by the electors of the Queenstown Ward.
- 28 As required by section 101L(2) of the Act, the boundaries of the above wards coincide with the boundaries of the current statistical meshblock areas determined by the Department of Statistics and used for Parliamentary electoral purposes.
- 29 As required by section 101M(3) of the Act, a plan of the Queenstown Ward has been sent to the Chief Surveyor of the Otago Land District, and the Chief Surveyor has certified that that plan is sufficient to render the boundaries of the ward capable of identification.

The Local Government Commission

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

27 March 1998