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**MARLBOROUGH  
DISTRICT COUNCIL**



Only Marlborough

25 August 2021

Record No: 21182014  
File Ref: D050-001-02  
Ask For: Mike Porter

## **Notice of an Extraordinary Council Meeting – Monday, 30 August 2021**

Pursuant to clause 22, schedule 7 of the Local Government Act 2002, an Extraordinary Meeting of the Marlborough District Council will be held in the Council Chambers, 15 Seymour Street, Blenheim on **Monday, 30 August 2021 commencing at 9.00 am.**

### **BUSINESS**

As per Order Paper attached.

MARK WHEELER  
CHIEF EXECUTIVE



**Order Paper for an  
EXTRAORDINARY COUNCIL MEETING  
to be held in the Council Chambers, 15 Seymour Street, Blenheim  
on MONDAY, 30 AUGUST 2021 commencing at 9.00 am**

**Open Meeting**

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## Marlborough District Council

**Order Paper for an  
EXTRAORDINARY COUNCIL MEETING  
to be held in the Council Chambers, 15 Seymour Street, Blenheim  
on MONDAY, 30 AUGUST 2021 commencing at 9.00 am**

### 1. Karakia

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Tēnā koutou, tēnā koutou, tēnā koutou katoa  
E te Atua tō mātou Kai-hanga,  
ka tiāho te maramatanga me te ora, i āu kupu kōrero,  
ka tīmata āu mahi, ka mau te tika me te aroha;  
meatia kia ū tonu ki a mātou  
tōu aroha i roto i tēnei huihuinga.  
Whakakī a matou whakaaro ā mātou mahi katoa,  
e tōu Wairua Tapu.  
Āmine.

(God our Creator,  
when you speak there is light and life,  
when you act there is justice and love;  
grant that your love may be present in our meeting.  
So that what we say and what we do may be filled with your Holy Spirit.  
Amen.)

### 2. Apologies

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### 3. Declaration of Interests

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Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

## 4. Method of Election and Review of Representation

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(The Mayor) (Report prepared by Dean Heiford / Mike Porter)

D050-004-022-11

### Purpose of report

1. To resolve Council's initial proposal for representation arrangements for the 2022 and 2025 elections (and that the initial proposal be distributed for public consultation).

### Executive Summary

2. Council is required to adopt an initial proposal for public consultation on its representation arrangements for the 2022 and 2025 elections.
3. The Local Electoral Act 2001 (LEA) requires local authorities to carry out a review of their representation arrangements at least once every six years. Council's last review was prior to the 2016 triennial election.
4. The review is set by a statutory timeline and process. The Council must give notice of its initial proposal no later than 8 September 2021.
5. Council is required to adopt a set of representation options as an initial proposal, consult with the public and consider submissions, and adopt a final proposal for public notification.
6. Included within the scope of the Representation Review are:
  - The number of councillors to be elected to the Council;
  - Whether councillors are elected by wards or by the district as a whole (or a mixture of both systems);
  - If elected by wards, the number, boundaries and names of these wards and the number of councillors that will represent them; and
  - Whether to have Community Boards, and if so how many, their boundaries and membership.
7. Council engaged an independent consultant from electionz.com to assist Council to follow best practice for defining communities of interest, effective representation for identified communities of interest, and fairness of representation for electors.
8. All elements of the Council's representation proposal (excepting the Maori Ward), including whether to have community board(s) or not, are subject to rights of appeal and/or objection to the Local Government Commission (the Commission). It is therefore important that the review fully considers all options available. It is also important that the process carried out is robust and that it results in a decision that can be supported by reasons that provide a defensible outcome.
9. The Omaka Landing and Rose Manor subdivisions which are currently in the Wairau-Awatere Ward but are contiguous with the Blenheim Ward should be transferred to the Blenheim Ward as their communities of interest lie with the urban ward.

### Important Notes

10. If there are objections to the proposal, ultimately the Local Government Commission may determine the issue.
11. It should also be noted that if a ward does not meet the fair representation requirements (i.e. +/- 10% population formula), even for the reason that it falls within Council's assertion that it is (or contains) an isolated community pursuant to s19V(2)&(3) of the Act, and even if the review does not secure any appeals/objections, the proposal must be referred to the Local Government Commission for determination.
12. The decision to establish the Māori Ward cannot be appealed.

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## RECOMMENDATIONS

1. That Council adopts the following initial representation proposal (Option 1):
  - (a) That Marlborough District Council consist of a Mayor and 13 councillors; and
  - (b) That a Ward structure of voting is the most appropriate for Marlborough;
  - (c) That the make-up of that ward structure be:
    - Blenheim Ward (7 members);
    - Wairau-Awatere Ward (3 members);
    - Marlborough Sounds Ward (2 members); and
    - Marlborough Māori Ward (1 member) [noting that the Māori Ward decision cannot be appealed to the Local Government Commission];
  - (d) That no Community Boards be established.
2. That meshblocks 4013645, 4013646, 4013647, 4013650 and 4013651 (Omaka Landing); and 4013655, 4013657, 4013658, 4013659 and 4013660 (Rose Manor) be transferred from the Wairau-Awatere Ward to the Blenheim Ward.
3. That Council agrees that public notification of the initial proposal and opportunity to submit on the proposal will be undertaken in line with the statutory requirements of section 19M of the Local Electoral Act 2001.

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## Background

13. As Council last reviewed the method of election and the basis of representation prior to the 2016 triennial election, a review must be completed this year. This year's initial proposal must be adopted in time to ensure that public notice is given no later than 8 September 2021. The procedure is contained within the Local Electoral Act 2001 (LEA).
14. Council engaged an independent consultant from electionz.com to assist Council to follow best practice for defining communities of interest, effective representation for identified communities of interest, and fairness of representation for electors. Members will recall the workshop held in late March where these issues were canvassed in detail with a number of scenarios discussed.
15. Members will be aware that the report to the Council meeting of 1 April 2021 covered in detail the process and procedures for the representation review. Council also appointed Cirs Taylor, Hope and Croad, and the Mayor, to undertake the community consultation for the representation review, to be assisted by the independent consultant from electionz.com and Council staff.
16. This group have met and discussed the representation review in detail.
17. Council resolved on 21 May 2021 to establish a Māori Ward (at large) in Marlborough for the 2022 local government election. It was also resolved that the analysis and options for the 2021 Representation Review include the Maori Ward and looks at options for the balance of the electoral area.
18. Whilst the Māori Ward forms part of this representation review, the decision to establish the Māori Ward cannot be appealed.
19. The last representation review resulted in the Local Government Commission (following an appeal to Council's final decision) determination:

### Commission's Determination

52. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Marlborough District Council to be held on 8 October 2016, the following representation arrangements will apply:
  - (1) Marlborough District as delineated on LGC-053-2016-W-1 deposited with the Local Government Commission is divided into three wards.

- (2) The three wards are:
- (a) the Marlborough Sounds Ward, comprising the area delineated on SO Plan 431037 deposited with Land Information New Zealand
  - (b) the Wairau-Awatere Ward, comprising the area delineated on LGC-053-2016-W-2 deposited with the Local Government Commission
  - (c) the Blenheim Ward, comprising the area delineated on LGC-053-2016-W-3 deposited with the Local Government Commission.
- (3) The Council comprises the mayor and 13 councillors elected as follows -
- (a) three councillors elected by the electors of the Marlborough Sounds Ward
  - (b) three councillors elected by the electors of the Wairau-Awatere Ward
  - (c) seven councillors elected by the electors of the Blenheim Ward.
20. At that last representation review, Council put forward the argument (as it had done for the previous two reviews) that a third Councillor was required to be elected by the electors of the Marlborough Sounds Ward based on its interpretation of s19V(3) in that there are significant communities of interest that are considered to be isolated communities in the Marlborough Sounds Ward, and further that the ward structure would provide effective representation of communities of interest within the District, especially with the District being an Unitary Authority.
21. This argument is getting harder to sustain with the improvements in communication and the ability of all elected members being able to attend to community matters in the Sounds area. The recent weather event in July has shown the fragility of the roading system in the Marlborough Sounds with a number of roads still closed by large slips. However, other forms of transport (e.g. barging services) have been organised under Council's Recovery management, which have helped to reduce that isolation.
22. It should also be noted that all Councillors, once elected, represent all of the Marlborough District. It is acknowledged however, that the Ward structure is still strong in Marlborough with non-urban constituents more likely to contact a Councillor elected by their Ward rather than another Councillor.

## **Discussion**

### **Timeline for the Representation Review**

23. The timeline requires Council to adopt an initial representation proposal. Once the initial proposal is agreed, the formal statutory review process commences. There is no opportunity to stop or delay the statutory process. The Council must consider, and hear if requested, any submissions received to its proposal.
24. Based on those submissions, the Council will be required to either confirm or amend the proposal as its final proposal, which will then be publicly notified.
25. If there are appeals and objections to the final proposal, then the Commission will make the final determination. The Commission's determination must be made no later than 10 April 2022 and is subject to judicial review or appeal on a point of law.

### **Matters not Covered by this Review**

26. Council has previously adopted STV as the electoral system to be used for the 2022 and 2025 triennial elections as per the LEA.
27. Council's decision (on 21 May 2021) to establish a Māori Ward is not up for review. However, the Māori Ward forms part of this review.

### **Commentary**

28. In preparing its publicly notified proposal, Council needs to determine:

- The number of Councillors to be elected to Council in both general (and the Māori) wards;
    - Whether the members of Council are elected by wards, the district as a whole, or a mixture of both systems;
    - If elected by wards, the boundaries and names of these wards and the number of councillors that will represent them; and
    - Whether to have Community Boards, and if so how many, their boundaries and membership.
29. Council must also determine whether a community should be subdivided for electoral purposes, and if so:
- The name and boundaries of subdivisions, or
  - The number of members to be elected from each subdivision.

### **Identifying Communities of Interest**

30. “Community of interest” is not defined by statute and may mean different things to different people. Defining local communities of interest is an essential part of the representation review process and needs to be carried out before determining how to provide effective representation. The Local Government Commission Guidelines provide the following commentary.
31. One definition of ‘community of interest’ describes it as a three-dimensional concept:
- perceptual – a sense of belonging to a clearly defined area or locality
  - functional – the ability to meet with reasonable economy the community’s requirements for comprehensive physical and human services
  - political – the ability of the elected body to represent the interests and reconcile the conflicts of all its members.
32. The perceptual and functional aspects can be extended to define a community of interest as having:
- a sense of community identity and belonging reinforced by:
    - distinctive physical and topographical features (e.g. mountains, hills, rivers)
    - similarities in economic or social activities carried out in the area
    - similarities in the demographic, socio-economic and/or ethnic characteristics of the residents of a community
    - distinct local history of the area
    - the rohe or takiwā of local iwi
  - dependence on shared facilities and services in an area, including:
    - schools, recreational and cultural facilities
    - retail outlets, transport and communication links.
33. Decisions relating to the representation of communities of interest (the political dimension) need to reflect these interests and needs. An important determination is whether these communities of interest are located in identifiable geographical areas, justifying the establishment of wards, or are spread across the district.

### **Effective Representation of Communities of Interest**

34. Achieving effective representation requires identifying communities of interest that are geographically distinct. Factors to consider include the size, nature, and diversity of the District. This can be achieved by the basis of election being at large, by ward, or a combination of both as determined by Council (or the Commission, if relevant) to provide the most effective representation of communities of interest.
35. “At large” means elected by the electors of the district as a whole.

36. A “combination of both” means partly by wards and partly at large (a mixed system). This option may be best when there are clear district-wide communities of interest as well as specific geographically based communities of interest.
37. Please note that all members elected under a ward or mixed system make the same declaration on coming into office to act in the best interests of the whole district. In other words, the members under a ward or mixed system have the same obligation to the district as the members elected at large. Therefore there is no functional difference in the decision-making role of members elected at large and members elected by way of a ward system.

### **Fair Representation of Electors**

38. Under s19V(2) of the Act, membership of wards is required to provide approximate population equality per member, that is, all votes are of approximately equal value (referred to as the ‘+/-10% rule’) unless there are good (prescribed) reasons to depart from this requirement.
39. A decision by a local authority not to comply with s19V(2) of the Act must be referred to the Commission for determination. Referral to the Commission is required whether or not appeals or objections have been lodged against the local authority’s proposal. That referral is treated by the Commission as an appeal under the *Local Electoral Act 2001*.

### **Number of Councillors**

40. The LEA requires Council to determine the number of wards and the number of councillors to be elected from each ward.
41. The membership of a territorial authority should be no fewer than six and no more than 30 members (including the Mayor).
42. The current elected membership of the Council is 13 councillors (excluding the Mayor).
43. An increase in elected members would not increase governance costs as there is a governance remuneration pool system in place. The pool is the total amount that must be paid in remuneration to councillors and is set by the Remuneration Authority.

### **Ward Boundaries**

44. Members have discussed this issue at a number of workshops and with the community over a number of years.
45. A number of scenarios have been looked at. However elected members have expressed that as the ward boundaries have been in place for a number of years, being refined gradually since 1989, that the boundaries are fit for purpose and do not require any further refinement (except for urban growth areas around the Blenheim Ward).

### **Community Boards**

46. Council must consider whether there should be communities and community boards, and if so resolved, the nature of any community and the structure of any community board.
47. In undertaking a review for Community Boards, Council is required to consider the criteria as apply to reorganisation proposals under the Local Government Act 2002 as Council considers appropriate (s19W of the LEA). Key criteria are clauses 11, 12 and 19 of Schedule 3 of the Local Government Act 2002. Applying these criteria for reviews relating to community boards means considering:
  - Will the proposal promote good local government of the parent district and the community area concerned?
  - Will the district and the community have the resources necessary to enable them to carry out their respective responsibilities, duties and powers?



- Will the district and the community have areas that are appropriate for the efficient and effective performance of their role?
  - Will the district and the community contain a sufficiently distinct community of interest or sufficiently distinct communities of interest?
48. It is essential that the boundary of any community board follows the mesh block statistical boundaries to enable electoral rolls to be drawn up from Parliamentary Rolls. This would require Council defining a “community” that would be served by a board. The small population of the district and some distinct geographical (and parochial) boundaries would make this task difficult.
49. As per Council policy, funding for administration and operating costs of community boards would be derived from the area of benefit.
50. As some Members will be aware, in 2006 Council was presented with a petition (from Future@Picton) for a community (board) based on the then Picton Ward. This Ward also encompassed Queen Charlotte Sound, Port Underwood, Linkwater and rural areas to Para in the South.
51. Council in considering the report from the special Committee set up to hear and consider submissions, noted that the community were extensively consulted with, by both Future@Picton and Council. Following receipt of the proposal, and giving effect thereto, Council carried out its own consultation process. All electors and householders of the affected ward were written to and a response requested.
52. The number of submissions prompted by Council's consultation phase totalled 377. Of these 46 supported the proposal of Future@Picton, 328 opposed, with 3 not stating an opinion.
53. Council considered all of the decision-making and broad consultation obligations under the Local Government Act 2002 and agreed that the establishment of a community and its associated board would not improve the Council's ability to meet the requirements of section 76 of the Local Government Act 2002 and therefore declined the proposal.
54. No appeals to the decision were lodged to the Local Government Commission.
55. Council explored other ways of enhancing communication between both parties on regional and Picton specific issues. This resulted in the Picton Regional Forum being established.
56. It is suggested that if other communities are considering the likes of a community board then this working example should be adopted instead. It should be noted that even following extensive media coverage of the Picton proposal no other community has approached Council requesting a community board.
57. No community boards have existed in Marlborough.

## Options

58. Council must develop an initial proposal for public consultation. The proposal must include:
- a description of each proposed ward, constituency, community, or subdivision;
  - a description of proposed boundaries of each proposed ward, constituency, community, or subdivision so it is readily identifiable to the public; and
  - an explanation of any proposed changes to the basis of election, membership, or ward, constituency, community, or subdivision boundaries.
59. There are unlimited options however, the group tasked with refining the representation review have agreed on the following four options. Any alteration to these options can be shown at the meeting.
60. Each option meets the fair representation test (meaning that where there is more than one General Ward proposed, the population per councillor across the General Wards meets the +/-10% rule).
61. The Māori Ward is included in all options.

62. The Mayor is elected at large and is not included in any of the options.

### Blenheim Ward Boundary

63. If the Blenheim Ward boundary is to remain as it currently is, then there needs to be an adjustment to include residential subdivisions (e.g. Omaka Landing and the current developed [or in the process of being developed] portion of Rose Manor) currently within the Wairau-Awatere Ward, but are contiguous with the periphery of the urban area.
64. These subdivisions are considered to be more of a community of interest with the Blenheim Ward.
65. The meshblocks concerned are 4013645, 4013646, 4013647, 4013650 and 4013651 (Omaka Landing); and 4013655, 4013657, 4013658, 4013659 and 4013660 (Rose Manor).
66. It is estimated that a population figure of 700 would need to be transferred from the Wairau-Awatere Ward to the Blenheim Ward.
67. This means that the population of the Wairau-Awatere is reduced from 12,250 to 11,550 and the Blenheim Ward is increased from 26,400 to 27,100.

### Option One (preferred option)

68. Option 1 is based on current wards, along with the Māori Ward, with 13 Councillors (same number as present).
69. All wards comply with the “+/- 10% population formula”, including the Māori Ward (which does not need too).
70. The Marlborough Sounds Ward complies with the “+/- 10% population formula” with the reduction of the number of Councillors to two. No allowance has been made for an additional Councillor for an isolated community pursuant to s 19V(3) of the LEA.

#### Option 1 (Current Ward System + Māori Ward (total membership of 13))

	Population	Councillors	Ratio	+/- #	+/- %
Sounds	8,020	2	4010	121	3.11%
Wairau-Awatere	11,550	3	3850	-39	-1.01%
Blenheim	27,100	7	3871	-18	-0.46%
Māori Ward	3,570	1	3570		
	<b>50,240</b>	<b>13</b>	<b>3865</b>		
	-10%		3500		
	+10%		4278		

#### Advantages

71. All wards comply with the “+/- 10% population formula”, including the Māori Ward (which does not need too).
72. The District electors will recognise the Ward structure (as per previous elections).
73. Serves the “communities of interest” the electors already identify with.
74. STV works well with multiple candidate elections.

#### Disadvantages

75. Marlborough Sounds Ward representation is reduced to two (in line with the population formula).
76. No allowance has been made for isolated communities.
77. The Māori Ward electors only have one election (apart from the Mayor).

## Option Two

78. All Councillors elected at large.

### Option 2 (At large + Māori Ward (total membership of 13))

	Population	Councillors	Ratio
At large	46,670	12	3889
Māori Ward	3,570	1	3570
	<b>50,240</b>	<b>13</b>	<b>3865</b>
-10%			3500
+10%			4278

### Advantages

79. Simple system.

80. Electors may feel connected with a wider number of Councillors (than under the ward system).

81. STV works well.

### Disadvantages

82. The District electors will be unfamiliar with electing councillors at large as Marlborough has had a similar ward structure since its inception.

83. Electors may consider their unique community of interest based representative to be lost.

84. The Māori Ward electors only have one election (apart from the Mayor).

## Option Three

85. Option 3 is a mixed system – along with the Māori Ward there is also a General Ward (that is elected at large) and a Ward structure that is similar to the current configuration.

86. Any more than one General Ward would require an increase in the total number of Councillors.

87. For example if there are two at large Councillors then 14 Councillors would be required.

### Option 3 (Current Ward System + Māori Ward + 1 At Large (total membership of 13))

	Population	Membership	Ratio		
Sounds	8,020	2	4010	-233	-5.49%
Wairau-Awatere	11,550	3	3850	-393	-9.26%
Blenheim	27,100	6	4517	274	6.46%
At Large		1			
Māori Ward	3,570	1	3570		
	<b>50,240</b>	<b>13</b>	<b>3865</b>		
-10%			3818		
+10%			4667		

### Advantages

88. All wards comply with the “+/- 10% population formula”.

89. Gives the Māori Ward voters another option to vote for.

### Disadvantages

90. Both Marlborough Sounds Ward and Blenheim Ward representation is reduced by one.

91. Complicated system.

## Option Four

92. Option 4 involves the amalgamation of the Marlborough Sounds and Wairau-Awatere Wards into one non-urban ward, with the Blenheim Ward staying basically the same.

### Option 4 (Combined non-urban and Blenheim Ward System + Māori Ward (total membership of 13))

	Population	Membership	Ratio		
Non-urban	19,570	5	3914	25	0.64%
Blenheim	27,100	7	3871	-18	-0.46%
Māori Ward	3,570	1	3570		
	<b>50,240</b>	<b>13</b>	<b>3865</b>		
	-10%		3500		
	+10%		4278		

### Advantages

93. All wards comply with the “+/- 10% population formula”, including the Māori Ward (which does not need too).

94. STV works well with multiple candidate elections.

### Disadvantages

95. Amalgamation of Marlborough Sounds and Wairau-Awatere Wards into one ward, with each losing its identity.

96. The Non-urban Ward contains a number of unique communities of interest.

97. The Māori Ward electors only have one election (apart from the Mayor).

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