

Kenepuru & Central Sounds



Kenepuru & Central Sounds Residents Association Inc.

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Dear Peter

Dear Sir

Submission - Representation Review for 2022 - Marlborough Sounds Ward

I am writing this submission in my capacity as President of the Kenepuru and Central Sounds Residents' Association (KCSRA).

Executive Summary

For the reasons outlined below, KCSRA seeks a variation to Councils Initial Proposal - Option One. Namely (deletions and additions marked) that:

Council resolve to ~~continue with~~ increase the present membership of thirteen (13) Councillors elected by wards by one (1) (~~including~~ the Marlborough Maori Ward), with the Mayor elected from the district as a whole.

KCSRA submits that the current ward structure (three (3) ward Councillors for the Marlborough Sounds Ward) with the addition of the new Maori Ward Councillor needs to be retained.

Background

The Association was established in 1991, and currently has approximately 300 household members who live full-time or part-time in the Kenepuru and Pelorus Sounds. The Association's objectives include, among others, to coordinate dealings with Central and Local Government and promote the interests of members. We are an active organisation as can be seen from our website - www.kcsra.org.nz.

Discussion

KCSRA **strongly oppose** the reduction of one (1) Councillor for the Marlborough Sounds Ward. Council have used Section 19V(2) of the Local Electoral Act as the basis for the proposal to reduce the Marlborough Sounds Ward representation.

In the 2001, 2010 and 2016 Representation Reviews the Local Government Commission, notwithstanding section 19V(2), upheld **the retention** of three Councillors for the Marlborough Sounds Ward through the application of Section 19V(3)(i).

We set out both sections as follows:

*“19V(2) For the purposes of giving effect to subsection (1), the territorial authority or regional council and, where appropriate, the Commission must ensure that the population of each ward or constituency or subdivision, divided by the **number of members to be elected by that ward** or constituency or subdivision, produces a figure **no more than 10% greater or smaller** than the population of the district or region or local board area or community divided by the total number of elected members (other than members elected by the electors of a territorial authority as a whole, if any, and the mayor, if any).”*

19V(3)

Despite subsection (2),—

(i)

*non-compliance with subsection (2) is required for effective representation of communities of interest within island communities or **isolated communities** situated within the district of the territorial authority; or”*

Councils' justification for not applying Section 19V(3)(i) as previous reviews have done seems to be based on an understanding that *“improvements in communication and the ability of all elected members to attend to community matters in the Sounds area”* no longer meant the Marlborough Sounds Ward was considered an isolated community. We note the how the aftermath of the July storm has underlined **the fallacy** of this statement. Some 14 weeks later strategic sections of Kenepuru Road are still closed.

Accordingly, KCSRA strongly opposes this view and provides the following information in support of our view to the contrary.

2016 Local Government Commission Determination

- *It is self-evident that the Marlborough Sounds is an island or isolated community of interest where effective representation of communities of interest justify a variation from the +/-10% rule;*
- *Non-compliance in this case is not a breach of the Act, it is exactly the type of situation that section 19V(3) was designed for;*
- *It has been a well-established arrangement for the Marlborough Sounds since at least 2001 and was upheld by the Commission in 2001 and 2010;*
- *Of 18 submissions to the Council's proposal only one was against with 15 specifically in favour;*
- *Nothing has changed in relation to the nature of the Sounds since the 2010 Commission decision;*
- *The appellant's proposed arrangements would comply with the +/-10% rule but at the cost of effective representation for the Marlborough Sounds Ward;*

- *The Marlborough Sounds includes 20% of New Zealand's coastline and is intricately woven making travel by both road and boat difficult.*

KCSRA contend that the rationale for retaining three (3) Councillors has not significantly changed since the previous Representation Review, especially in relation to community isolation based on access and communications.

Accessibility

The Sounds remains an isolated area with significant stretches of unsealed road and frequent road closures after heavy rain. As noted, recent long-term road closures in Okiwi Bay, Queen Charlotte and Kenepuru Sounds highlight the significant issues with maintaining reliable access. In the case of the latter, in July 2021 a State of Emergency existed for many weeks before being transitioned to a recovery phase. Large numbers of residents are still without road access over three (3) months later.

COVID limitations have further exacerbated this sense of isolation. Earthquakes pose another risk to cutting off rural communities. In the future such events cannot be ruled out and would isolate the Sounds and Rural Communities to a much greater degree at a time when urban Councillors will be fully occupied looking after problems in township areas. The Kaikoura earthquake highlighted this with small groups and farmers being isolated for days before checks could be made.

Based on the above there is little evidence that reliable access has improved - community isolation remains a real and significant issue.

Communications

Telecommunications within the Sounds remain poor with many areas having very limited or no access to Internet and cellular communications. Cell coverage via the main providers Vodafone and Spark is extremely patchy. Where available, the signal quality is barely adequate for internet access especially for downloading files and video links (e.g. Zoom). In many areas residents have to band together to rig up their own Internet connections.

The situation is compounded by power cuts which are a common occurrence in the Sounds. Furthermore, reception is generally worst in times of bad weather when the need for reliable communications is at its highest. Fixed wireless communications remain expensive.

Taking into account the above points the argument that face-to-face contact can be replaced by Zoom technology and justify reduced representation is incorrect and misleading.

Significant Non-Resident Ratepayer Population

Compared with the remainder of the Marlborough District, the Sounds is characterised by a high level of non-resident (but frequent visitors) ratepayers who own property in the area. These ratepayers are, we submit, entitled to a say in the services provided by the Council and to voting representation.

While some property owners are full time Marlborough residents and hence counted in the population and on the Local Body election roll, a significant proportion are not full time Marlborough residents and therefore not counted. It is important to note that these ratepayers are however entitled to register and vote on the ratepayer roll.

While we understand that the legislative basis for representation is resident population, it is submitted that in the case of the Marlborough Sounds Ward this creates a situation of under representation of the ratepayers of the area, as it does not account for non-resident ratepayers. Below is a quick calculation of the potential impact on the population/Councillor ratio if all ratepayers are considered.

Marlborough Sounds Ward	
Electoral Population*	8020
Electoral Population/Household	1.5
Number of Ratepayer Households	5347
Total Ratepayer Dwellings**	6942
Assumed Non-Resident Ratepayer Dwellings	1595
Assumed % owned by non-Marlborough Residents	70
Number of Ratepayer Dwellings owned by non – Marlborough Residents	1117
Number of Non resident Ratepayers	1676
Electoral Population + Non Resident Ratepayers	9696
Ratepayers/Councillor (based on three (3) Councillors)	3232

*MDC Representation Review 2022

**MDC GIS Data 15102021

Conclusion

KCSRA advocates for and submits that the Council retain three (3) Councillors for the Marlborough Sounds Ward on the basis that factors, namely accessibility and communication, which identified the area as an isolated community under Section 19V(3)(i) have **not materially** changed since the last review.

Should Council decide a hearing is warranted we would attend and be represented.

Yours sincerely

Andrew Caddie
President KCSRA

Yours sincerely



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