



## LOCAL GOVERNMENT COMMISSION

# Determination

of the membership and basis of election for the  
general election of the Ruapehu District Council to be  
held on 13 October 2001

### BACKGROUND

1 The Ruapehu District Council (hereafter referred to as “the Council”), as required by section 101H of the Local Government Act 1974 (hereafter referred to as “the Act”), considered its membership and the basis of the election of the Council to apply for the general election of the Council to be held in October 2001.

2 The Ruapehu District Council elected at the 1998 general election comprises 14 members and the Mayor. The 14 members were elected as follows:

Ohura Ward	2 members
Taumarunui Ward	5 members
National Park Ward	2 members
Waimarino Ward	3 members
Waiouru Ward	2 members

3 Following its review, the Council proposed a council of 11 members elected as follows:

Ohura Ward	2 members
Taumarunui Ward	4 members
National Park Ward	1 members
Waimarino Ward	3 members
Waiouru Ward	1 members

4 The Council received one objection to its proposal from Ruapehu Federated Farmers. The objection proposed that the District comprise two wards - a North Ward electing five members and a South Ward electing three members.

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- 5 Following consideration of the objection, the Council confirmed its original proposal. It rejected the objection because it considered the proposal would be unlikely to achieve fair and effective representation of the various communities of interest making up the District. Ruapehu Federated Farmers appealed the Council's decision.

### **Preliminary Matter for Determination**

- 6 The Commission, on receiving advice of the appeals, resolved that before making a determination of the appeals that it would meet with the Council and the appellant if it wished to be heard. The Commission resolved to meet the Council and the appellant in Taumarunui on 4 December 2000.

### **The Hearing**

- 7 The Council was represented by the Mayor (Weston Kirton), Chief Executive (Chris Ryan) and the Team Leader Policy and Planning (Drew Cumming). The appellant was represented by John Fisher and Jim Walker. They were assisted by Nigel Billings of New Zealand Federated Farmers.

*The Council:* The Mayor outlined the process the Council had gone through. His comments and replies to questions may be summarised as follows:

- the process the Council had gone through had identified the communities of interest within the district by looking at a number of factors, including traditional Maori communities of interest;
- the communities of interest within the district were relatively easily identifiable. The communities of interest are in most cases divided by quite large sparsely populated areas;
- the boundary between the Ohura and Taumarunui wards was identifiable through topography and differing land uses;
- Owhango which is located on the northern boundary of the National Park Ward could have potentially been transferred to the Taumarunui Ward. However, the character of the area bears greater similarity to the remainder of the National Park Ward than the Taumarunui Ward;
- reducing the number of wards and further reducing the number of members would reduce the effectiveness and accountability of members and would not permit effective representation of the communities of interest they represented; and
- distance of roads had been included as a factor when determining the allocation of members between wards as a means of measuring the effort and time required to service wards by members.

**Federated Farmers:** The arguments put by the appellants and answers to questions may be summarised as follows:

- the current and proposed number of members is generally more than other district councils. Specific comparison was made to the Tararua, Waikato and Western Bay of Plenty district councils;
- representation is a significant overhead cost to ratepayers;
- it is difficult to reflect communities of interest using a system of multiple wards when a district is large and sparsely populated;
- the two wards proposed by Federated Farmers will simply represent larger communities of interest. Their boundaries are no less arbitrary than those of the existing wards;
- the north-south split reflects the fact that each area is served by different news media and has different telephone prefixes;
- existing wards are not able to reflect all communities of interest, e.g. rural, urban, Maori, business, retail and tourism;
- special interest groups need to be active in bringing their concerns to the Council particularly through the annual planning process; and
- under the appellants proposal communities of interest will be better served by reducing the cost of governance, the opportunity to better resource and support a smaller number of members, their ability to take a district-wide view and the opportunity to empower community boards.

## **MATTERS FOR DETERMINATION**

8 The statutory provisions in respect of these appeals are contained in sections 101K and 101L of the Act. Section 101K(1) states:

*“(1) The Commission shall before the 29<sup>th</sup> day of March of the year of each triennial 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.”*

9 The relevant provisions of section 101L are subsections (2) and (3) which state:

*“(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 2 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 Statistics New Zealand 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**

10 The Commission considers that when deciding:

- (a) whether the election of the members of a council (other than the Mayor) 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,

that 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. What the Commission has to do then is determine which communities of interest or groupings of communities of interest require representation.

11 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 for 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 constitute the predominant factor, but, if other factors are applied, different weightings 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. In the end though, the final decision must be that which the Commission considers will, after having regard to the various factors set out in the Act, provide the fairest representation on balance for the electors of each ward.

- 12 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.
- 13 The Ruapehu District is a very large and diverse area. It contains a diversity of geographical characteristics and land uses. The Commission came to the view that because of the size and diversity of the District, effective representation of the various communities of interest could only be achieved at this time by councillors being elected on a ward basis. In reaching its decision, the Commission noted that both the Council and the appellants sought a ward system for electoral purposes, albeit of different types.

### **Appropriate Ward System**

- 14 Having decided that the basis of election would be the ward system, the Commission then had to consider the number and boundaries of wards necessary to ensure the effective representation of the various communities of interest in the District. The Commission does not consider that section 101L envisages that individual communities of interest need separate representation. Its sole requirement in this regard is that the representation of communities of interest must be effective.
- 15 The Commission emphasises that wards are for electoral purposes only, and that the Council is the entity to which members are elected.
- 16 In the Commission's view, where it is appropriate for a district to be divided into wards, there should be such number as is necessary and consistent with the concept of effective representation of various communities of interest.
- 17 The Council has proposed that the District be divided into 5 wards, which would remain based on those determined by the Local Government Commission in its 1989 reorganisation scheme constituting the District. The Council considers that the proposed structure takes into account the distinct communities of interest within the District.
- 18 The appellants proposed that there be two wards:

- a Northern ward comprising the existing Ohura, Taumarunui and National Park wards; and
- a southern ward comprising the existing Waimarino and Waiouru wards.

This was argued on the basis that the north-south division reflects the broad focus of the communities concerned.

- 19 The Commission concluded that topography and the large areas in the District that are unpopulated or sparsely populated help identify some very specific communities of interest. These are largely based around the areas of the existing wards. Towns such as Ohura, Taumarunui, National Park, Raetihi, Ohakune and Waiouru help give a focus to the wards in which they are located.
- 20 Having considered the evidence presented to it at the hearing of the appeal, and other material provided to it, the Commission is satisfied that the wards proposed by the Council more or less equate to the communities of interest requiring separate representation on the Council. In coming to that conclusion, the Commission considered the distinct nature of each community and the geographical characteristics of the District.

### **Number of Members**

- 21 Having decided that there will be 5 wards, the Commission is then required to determine what would be fair representation for the electors of the various wards.
- 22 As noted above, the number of members to be elected by each ward is to be determined on the basis of providing fair representation for the electors of the various wards having regard to population and, if the circumstances so require, the rateable value and area of every ward. However, inherent in the decision to create an area as a ward is a requirement that the ward be represented by at least one member.
- 23 Given the diversity of the District the Commission has given consideration to applying factors of rateable land value and area, in addition to that of population. The weighting applied to each factor as the same as the Commission usually applies to districts with a significant proportion of rural land. The inclusion of the two additional factors of area and rateable value enable two measures of Council activity to be taken into account. The use of area as a factor enables recognition to be given to the fact that land-based activities over less densely populated areas are a significant part of the responsibilities and expenditure of the Council. The use of rateable value enables due regard to be had to people-based activities required in more closely settled areas.

- 24 The Council decided to use four factors - population, rateable land value, area and the distance of roads in each ward. It gave those factors the following weightings - 70% for population and 10% for each of the other three factors. The Commission did not consider it necessary or appropriate to use distance of roads within a ward as a factor in assessing fair representation as had been proposed by the Council. It considered the issues addressed by a roading factor were already taken into account by the use of area.
- 25 Set out below are two tables. Table 1 shows the number of members that each ward would be entitled to taking into account population only with total memberships of between 8 and 11 (excluding the Mayor). Table 2 shows that information with weightings of 75% for population, 12.5% for area and 12.5% for rateable value.

Table 1

Wards	Population	%	Members			
			8	9	10	11
Ohura	1840	11.06	0.88	1.00	1.11	1.22
Taumarunui	7110	42.73	3.42	3.85	4.27	4.70
National Park	1160	6.973	0.56	0.63	0.70	0.77
Waimarino	3880	23.32	1.87	2.10	2.33	2.56
Waiouru	2650	15.93	1.27	1.43	1.59	1.75
<b>Total</b>	16640					

Table 2

Wards	Factor Value	Members			
		8	9	10	11
Ohura	15.70	1.26	1.41	1.57	1.73
Taumarunui	35.45	2.84	3.19	3.54	3.90
National Park	8.83	0.71	0.80	0.88	0.97
Waimarino	26.44	2.12	2.38	2.64	2.91
Waiouru	13.58	1.09	1.22	1.36	1.49

- 26 The Commission considers that a reasonable degree of fairness can be achieved from a Council of 11 members as proposed by the Council allocating members using weightings of population - 75%, rateable land value - 12.5% and area 12.5%.

- 27 Having considered all aspects of the matter of representation the Commission has concluded that the membership of the Council should total 11 members and the Mayor, as proposed by the Council.

## **DETERMINATION**

- 28 Under section 101K of the Act, the Commission, determines that for the general election of the Ruapehu District Council to be held on 13 October 2001 -
- (1) The Ruapehu District as delineated on S.O. Plan 36054 deposited with the Chief Surveyor of the Wellington Land District, shall be divided into 5 wards;
  - (2) Those 5 wards shall be -

- (a) The Ohura Ward, comprising the area delineated on S.O. Plan No. 36055 deposited with the Chief Surveyor of the Wellington Land District;
- (b) The Taumarunui Ward, comprising the area delineated on S.O. Plan No. 36056 deposited with the Chief Surveyor of the Wellington Land District;
- (c) The National Park Ward, comprising the area delineated on S.O. Plan No. 36057 deposited with the Chief Surveyor of the Wellington Land District;
- (d) The Waimarino Ward, comprising the area delineated on S.O. Plan No. 36058 deposited with the Chief Surveyor of the Wellington Land District; and
- (e) The Waiouru Ward, comprising the area delineated on S.O. Plan No. 36059 deposited with the Chief Surveyor of the Wellington Land District.

(3) The Council shall comprise the Mayor and 11 members who shall be elected as follows -

- (a) two members shall be elected by the electors of the Ohura Ward;
- (b) four members shall be elected by the electors of the Taumarunui Point Ward;
- (c) one member shall be elected by the electors of the National Park Ward;
- (d) three members shall be elected by the electors of the Waimarino Ward; and
- (e) one member shall be elected by the electors of the Waiouru Ward.

29 As required by section 101L(2) of the Local Government Act 1974, 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.

## **THE LOCAL GOVERNMENT COMMISSION**

Sir Ross Jansen (Chairman)  
 Barbara Durbin (Commissioner)  
 Bruce Anderson (Commissioner)

27 March 2001