



LOCAL GOVERNMENT COMMISSION

Determination

**of the membership and basis of election for the
general election of the Ruapehu District Council to be
held on 9 October 2004**

BACKGROUND

- 1 The Ruapehu District Council (“the Council”) undertook a review of the membership and basis of election of the Council and of community boards under sections 19H and 19J of the Local Electoral Act 2001 (“the Act”). On 22 August 2003 the Council resolved the initial proposed electoral arrangements to apply for the general election of the Council to be held in October 2004.
- 2 The Council elected at the 2001 general election comprises 11 members and the Mayor. The 11 members were elected as follows:

Ohura Ward	2 members
Taumarunui Ward	4 members
National Park Ward	1 members
Waimarino Ward	3 members
Waiouru Ward	1 member
- 3 Elections were held for three community boards in the District at the 2001 general election. The boards and their membership are:
 - The Ohura Community Board – four elected members and two appointed members
 - The National Park Community Board – five elected members and one appointed member
 - The Waimarino Community Board – six elected members and three appointed members.
- 4 Following its review, the Council proposed the following electoral arrangements as its initial proposal:

Council

The Council would comprise the Mayor, and 12 members elected as follows:

Ohura Ward	2 members
Taumarunui Ward	5 members
National Park Ward	1 members
Waimarino-Waiouru Ward	4 members

Communities

The Council proposed to abolish each of the three community boards, but replace the Waimarino Community Board with a Waimarino-Waiouru Community Board.

- 5 The Council received 46 submissions to its initial proposal. The submissions covered the following range of issues:
- Support for and opposition to the proposal in full
 - Support for and opposition to the amalgamation of the Waimarino and Waiouru Wards
 - Support for and opposition to the abolition of the Ohura Community Board
 - Support for and opposition to the abolition of the National Park Community Board
 - Opposition to an increase of the number of members elected from the Taumarunui Ward
 - Amalgamate the Taumarunui and Ohura Wards
 - Support for the Ohura Ward retaining two members
 - Amalgamate the National Park, Waimarino and Waiouru Wards
 - The Waimarino-Waiouru Ward should elect five members
- 6 Following consideration of the submissions, the Council amended its initial proposal. Its final proposal was as follows:

Council

The Council would comprise the Mayor, and 11 members elected as follows:

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

Communities

The Council Ohura Community Board would be abolished. The National Park Community Board would be retained with four elected members and one appointed member.

The Waimarino-Waiouru Community Board would comprise six elected members and four appointed members.

- 7 One appeal and four appeals were received against the Council's final proposal. The subject matter of the appeal and objections included the following:
- The Ohura Community Board should be retained
 - The Waimarino-Waiouru area should be divided into four wards
 - The Taumarunui Ward should elect five members

Hearing

- 8 The Commission, on receiving advice of the appeals and objections, decided that it would meet with the Council and the appellant if they wished to be heard. A quorum of the Commission, comprising Commissioners Linda Constable and Kerry Marshall, met with the appellants in Taumarunui on 21 January 2004.
- 9 The Council, the appellant and three objectors appeared before the Commission at the hearing. The Council outlined its proposal, and the appellant and objectors spoke to their submissions.

MATTERS FOR DETERMINATION

- 10 The statutory provisions in respect of these appeals and objections are contained in sections 19R, 19I and 19J of the Act.

19R. Commission to determine appeals and objections

(1) The Commission must—

- (a) *consider the resolutions, submissions, appeals, objections, and information forwarded to it under section 19Q; and*
- (b) *subject to sections 19T and 19V in the case of a territorial authority, and to sections 19U and 19V in the case of a regional council, determine,—*
 - (i) *in the case of a territorial authority that has made a resolution under section 19H, the matters specified in that section:*
 - (ii) *in the case of a regional council that has made a resolution under section 19I, the matters specified in that section:*
 - (iii) *in the case of a territorial authority that has made a resolution under section 19J, the matters specified in that section.*

(2) For the purposes of making a determination under subsection (1)(b), the Commission—

- (a) *may make any enquiries that it considers appropriate; and*

- (b) *may hold, but is not obliged to hold, meetings with the territorial authority or regional council or any persons who have lodged an appeal or objection and have indicated a desire to be heard by the Commission in relation to that appeal or objection.*
- (3) *The Commission must, before 11 April in the year of a triennial general election, complete the duties it is required to carry out under subsection (1).*

19H. Review of representation arrangements for elections of territorial authorities

- (1) *A territorial authority must determine by resolution, and in accordance with this Part,—*
 - (a) *whether the members of the territorial authority (other than the mayor) are proposed to be elected —*
 - (i) *by the electors of the district as a whole; or*
 - (ii) *by the electors of 2 or more wards; or*
 - (iii) *in some cases by the electors of the district as a whole and in the other cases by the electors of each ward of the district; and*
 - (b) *in any case to which paragraph (a)(i) applies, the proposed number of members to be elected by the electors of the district as a whole; and*
 - (c) *in any case to which paragraph (a)(iii) applies,—*
 - (i) *the proposed number of members to be elected by the electors of the district as a whole; and*
 - (ii) *the proposed number of members to be elected by the wards of the district; and*
 - (d) *in any case to which paragraph (a)(ii) or paragraph (a)(iii) applies,—*
 - (i) *the proposed name and the proposed boundaries of each ward; and*
 - (ii) *the number of members proposed to be elected by the electors of each ward.*
- (2) *The determination required by subsection (1) must be made by a territorial authority,—*
 - (a) *on the first occasion, either in 2003 or in 2006; and*
 - (b) *subsequently, at least once in every period of 6 years after the first determination.*
- (3) *This section must be read in conjunction with section 19ZH and Schedule 1A.*

19J. Review of community boards

- (1) *A territorial authority must, on every occasion on which it passes a resolution under section 19H, determine by that resolution, and in accordance with this Part, not only the matters referred to in that section but also whether, in light of the principle set out in section 4(1)(a) (which relates to fair and effective representation for individuals and communities),—*
 - (a) *there should be communities and community boards; and*

- (b) *if so resolved, the nature of any community and the structure of any community board.*
- (2) *The resolution referred to in subsection (1) must, in particular, determine—*
 - (a) *whether 1 or more communities should be constituted:*
 - (b) *whether any community should be abolished or united with another community:*
 - (c) *whether the boundaries of a community should be altered:*
 - (d) *whether a community should be subdivided for electoral purposes or whether it should continue to be subdivided for electoral purposes, as the case may require:*
 - (e) *whether the boundaries of any subdivision should be altered:*
 - (f) *the number of members of any community board:*
 - (g) *the number of members of a community board who should be elected and the number of members of a community board who should be appointed:*
 - (h) *whether the members of a community board who are proposed to be elected are to be elected—*
 - (i) *by the electors of the community as a whole; or*
 - (ii) *by the electors of 2 or more subdivisions; or*
 - (iii) *if the community comprises 2 or more whole wards, by the electors of each ward:*
 - (i) *in any case to which paragraph (h)(ii) applies, -*
 - (i) *the proposed name and the proposed boundaries of each subdivision; and*
 - (ii) *the number of members proposed to be elected by the electors of each subdivision.*
- (3) *Nothing in this section limits the provisions of section 19F.*

- 11 When applying the provisions detailed above, the principles of the Act (set out in section 4 of the Act) need to be taken into account, particularly the principle of fair and effective representation for individuals and communities.

Consideration by the Commission

- 12 The Commission considers that when deciding the basis of election of the Council, i.e. whether the Council should be elected at large, or by wards, or partly by wards and parts at large, the criterion to be met within the terms of section 19T is the provision of effective representation of the various communities of interest within the District. The Commission must determine which communities of interest or groupings of communities of interest require representation. If wards are considered to be appropriate, then any particular ward may encompass one or more communities of interest.
- 13 Section 19V provides that the electors of the various wards within the District must receive fair representation. Section 19V(3) provides that the requirements of section 19V(2) may only be set aside in the circumstances where the Commission considers that island or isolated communities require

specific representation. The provisions of section 19(V) which are relevant to the Commission's consideration are subsections (1), (2) and (3), as follows:

19V. Requirement for fair representation and other factors in determination of membership for wards, constituencies, and subdivisions

- (1) *In determining the number of members to be elected by the electors of any ward or constituency or subdivision, the territorial authority or regional council and, where appropriate, the Commission must ensure that the electors of the ward or constituency or subdivision receive fair representation, having regard to the population of every district or region or community and every ward or constituency or subdivision within the district or region or community.*
- (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 community divided by the total number of elected members (other than the mayor, if any).*
- (3) *Despite subsection (2),—*
 - (a) *if the territorial authority or the Commission considers that the effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority so requires, wards and subdivisions of a community may be defined and membership distributed between them in a way that does not comply with subsection (2):*
 - (b) *if the regional council or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and membership distributed between them in a way that does not comply with subsection (2).*

14 The Commission notes that any preliminary ward arrangements determined to reflect communities of interest might need to change to ensure that the population to member ratio requirement of section 19V(2) is met, unless it is satisfied that island or isolated communities require separate representation to achieve effective representation.

15 The Commission's first responsibility was to decide whether or not the District should be divided into wards. If wards were to apply it then had to determine the number and boundaries of those wards to provide effective representation of communities of interest within the District.

16 The Ruapehu District covers a large and diverse area. It includes a number of different communities of interest and different landscape types. The Commission came to the view that because of the size and diversity of the District effective representation of communities of interest could only be

achieved by councillors being elected on a ward basis. In reaching this decision the Commission noted that there were no submissions or appeals objecting to this element of the Council's proposal.

Appropriate Ward System and Membership

- 17 Having decided that the basis of election would be the ward system, the Commission then considered 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 19T 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.
- 18 The Commission emphasises that wards are for electoral purposes only, and that the Council is the entity to which members are elected.
- 19 In the Commission's view, where a district is to be divided into wards, there should be such number of wards as is necessary and consistent with the concept of effective representation of various communities of interest. In this regard the requirements of section 19V(2) also need to be taken into account.
- 20 The Council has proposed the four-ward arrangement outlined in paragraph 6. Only the population-member ratio of the Waimarino-Waiouru Ward would fall within the required range of +/-10% (1170 to 1430). This is shown in the following table:

Ward	Population	Members	Ratio	Deviation
Ohura	1605	2	802	-38.26%
Taumarunui	6435	4	1609	+23.87
National Park	1029	1	1029	-15.40%
Waimarino-Waiouru	5229	4	1307	-0.57%

The Commission was therefore required to identify an arrangement that did comply with the +/-10% requirement or justify an exception on the basis that it was required to ensure the effective representation of isolated communities of interest.

- 21 The Commission first considered the overall structure of the Districts ward system.
- 22 One objector argued for the division of the Waimarino-Waiouru Ward into 4 wards. For this arrangement to result in wards that fell within the +/- 10% range the Waiouru Army Camp would need to be divided between two wards. The Commission does not consider that to be desirable. Specifically it would not meet the requirement of section 19T(b) of the Act which requires arrangements that will provide effective representation of communities of interest within the district. On a more general basis the Commission

considered that arrangement proposed involved an artificial division of communities of interest, dividing areas with a broad commonality of interest.

- 23 The Commission then considered the objections seeking an additional member for the Taumarunui Ward and the more general issues of compliance of wards with the +/-10% requirement. As the objectors' principal argument for an additional member for the Taumarunui Ward was compliance with the +/-10% requirement the issues to be considered are the same.
- 24 Non-compliance with the +/-10% requirement could be justified on the basis that the Ohura and National Park Wards constitute isolated communities of interest requiring specific representation. In considering the issue of isolation the Commission applied the following criteria:
- Physical separation alone is not isolation
 - For a community to have enhanced representation on the grounds of isolation a significant proportion of the population of the area must be isolated
 - Rural areas are not automatically isolated
 - Isolation must be evidenced by significant distance or travel time, or other physical/practical travel and/or communications difficulties or reliability problems
 - Isolation must relate to the ability of a community to receive appropriate representation by elected members
 - Isolation may justify one member instead of no separate representation for a community but caution would need to be used in allocating additional members on that basis.
- 25 The Commission considers that, while parts of both wards could be considered to be isolated, representation below the +/-10% range is not justified. In the case of National Park Ward the bulk of the population lives in close proximity to State Highway 4 with reasonable access to towns to the north and south. In the case of the Ohura Ward the issue was not whether the area should receive separate representation, it was whether the ward should be allocated a second member at a rate significantly higher than its statistical entitlement. The Commission considered that this could not be justified.
- 26 Having determined that these wards are not isolated communities requiring specific representation, and having dealt with the ward suggestion raised by the appellant, the Commission then considered it necessary to make some modifications to the Council's four-ward proposal to ensure that the requirements of section 19V(2) of the Act were met.
- 27 The Commission decided that the required modifications to the Council's ward proposal should be the minimum necessary to achieve compliance with section 19V(2). In this regard the Commission has decided to decrease the number of members to be elected from the Ohura Ward from two to one, and to transfer an area from the Ohura Ward to the National Park Ward. That area comprises the following meshblocks:

1027300	1028200
1027400	1028300
1027500	1028400
1028100	

- 28 With respect to the other wards of the District, 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.
- 29 Applying the ward changes outlined above to a total Council of 11 members (excluding the Mayor) enables the requirements of section 19V(2) to be met, as follows:

Ward	Members	Population per member	Ward Population (2001 Census)
Ohura	1	1413	1413
Taumarunui	5	1287	6435
National Park	1	1221	1221
Waimarino-Waiouru	4	1307	5229

(The population per member falls within the range of 1300+/-10% (1170 to 1430). The District's total usually resident population at the time of the 2001 Census was 14298.)

- 30 Having considered all aspects of the matter of Council representation the Commission has concluded that the membership of the Council should total 11 members elected from four wards, and the Mayor.

Community Boards

- 31 The Council proposed that the existing National Park Community Board be retained, a Waimarino-Waiouru Community Board be established and the Ohura Community Board be abolished.
- 32 The Commission is satisfied that the existing National Park Community Board and the Waimarino-Waiouru Community Board would fulfill a useful local governance function and has therefore determined the National Park and Waimarino-Waiouru areas should have community board coverage.
- 33 The appellant contended that the Ohura Community Board continued to fulfil an important role in voicing community concerns and considering Council issues affecting that community. The Commission formed the view that the area comprises a number of scattered communities. Although they may have similar interests the Commission considers that the area lacks sufficient cohesiveness to enable a community board to provide an effective form of governance. The Commission decided therefore that the Ohura Community Board should not remain in existence.
- 34 The Council proposed that the National Park Community Board should have four elected members and one appointed member. The Commission considers that this will provide effective representation for the residents of the community.

- 35 The Council proposed that the Waimarino-Waiouru Community Board should comprise six elected members and four appointed members. The Commission considers this membership to be larger than is probably required for effective governance of the board and representation of the community. It notes however that none of the submissions or objections or the appeal sought a change to this arrangement. The Commission has therefore decided that the membership proposed by the Council should be provided for in this determination.
- 36 The Council did not propose that the communities should be subdivided for electoral purposes. The Commission is satisfied that subdivisions of the communities are not required for effective representation.

GENERAL COMMENTS

- 37 The Commission encourages territorial authorities that have community boards constituted within their areas to review the functions delegated to community boards. To maximise the effectiveness of the contribution of community boards to local governance the Commission is of the view that territorial authorities should consider providing the boards with a comprehensive set of delegated functions. The Commission considers that two current examples of effective community board delegations are:
- The delegations for the Otago Peninsula Community Board, as detailed in the Commission's determination of 11 October 2001, and
 - The delegations issued by the Thames-Coromandel District Council and Christchurch City Council for the community boards constituted in their districts.

DETERMINATION

- 38 Under section 19R of the Act, the Commission determines that for the general election of the Council to be held on 9 October 2004 -
- (1) The Ruapehu District as delineated on S.O. Plan 36054 deposited with Land Information New Zealand, shall be divided into four wards;
 - (2) Those four wards shall be -
 - (a) The Ohura Ward, comprising the area delineated on S.O. Plan No. 36055 deposited with Land Information New Zealand;
 - (b) The Taumarunui Ward, comprising the area delineated on S.O. Plan No. 36056 deposited with Land Information New Zealand;

- (c) The National Park Ward, comprising the area delineated on S.O. Plan No. 335332 deposited with Land Information New Zealand;
 - (d) The Waimarino-Waiouru Ward, comprising the area delineated on S.O. Plan No. 335333 deposited with Land Information New Zealand.
- (3) The Council shall comprise the Mayor and 11 members who shall be elected as follows -
- (a) one member shall be elected by the electors of the Ohura Ward;
 - (b) five members shall be elected by the electors of the Taumarunui Ward;
 - (c) one member shall be elected by the electors of the National Park Ward; and
 - (d) four members shall be elected by the electors of the Waimarino-Waiouru Ward.
- (4) There shall be two communities as follows:
- (a) The National Park Community, comprising the area of the National Park Ward; and
 - (b) The Waimarino-Waiouru Community, comprising the area of the Waimarino-Waiouru Ward.
- (5) The membership of the community board for each community shall be as follows:
- (a) The National Park Community Board shall comprise four elected members and one member of the Council representing the National Park Ward and appointed to the community board by the Council; and
 - (b) The Waimarino-Waiouru Community Board shall comprise six elected members and four members of the Council representing the Waimarino-Waiouru Ward and appointed to the community board by the Council.

39 As required by sections 19T(b) and 19W(c) of the Act, the boundaries of the above wards and communities coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

THE LOCAL GOVERNMENT COMMISSION

Linda Constable (Commissioner)
Kerry Marshall (Commissioner)

7 April 2004

