



**LOCAL GOVERNMENT COMMISSION  
MANA KĀWANATANGA Ā ROHE**

## **Determination**

**of representation arrangements to apply for  
the election of the Ruapehu District Council  
to be held on 9 October 2010**

### **Background**

1. The Ruapehu District Council (the Council) elected at the 2007 local elections comprises the mayor and 11 councillors elected by wards as follows:

<b>Wards</b>	<b>Population*</b>	<b>Number of councillors per ward</b>	<b>Population per councillor</b>	<b>Deviation from district average population per councillor</b>	<b>% deviation from district average population per councillor</b>
Ohura	1,270	1	1,270	-7.27	-0.57
Taumarunui	6,550	5	1,310	+32.73	+2.56
National Park	1,160	1	1,160	-117.27	-9.18
Waimarino-Waiouru	5,050	4	1,262.5	-14.77	-1.16
<b>Total</b>	<b>14,050</b>	<b>11</b>	<b>1,277.27</b>		

\* based on population estimates provided by the Government Statistician as at 30 June 2006

2. There are two community boards in Ruapehu District as follows:
  - the National Park Community Board comprising four elected members and the councillor elected from the National Park Ward, with the community boundary the same as for the National Park Ward
  - the Waimarino-Waiouru Community Board comprising six elected members and the four councillors elected from the Waimarino-Waiouru Ward, with the community boundary the same as for the Waimarino-Waiouru Ward.
3. On 25 August 2009 the Council resolved, under sections 19H and 19J of the Local Electoral Act 2001 (the Act), its initial proposed representation arrangements to apply for the 2010 local elections. The proposal was for:
  - (a) 11 councillors to be elected from four new wards as follows:

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
North Rural	3,663	3	1,221	-13.1	-1.1
North Urban	5,052	4	1,263	+28.9	+2.3
South Rural	2,586	2	1,293	+58.9	+4.8
South Urban	2,274	2	1,137	-97.1	-7.9
<b>Total</b>	<b>13,575</b>	<b>11</b>	<b>1,234.1</b>		

\* Based on the ordinarily resident population as shown in the 2006 census.

- (b) disestablishment of the National Park and Waimarino-Waiouru community boards.
4. The Council received 28 submissions on its initial proposal. It held hearings in Taumarunui on 20 October and Raetihi on 27 October 2009. An analysis of the submissions showed that:
    - approximately half supported the Council's proposed ward and membership arrangements and approximately half supported the status quo ward and membership arrangements
    - approximately one-third supported the disestablishment of community boards and approximately two-thirds supported retaining community boards.
  5. On 27 October 2009, the Council resolved its final proposal. The proposal was for:
    - a continuation of the existing council arrangements (11 members elected from four wards, as set out in paragraph 1 above)
    - the disestablishment of the Waimarino-Waiouru and National Park Community Boards.
  6. A total of eight appeals/objections against the Council's final proposal were received.

## Hearing

7. The Commission met with the Council and appellants at a hearing held at the Ruapehu District Council on 1 April 2010. The Council was represented by Mayor Sue Morris and Councillor Graeme Cosford. The appellants/objectors who appeared at the hearing were: Ruapehu Federated Farmers and Wanganui Federated Farmers (represented by Lyn Neeson, Tim Matthews, Jim Walker and Kelly Martyn), Lynne Pope, Ken Malcolm, the Waimarino-Waiouru Community Board (represented by Chair John Compton), Winston Oliver, and Deryck Brown. The Chair of the National Park Community Board, Shona Forbes, also addressed the Commission at the hearing.

## **Matters raised in appeals/objections and at the hearing**

8. The Council summarised the reasons for its final proposal on council membership and ward arrangements (i.e. to retain the status quo arrangements) as follows:
  - there was no compelling reason to change existing arrangements
  - there were too many potential issues associated with a change to ward and membership arrangements that had not been fully considered by the Council
  - all residents of Ruapehu District could be seen as 'rural people' that belong to a range of interlocking communities of interest that revolve around many different activities including a wide range of businesses, schools, sports, council and social services and facilities
  - the small townships of Pipiaka and Kakahi, which had close functional connections with Taumarunui, would be disadvantaged by the initial proposal for 'rural' and 'urban' wards
  - a large rural north ward (as initially proposed by the Council) created the possibility of all elected members residing in only one area of the ward while the current arrangements ensured a representative each from the Ohura and National Park Wards.
  
9. The Council summarised the reasons for its final proposal to disestablish the Waimarino-Waiouru and National Park community boards as follows:
  - the disestablishment of community boards would enable stronger connections between 10 existing resident/ratepayer groups and the Council
  - the Council successfully employed a range of consultation/engagement practices (including public forums, mayoral clinics, meetings at different locations across the district) and has positive, ongoing engagement with, for example, Federated Farmers and local Iwi
  - the Taumarunui Ward Committee had proven to be a good governance model that could be applied elsewhere in the district
  - there was no compelling groundswell of public support for retaining the community boards
  - many residents and groups would prefer to engage directly with councillors (who are ultimately responsible for decisions) rather than through a community board
  - councillors were generally well known within the district (e.g. they are often approached at supermarkets, etc)
  - the community boards did not have any powers other than to make recommendations to the Council
  - the Waimarino-Waiouru Community Board had 10 members, which created an environment that could be intimidating for some residents and community groups
  - there may be cost savings as a result of the abolition of community boards

- as an alternative to community boards, there should be a Northern Community Ward Committee (comprising the seven councillors elected from the Taumarunui, Ohura and National Park Wards) and a Southern Community Ward Committee (comprising the four councillors elected from the Waimarino-Waiouru Ward)
  - the community ward committees “would act for all intents and purposes as community boards and meet regularly with their communities”
  - by-elections were required in 2004 (National Park Community Board) and in 2007 (Waimarino-Waiouru Community Board) due to insufficient candidates standing for community board membership.
10. The objectors who opposed the Council’s final proposal for council ward and membership arrangements but supported the disestablishment of community boards, raised the following points:
- it was important to ensure representation for the distinct northern and southern areas of the district
  - the predominant community of interest distinction within Ruapehu District was between rural and urban communities of interest
  - rural communities had concerns generally restricted to roading, rating equity and fairness, and, to a lesser extent, refuse disposal and small township water schemes while, in contrast, urban ratepayers had additional concerns regarding (often large and expensive) sewerage and water plants, footpaths, stormwater and other urban amenities
  - rural residents within the existing Taumarunui Ward (including those in Pipiaka and Kakahi) risked being disenfranchised and possibly paying for things that did not concern them
  - the status quo arrangements were not cost-effective for rural residents/ratepayers and their rural communities of interest
  - the four existing wards were each centered on (and in most cases named after) an urban township (Taumarunui, Ohakune, Ohura, and National Park) with a rural periphery needed to achieve population to member equality between wards (i.e. the rural population made up the population numbers for these ‘urban’ wards) and these arrangements created barriers to the election of ‘rural candidates’
  - many rural residents had stronger associations with Wanganui than they did with the smaller township areas within their ward
  - the Council’s initial proposal:
    - created a clearer distinction between rural and urban areas and would ensure some rural representation
    - provided a more even balance of members across the four wards and would remove the single-member Ohura and National Park Wards
  - the boundaries of community boards, which aligned with ward boundaries, created barriers to the election of ‘rural candidates’
  - the community boards tended to be urban- and tourism-focused and tended not to support rural interests

- the disestablishment of community boards would provide for more cost-effective council-community engagement.
11. The appellants who opposed the disestablishment of the existing community boards but supported retention of the existing ward and council membership arrangements raised the following points:
- the need for the Waimarino-Waiouru Community Board was reinforced by:
    - distinctions between the north and south of the district (including that the majority of the population of the district and therefore the majority of councillors, resided in the north)
    - travel time of approximately 60 minutes to the main council office in Taumarunui
    - good attendance at a public meeting to discuss the representation review
    - its area being large and geographically diverse and because the community was made up of many small settlement communities (i.e. Pipiriki, Raetihi, Ohakune, Waiouru, Rangataua, Karioi, Horopito, Oroutaha, Makakahi and Ruatiti)
    - the greater diversity of business activity in the south compared to the north
    - the benefits it provided in terms of creating linkages between many small community and interest groups, facilitating engagement with the community, monitoring community issues and advocacy
  - the National Park Community Board dealt with diverse and complex issues (including those associated with tourism and rural issues) and was cost-effective
  - costs associated with community boards represented a small proportion of total Council expenditure
  - costs associated with alternative arrangements also needed to be considered (i.e. the cost of the Council operating ward committees and the cost of Council engagement with ten community groups)
  - the relationship between the Council and its community boards could be more closely examined and enhanced
  - the community boards provided a means to get more people involved in governance, which was important given the size and diversity of the district
  - there had been limited discussion about community board membership arrangements.
12. In addition, one appellant suggested there should be community boards covering the areas of a rural north ward and a rural south ward (as identified in the initial proposal) to ensure good governance and diverse representation over these large areas of difficult terrain.

## **Matters for Determination**

13. The statutory provisions in respect of objections and appeals are contained in sections 19R, 19H 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.*

**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.*

## **Consideration by the Commission**

### *Effective and fair representation*

14. A review of representation arrangements under the Act is to ensure that:
- the method adopted for the election of members (i.e. at large, wards, or a combination of both) will provide effective representation of communities of interest within the district (section 19T)
  - in determining the number of members to be elected by each ward, electors of that ward will receive fair representation (section 19V).
15. For the purpose of achieving fair representation, section 19V(2) requires that the population of each ward divided by the number of members to be elected by that ward produces a figure no more than 10% greater or smaller than the population of the district divided by the total number of elected members. The Act does not define 'effective representation' or 'communities of interest'.
16. The steps in the process for achieving effective and fair representation are not statutorily prescribed. The Commission believes that the following approach to determining representation arrangements will achieve a robust outcome that is in accordance with the statutory criteria:
- (a) identify the district's communities of interest
  - (b) determine the best means of providing effective representation of the communities of interest
  - (c) determine fair representation for electors of the district.

### *Effective representation of communities of interest*

17. Ruapehu is a large district comprising an area of 6,700 square kilometres, much of which is sparsely populated. The district has a diverse geography and land use patterns. This includes areas of farming, forestry and horticultural land, the majority of the Tongariro and Whanganui National Parks and the Waiouru Military Camp. The townships of Taumarunui and Ohakune are the most populous. However, the district also comprises many small townships or settlement areas such as National Park, Ohura, Waiouru, Raetihi and Owhango.
18. The Council's final proposal was to retain its existing membership and ward arrangements. These arrangements had been in existence since 1989, subject to adjustments in 2004 and 2007 to better comply with the requirements for fair representation (the '+/-10% rule' set out in the Act).
19. The Council's initial proposal was for the constitution of two 'urban' wards (based on the township areas of Taumarunui-Manunui and Ohakune-Raetihi) and two 'rural' wards (based on the remaining northern and southern areas of the district). This proposal was based on the notion that being either 'rural' or 'urban' was the predominant way of distinguishing between communities of interest in Ruapehu District.

20. We were not convinced by the argument made by some appellants that the existing ward and membership arrangements inhibit the Council's ability to understand and respond to the interests and concerns of its rural communities. We were told that between five and seven of the Council's current 12 members (including the Mayor) have a good awareness of rural issues (as evidenced by their backgrounds, relationships, or residence) and that the Council had a positive, ongoing relationship with Federated Farmers.
21. We believe there is greater overlap of interests between rural-based residents and communities and urban-based residents and communities than suggested by the appellants advocating for the Council's initial proposal. This overlap of interests is evidenced by, for example, the location of, and catchments for, primary schools, churches and recreational/sports and social facilities. The district's townships continue to provide rural services (as well as other basic needs, social and recreational services), while residents living within the district's townships and settlements are never far from the rural landscape.
22. The Council proposed to retain its existing total membership of 11 councillors and the Mayor. This number was generally supported in submissions and appeals/objections. We are satisfied that the existing total council membership is generally appropriate at this time.
23. We do not believe that the Council's initial proposal would improve the effective representation of communities of interest or enhance good local governance of Ruapehu District. We therefore agree with the Council that the existing ward and membership arrangements should be retained for the 2010 election. We determine accordingly.

*Fair representation for electors*

24. The relationship between these decisions on ward boundaries, the number of councillors per ward, and the population requirements of section 19V(2) is illustrated in the following table:

<b>Wards</b>	<b>Population*</b>	<b>Number of councillors per ward</b>	<b>Population per councillor</b>	<b>Deviation from district average population per councillor</b>	<b>% deviation from district average population per councillor</b>
Ohura	1,160	1	1,160	-75.5	-6.1
Taumarunui	6,350	5	1,270	+34.5	+2.8
National Park	1,120	1	1,120	-115.5	-9.3
Waimarino-Waiouru	4,960	4	1,240	+4.5	+0.4
<b>Total</b>	<b>13,590</b>	<b>11</b>	<b>1,235.5</b>		

\* based on population estimates provided by the Government Statistician as at 30 June 2009

*Communities and community boards*

25. Section 19W of the Act sets out criteria for community board reviews. These include requirements for effective representation of communities of interest within the community and fair representation for electors.
26. Currently there are two community boards in Ruapehu District. The Council proposed to disestablish both the Waimarino-Waiouru and National Park

Community Boards. It pointed to the potential for alternative, more cost-effective local governance arrangements, based on:

- an enhanced relationship between the Council and 10 identified community advocacy groups
- the establishment of a southern community ward committee<sup>1</sup> comprising the four councillors elected from the Waimarino-Waiouru Ward (to replace the Waimarino-Waiouru Community Board)
- the establishment of a northern community ward committee comprising the seven councillors elected from the Ohura (one councillor), Taumarunui (five councillors) and National Park (one councillor) Wards.

27. We note that the Council and all appellants agreed on the need to ensure specific councillor representation for the south and north of the district. This was based on the distinctiveness of the two areas of the district (e.g. greater diversity of business activity, a stronger tourism focus and increasing numbers of non-resident ratepayers in the south), distance and travel times, perceptual and historic considerations (including that a minority of the members of the Council were elected from the south of the district), and access to different services and facilities.
28. Given the nature of the Waimarino-Waiouru community, we believe that a governance structure below the district-wide level assists in dealing with local issues and in facilitating local democratic decision-making. We note that submissions to the Council's initial proposal indicated a level of local support for retaining the Waimarino-Waiouru Community Board.
29. We were not convinced that the Council's suggested alternative arrangements had been sufficiently thought through. We are not satisfied that these alternative arrangements would offer genuine and meaningful cost efficiencies. We have concerns regarding the potential effectiveness of the suggested southern community ward committee, including that the number of members (four) is too few, and that there is potential for confusion given the oath taken by councillors to serve in the interests of the district as a whole compared to the role of community boards (which is to represent, and act as an advocate for, the interests of their communities)<sup>2</sup>.
30. We believe there is scope to enhance the effectiveness of the Waimarino-Waiouru Community Board (and, as a result, the effectiveness of the Council) through a process of consideration about its powers and functions, including the delegations that may be conferred on it in accordance with clause 32 of Schedule Seven of the Local Government Act 2002. Section 40 of the Act requires the Council to consider such matters within six months of the beginning of each triennium. We determine that the Waimarino-Waiouru Community Board will be retained for the 2010 elections.
31. We note that a by-election for membership to the Waimarino-Waiouru Community Board was held in 2007 as a result of insufficient candidates standing. The Council argued that the size of this Board may be intimidating for some residents. In 2004, the Commission noted that the Board's membership

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<sup>1</sup> The Council submitted to us that "the community ward [committees] would act for all intents and purposes as community boards and meet regularly with their communities. Thereby, the community are able to engage directly with the council decision-makers."

<sup>2</sup> The role of community boards is set out in section 52 of the Local Government Act 2002

was probably larger than that required for effective governance by the Board and effective representation of the community. Accordingly, we determine that the Board will comprise four elected members and two appointed councillors.

32. One appellant suggested that subdivision of the community board area may be a mechanism to ensure better rural representation. Our analysis suggests that subdivision boundaries (which are subject to the requirements for fair representation, i.e. the '+/-10% rule') would create artificial divisions across the community. Regardless, we were told that five of the ten current members of the Waimarino-Waiouru Community Board were considered to be 'rural', with five considered to be 'urban'. Accordingly we have decided not to introduce community board subdivisions.
33. We believe that, in the context of Ruapehu District, the area of the National Park Community Board is sufficiently distinct to warrant continued community board representation. We were not convinced that the alternative governance arrangements suggested by the Council would be more cost-effective or would improve local governance and representation for this area. We believe there is scope to enhance the role of this Board as well. We would expect the future of the National Park Community Board to be a matter of focus during the Council's next representation review. Based on the information presented to us, we determine that the National Park Community Board will be retained for the 2010 election with its current membership.

#### **Commission's Determination**

34. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Ruapehu District Council to be held on 9 October 2010, the following representation arrangements apply –
  - (1) Ruapehu District as delineated on SO Plan 36054 deposited with Land Information New Zealand, is divided into four wards.
  - (2) Those four wards are:
    - (a) the Ohura Ward, comprising the area delineated on SO Plan 36055 deposited with Land Information New Zealand
    - (b) the Taumarunui Ward, comprising the area delineated on SO Plan 36056 deposited with Land Information New Zealand
    - (c) the National Park Ward, comprising the area delineated on SO Plan 335332 deposited with Land Information New Zealand
    - (d) the Waimarino-Waiouru Ward, comprising the area delineated on SO Plan 335333 deposited with Land Information New Zealand.
  - (3) The Council comprises the mayor and 11 councillors elected as follows:
    - (a) one councillor elected by the electors of the Ohura Ward
    - (b) five councillors elected by the electors of the Taumarunui Ward
    - (c) one councillor elected by the electors of the National Park Ward
    - (d) four councillors elected by the electors of the Waimarino-Waiouru Ward.

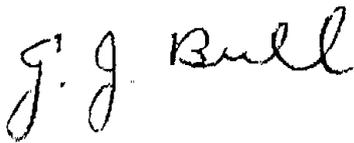
- (4) There are two communities in the district as follows:
- (a) the National Park Community, comprising the area of the National Park Ward
  - (b) the Waimarino-Waiouru Community, comprising the area of the Waimarino-Waiouru Ward.
- (5) The membership of the National Park Community Board is comprised of four members elected by the electors of the National Park Community and the member of Council representing the National Park Ward and appointed to the community board by the Council.
- (6) The membership of the Waimarino-Waiouru Community Board is comprised of four members elected by the electors of the Waimarino-Waiouru Community and two members of the Council representing the Waimarino-Waiouru Ward and appointed to the community board by the Council.

35. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, 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



Sue Piper (Chair)



Gwen Bull (Commissioner)



Grant Kirby (Commissioner)

9 April 2010