



Determination

of representation arrangements for the election of the
Ruapehu District Council to be held on 8 October 2022

Background

1. All territorial authorities are required under sections 19H and 19J of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years. Representation reviews are to determine the number of councillors to be elected, the basis of election for councillors and, if this includes wards, the boundaries and names of those wards. Reviews also include whether there are to be community boards and, if so, arrangements for those boards. Representation arrangements are to be determined to provide fair and effective representation for individuals and communities.
2. The Ruapehu District Council (the Council) last reviewed its representation arrangements prior to the 2016 local authority elections. In October 2020 it also resolved to establish Māori wards. Accordingly, it was required to undertake a review prior to the next elections in October 2022.
3. The Commission last made a determination in relation to the Council's representation in 2016. The Council's current representation arrangements have been in place since 2004 and comprise a mayor and 11 councillors elected as follows:

| Ward | Electoral population estimate* | Number of councillors per ward | Population per councillor | Deviation from district average pop ⁿ per councillor | % deviation from district average pop ⁿ per councillor |
|-------------------|--------------------------------|--------------------------------|---------------------------|---|---|
| Ohura | 1,130 | 1 | 1,130 | -2 | -0.18 |
| Taumarunui | 6,000 | 5 | 1,200 | 68 | +6.01 |
| National Park | 1,110 | 1 | 1,110 | -22 | -1.94 |
| Waimarino-Waiouru | 4,210 | 4 | 1,053 | -79 | -6.98 |
| Total | 12,450 | 11 | 1,132 | | |

*Based on Tauranga Aotearoa Stats NZ 2014 electoral population estimates

4. The current arrangements include two community boards, being:
 - the National Park Community Board, with four elected members and one appointed member;

- the Waimarino-Waiouru Community Board, with four elected members and two appointed members.

Current review: Council process and proposal

Preliminary consultation

5. The Council held workshops in June 2021 to gather feedback and consider options for the initial proposal.
6. In August 2021 the Council indicated its preferred option for its initial proposal, being a council of eight members plus the mayor with two members elected from a district-wide Māori ward and six members elected from a district-wide general ward.
7. Community hui were held in mid-August 2021 to discuss the Council's preferred option and gather feedback.

The Council's initial proposal

8. On 25 August 2021 the council resolved as its initial representation proposal a council comprising eight members elected from two district-wide wards, plus the mayor. The Council also resolved to include four community boards in its representation proposal, being the two current community boards and two additional community boards.
9. The initial proposed arrangements were as follows:

| Ward | Electoral population estimate* | Number of councillors per ward | Population per councillor | Deviation from district average pop ⁿ per councillor | % deviation from district average pop ⁿ per councillor |
|-----------------|--------------------------------|--------------------------------|---------------------------|---|---|
| Ruapehu General | 8,980 | 6 | 1,497 | N/A | N/A |
| Ruapehu Māori | 3,830 | 2 | 1,915 | N/A | N/A |
| Total | 12,810 | 8 | | | |

*Based on Tauranga Aotearoa Stats NZ 2020 electoral population estimates

10. The community boards included in the Council's initial proposal were:
 - the Ōhura-Ngapuke Community Board (with four elected members and one appointed member)
 - the Taumarunui Community Board (with four elected members and one appointed member)
 - the National Park Community Board (with four elected members and one appointed member)
 - the Waimarino-Waiouru Community Board (with four elected members and one appointed member).

11. The Council notified its proposal on 8 September 2021 and received 85 submissions by the deadline of 8 October 2021. Twenty-three submitters were heard by the Council on 20 October 2021.
12. Of these, 13 submissions supported or were neutral on the Council’s initial proposal and 72 did not support all aspects of the proposal.
13. Key themes in the submissions were:
 - a. Concern regarding the overall number of elected members, with 38 submissions seeking an increase to a council of nine members plus the mayor and six submissions seeking an increase to a council of 10 or more members plus the mayor.
 - b. Concern regarding the level of Māori representation, with 32 submissions seeking an increase in the number of Māori ward members.
 - c. Concern regarding geographic ward representation across the region, with 37 submissions indicating opposition to a single general at-large ward, 19 submissions requesting geographic ward representation and three submissions specifically requesting a return to the current four-ward arrangement.
 - d. Twenty-nine submissions indicated support for the proposed community boards, with three against grouping Ōhura and Ngapuke together into a community.
14. On 10 November 2021 the Council met to deliberate on submissions and agreed to amend the representation proposal in response to submissions. The amendments included an increase in the overall number of members to 11 plus the mayor, the inclusion of two general wards alongside a district-wide Māori ward, and a decrease in the number of community boards to three.

The Council’s final proposal

15. The Council’s final representation proposal was:

| Ward | Electoral population estimate* | Number of councillors per ward | Population per councillor | Deviation from district average pop ⁿ per councillor | % deviation from district average pop ⁿ per councillor |
|--------------------------|--------------------------------|--------------------------------|---------------------------|---|---|
| Taumarunui-Ōhura General | 4,820 | 4 | 1,205 | 82 | +7.30 |
| Waimarino General | 4,180 | 4 | 1,045 | -78 | -6.95 |
| Total General | 8,980 | 8 | 1,123 | | |
| Ruapehu Māori | 3,830 | 3 | 1,277 | N/A | N/A |
| Total | 12,810 | 11 | | | |

*Based on Tauranga Aotearoa Stats NZ 2020 electoral population estimates

16. The Council also resolved to establish the following community boards:
- the Taumarunui-Ōhura Community Board (with seven elected members and one appointed member)
 - the Ōwhango-National Park Community Board (with four elected members and one appointed member)
 - the Waimarino-Waiouru Community Board (with five elected members and one appointed member).
17. The Council publicly notified its final proposal on 11 November 2021.

Appeals/objections against the council's final proposal

18. Three appeals and two objections received on the Council's final proposal were considered valid or partially valid and covered the following matters:
- a. Concern regarding the proposed number of members for the Council, with one appeal requesting an increase to 12 members plus the mayor, and two appeals/objections requesting a decrease to nine members plus the mayor;
 - b. Concern regarding the proposed Taumarunui-Ōhura General and Waimarino General Wards, with four appeals/objections expressing a preference for a single district-wide general ward and three also expressing concern at the proposed boundary between the two wards should geographic ward representation be deemed necessary for the district
 - c. Comments regarding the proposed community boards, with one appeal requesting a different number of members for each board.
19. The Council referred the appeals and objections to the Commission, in accordance with section 19Q of the Act.

Hearing

20. The Commission met with the Council and the three appellants who wished to be heard at a hearing held online on 8 February 2022. The Council was represented at the hearing by Mayor Don Cameron. He was supported by Chief Executive, Clive Manley and Executive Manager Community and Economic Development, Pauline Welch.
21. The following appellants appeared at the hearing:
- a. Fiona Kahukura Chase
 - b. Peter Zimmer
 - c. Tim Leahy

Matters raised at the hearing

22. Mayor Don Cameron explained the process the Council had followed in carrying out its representation review and reaching its final proposal. He emphasised the following points:
- a. The Council had a strong relationship with the Ruapehu Māori Council and had its support in establishing Māori wards in the district. The establishment of Māori wards meant that the Council needed to take a fresh look at the representation arrangements for the district, as it would not be possible to maintain the current ward arrangements and meet the +/-10% rule without a large increase in the number of members.
 - b. In previous reviews, the Council had considered abolishing community boards altogether. The Council had since undertaken a Liveability Study focused on communities across the district, and a different approach was taken to this review with an emphasis on place-making and strengthening local communities. The Council felt that representation in the district could be enhanced by an increased number of strengthened community boards with extensive delegated powers. It was felt that Community Boards could work alongside the Māori Council to ensure strong links between Council and communities.
 - c. Having strengthened community boards was behind the Council's initial proposal for a reduced number of members, from 11 to eight, with six general ward members and two Māori ward members. It was felt that with stronger community boards, the Council could focus on strategic governance matters, and a smaller number of members would result in greater efficiency and effectiveness. It was felt that a smaller number of members was best achieved through district-wide general and Māori wards.
 - d. The Council had responded to submissions against its initial proposal by increasing the number of members in its final proposal from eight back to 11, being eight general ward members and three Māori ward members. A northern Taumarunui-Ōhura General Ward and a southern Waimarino Ward were included in the Council's final proposal, as it was felt that the district may be too large for general members to be elected from a district-wide ward. However, the Council had noted strong support for having a district-wide Māori ward.
 - e. The Council had proposed a north/south ward model to reflect the current ward boundary between the Taumarunui and National Park Wards. The Council felt it was important to have an even spread of members elected from each ward and moving the ward boundary further south would result in an uneven split of members between the two wards.
 - f. While the Council had moved from eight members in its initial proposal to 11 members in its final proposal, consideration had not been given to whether there was any merit in increasing the number of councillors to 12, being eight general ward members and four Māori ward members.

- g. The Council anticipated that a model including strengthened community boards would result in increased rural and Māori interest and participation in community boards and would also provide a pathway for residents in the district to become involved in governance of the district.
 - h. In the Council's final proposal, different numbers of members had been assigned to each proposed community board in response to submissions on the initial proposal. The Council preferred to have just one appointed member for each board and was open to the appointed member coming from either the Māori ward or the appropriate general ward.
23. The appellants appearing at the hearing emphasised the following points in opposition to the Council's proposal:
- a. Fiona Kahukura Chase spoke about the social inequalities faced by Māori across the district, and the importance of taking an equity-restoring approach with a greater number of Māori seats around the table as a first step towards resolving some of these issues. She said there had been extensive engagement leading up to the decision to establish Māori wards, and for the initial proposal to include just two Māori ward members felt insulting. She emphasised her support for a Council of 12 members, with four Māori ward members, as a step towards healing in the community.
 - b. Peter Zimmer expressed his support for the Council's initial proposal aside from the size of the Council, which he felt should be nine members (six general ward members and three Māori ward members). He supported a smaller Council focused on governance matters, with stronger community board representation alongside increased delegated powers, and felt that there had not been a compelling case for increasing the number of members to 11 in the final proposal. He considered that the proposed north/south ward boundary split was artificial and did not represent established communities of interest, some of which would be split by the ward proposal.
 - c. Tim Leahy expressed his support for the community boards as proposed by the Council, and for having three Māori ward members. However, he did not support the proposed north/south ward split and felt that it would split communities of interest, particularly around the Ōwhango area. He added that there was historically north/south parochialism in the district and that the proposed ward structure would perpetuate this. Instead, he expressed support for a district-wide general ward.

Matters for determination by the Commission

24. Section 19R of the Act makes it clear that the Commission, in addition to consideration of the appeals and objections against a council's final representation proposal, is required to determine, in the case of a territorial authority, all the matters set out in sections 19H and 19J which relate to the representation arrangements for territorial authorities. This interpretation was reinforced by a 2004 High Court decision which found that the Commission's role is not merely supervisory

of a local authority's representation arrangements decision. The Commission is required to form its own view on all the matters which are in scope of the review.

25. The matters in the scope of the review are:
- the number of councillors
 - the area and boundaries of wards and the number of members to be elected from each ward
 - whether there are to be community boards
 - if there are to be community boards, the area and boundaries of their communities, and the membership arrangements for each board.
26. Appeals/objections to the Council's final proposal raise the following overarching issues for the Commission to resolve:
- a. The number of councillors
 - b. Whether there is to be geographic representation by wards, or district-wide general and Māori wards
 - c. Arrangements relating to community boards, including the number of community boards, their names, boundaries and the number of members.

Key considerations

27. Based on the legislative requirements, the Commission's *Guidelines for local authorities undertaking representation reviews* (the Guidelines) identify the following three key factors when considering representation proposals:
- a. communities of interest
 - b. effective representation of communities of interest
 - c. fair representation for electors.

Communities of interest

28. The Guidelines identify three dimensions for recognising communities of interest:
- a. *perceptual*: a sense of identity and belonging to a defined area or locality as a result of factors such as distinctive geographical features, local history, demographics, economic and social activities
 - b. *functional*: ability of the area to meet the needs of communities for services such as local schools, shopping areas, community and recreational facilities, employment, transport and communication links
 - c. *political*: ability to represent the interests of local communities which includes non-council structures such as for local iwi and hapū, residents and ratepayer associations and the range of special interest groups.
29. We note that in many cases councils, communities and individuals tend to focus on the 'perceptual' dimension of communities of interest. That is, they focus on what

intuitively they 'feel' are existing communities of interest. While this is a legitimate view, more evidence may be required to back this up. It needs to be appreciated that the other dimensions, particularly the 'functional' one, are important and that they can also reinforce the 'sense' of identity with an area. In other words, all three dimensions are important but should not be seen as independent of each other.

30. In addition to demonstrating existing communities of interest, evidence also needs to be provided of *differences* between neighbouring communities, i.e. that they may have "few commonalities". This could include the demographic characteristics of an area (e.g. age, ethnicity, deprivation profiles) and how these differ between areas, and evidence of how different communities rely on different services and facilities.
31. There is a long history of clearly identified communities in the Ruapehu District. The district is large in terms of its geographic area but with a small population spread across different communities - at the hearing the Council identified nine towns with smaller townships in adjoining rural areas. Many of the towns identify with specific geographic features, including the mountains of the Tongariro National Park and the Upper Whanganui River.
32. The natural geography of the district assists with grouping communities within the district into three general areas. These are the communities south of the Tongariro National Park, following the current Waimarino-Waiouru Ward; communities grouped to the west of the mountains, following the current National Park Ward; and communities north-west of the mountains, equating with the current Ōhura and Taumarunui Wards. These groupings are reflected in the Council's proposed community board arrangements.
33. Overlaying the geographic spread of communities identified above are commonalities throughout the district that also suggest a district-wide community of interest at a higher level. These include a shared focus on rural and tourist activities across the district, common challenges relating to environmental management and social factors such as housing issues and social deprivation across the region.
34. We are satisfied that the Council has adequately identified communities of interest in the district through its representation review process. The main question for us to consider relates to whether the Council's final proposal results in effective representation of these communities of interest or whether effective representation of communities of interest would be better served with a different representation model.

Fair and effective representation of communities of interest

35. For the purpose of achieving fair representation for the electors of a district, section 19V(1) of the Act requires that the population of each ward divided by the number of members to be elected by that ward must produce a figure no more than 10 per cent greater or smaller than the population of the district divided by the total number of members (the '+/-10% rule').
36. However, section 19V(3)(a) permits non-compliance with the '+/-10% rule' for territorial authorities in some circumstances. Those circumstances are where:

- a. non-compliance is required for effective representation of communities of interest within island communities or isolated communities
 - b. compliance would limit effective representation of communities of interest by dividing a community of interest
 - c. compliance would limit effective representation of communities of interest by uniting two or more communities of interest with few commonalities.
37. We note that the proposed general wards in the Council's final proposal both meet the +/-10% rule. The +/-10% rule does not apply to a representation model that includes a single district-wide general ward and a single district-wide Māori ward, as sought by several of the appellants.
38. In relation to effective representation, section 19T of the Act requires the Commission to ensure that:
- a. the election of members of the council, in one of the ways specified in section 19H (i.e. at large, wards, or a combination of both) will provide effective representation of communities of interest within the district
 - b. ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
 - c. so far as is practicable, ward boundaries coincide with community boundaries (where they exist).
39. 'Effective representation' is not otherwise defined in the Act. The Commission sees this as requiring consideration of factors including an appropriate number of elected members and an appropriate basis of election of members for the district concerned (at large, wards, or a mix of both).
40. The Commission's Guidelines note that what constitutes effective representation will be specific to each local authority but that the following factors should be considered:
- a. avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents' familiarity and identity with an area
 - b. not splitting recognised communities of interest between electoral subdivisions
 - c. not grouping together two or more communities of interest that share few commonalities of interest
 - d. accessibility, size and configuration of an area including access to elected members and vice versa.
41. The issues emphasised in appeals and objections received against the Council's final proposal go to the very heart of questions of effective representation of communities of interest. The major questions before us in the hearing related to:

- The appropriate number of elected members required to provide effective representation for communities of interest in the district; and
 - Whether district-wide general and Māori wards would provide effective representation for communities of interest or whether geographic ward representation was required.
42. We note that the Council's representation review process was undertaken with a set of guiding principles that focused on effective representation and ensuring a closer connection between the communities of interest in the district and the Council. The Council report regarding the Council's initial proposal identified that the Council aimed to:
- a. Enhance the focus on governance, Council's strategic vision and quality decision-making by paring back the Council to a smaller group;
 - b. Provide greater connection to and enhanced representation for communities of interest in the district through a greater number of community boards with increased and extensive delegated power;
 - c. Amplify the oath sworn by all elected members to act in the best interests of the district through all members being elected via district-wide general and Māori wards; and
 - d. Provide a pathway for future elected members through a greater number of community boards allowing more residents to gain experience and knowledge of Council activities and processes.
43. We examine the issues relating to the number of elected members and the representation model in turn below.

Number of elected members

44. Within the scope of a representation review, councils can achieve effective representation of communities of interest by having members elected by wards, at large, or a mixture of wards and at large. As the Ruapehu District Council has resolved to establish Māori wards, it must also establish at least one general ward.
45. While not a prescribed statutory requirement, the Guidelines suggest that local authorities consider the total number of members, or a range in the number of members, necessary to provide effective representation for the district as a whole. In other words, the total number of members should not be arrived at solely as the product of the number of members per ward, if there are to be wards.
46. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 members, excluding the mayor. The Council comprised a mayor and 14 councillors on its constitution in 1989 but has been maintained as a Council of 11 members plus the mayor elected from four wards since 2004.
47. The Council's initial proposal was for eight members, being six general ward members and two Māori ward members, plus the mayor. This was extended in the

final proposal to a council of 11 members, being eight general ward members and three Māori ward members, plus the mayor.

48. Conversely, appellants request either a council of nine members, being six general ward members and three Māori ward members plus the mayor, or a council of 12 members, being eight general ward members and four Māori ward members plus the mayor.
49. At the hearing the reasons put forward by appellants for a council of nine members were to seek to achieve the Council's vision of a smaller, strategically-focused Council supported by strong community boards. The reason for an increase to nine from the Council's initial proposal of eight members was to include an additional Māori ward member to strengthen the Māori voice at the Council table. The reasons put forward for a council of 12 members focused on increasing the number of Māori ward members to four, to provide greater focus on issues relating to Māori in the district and as a step towards achieving equity for Māori in the district.
50. We heard from the Council that the final proposal increased the number of members from eight to 11 in response to submissions against the number of members in the initial proposal. The Council explained that an 11-member council would provide for a diversity of views but no details were provided as to why a council of 11-members was preferred over a council of nine or 10 members. The Council confirmed, however, that no consideration had been given to a larger council of 12 members.
51. We acknowledge that the Council's initial proposal for a smaller number of councillors was motivated by an intent to enhance representation by strengthening community boards. We consider that strengthened community boards with enhanced delegated powers could help to create more resilient communities, especially in a sparsely-populated district such as Ruapehu. We commend the Council for the vision for community boards that underpinned the reduced number of councillors in its initial proposal.
52. We also acknowledge the strength of the arguments put forward by appellants in requesting an increased number of Māori ward members at the council table. We acknowledge in particular the issues faced by Māori in the district as articulated by Fiona Kahukura Chase, and we agree that enhancing the number of Māori ward representatives at the council table would both assist the council in understanding and addressing the issues faced by Māori across the district and strengthen the Council generally.
53. We are concerned that increasing the number of members of the council to 12 plus the mayor may result in over-governance for the district. We suspect that a council of this size could overshadow the notion of strengthened community boards and might detract from the strategic, governance-focused Council encapsulated in the vision underpinning the Council's initial proposal. However, we also share these concerns with a Council of 11 members plus the mayor, as per the Council's final proposal.
54. We note that in the model put forward by Fiona Kahukura Chase, the four Māori ward members would equate to one third of the members of the council. With the

Māori Electoral Population accounting for approximately one-third of the overall population, we consider it important to achieve a similar proportion of members at the council table.

55. This can be achieved through a council of nine members, being six general ward members and three Māori ward members, plus the mayor. We consider a council of nine members can both achieve the strategic focus sought by the council, whilst also placing an appropriate focus on the issues faced by Māori in the district and ensuring there is a clear Māori voice influencing and enhancing the Council's strategic focus.
56. Accordingly, we uphold a council of nine members plus the mayor, comprised of three Māori ward members and six general ward members.

Representation model – geographic ward representation or district-wide wards?

57. The Ruapehu District has a strong history of ward representation, with three of the current four wards in place since 1989, and the previous Waimarino and Waiouru Wards combining to form the current Waimarino-Waiouru Ward in 2004. The Commission has previously found that the current ward structure can be seen to represent distinct communities of interest in the district that residents have a sense of identity with and belonging to.
58. We acknowledge that both options relating to the general electoral population before us, being either a two-ward system divided along a north/south boundary or a district-wide general ward, represent a major change the representation arrangements for the district. The question for us is which of these arrangements will result in more effective representation for communities of interest in the district.
59. We note that the initial proposal included a district-wide Māori ward, and there appears to have been reasonably high levels of support for this in submissions to the initial proposal. There are no appeals on this point, and we uphold a district-wide Ruapehu Māori Ward, to elect three members.
60. With regards to the general electoral population, we note that it is impossible to continue the current four ward model without significant deviation from the +/-10% rule for three of the current wards, with variances ranging from +33.27% to -44.56%. We do not consider that variances from the +/-10% rule to such significant levels would be justified. While the district is vast and sparsely populated, and some parts of the district are arguably isolated, we do not consider that the wards can be considered sufficiently isolated from each other to justify departures from the +/-10% rule to these magnitudes.
61. At the hearing, arguments put forward by the Council for the proposed Taumarunui-Ōhura and Waimarino Wards focused on feedback from submissions to the initial proposal that indicated a general preference for ward representation. The Council noted that the proposed ward boundary followed a current ward boundary line, thereby representing a boundary line that was familiar to electors, and would result in equal numbers of members being elected from the north and south of the district.

62. Arguments put forward by appellants at the hearing for a single district-wide general ward emphasised that there was also a district-wide community of interest, with a number of common issues facing the district, which would be better served by district-wide general and Māori wards. Appellants suggested that strengthened community boards across the district would ensure effective representation of each community, but that the strategic focus of Council was best served by district-wide representation. Appellants argued that the STV voting system would allow electors to choose the best candidates from across the district and would deliver a balance of voices from across the district.
63. Appellants also argued that, in the event that a ward system was found to be necessary for the Ruapehu District, that the proposed ward boundary line would not result in effective representation of communities and instead would split several communities of interest. In particular, we heard that the community of Kakahi would be split, with most being included in the Taumarunui-Ōhura Ward but the southern portion being included within the Waimarino Ward.
64. We also heard that residents around the Ōwhango area identified strongly with Taumarunui in both a perceptual sense as well as a functional sense, with residents feeling connected to, and seeking services from Taumarunui rather than the southern parts of the district. However, the proposed ward boundary would include Ōwhango in the southern Waimarino Ward, splitting the community from its identified community of interest.
65. Two of the appellants also identified that the district has previously suffered from a sense of north/south parochialism, which they feared would be intensified with the proposed ward boundary. The appellants felt that a district-wide general ward would create a more united district by allowing a greater focus on the common challenges facing the district.
66. On balance, we agree with the appellants that the proposed two-ward system for the general electorate is not reflective of communities of interest in the district and results in some communities being split from their communities of interest. We have considered whether these issues could be alleviated by moving the proposed ward boundary further south, as one of the appellants suggested several different locations for a more appropriate boundary line in the event that a two-ward system was considered necessary for effective representation.
67. Moving the boundary line further south would result in an uneven number of members being drawn from each ward, a situation the Council emphasised at the hearing that they wished to avoid. We also have some concerns as to whether moving the boundary line further south would result in replicating the same issues of splitting communities of interest, but for a different set of communities. Ultimately, we have concluded that a two-ward model based on a north/south divide is unlikely to provide more effective representation for communities of interest than a single district-wide general ward would.
68. We conclude, therefore, that effective representation of communities of interest is not served by dividing the district into the proposed northern Taumarunui-Ōhura and southern Waimarino Wards.

69. We considered whether a three-ward model was feasible, based on the proposed community board areas, as the natural geography of the district lends itself more towards grouping communities of interest in a northern, central and southern fashion than along north/south lines. However, using a three-ward model that followed the proposed community board boundaries would result in the same issues identified by appellants that communities such as Kakahi and Ōwhango had been split from their natural community of interest towards Taumarunui in the north.
70. A three-ward model would also result in a significant variance for the National Park Ward, of -37.88%. We do not think it would be possible to justify a significant variance from the +/-10% rule on the grounds of isolation for a National Park Ward. A three-ward model therefore raises significant issues for both fair and effective representation in the district.
71. Ultimately, we see the strength in the appellants arguments that there are common challenges faced across the district that would be well-served by district-wide Māori and general wards. We can see the value in all electors, whether enrolled on the General or Māori Electoral Roll, being able to select in their view the best candidates from across the district to form a Council focused on high-level strategic challenges.
72. On balance, we accept that effective representation of communities of interest is more likely to be enhanced by a single district-wide general ward than either the proposed two-ward system or a three-ward system based on community board boundaries.
73. We appreciate that this decision marks a significant departure from previous determinations for the Ruapehu District that have found that a ward system was appropriate for the district. We also acknowledge that there may be a fear for some residents that all councillors will be elected from one area in the district. Therefore, we expand on two aspects that have influenced our considerations in reaching this conclusion:
- a. We note that the Council now uses the STV voting system. With a single general ward of six members, the benefits of the STV voting system are maximised. We strongly encourage the Council to consider additional STV education in the lead up to the election to ensure that the benefits of the voting system are well understood both by potential candidates and by electors.¹ We are satisfied that the spread of population across the district means that there is likely to be a similar spread of candidates across the district, and we consider that each elector is likely to be able to influence the election of at least one member at the council table, even if not by their first choice.
 - b. We have also been influenced by the Council's proposal to strengthen the proposed community boards with increased responsibilities, budget and delegated powers. We note that the proposed community boards stretch

¹ See, for example, the resources available on the Electoral Reform Society website: www.electoral-reform.org.uk/voting-systems/types-of-voting-system/single-transferable-vote/

across the district and will ensure that there is a guaranteed form of geographic representation for each part of the district, with strong connections back to the Council. We discuss matters relating to the proposed community boards further below.

74. We uphold a single district-wide general ward electing six members, and a single district-wide Māori ward electing three members, for a council comprising of nine members in total, plus the mayor.

Communities and community boards

75. Section 19J of the Act requires every territorial authority, as part of its review of representation arrangements, to determine whether there should be community boards in the district and, if so, the nature of those communities and the structure of the community boards. The territorial authority must make this determination in light of the principle in section 4 of the Act relating to fair and effective representation for individuals and communities.
76. The particular matters the territorial authority, and where appropriate the Commission, must determine include the number of boards to be constituted, their names and boundaries, the number of elected and appointed members, and whether the boards are to be subdivided for electoral purposes. Section 19W also requires regard to be given to such of the criteria as apply to reorganisation proposals under the Local Government Act 2002 as is considered appropriate. The Commission sees two of these criteria as particularly relevant for the consideration of proposals relating to community boards as part of a representation review:
- Will a community board have an area that is appropriate for the efficient and effective performance of its role?
 - Will the community contain a sufficiently distinct community or communities of interest?
77. In the current review, the council initially proposed four community boards. This was pared back to three in its final proposal, with the proposed Ōhura-Ngapuke and Taumarunui Community Boards combined into a single Taumarunui-Ōhura Community Board.
78. We note that the proposed Ōwhango-National Park Community Board groups the Ōwhango community and part of the Kakahi community into the Ōwhango-National Park Community. We have considered this closely, given that appellants argued against the northern boundary line with regards to ward representation.
79. We note that the Ōwhango-National Park Community follows the same boundary lines that the current National Park Community has for many years, and we also note that the appellants did not request changes to the proposed community boards. On balance, we are satisfied that the three proposed community boards are sufficiently representative of communities of interest across the district, but we also encourage the Council and community boards to closely monitor whether these boundaries are appropriate as they move into a new era of strengthened community boards.

80. As noted above, we support the Council's vision of establishing strengthened community boards to build more resilient communities and a stronger link between the different communities and the Council. This factor has formed an important part of our considerations in concluding that district-wide general and Māori wards will provide effective representation for the district.
81. The Council acknowledged at the hearing that confirming the delegations of community boards would be a matter for the incoming council. We acknowledge this, but we also encourage the Council to undertake work ahead of the election to identify the proposed delegations they consider would be appropriate to result in stronger community boards that can support a strategically-focused Council. We also strongly encourage the incoming Council to give effect to the Council's vision in establishing strengthened community boards across the district, with increased delegated responsibilities and budget. We will be interested to observe how this vision is implemented by the incoming Council.
82. We therefore uphold the names and boundaries of the three community boards as proposed in the Council's final proposal.
83. The final matter for us to consider is the number of elected members for each of the community boards. We note that the Council's initial proposal included four elected members for each of the community boards, but that the final proposal suggested different levels of membership for each of the community boards, with four members proposed for the Ōwhango-National Park Community Board, five members proposed for the Waimarino-Waiouru Community Board, and seven members proposed for the Taumarunui-Ōhura Community Board. Each community board was also proposed to have one appointed member.
84. It is unclear to us why the final proposal included different levels of membership for each of the community boards. The Council explained at the hearing that these changes had been made as a result of submissions to the initial proposal, but it does not appear to us that there were strong views expressed in submissions regarding membership of the community boards.
85. We consider that four members on each community board may not be large enough to take on the increased responsibilities envisaged by the Council. However, we are equally concerned that the community boards should not be too big. In particular, we have concerns about the proposed size of the Taumarunui-Ōhura Community Board, which at seven elected members plus one appointed member would almost be the same size as the Council itself.
86. We do not consider that a strong enough justification has been put forward by the Council for having community boards of a different size. We conclude therefore, that each should be of the same size. On balance, we consider that five elected members is appropriate for each of the community board to manage the increased responsibilities envisaged by the Council and we consider that one appointed member will provide an important link back to the Council for each of the community boards.

87. Accordingly, we uphold a membership of five elected members and one appointed member for each of the three community boards proposed in the Council's final representation proposal.

Commission's determination

88. 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 8 October 2022, the following representation arrangements will apply:

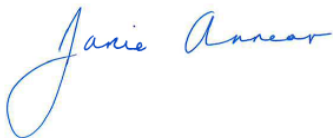
- (1) Ruapehu District, as delineated on Plan LG-036-2022-W-1 deposited with the Local Government Commission, will be divided into two wards.
- (2) Those two wards will be:
 - a. the Ruapehu Māori Ward, comprising the area delineated on Plan LG-036-2022-W-2 deposited with the Local Government Commission
 - b. the Ruapehu General Ward, comprising the area delineated on Plan LG-036-2022-W-3 deposited with the Local Government Commission
- (3) The Council will comprise the mayor and 9 councillors elected as follows:
 - a. 3 councillors elected by the electors of the Ruapehu Māori Ward
 - b. 6 councillors elected by the electors of the Ruapehu General Ward.
- (4) There will be three communities as follows:
 - a. the Taumarunui-Ōhura Community, comprising the area delineated on Plan LG-036-2022-Com-1
 - b. the Ōwhango-National Park Community, comprising the area delineated on Plan LG-036-2022-Com-2
 - c. the Waimarino-Waiouru Community, comprising the area delineated on Plan LG-036-2022-Com-3
- (5) For the Taumarunui-Ōhura Community, there will be a Taumarunui Community Board comprising:
 - a. Five elected members
 - b. One member of the Council representing either the Ruapehu Māori Ward or the Ruapehu General Ward who will be appointed to the community board by the Council.
- (6) For the Ōwhango-National Park Community, there will be a Ōwhango-National Park Community Board comprising:
 - a. Five elected members

- b. One member of the Council representing either the Ruapehu Māori Ward or the Ruapehu General Ward who will be appointed to the community board by the Council.
- (7) For the Waimarino-Waiouru Community, there will be a Waimarino-Waiouru Community Board comprising:
 - a. Five elected members
 - b. One member of the Council representing either the Ruapehu Māori Ward or the Ruapehu General Ward who will be appointed to the community board by the Council.
- (8) As required by section 19W(c) of the Local Electoral Act 2001, the boundaries of the above communities coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

Local Government Commission



Commissioner Brendan Duffy (Chair)



Commissioner Janie Annear



Commissioner Bonita Bigham

4 April 2022