



Determination

of representation arrangements to apply for
the election of the Matamata-Piako District Council
to be held on 12 October 2019

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. These 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, membership arrangements for those boards. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.
2. The Matamata-Piako District Council (the council) last reviewed its representation arrangements prior to the 2013 local authority elections. Therefore, it was required to undertake a review prior to the next elections in October 2019.
3. As a result of appeals against the council's last review, the representation arrangements applying to the 2013 and subsequent 2016 elections were determined by the Commission. The Commission upheld the council's proposal for a council comprising a mayor and 11 councillors, and for the disestablishment of the three community boards.
4. The arrangements for the council were 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
Morrinsville	11,550	4	2,888	-4	-0.10
Te Aroha	7,860	3	2,620	-272	-9.41
Matamata	12,400	4	3,100	+222	+7.19
Total	31,930	11	2,892		

* Based on 2011 population estimates

5. For the current review, applying 2017 population estimate to these arrangements the Te Aroha Ward becomes non-compliant with the '+/-10% fair representation rule at -13.11%.

7. Prior to undertaking the formal part of its review, the council commissioned a survey to inform the review. The survey gathered information about perceptions of community of interest, views about the current representation system, and views about community boards.
8. On 13 June 2018 the council resolved to adopt status quo arrangements as its initial representation proposal. It made specific decisions to continue with the Te Aroha Ward on its existing boundaries, and to not re-establish community boards.
9. The arrangements for councillors and wards were 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
Morrinsville	12,700	4	3,175	18	0.56
Te Aroha	8,230	3	2,743	-414	-13.11
Matamata	13,800	4	3,450	293	9.27
Total	34,730	11	3,157		

* Based on 2017 population estimates

10. The council notified its initial proposal on 20 June 2018. By the deadline of 20 July 2018, it had received 195 submissions. Among those submissions:
 - 160 supported the council’s proposal
 - 16 supported the re-establishment of community boards
11. After considering submissions, the council resolved to adopt its initial proposal as its final proposal.
12. The final proposal was publicly notified on 29 August 2018. As the Te Aroha Ward was not compliant with the ‘+/-10% rule’ that aspect of the council’s review was referred to the Commission for determination under section 19V(4) of the Act.

Appeals against the council’s final proposal

13. Three appeals were lodged against the council’s final proposal from:
 - Mapuna Turner who sought a Māori ward for the district
 - Mike Gribble who sought an additional, fourth member for the Te Aroha Ward
 - Wolfgang Faber who sought the re-establishment of community boards.
14. The Commission does not have power to decide that a district should have Māori wards. We cannot therefore consider Mapuna Turner’s appeal further. The process for establishing a Māori ward is set out in sections 19Z to 19ZH of the Local Electoral Act. In short, this process may be triggered by a resolution of the council or by a petition signed by 5% of those on the electoral roll.¹

¹ More information about Māori wards can be found in the Commission’s representation review guidelines. These can be found at <http://www.lgc.govt.nz/representations-reviews/representation-review-guidelines/>

Matters for determination by the Commission

15. 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.
16. These matters include:
 - whether the council is to be elected from wards, the district as a whole, or a mix of the two
 - the number of councillors
 - if there are to be wards, the area and boundaries of wards and the number of councillors 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.
17. For the purpose of making a determination, the Commission may make such enquiries as it considers appropriate and may hold meetings with the interested parties. There is no obligation on the Commission to hold a hearing and the need for a hearing is determined by the information provided by the parties and as a result of any further enquiries the Commission may wish to make.
18. In the case of Matamata-Piako District Council's final proposal, we considered there was sufficient information in the documentation provided by the council on the process it had followed in making its decision and also in the two objections for us to proceed to a determination. Accordingly we decided no hearing was required.

Key considerations

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

Communities of interest

20. The Guidelines identify three dimensions for recognising communities of interest:
 - *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
 - *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

- *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.
21. In some 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.
 22. In addition to evidence 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.
 23. We note that the advice provided to the council by officers covered each of the three dimensions of community of interest identified by the Commission and that the survey commissioned by the council, while at a high level, examined both the perceptual and functional aspects of community of interest.
 24. The communities of interest in Matamata-Piako District, as they relate to effective representation of communities of interest and fair representation of electors are discussed further on in this determination.

Effective representation of communities of interest

25. Section 19T of the Act requires the Commission to ensure that:
 - the election of members of the council, in one of the ways specified in section 19H (i.e. at large, wards, or a mix of both) will provide effective representation of communities of interest within the district
 - ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
 - so far as is practicable, ward boundaries coincide with community boundaries (where they exist).
26. ‘Effective representation’ is not defined in the Act, but the Commission sees this as requiring consideration of factors including an appropriate total number of elected members and an appropriate basis of election of members for the district concerned (at large, wards, or a mix of both).
27. 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.
28. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 elected members (excluding the mayor), i.e. councillors. Since the 1998 elections the Matamata-Piako District Council has comprised 11 councillors.

29. The council considered several options for the number of members, largely based around the question of complying with the '+/-10% rule'. It concluded that the current number of councillors – 11 – provided effective representation.
30. The Commission's Guidelines note the following factors need to be considered when determining effective representation:
- avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents' familiarity and identity with an area
 - not splitting recognised communities of interest between electoral subdivisions
 - not grouping together two or more communities of interest that share few commonalities of interest
 - accessibility, size and configuration of an area including access to elected members and vice versa.
31. The communities of interest in the Matamata-Piako District are discussed in an officer's report to the council.² Commentary in the report relevant to this issue is as follows:

The Three main towns are the main commercial and administrative centres for the district. Council's head office is based in Te Aroha with service centres (area offices) in both Matamata and Morrinsville. The 'hub' for each ward is clearly the main towns which provide a degree of connection of the different communities within a ward.

The boundaries of the exiting wards can be somewhat arbitrary (although they generally align to roads). The geography of the district is relatively similar with no significant physical features that divide the three wards. The land use of the three wards is relatively similar with rural activities occurring in all wards and an urban town in each. The socio-economic characteristics of the three wards are relatively similar although the rate of population growth is notably higher in the Matamata and Morrinsville wards.

Ward as a basis of a perceived community of interest, likely reduces the further one travels from the main towns (i.e. the further out you go from the towns the sense of belonging can diminish and come blurred with another ward).

The rural community can feel part of a wider district-wide community of interest but usually have a relationship to a particular town as well given they are most likely to travel there to meet their general day to day needs.

The preliminary survey indicated less satisfaction from Te Aroha residents with their community of interest. Te Aroha has experienced some change in recent times with the closure of two bank branches, the post-shop and other businesses. These factors may contribute to Te Aroha residents travelling to Morrinsville or elsewhere to access services/retail if they are not available locally.

² 'Representation review – initial proposal', Report to Council meeting of 13 June 2018.

32. Despite the description of the boundaries between wards as being arbitrary we conclude from the information provided by the council that the three wards centred on the main towns do represent the broad communities of interest in the district.

Fair representation for electors

33. For the purposes 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').
34. One appeal sought an additional councillor for the Te Aroha Ward so that it would have the same number of councillors as the other two wards. This would result in two wards being non-compliant with the '+/-10% rule' – Te Aroha Ward at -28.91% (compared to the current -13.11%) and Matamata Ward at +19.21% (compared to +9.27%). This arrangement would be non-compliant to an excessive degree and we cannot endorse this proposal.
35. The remaining issue relating to fair representation is the non-compliance of the Te Aroha Ward at -13.31%. We have already concluded above that the three wards centred on the main towns do represent the broad communities of interest in the district and therefore provide an appropriate ward structure.
36. If the three wards are to be kept one option for dealing with the Te Aroha Ward's non-compliance extending the boundaries of the ward to take in part of one of the neighbouring wards.
37. However, a conclusion that can be drawn from the discussion of community of interest in paragraph 31, and the survey results in particular, is that the pull of, or connection with Te Aroha dissipates closer to that town than it does with the other main towns of the district. We note that the ward boundaries fall roughly half way between Te Aroha and Morrinsville, and between Te Aroha and Matamata. Given the apparently weaker pull of Te Aroha we do not see extending the boundaries of the Te Aroha Ward to make it compliant to be a practicable option. To do so risks splitting the community of interest of either Matamata or Morrinsville and limiting effective representation.
38. We therefore uphold the Te Aroha Ward's non-compliance with the '+/-10% rule' under section 19V(3)(a) as compliance would limit effective representation of communities of interest by dividing a community of interest between wards.

Communities and community boards

39. 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.
40. 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 of interest or sufficiently distinct communities of interest?

41. Community boards in Matamata-Piako District were disestablished in 2013. The then Commission's reasons for upholding the council's proposal to disestablish them were as follows:

We believe the key issues to be addressed are the requirement for effective representation of communities of interest and the contribution community boards can and, in a number of cases around the country, do make to the governance of their district. In relation to effective representation, we note that Matamata-Piako has a relatively high level of councillor representation for districts in the 20 – 50,000 population range. We also agree with the Council's assessment that the district is compact relative to many other districts in the country facilitating ward-wide representation by councillors. These characteristics of Matamata-Piako District are seen by the Council to have led to a degree of duplication of roles between it and the community boards.

We believe an essential factor enabling a positive contribution by community boards to the governance of their district is a strong and open relationship between councils and community boards and that there is mutual respect for the role of both parties. If both parties are not able to demonstrate this, it is unlikely that community boards will be able to make the contribution they potentially can and their communities expect. We note the three boards were established in 1989 and we presume played a useful role initially. However roles appear to have evolved since that time and the Council now believes there is an unnecessary level of duplication. Several of the appellants also acknowledged there were now more constraints on board activities. In light of these changes, it appears to us that in the case of Matamata-Piako District the community boards do not make the contribution to the governance of the district that they potentially could. It seems this may also be a perception held by many in the respective communities. We note, in addition to the relatively low number of submissions on this issue, that since the 1998 elections at least one of the boards has not had sufficient candidates to require an election and in two triennial elections all three boards were in this situation.

If the Council does not seek to maximise the potential contribution its community boards could make to the governance of Matamata-Piako District, it appears to us to be of questionable value to retain the boards in these circumstances. We have therefore decided to endorse the Council's proposal to disestablish the three community boards. We believe if the Matamata-Piako District community believes this is the wrong decision it will make its concerns known at the upcoming elections. We note that 10% of electors of any community are able to petition for the establishment of a community board at any time under Schedule

6 of the Local Government Act 2002. Our decision is also made in light of the commitment made by the Council to continue to work with and support the existing network of community organisations.

42. In the current review the council decided not to re-establish community boards. There was one appeal against the council's decision seeking the re-establishment of the boards. The appellant argued that community boards do perform a useful role and that the council had not adequately taken over the roles previously undertaken by the boards.
43. The reasons stated by the council for not re-establishing community boards were broadly similar to its reasons for seeking to dis-establish them in 2013. Not unexpectedly it argued that the council is doing what community boards would otherwise be doing.
44. Our conclusion is that the reasons cited by the then Commission in 2013 hold today and we have therefore decided not to re-establish community boards in Matamata-Piako District.
45. We would, however, reiterate the comment made in 2013 *"that 10% of electors of any community are able to petition for the establishment of a community board at any time under Schedule 6 of the Local Government Act 2002"*. This process if used would enable support for community boards to be tested on a wider basis and for a more focused debate to occur.

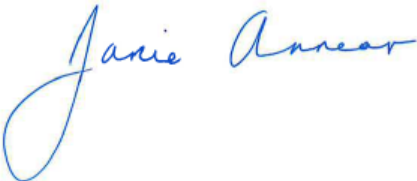
Commission's determination

46. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Matamata-Piako District Council to be held on 12 October 2019, the following representation arrangements will apply:
 - (1) Matamata-Piako District, as delineated on SO 58040 deposited with Land Information New Zealand, will be divided into three wards.
 - (2) Those three wards will be:
 - (a) Morrinsville Ward, comprising the area delineated on SO 58043 deposited with Land Information New Zealand
 - (b) Te Aroha Ward, comprising the area delineated on SO Plan 58042 deposited with Land Information New Zealand
 - (c) Matamata Ward comprising the area delineated on SO Plan 58041 deposited with Land Information New Zealand.
 - (3) The Council will comprise the mayor and 11 councillors elected as follows:
 - (a) 4 councillors elected by the electors of Morrinsville Ward
 - (b) 3 councillors elected by the electors of Te Aroha Ward
 - (c) 4 councillors elected by the electors of Matamata Ward.
47. As required by section 19T(b) of the Local Electoral Act 2001, the boundaries of the above wards coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

Local Government Commission

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Commissioner Pita Paraone (Chair)

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Commissioner Janie Annear

A handwritten signature in black ink, appearing to read 'B. J. Duffy', with a large, stylized initial 'B'.

Commissioner Brendan Duffy

9 April 2019