



Determination

of representation arrangements to apply for
the election of the Matamata-Piako 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. 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 2019 local elections.
3. 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. In addition, three appeals were received and ultimately the Commission upheld the council's final proposal.
4. The arrangements for the council for the 2019 local elections 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		

5. On 28 April 2021 the council resolved to establish one or more Māori wards for the 2022 local elections. This triggered the need for the council to undertake a representation review.

Current review

6. On 14 July 2021 the council adopted its initial proposal which retained the existing representation arrangements with the addition of a district wide Māori ward electing one councillor. 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
Matamata	12,800	4	3,200	276	+9.45%
Morrinsville	11,700	4	2,925	1	+0.05
Te Aroha	7,660	3	2,553	-370	-12.67
Total general wards	32,160	11	2,924		
Māori ward	4,130	1	4,130		
Total	36,290	12	3,024		

* Based on 2020 population estimates

7. The council received 40 submissions. The majority of submitters (55%) agreed with the council's initial proposal. Of those who did not support the initial proposal (40%), a variety of reasons were given.
8. The council rejected matters raised in submissions for the following reasons:
- Proposals to change the general ward structure and boundaries were rejected on the basis that the status quo effectively represents the district's communities of interest and aligns with the 2017 and 2012 representation reviews.
 - Proposals to reduce the number of councillors were rejected on the basis that for the current ward structure to comply with the +/- 10% rule, council would need to have a total of nine councillors (3 Matamata General Ward, 3 Morrinsville General Ward, 2 Te Aroha General Ward and 1 Māori Ward). It believes this is too small for a governance body and was only supported by three, or 7.5% of submitters.
 - Proposals to increase the number of councillors were rejected on the basis that for the current ward structure to comply with the +/- 10% rule, council would need to have a total of 13 or 14 councillors (5 Matamata General Ward, 4 or 5 Morrinsville General Ward, 3 Te Aroha General Ward and 1 or 2 Māori Ward). At times (for example in 2016), council has struggled to get enough candidates to fill the existing 12 positions. Increasing the size of Council increases the risk there will be not enough candidates, triggering the need for a by-election at an extra cost. The council felt that 13-14 councillors would be too large, particularly when compared to other councils with similar populations.

- There were 7 submissions against having a Māori ward, and 7 submissions wanting to have 2 Māori wards. Legally the council cannot reverse its earlier decision to establish a Māori ward. The council believes 1 Māori ward balances the views of the community expressed in the submissions.
 - One submission requested community boards be reinstated. The council decided not to establish any community boards as it believes the councillors and Mayor can effectively represent the community without duplicating roles.
9. After considering submissions, the council resolved on 15 September 2021 to adopt its initial proposal as its final proposal, with the addition of a te reo name for the Māori ward – Te Toa Horopū ā Matamata-Piako.
10. The final proposal was publicly notified and no appeals or objections were received. As the Te Aroha General Ward is 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.

Matters for determination by the Commission

11. Section 19V(3)(a) of the Act makes it clear that if a territorial authority or the Commission considers that one or more of the following apply, wards may be defined and membership distributed between them in a way that does not comply with the ‘+/-10% rule’:
- a. non-compliance is required for effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority
 - b. compliance would limit effective representation of communities of interest by dividing a community of interest between wards
 - c. compliance would limit effective representation of communities of interest by uniting within a ward, two or more communities with few commonalities of interest.
12. Section 19V(6) provides that on receiving a reference under Section 19V(4), the Commission must determine whether to:
- a. uphold the decision of the territorial authority, or
 - b. alter that decision.
13. Accordingly, the matters for determination by the Commission are limited to the council’s decision to continue Te Aroha General Ward with its current membership and boundary despite not complying with the ‘+/-10% rule’.

Key considerations

14. 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

15. 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.
16. 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.
17. 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.

Effective representation of communities of interest

18. 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).
19. ‘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).
20. 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.

21. As was the case for its 2018 review, the communities of interest in the Matamata-Piako District are discussed in an officer's report to the council.¹ 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 existing 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.

Wards 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).

Residents generally have a strong feeling of identity and belonging within the urban towns. In other words, they tend to feel a sense of difference and separateness to the other main towns that support identification as separate communities of interest. Residents are often proud of their own town, its unique characteristics and see the other towns as having a different identity.

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.

¹ 'Representation review – initial proposal for consultation', Report to Council meeting of 14 July 2022.

The preliminary survey from 2017 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 remaining 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.

22. The following points are extracted from the conclusions made in relation to communities of interest:

A consideration in the review is how representation arrangements for communities of interest apply not just now but in the future, and this depends on an analysis of how communities may change over time. Some observations on this point and the characteristics of the Matamata-Piako District are set out below:

- *The district's rural and urban populations and location have a major influence on the identified communities of interest.*
- *The [2017] pre-consultation survey results where 84% (or 354 of 423) of survey respondents think the ward where they live reflects their community of interest.*
- *Other than Māori, no new communities of interest have been identified during the review process (from what was recognised in 2012 and 2018) that would warrant specific recognition.*

In conclusion, it can be argued that the current three wards and their boundaries are an appropriate reflection of the districts communities of interest.

23. Whilst much of this assessment is similar to the council's 2018 review, the council has clearly considered whether anything has changed in relation to its communities of interest in the few intervening years.
24. 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

25. For the purposes of achieving fair representation for the electors of a district, section 19V(2) 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').
26. However, as noted, section 19V(3) provides discretion for a territorial authority or the Commission to define wards and distribute membership among them in a way that does not comply with subsection (2).
27. It is 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.

28. This leaves the non-compliance of the Te Aroha General Ward at -12.67% to be addressed.
29. If the three wards are to be kept, one option for dealing with the Te Aroha General Ward's non-compliance is extending the boundaries of the ward to take in part of one of the neighbouring wards.
30. 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 General 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.
31. We therefore uphold Te Aroha General 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.

Commission's determination

32. Under section 19R of the Local Electoral Act 2001, the Commission upholds the decision of Matamata-Piako District Council not to comply with the section 19V(2) +/-10% fair representation requirement in respect of Te Aroha General Ward as compliance would limit effective representation of communities of interest by splitting communities of interest.
33. Therefore, for at least those elections for Matamata-Piako District Council to be held on 8 October 2022, 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 one Māori ward and three general wards.
 - (2) Those four wards will be:
 - (a) Te Toa Horopū ā Matamata-Piako Māori Ward, comprising the area delineated on LG-015-2022-W-1
 - (b) Matamata General Ward comprising the area delineated on SO Plan 58041 deposited with Land Information New Zealand.
 - (c) Morrinsville General Ward, comprising the area delineated on SO 58043 deposited with Land Information New Zealand
 - (d) Te Aroha General Ward, comprising the area delineated on SO Plan 58042 deposited with Land Information New Zealand
 - (3) The Council will comprise the mayor and 12 councillors elected as follows:
 - (a) 1 councillor elected by the electors of Te Toa Horopū ā Matamata-Piako Māori Ward
 - (b) 4 councillors elected by the electors of Matamata General Ward.

(c) 4 councillors elected by the electors of Morrinsville General Ward

(d) 3 councillors elected by the electors of Te Aroha General Ward

34. 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

Commissioner Brendan Duffy (Chair)



Commissioner Janie Annear



Commissioner Bonita Bigham



Commissioner Sue Piper



28 February 2022