



LOCAL GOVERNMENT COMMISSION
MANA KĀWANATANGA Ā ROHE

Determination

of representation arrangements to apply for
the election of the Matamata-Piako District Council
to be held on 12 October 2013

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, 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 undertook a review of its representation arrangements prior to the 2007 local authority elections. Accordingly it was required to undertake a review prior to the next elections in October 2013.
3. As a result of its last review, the representation arrangements that applied for the 2007 and subsequent 2010 elections were for a council that comprised a mayor and 11 councillors elected 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	11,600	4	2,900	-3	-0.10
Te Aroha	7,830	3	2,610	-293	-10.09
Matamata	12,500	4	3,125	+222	+7.65
Total	31,930	11	2,903		

* These are updated 2011 population estimates.

4. Matamata-Piako District currently has three community boards in Morrinsville, Te Aroha and Matamata each electing four members.

5. The Council commenced its review of representation arrangements in May 2012 by undertaking preliminary consultation on communities of interest in the district and on the effectiveness of current representation arrangements. A total of 71 submissions were received in this preliminary consultation.
6. On 11 July 2012 the Council, under sections 19H and 19J of the Act, resolved its initial proposed representation arrangements to apply for the 2013 elections. The proposal in relation to council representation was 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	-0.14
Te Aroha	7,860	3	2,620	-272	-9.41
Matamata	12,400	4	3,100	+208	+7.19
Total	31,810	11	2,892		

* These are 2010 population estimates.

7. The initial proposal was also to abolish the district's three community boards.
8. In notifying its proposal, the Council recorded its reasons for its proposal as follows:
 - in Council's view, 11 councillors and one mayor provide sufficient and effective representation for the electors of Matamata-Piako District
 - the district currently has very active and effective community and interest groups that lobby Council on behalf of the community
 - there is currently a duplication of roles and representation given that the communities cover the same geographic area as Council's wards
 - the cost of maintaining the community boards is excessive given that they perform limited functions and provide limited value over and above representation provided by Council.
9. The Council notified its initial proposal on 25 July 2012 and a total of 37 submissions were received by the deadline of 27 August 2012.
10. The Council summarised the submissions as follows:
 - of the 37 submissions, 35 were predominantly concerned with the issue of community boards, 1 was concerned with rates (Matamata Ward) and 1 was concerned with rural representation (Te Aroha Ward)
 - 4 submissions were in support of the disestablishment of community boards
 - 31 submissions were in favour of community boards being retained
 - of the 37 submissions, 23 were from Te Aroha Ward, 9 were from Morrinsville Ward and 5 were from Matamata Ward
 - of the 4 submissions supporting disestablishment of community boards, 2 were from Te Aroha Ward, 1 was from Morrinsville Ward and 3 were from Matamata Ward

- of the 31 submissions in favour of community boards being retained, 20 were from Te Aroha Ward, 8 were from Morrinsville Ward and 3 were from Matamata Ward.
11. Following consideration of submissions, the Council on 19 September 2012 resolved to adopt its initial proposal as its final representation proposal.
 12. The Council notified its final proposal on 21 September 2012 and called for appeals by 29 October 2012. Six appeals, all against the proposed disestablishment of the three community boards, were received.

Hearing

13. The Commission met with the Council and appellants at a hearing held in the Matamata-Piako District Council Chambers on 7 December 2012. The appellants who appeared at the hearing were Mary Massey, Chair of the Te Aroha Community Board; Daryl Anderson, Chair of the Matamata Community Board; Ann Linstrom, Chair of the Morrinsville Community Board; Maurice Hight, Chair of Keep Morrinsville Beautiful; Noel Harvey-Webb and Wolfgang Goldbach-Faber. The Council was represented at the hearing by the Mayor Hugh Vercoe, Chief Executive Don McLeod and Legal Adviser Michael O'Hagan.

Matters raised in appeals and at the hearing

14. The Mayor and Council Chief Executive addressed the Commission to outline the process the Council had taken for the review and reasons for its decision. The Mayor said the Council had started with a blank piece of paper and began by considering communities of interest in the district. It consulted the community through the process beginning in May 2012. For its initial proposal, the Council resolved to retain the existing wards as these were seen to be working well. It noted that the required population to member ratios were close to compliance using the most recent 2011 population estimates and that they complied under the 2010 estimates. The Council had set out its reasons why it believed the 2010 estimates were more appropriate. In relation to community boards, the Council saw these as resulting in duplication of processes and therefore unnecessary. The decision was also in light of the fact the three wards were compact with no isolated communities within them. The Council noted in adopting its initial proposal that if it had got its decision wrong the community would let it know. The Mayor said the Council expected to get several hundred submissions on the proposal but received only 37, nine of which were late. While there was some opposition to the proposed disestablishment of the community boards, he said the community appeared by and large to be happy with the proposal. The Council had given assurances that it would continue to work with and support the existing network of community organisations promoting local interests in each ward. The Council was comfortable there would be no loss of service for local communities if the boards were removed saying the mayor and councillors were all very accessible.
15. Mary Massey and other members of the Te Aroha Community Board appeared before the Commission in support of the board's appeal for retention of the board. She said the community boards were important for ensuring grassroots democracy in each community. She referred to the figure of \$300,000 which had been identified by the Council as possible total savings from the disestablishment of the three boards and said she believed this had a significant influence on the public on whether or not

to retain the boards. The Council had subsequently amended this figure to be more in the range of \$40 to \$50,000 per board not \$100,000. Ms Massey said her board was limited by the constraints put on it by the Council but still played an important role in the community with good links to other community organisations. The board was well supported by the three ward councillors. The board also had good access to the chief executive and a good relationship with the mayor and councillors.

16. Daryl Anderson and other members of the Matamata Community Board appeared before the Commission in support of that board's appeal against the proposed disestablishment of the three community boards. Mr Anderson said Matamata was a distinct community with particular issues of concern such as an absence of public transport. It had a different flavour of services and activities compared to other areas. The board had an important advocacy role for its community and the role was not just about undertaking specific projects. It also provided an important contact point for local people and groups needing to contact the Council on particular issues. Mr Anderson said the Council should have engaged the boards more in its decision on this issue which was a very important one for the district
17. Ann Linstrom and other members of the Morrinsville Community Board appeared before the Commission in support of the board's appeal against the decision to disestablish that board. Ms Linstrom said she wished to thank the mayor and councillors for the work they do on behalf of the district. She said her board believed it provided an important link between the people and the Council and added value if it was felt the Council had not listened to the community on a particular issue. She said many thought the Council was not accessible and some felt intimidated when approaching the Council. The board was also concerned about the use by the Council of the \$300,000 figure in relation to savings. It was not clear how the board could be replaced and the resulting loss of experience would be hard to recover.
18. Maurice Hight, Chair of Keep Morrinsville Beautiful, appeared before the Commission in support of that organisation's appeal against the disestablishment of the three community boards. Speaking as a former chair of the Morrinsville Community Board, Mr Hight outlined the history of the formation of the district being what he referred to as a marriage of convenience between the three towns of Te Aroha, Morrinsville and Matamata which had quite distinct characters. Since that time the Council had become the dominant player and removed a lot of the responsibilities from the community boards established in 1989. He believed the Council had since become quite defensive and had withdrawn from its previous community focus. With little local focus by the Council, he said removal of the community boards would leave a large void. Keep Morrinsville Beautiful had been well supported by the Morrinsville Community Board though the two bodies were quite unique entities.
19. Noel Harvey-Webb appeared before the Commission in support of his appeal against the disestablishment of community boards. He said the community boards currently had a low profile given the limited role they played and this explained the few submissions received on the proposal. He would prefer to minimise the role of the Council in relation to the role community boards could play, and this would be a cheaper alternative. Mr Harvey-Webb said he believed things were not getting done by the Council that should be being done and the Council needed to adopt more user-friendly systems.
20. Wolfgang Goldbach-Faber appeared before the Commission in support of his appeal against the disestablishment of community boards. He said the community boards had an important role to play and were less formal than the Council which was run by the mayor with the use of a casting vote.

Requirements for determination

21. Statutory provisions relating to the determination of appeals and objections on territorial authority representation proposals 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.*
- (2) *The determination required by subsection (1) must be made by a territorial authority —*
- (a) *On the first occasion, either in 2003 or in 2006; and*

- (b) *Subsequently, at least once in every period of 6 years after the first determination.*
- (3) *This section must be read in conjunction with section 19ZH and Schedule 1A.*

19J. Review of community boards

- (1) *A territorial authority must, on every occasion on which it passes a resolution under section 19H, determine by that resolution, and in accordance with this Part, not only the matters referred to in that section but also whether, in light of the principle set out in section 4(1)(a) (which relates to fair and effective representation for individuals and communities) —*
 - (a) *There should be communities and community boards; and*
 - (b) *If so resolved, the nature of any community and the structure of any community board.*
- (2) *The resolution referred to in subsection (1) must, in particular, determine—*
 - (a) *Whether 1 or more communities should be constituted:*
 - (b) *Whether any community should be abolished or united with another community:*
 - (c) *Whether the boundaries of a community should be altered:*
 - (d) *Whether a community should be subdivided for electoral purposes or whether it should continue to be subdivided for electoral purposes, as the case may require:*
 - (e) *Whether the boundaries of any subdivision should be altered:*
 - (f) *The number of members of any community board:*
 - (g) *The number of members of a community board who should be elected and the number of members of a community board who should be appointed:*
 - (h) *Whether the members of a community board who are proposed to be elected are to be elected—*
 - (i) *By the electors of the community as a whole; or*
 - (ii) *By the electors of 2 or more subdivisions; or*
 - (iii) *If the community comprises 2 or more whole wards, by the electors of each ward:*
 - (i) *in any case to which paragraph (h)(ii) applies, -*
 - (i) *The proposed name and the proposed boundaries of each subdivision; and*
 - (ii) *The number of members proposed to be elected by the electors of each subdivision.*
- (3) *Nothing in this section limits the provisions of section 19F.*

- 22. Other statutory provisions the Commission is required to consider include those set out in sections 19A, 19C, 19F, 19G, 19T and 19V and these are addressed below.

Consideration by the Commission

- 23. The steps in the process for achieving required fair and effective representation are not statutorily prescribed. As reflected in its *'Guidelines to assist local authorities in undertaking representation reviews'*, the Commission believes that the following steps in 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 identified communities of interest

- c) determine fair representation for electors of the district.

Communities of interest

24. The Guidelines identify three dimensions for recognising communities of interest:
- perceptual: a sense of belonging to an area or locality
 - functional: the ability to meet the community's requirements for services
 - political: the ability to represent the interests and reconcile conflicts of the community.
25. The Commission considers that the case for specific representation of distinct and recognisable communities of interest should reflect these dimensions.

Effective representation of communities of interest

26. 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 combination 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.
27. While not a prescribed statutory requirement, the Guidelines also 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.
28. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 elected members (excluding the mayor). The Council comprised 12 elected members (excluding the mayor) when it was constituted in 1989 and for the 1992 and 1995 elections, and it has comprised 11 elected members since then. The Council was proposing retention of 11 elected members and we believe this appears to be within an appropriate range for the Council.
29. The Guidelines state that decisions relating to the representation of communities of interest (the political dimension) will need to take account of the extent that distinct geographical communities of interest can be identified, i.e. a physical boundary is able to be defined below the district level for the community of interest. From its constitution in 1989, Matamata-Piako District has been divided into the current three wards i.e. Morrinsville, Te Aroha and Matamata.
30. In preliminary consultation undertaken by the Council on existing representation arrangements, 58% of respondents (41 out of 71) considered the current structure was effective and 62% considered there were enough representatives. In light of these responses and the absence of appeals on the issue, we believe the current three-ward structure is appropriate for providing effective representation for communities of interest in Matamata-Piako District.

Fair representation for electors

31. Section 19V of the Act requires that the electors of each ward receive fair representation having regard to the population of the district and of that ward. More specifically, 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 '+/-10% fair representation rule').
32. As noted above, based on the most recent population estimates available (2011), two wards comply and one ward (Te Aroha) is marginally outside the +/-10% fair representation rule. In an officers' report to the Council when it was considering its initial representation proposal, it was noted that all wards complied with the +/-10% fair representation rule when the 2010 population estimates were used. The report went on to note that the Local Electoral Act requires either the most recently published census data (i.e. 2006) or *any* subsequent estimate. The report provided the following rationale as to why the 2010 estimates should be used:
- "the 2011 census did not take place due to the Christchurch earthquake in February 2011
 - a significant number of jobs were lost in Te Aroha due to the Silver Fern Farms fire of December 2010, however the rebuilt plant will have greater capacity and employ more staff which should increase the population of the Te Aroha Ward
 - similarly, Inghams are expanding their Te Aroha operation and will be employing a significant number of new staff
 - given these factors, it is considered that the 2010 estimates provide a more appropriate representation of the Te Aroha Ward population than the 2011 estimates".
33. The Commission's *'Guidelines to assist local authorities in undertaking representation reviews'* recommend that the most recent population figures be used but they note this is not a statutory requirement. It is therefore a matter of discretion for the Council. In light of the only marginal variation for Te Aroha Ward using the 2011 estimates (i.e. 10.09% over representation) we are prepared to endorse the Council's decision. On this basis all wards comply with section 19V of the Act.

Communities and community boards

34. 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. The particular matters the territorial authority 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 sets out further criteria, as apply to local government reorganisation proposals, for determinations relating to community board reviews as considered appropriate in the circumstances.
35. Three community boards (Morrinsville, Te Aroha and Matamata) were constituted in Matamata-Piako District in 1989. The Council was proposing that these be disestablished and this was the subject of all six appeals.

36. The Council based its proposal on the belief that given the nature of the district, three relatively compact wards, that the three community boards, covering as they do the entire area of each of these wards, resulted in unnecessary duplication of roles and processes. It also said it believed that if it had got its decision wrong the community would have let it know. The fact that only 31 submissions were received supporting retention of the boards had convinced it that it had not got its decision wrong.
37. The Council made it clear that its proposal was not driven by possible cost savings. We do note, however, the concerns raised by some appellants at the use of the \$300,000 figure in relation to savings if the boards were disestablished, and the possible impact this may have had on the unexpectedly low level of opposition to the Council's proposal. We understand that this figure was subsequently revised downward but it highlights for us the importance of good information and good communications when councils are consulting their communities.
38. 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.
39. 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.
40. 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.

Commission's Determination

41. 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 2013, the following representation arrangements will apply:
- (1) Matamata-Piako District, as delineated on SO Plan 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 Plan 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.
 - (4) The current communities of Morrinsville, Te Aroha and Matamata are to be abolished and the community boards disestablished.
42. 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.

THE LOCAL GOVERNMENT COMMISSION



Basil Morrison (Chair)



Anne Carter (Commissioner)



Grant Kirby (Commissioner)

22 March 2013