



Determination

of representation arrangements to apply for
the election of the Waipa 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, 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 Waipa District Council (the council) last reviewed its representation arrangements prior to the 2019 local authority elections. That review resulted in:
 - a. A council comprising a Mayor and 13 councillors
 - b. Two community boards.
3. The ward arrangements determined were as follows:

Ward	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Pirongia	9420	2	4,710	265	5.97
Cambridge	22500	5	4,500	55	1.25
Maungatautari	4520	1	4,520	75	1.70
Te Awamutu	17150	4	4,288	-157	-3.53
Kekepuku	4190	1	4,190	-255	-5.73
Total	57,780	13	4,445		

*Based on Tautauranga Aotearoa Stats NZ 2020 population estimates

4. The community boards arrangements were:
 - a. A Cambridge Community Board comprising 6 elected members elected from 2 subdivisions and 2 appointed members
 - b. A Te Awamutu Community Board comprising 5 elected members elected from 2 subdivisions and 2 appointed members.
5. The Pirongia Ward is not covered by a community board, instead having a ward committee.

Current review: Council process and proposal

The Council's initial proposal

6. On 19 May 2021 the council resolved to establish a Māori ward. This decision triggered a representation review.
7. The council developed an initial proposal with the following elements:
 - a. A reduction in the number of councillors from 13 to 11 (comprising 10 general ward councillors and 1 Māori ward councillor)
 - b. Merging the Pirongia and Kakepuku wards and changes to other ward boundaries
 - c. Two community boards covering more or less the same areas as previously but with some changed boundaries to accommodate changed ward boundaries
 - d. The area of the former Pirongia ward continuing to have a ward committee (resulting in only part of the new Pirongia and Kakepuku ward being covered by the Te Awamutu Community Board).
8. The proposed ward arrangements were as follows:

Ward	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Cambridge General	21,300	4	5,325	51	0.97
Te Awamutu and Kihikihi General	14,600	3	4,867	-407	-7.72
Pirongia and Kakepuku General	11,250	2	5,625	351	6.66
Maungatautari General	5,590	1	5,590	316	5.99
Total General	52,740	10	5,274		
Wāipa Māori	5,100	1	5100		
Total	57,840	11	5258		

*Based on Tautauranga Aotearoa Stats NZ 2020 population estimates

9. Membership arrangements for the two community boards are as below:

Community/ subdivision	Population*	Members per subdivision	Population per member	Deviation from community average population per member	% deviation from community average population per member
Cambridge Community					
Cambridge	22,510	4	5,628	-69	-1.20
Maungatautari	5,970	1	5,970	274	4.81
Total	28,480	5	5,696		
Te Awamutu-Kihikihi Community					
Te Awamutu- Kihikihi	17,160	4	4,290	20	0.47
Kakepuku	4,190	1	4,190	-80	-1.87
Total	21,350	5	4,270		

10. As can be seen in the above table, all the wards and subdivisions comply with the +/- 10% rule set out in section 19V(2) of the Act.
11. Consultation on the initial period ran from 27 August to 29 September 2021. The council received 49 submissions. Specific feedback was sought on the following:
- the proposal to reduce the number of general ward councillors from 13 to 10
 - combining the Pirongia and Kakepuku Wards
 - a series of boundary alterations between wards
 - the retention the Community Boards
 - boundary alterations between community board subdivisions
 - the proposed names for wards and subdivisions.
12. The majority of submissions supported each of the elements of the proposal. In addition, submissions were received supporting the retention of the ward system, stressing the importance of the Pirongia Ward Committee, and, conversely, advocating for Pirongia to be covered by a community board.

The Council's final proposal

13. On 12 October 2021, the council resolved to adopt its initial proposal as its final proposal. Appeal against the council's final proposal
14. One appeal to the council's final proposal was received, from Glenn Morgan. He sought the disestablishment of both community boards.

Need for a hearing

15. 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 inquiries the Commission may wish to make.

16. In the case of Waipa 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 in the appeal for us to proceed to a determination. Accordingly we decided no hearing was required.

Matters for determination by the Commission

17. 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.
18. The Council's review process is not one of the matters set out in 19H and 19J. Any concerns expressed by appellants/objectors relating to the council's review process are not a basis for the Commission to overturn a council's proposal. The Commission may, however, comment on a council's process as part of its determination.
19. The matters in the scope of the review are:
 - whether the council is to be elected from wards, the district as a whole, or a mixture of the two
 - the number of councillors
 - if there are to be wards, 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.

Key considerations

20. 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

21. 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.
22. 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.
23. 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.
24. The ward structure in the Waipa District Council’s proposal reflects broad communities of interest as follows:
- a. Cambridge town
 - b. Te Awamutu town
 - c. Rural areas that use Cambridge as a service centre
 - d. Rural areas that use Te Awamutu as a service centre.
25. These communities of interest reflect the results of a community survey undertaken by the council for the 2018 Representation Review. This was done by asking which communities people associate most with for either work, recreation or both. These communities of interest also appear to reflect the views put forward in many of the submissions made on the council’s initial proposal in the current review.

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 mix of both) will provide effective representation of communities of interest within the city
 - 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).
27. ‘Effective representation’ is not defined in the Act, but the Commission sees this as requiring consideration of factors including the appropriate total number of elected members and the appropriate basis of election of members for the district concerned (at large, wards, or a mix of both).

28. Waipa District has been divided into wards since its constitution in 1989 and we see this as appropriate given the size and geography of the district. The concept of a ward system was also supported in the council's submission process. We agree that the configuration of four general wards based on the four communities of interest outlined in paragraph 24 will enable their effective representation.
29. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 members, excluding the mayor. The council has proposed that it comprise 11 members plus the Mayor. This number seems appropriate given the size and population of the district and the configuration of wards chosen.
30. Accordingly, we conclude these ward arrangements meet the requirement for effective representation of communities of interest in the district.

Fair representation for electors

31. For the purposes of 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'). Section 19V(3)(a) permits non-compliance with the '+/-10% rule' for territorial authorities in some circumstances, with the consent of the Commission.
32. The ward and membership arrangements determined by the council comply with the +/-10% rule. Consequently, we are not required to consider this matter further. Accordingly we have upheld the ward and membership arrangements proposed by the council.

Communities and community boards

33. 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.
34. 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:
 - a. At the broader level, will community boards result in the better fulfilment of the purposes of local government as specified in section 10 of the Local Government Act 2002?
 - b. Will a community board have an area that is appropriate for the efficient and effective performance of its role?
 - c. Will the community contain a sufficiently distinct community or communities of interest?

35. The appeal received in respect of the council's final proposal from Glenn Morgan was specifically about community boards.
36. The appeal seeks the disestablishment of both community boards. Mr Morgan's primary concerns are as follows:
 - a. Concerns about the council's representation review process, suggesting the outcome was predetermined
 - b. A suggestion that community boards "are not constituted to actually represent their communities"
 - c. Community boards are expensive and not value for money
 - d. The most recent Residents Survey Report indicating dissatisfaction with community boards and their performance.
37. It is not the Commission's role to investigate the Council's process or whether a decision is predetermined. Our role is to consider the appropriateness of the council's proposed representation arrangements against the criteria in the Act and in doing that we are able to do is consider the community arrangements for Waipa District afresh.
38. The statutory role of a community board as set out in section 52 of the Local Government Act is to:
 - a. represent and advocate for the interests of its community
 - b. consider and report on matters referred to it by its parent council
 - c. maintain an overview of council services provided in its community
 - d. prepare an annual submission to the council for expenditure within its community
 - e. communicate with community organisations and special interest groups within its community
 - f. undertake any other responsibilities delegated to it by its parent council.
39. Waipa District's community boards' delegations mostly repeat the role and functions of boards set out in section 52 of the Local Government Act. In addition, however:
 - a. The Cambridge Community Board has delegated to it the sister cities budget (other than for overseas travel), and responsibility for managing the district's two sister city relationships
 - b. The delegations allow for the boards to oversee particular projects for which budgets may be allocated by the council.
40. One of Mr Morgan's concerns is that community boards "are not constituted to actually represent their communities". He states that this is based on advice from a community board chair. We note that section 52 of the Local Government Act outlined above states that, among other things, one of the roles of community boards is to "represent, and act as advocate for, the interests of its community". This role is also reflected in the community board's delegations. The assertion in the appeal to the contrary is therefore incorrect.
41. This leaves two of Mr Morgan's concerns for us to consider – that the community boards are expensive and not value for money, and the results of the most recent Residents Survey Report.

42. Whether or not community boards are value for money requires a subjective judgement and is best based on the value the community places on them. Therefore, Mr Morgan's concerns are best considered together.
43. The possibility of community boards as part of a district's representation structure is contemplated by both the Local Government Act and the Local Electoral Act. The Waipa District Council has obviously accepted community boards as part of its representation structure.
44. The majority of submissions on the council's initial representation proposal supported the retention of community boards, although with 27 supporting, 13 opposed and eight neutral the results were mixed.
45. We note, however, that submissions from two representative organisations – Federated Farmers and the Te Awamutu Chamber of Commerce - supported the retention of community boards. In its submission the Chamber of Commerce stated that:

We support having the Te Awamutu Community Board to advocate for Te Awamutu and Kihikihi. They are a group we can work with and we have a good relationship with them. We would like to see them continue to serve Te Awamutu.
46. Although the community board's responsibilities are largely advisory and advocacy, perusal of the agendas and minutes of community board meetings shows the boards advocating on a number of relatively large-scale projects. Based on our experience the level and scope of their activity is similar to many other community boards in New Zealand.
47. In addition, we are aware from our general knowledge of the local government sector that the Cambridge Community Board has won awards for work with one of the district's "sister cities", Le Quesnoy, in relation to commemorating the end of World War I. These were the 2019 Sister Cities NZ Award and the 2019 Community Boards Conference Best Project Award and Supreme Award.
48. It must be said, however, that there is some truth in the appellant's arguments about the results of the 2021 Residents Survey Report in relation to community boards. The survey reported that:
 - a. 41% of respondents did not know what the role of community boards is (compared to 31% in 2020, and 22% in 2018)
 - b. 28% of respondents were satisfied with the performance of community boards (compared to 41% in 2020, and 37% in 2018).
49. The survey does not drill down into the reasons for the decline in awareness or satisfaction. We are left with a suspicion, however, that a reason for the better results in previous years could be that work associated with the World War I commemorations enhanced community board profiles at the time but that the benefit of that profile has diminished in the years since.
50. In addition, to put the survey results in some context, there was only 19% satisfaction in the 2021 survey with how well the council itself is in touch with the community and understands the issues facing residents. The level of satisfaction for community boards was somewhat higher than this.

51. We do not consider the survey results area grounds to dis-establish the community boards. Rather they are a basis for reflection and consideration on how the functioning of the community boards could be improved. With this in mind we note that when finalising its representation review the council resolved to:

Direct staff to undertake a review to improve the role and functions of community boards. Prior to commencing that review the scope and parameters of that review to be agreed by the Finance and Corporate committee.¹

52. We commend the council for this initiative and look forward to seeing its outcomes.
53. From the above we conclude that the community boards play a role in engaging with and acting on behalf of their communities and a constructive role in the governance of Waipa District. Disestablishing the boards would create a gap in that part of the council's overall work. We conclude from this that a community board structure should be retained in Waipa District as a mechanism for better fulfilment of the purposes of local government as specified in section 10 of the Local Government Act 2002.
54. Having decided to retain the two community boards we have also considered the membership and subdivision arrangements for the boards. We consider that they will result in the effective representation of the communities of interest within each community board area.
55. One feature of the Council's community board arrangements is the retention of a Pirongia Committee covering most of the area of the current Pirongia Ward (and its exclusion from a community board area). We note the support for this arrangement from the existing committee and more widely through the submission process and conclude that it provides an effective voice for the community. Although the continuation of the Committee itself is not one we can provide for in our determination we agree that the area covered by the Committee from a community board area is justified.

Commission's determination²

56. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of Waipa District Council to be held on 8 October 2022, the following representation arrangements will apply:
- a. Waipa District, as delineated on Plan LG-017-2022-W-1 will be divided into five wards.
 - b. Those five wards will be:
 - (i) Wāipa Māori Ward, as delineated on Plan LG-017-2022-W-2
 - (ii) Pirongia-Kakepuku General Ward, comprising the area delineated on LG-017-2022-W-3
 - (iii) Cambridge General Ward, comprising the area delineated on LG-017-2022-W-4

¹ Minutes of Waipa District Council Finance and Corporate Committee, 12 October 2021

² Plan references preceded by SO are deposited with Land Information New Zealand, and plan references preceded by LG are deposited with the Local Government Commission

- (iv) Maungatautari General Ward comprising the area delineated on LG-017-2022-W-5
 - (v) Te Awamutu-Kihikihi General Ward, comprising the area delineated on Plan LG-017-2022-W-6
- c. The Council will comprise the mayor and 11 councillors elected as follows:
 - (i) 1 councillor elected by the electors of Wāipa Māori Ward
 - (ii) 2 councillors elected by the electors of Pirongia-Kakepuku General Ward
 - (iii) 4 councillors elected by the electors of Cambridge General Ward
 - (iv) 1 councillor elected by the electors of Maungatautari General Ward
 - (v) 3 councillors elected by the electors of Te Awamutu-Kihikihi General Ward
- d. There will two communities as follows:
 - (i) Cambridge Community comprising the areas of Cambridge General Ward and Maungatautari General Ward
 - (ii) Te Awamutu-Kihikihi Community comprising the area delineated on LG-017-2022-Com-1
- e. The Cambridge Community will be divided into two subdivisions as follows:
 - (i) Cambridge Subdivision, comprising the area of the Cambridge General Ward
 - (ii) Maungatautari Subdivision, comprising the area of the Maungatautari General Ward
- f. The Te Awamutu-Kihikihi Community will be divided into two subdivisions as follows:
 - (i) Kakepuku Subdivision, comprising the area delineated on LG-017-2022-S-1
 - (ii) Te Awamutu-Kihikihi Subdivision, comprising the area of the Te Awamutu-Kihikihi General Ward
- g. The Cambridge Community Board will comprise:
 - (i) 4 members elected by the electors of the Cambridge Subdivision
 - (ii) 1 member elected by the electors of the Maungatautari Subdivision
 - (iii) 1 member appointed to the community board by the council representing the Cambridge General Ward
 - (iv) 1 member appointed to the community board by the council representing the Maungatautari General Ward.
- h. The Te Awamutu-Kihikihi Community Board will comprise:
 - (i) 1 member elected by the electors of the Kakepuku Subdivision
 - (ii) 4 members elected by the electors of the Te Awamutu-Kihikihi Subdivision

- (iii) 1 member appointed to the community board by the council representing the Pirongia-Kakepuku General Ward
- (iv) 1 member appointed to the community board by the council representing the Te Awamutu-Kihikihi General Ward.

57. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above wards, communities and subdivisions 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 March 2022