

AUCKLAND CITY COUNCIL

Background

- 1 The Auckland City Council (hereafter referred to as the “Council”), in accordance with section 101H of the Local Government Act 1974 (hereafter called the “Act”), carried out a review of its membership and the basis of the election of its members prior to the triennial general election to be held in October 1998.
- 2 The present membership of the Council is a Mayor, and 24 members elected from the following wards:

Wards	Members
Hauraki Gulf Islands	1
Western Bays	3
Hobson	2
Eastern Bays	3
Tamaki	3
Maungakiekie	3
Mt Roskill	3
Mt Eden	2
Mt Albert	2
Avondale	2

- 3 After carrying out its review, the Council resolved that the number of members for the Western Bays Ward be reduced from 3 to 2, and the number of members for the Hobson Ward be increased from 2 to 3. The Council also resolved that an area bounded by the Great South Road, Manukau Road and Mt St John Road be transferred from the Hobson Ward to the Maungakiekie Ward.
- 4 The Council received 41 objections to its proposal, some of which dealt solely with community boards. Following consideration of those objections, the Council resolved to retain the status quo and make no change to the current membership or boundaries of wards. The reasons cited by the Council for reverting to the status quo were:
 - (a) *“To preserve historical boundaries, on account of strong communities of interest, and*
 - (b) *“It would be considered premature to make changes so soon after the organisational restructure.”*

Appeals and Counter-objections

- 5 Twenty one appeals and counter-objections were lodged in respect of the Council’s proposal. Seventeen submissions were also received in support

of the Council's decision to retain the status quo. The appeals and counter-objections fell within the following categories:

- the amalgamation of wards and reduction in the total number of councillors;
- an additional member of the Council to be elected from the Hobson Ward; and
- the transfer of the area from the Hobson Ward to the Maungakiekie Ward as originally proposed by the Council.

Matter for Preliminary Determination

- 6 The Commission on receiving advice of the appeals and counter-objections, resolved that, before making a determination on those appeals and counter-objections, it would meet with the Council and with those appellants and counter-objectors who wished to be heard. The date of the meeting was fixed for 18 February 1998.

The Hearing

- 7 The Commission met with representatives of the Council and those of the appellants and counter-objectors who indicated they wished to meet with the Commission. Appearing for the Council were Councillor Juliet Yates; Clive Manley, Manager of Democracy Services; and Peter Burden, Committee Manager. Those appellants and counter-objectors appearing were:

Les Mills, Mayor of Auckland
 David Hay, Deputy Mayor
 John Strevens (Councillor)
 Dame Barbara Goodman (Councillor)
 Bill Christian (Councillor)
 Kate Leslie, Chairperson of the Hobson Community Board
 Ewen Hutchinson
 Phil Warren
 Angus Olgvie, Auckland NOW

- 8 On behalf of the Council, Clive Manley and Peter Burden gave a detailed explanation of the process the Council had gone through during its review. The Commission had also had the benefit of extensive documentation relating to the review.
- 9 Juliet Yates explained that the Council had wanted to ensure decisions were based on the principles contained in the Act. The factors taken into account when making its decision were:
- historical boundaries;
 - geography and divisions such as those created by motorways;

- community focus as determined by the location of shopping and social facilities;
 - socio-economic factors; and
 - ethnic communities.
- 10 She stated that, before any change was made to the ward structure of the Council, there should be a clarification of the role of elected representatives. She agreed that there were population discrepancies between wards and that in order to ensure fair representation, some minor boundary operations may be required. She explained that the Council would have liked to have achieved equitable representation between wards but there had not been enough time to do this.
- 11 Councillor Penny Sefuiva and John Hill also spoke on behalf of the Council.
- 12 Councillor Sefuiva said that the Council had centralised its operations and its approach to a number of other activities. She considered therefore that people have less access to elected representatives and any decrease in the number of councillors would lead to an increase in public apathy. She was concerned that any change to the boundaries of the Western Bays Ward would amount to gerrymandering. It had been proposed, for instance, that the Pt Chevalier area be detached from the Western Bays Ward. She considered that Pt Chevalier was part of the Ward's community as being bounded by the motorway to the south. It has a focus towards the city.
- 13 John Hill, Chairman of the Western Bays Community Board, stated that the status quo is a logical system and should not be changed unless the benefits can be clearly identified. He was concerned that much of the publicity given to the review by the Council focused on Option 2 to the detriment of the status quo. He considered that the Western Bays Ward has a clear set of communities of interest as the ward is almost entirely bounded by water to the north and west and motorways to the south and east. He stated that there is an equal case for the inclusion of the central business district in the Western Bays Ward as there is to its inclusion in the Hobson Ward. Overall, he considered that, if there is a reduction in the number of members on the Council, there will be a reduction in public participation overall.
- 14 Les Mills stated that he preferred "Option 2" involving 19 councillors from 6 wards. He stated that there was no magic number as to how many councillors there should be but his instinct is that Option 2 is the best option and that it was also supported by public opinion. He stated that a reduction in the number of councillors would lead to more efficient decision making at less cost. It would ensure a greater focus on strategic issues on the part of the Council. He believed that currently councillors filled their time with non-strategic and unnecessary activity.

- 15 David Hay also supported Option 2 for similar reasons to those expressed by Les Mills. He did not consider that an increase in the geographic size of wards would create any problems for communication between councillors and electors. He considered that the larger wards would still be reasonably compact and accessible by councillors. In discussion with the Commission, he agreed that election costs would be more expensive but believed that bigger wards would make it easier for new candidates to be elected to the Council. Mr Hay was asked whether the pairing of wards was done to set the numbers or for other reasons. He considered that the pairing of wards was done according to the compatibility of their communities of interest and stated that Mt Roskill had a particularly close community of interest with Mt Eden.
- 16 John Strevens sought an additional member for the Hobson Ward and suggested an alternative method of combining wards.
- 17 In relation to the membership of the Hobson Ward, he argued that it was under-represented particularly compared with the Western Bays Ward. He also considered that the Hobson Ward should have an additional member because of the number and range of issues facing the Ward, the fact that it was a major retailing centre, and that significant developments were taking place in the central business district. He also considered that the rateable value of the Ward should be taken into account.
- 18 He also proposed that alternative methods of combining wards should be considered if this was necessary. He believed that it was important to maintain consistency over time as change to the system detracted from public understanding of it. He considered that the Western Bays Ward did not necessarily fit well with the Hobson Ward's community of interest. He had also been unhappy with suggestions that the Tamaki Ward be split by inclusion of Glen Innes in the Eastern Bays Ward.
- 19 Barbara Goodman also sought an additional member for the Hobson Ward. She considered that the existing ward system should be retained as there is too much diversity in the city to have larger wards.
- 20 Bill Christian spoke to a written submission. His preference was for an option similar to Option 2 but considered it important to base new wards entirely on the boundaries of existing wards. He did not see any difficulty being created by larger wards for communication between councillors and the public. He considered that community boards would assist communication between the public and the Council in the event of their being larger wards.
- 21 Kate Leslie, Chairman of the Hobson Community Board, sought an additional member for the Hobson Ward as the current membership disadvantaged that ward. She did not consider that the cost of an

additional councillor would be a significant factor given the size of the Council's budget overall. She considered that the loss of the Council's area offices was a further reason to ensure that adequate levels of representation for wards were maintained. She added that the Hobson Ward has the fastest growing population in the city, a different age profile from other wards and is distinct in that the central area is the focal point of the isthmus. She was concerned that suburban views dominate the City Council and issues facing the central area are overlooked.

- 22 The Community Board also sought the transfer from the Hobson Ward to the Maungakiekie Ward of the area bounded by the Great South Road, Manukau Road, and St Johns Road, and also the transfer of Victoria Park from the Hobson Ward to the Western Bays Ward.
- 23 Ewen Hutchinson also sought a reduction in the number of wards and councillors. He considered that this would result in an improvement in the quality of decision making. He also considered that the workload of councillors is diminishing. He considered that fairer representation between wards could be achieved by combining existing wards, and that the Council's final decision did not comply with the requirement to achieve fair representation. Overall, he considered that the number of wards in the Auckland isthmus should be about 5 and the number of councillors should be about 16.
- 24 Phil Warren considered that the number of councillors and community board members meant that Auckland city is over-governed. He considered that this resulted in unnecessary costs and a duplication of work carried out by officers. He believed that the changed direction of local government and the changed role of elected members meant that councillors should have a lower workload.
- 25 Angus Ogilvie, representing Auckland NOW, stated that the Council is currently far too large and therefore expensive to run. He considered that the role of councillors was to make policy and not become involved in the detail of the running of the Council. He said Auckland NOW was content to leave the current ward boundaries as they are now as moving them might creating unforeseen difficulties. He said that he was not in favour of the Tamaki and Maungakiekie wards being amalgamated as they did not have a common community of interest. Overall, however, he felt that retention of existing boundaries would be the least disruptive approach.
- 26 In the Council's right of reply, Juliet Yates stated that:
- a low number of councillors had lodged appeals or counter-objections. She spoke on behalf of the majority of councillors;
 - she did however oppose small boundary operations such as the alteration between Maungakiekie and Hobson wards or the transfer of Victoria Park;

- the Western Bays Ward is based on a clear community of interest;
- Glen Innes should continue to form part of the Tamaki Ward;
- She did not agree that there are too many councillors doing unnecessary work; and
- while the work of councillors had decreased, in some areas it had increased in a number of other areas such as the annual plan process and the new requirements to develop long term financial strategies.

Matters for Determination

27 The statutory provisions in respect of these appeals are contained in sections 101K and 101L of the Act. Section 101K(1) states:

- "(1) The Commission shall before the 29th day of March of the year of each triennial election -*
- (a) Consider the resolutions, objections, appeals, counter-objections, and information forwarded to it under section 101J of this Act; and*
 - (b) Subject to section 101L of this Act, determine the number of wards or constituencies and their names and boundaries, and the number of members to be elected by the electors of each ward or constituency or, as the case may be, by the electors of the district as a whole."*

28 The relevant provisions of section 101L are subsections (2) and (3) which state:

- "(2) In determining whether the council is to be elected by the electors of the district as a whole or by the electors of two or more wards and in determining (where necessary) the number and boundaries of wards, the territorial authority and, where appropriate, the Commission shall ensure -*
- (a) that the election of members of the council by the electors of the district as a whole or by the electors of the two or more wards whose number and boundaries are determined will provide effective representation of communities of interest within the district; and*
 - (b) that ward boundaries coincide with the boundaries of current statistical meshblock areas determined by the Department of Statistics and used for Parliamentary electoral purposes; and*
 - (c) that, so far as is practicable, ward boundaries coincide with community boundaries.*
- (3) In determining the number of members to be elected by the electors of any constituency or ward, the council and, where appropriate, the Commission shall ensure that the electors of the constituency or ward receive fair representation having regard*

to the population of every constituency or ward within the region or district and, if the circumstances so require, the rateable values, areas, or other relevant characteristics of the various constituencies or wards."

Consideration by the Commission

- 29 The Commission considers when deciding:
- (a) whether the election of the members of a council (other than the Mayor) be by the electors of the whole district or on a ward basis; and
 - (b) if on a ward basis, the number and boundaries of the wards,

that the only criterion to be met within the terms of section 101L(2) is the provision of effective representation of the various communities of interest within the district. This can be achieved by any ward encompassing one or more communities of interest. What the Commission has to do then is determine which communities of interest require separate representation or what groupings of communities of interest are appropriate to be combining into wards.

- 30 The Commission further considers that when deciding on the number of councillors to be elected by the electors of any ward, the sole criterion to be met under section 101L(3) is the provision of fair representation of the electors of the various wards within the district. In deciding this fairness of representation, the Commission must have regard primarily to population, but if this factor alone does not, in the opinion of the Commission, achieve fairness then regard should be given to rateable value and area or other relevant characteristics of the various wards. In the opinion of the Commission, population must constitute the predominant factor, but different weightings or even no weighting can be applied to all factors as are appropriate in any given circumstances. The Commission does not consider that any particular formula must be applied and consequently, any mathematical calculation should be seen only as a guide to a level of fairness which can be achieved on the basis of the factors required to be taken into account under the provisions of the Act. In the end though, the final decision must be that which the Commission considers will, after having regard to the various factors set out in the Act, provide the fairest representation on balance for the electors of each ward.
- 31 In the Commission's opinion, its first responsibility, which also applied to the Council, was to decide whether or not the district should be divided into wards, and if so the number and boundaries of those wards to provide effective representation of communities of interest within the district.

32 The Commission notes that section 101L(4) of the Act provides that

“(4) Notwithstanding anything in section 101H(1) of this Act or subsection (2) of this section, every ward which is an island or group of islands with a population in excess of 1,000 persons and which was established by an Order in Council that came into force on the 1st day of November 1989 shall continue to constitute a ward of the territorial authority within which the ward was established.”

This provision applies to the existing Hauraki Gulf Islands Ward and therefore that ward shall continue in existence. What the Commission therefore has to determine is the membership and basis of election for that part of the City situated on the Auckland Isthmus.

33 The Commission is aware that the previous Commission in 1989 had found that the nature of Auckland City, its geography, its size, and the variety of communities of interest within its boundaries was such that it was appropriate to divide the City into wards in order to ensure effective representation for the various communities of interest. The Commission did not see or hear any evidence which persuaded it that this situation had changed since 1989, and therefore finds that Auckland City should continue to be divided into wards.

34 The next question is “which communities of interest or groupings of communities of interest require separate representation to ensure effective representation?”

35 The Commission believes that inherent in the concept of effective representation for communities of interest is the ability for communities to receive fair representation. In an urban area such as the Auckland isthmus, this would normally be determined solely on the basis of population. The following table analyses the current distribution of membership between wards on the Auckland isthmus.

Ward	Population	Statistical entitlement to members	Actual members
Avondale	33258	2.26	2
Eastern Bays	41371	2.81	3
Hobson	36272	2.47	2
Maungakiekie	38422	2.61	3
Mt Albert	33366	2.27	2
Mt Eden	28994	1.97	2
Mt Roskill	42976	2.92	3
Tamaki	47511	3.23	3
Western Bays	35991	2.45	3

- 36 As indicated in some of the appeals, the above table shows a significant under-representation of the Hobson Ward, and over-representation of the Western Bays Ward. It also shows moderate under-representation of the Avondale, Mt Albert, and Tamaki Wards and moderate over-representation of the Maungakiekie Ward. Overall the system of wards and allocation of members displays a poor statistical fit, and does not appear to the Commission to achieve fair representation between wards.
- 37 The Council had spent some time considering a number of possible changes to its ward structure. Although some of these were minor changes to accommodate what had been perceived as necessary corrections to take account of communities of interest, the major options for change involved a reduction in the total number of members on the Council and changes to the number of wards to accommodate the reduction in members. A number of the appeals and counter-objections received by the Commission echoed these proposals.
- 38 There is no provision in the Act requiring the Council, or as the case may be, the Commission to determine the total number of members on the Council. What the Council and the Commission are effectively required to do is determine wards that reflect communities of interest and determine the number of members to be elected from each in a manner that ensures fair representation between wards. Consequently the total membership for the Council becomes the sum of the number of members to be elected by electors of each ward, so that the electors achieve fair representation when compared with the electors of all wards. The Commission considered it was required to determine an appropriate ward structure which would allow for effective representation for the differing communities of interest while at the same time providing for the election of the minimum number of members from each ward which could ensure fair representation whilst still enabling the Council to carry out the functions, duties, and powers imposed upon it by legislation.
- 39 A number of those appearing before the Commission or who lodged written appeals, submitted that there should be no significant change to the membership or basis of election of the Council at this time. Instead they argued that a fundamental review should be held prior to the triennial elections of the Council to be held in 2001. The Commission could not accept this argument as sections 101L and 101K of the Act give the Commission a clear instruction where it has received appeals to determine the number and boundaries of wards, and the number of members to be elected by those wards. In so doing, the Commission is required to provide effective representation for communities of interest, and fair representation between wards.

- 40 In the Commission's view, the Council should have completed the wide-ranging review it commenced. That review should not only have addressed the question of fairness of representation between wards, it should also have done that without the constraint of existing ward boundaries. The Commission notes that these have not changed since 1989. It also notes that the ward boundaries display, in a number of places, a considerable similarity to the boundaries of the former territorial authority districts that were abolished in 1989. The Commission acknowledges that some of those boundaries may remain relevant in reflecting communities of interest. However, it is not confident that they all remain relevant.
- 41 Ideally the Commission would have preferred the Council carry out a review that resulted in fair representation between communities and wards and a demonstrated conformity to communities of interest. However, the Commission does not consider that the lack of fairness displayed by the ward system can be left another 3 years without some change taking place. The Commission, therefore, feels obliged to carry out restructuring of the ward system in Auckland City itself.
- 42 The Commission therefore decided to design a ward system, that appears to it, to reflect communities of interest, ensures their effective representation, and enables fair representation between wards to be achieved in accordance with the requirements of the Act. The system the Commission has drawn up is as follows:
- **Western Bays Ward**, comprising the existing ward and two small areas currently in the Hobson Ward:
 - **Hobson Ward**, comprising the existing ward and the Mt St John and One Tree Hill areas currently in the Maungakiekie Ward, and the Epsom area currently in the Mt Eden Ward, less the two areas to be transferred to the Western Bays Ward:
 - **Eastern Bays Ward**, comprising the existing ward:
 - **Penrose Ward**, comprising the existing Tamaki Ward and the Onehunga and Ellerslie areas of the existing Maungakiekie Ward:
 - **Balmoral Ward**, comprising the existing Mt Albert Ward and the Mt Eden Ward less the Epsom area:
 - **Avondale-Roskill Ward**, comprising the existing Mt Roskill and Avondale Wards.
- 43 The population of these wards and their statistical entitlement to members is shown in the following table.

Ward	Population	%	Members						
			17	18	19	20	21	22	23
Western Bays	36032	10.65	1.81	1.92	2.02	2.13	2.24	2.34	2.45
Hobson	52598	15.53	2.64	2.79	2.95	3.11	3.26	3.42	3.57
Eastern Bays	41371	12.23	2.08	2.20	2.32	2.45	2.57	2.69	2.81
Penrose	78652	23.26	3.95	4.19	4.42	4.65	4.88	5.12	5.35
Balmoral	53373	15.78	2.68	2.84	3.00	3.16	3.31	3.47	3.63
Avondale-Roskill	76234	22.54	3.83	4.06	4.28	4.51	4.73	4.96	5.19
Total	338161	100.00	17.00	18.00	19.00	20.00	21.00	22.00	23.00

44 The Commission considers that fair representation can be achieved with a total membership for the isthmus wards of 18. The inclusion of the member elected from the Hauraki Gulf Islands Ward brings the total membership of the Council to 19.

45 The Commission notes that these wards are somewhat larger than the existing wards, and that the total number of members is less than the current number. The Commission considers, however, that members of community boards have a role to play in dealing with many local issues and if appropriate delegations are in place, the requirements placed on councillors to deal with such matters should be lessened.

46 The Commission also notes that a number of the boundaries of these wards depart from existing community boundaries. Section 101L(2)(c) of the Act provides “that, so far as is practicable, ward boundaries coincide with community boundaries”. The Commission considers that it is not possible to achieve fairness of representation between wards without departing from community boundaries, and, therefore, it is not practicable for existing community boundaries and those of wards to coincide.¹

¹ Existing communities were abolished as from 10 October 1998. The Waiheke Community was abolished pursuant to a determination of the Local Government Commission made under section 101ZO(1)(c) of the Local Government Act while the other communities were abolished with the consent of the appropriate community boards under section 101ZO(1)(b). New communities with boundaries conforming with ward boundaries were constituted under section 101ZG(1)(b) by resolution of the Council with the consent of the Commission.

- 47 The Commission has therefore determined that for the 1998 elections the Auckland City Council shall comprise a Mayor, and 19 members elected as follows:

Wards	Members
Hauraki Gulf Islands	1
Western Bays	2
Hobson	3
Eastern Bays	2
Penrose	4
Balmoral	3
Avondale-Roskill	4

Determination

- 48 Pursuant to section 101K of the Act, the Commission hereby determines that for the triennial election in 1998:
- (1) Auckland City, as delineated on S.O. Plan No.63496 deposited with the Chief Surveyor of the North Auckland Land District, shall be divided into seven wards;
 - (2) Those seven wards shall be:
 - (a) the Hauraki Gulf Islands Ward, comprising the area delineated on S.O. Plan No. 63508, deposited with the Chief Surveyor of the North Auckland Land District;
 - (b) the Western Bays Ward, comprising the area delineated on S.O. Plan No.63512 deposited with the Chief Surveyor of the North Auckland Land District;
 - (c) the Hobson Ward, comprising the area delineated on S.O. Plan No. 63510 deposited with the Chief Surveyor of the North Auckland Land District;
 - (d) the Eastern Bays Ward, comprising the area delineated on S.O. Plan No.63509 deposited with the Chief Surveyor of the North Auckland Land District;
 - (e) the Penrose Ward, comprising the area delineated on S.O. Plan No. 6920 deposited with the Chief Surveyor of the North Auckland Land District;
 - (f) the Balmoral Ward, comprising the area delineated on S.O. Plan No. 69291 deposited with the Chief Surveyor of the North Auckland Land District; and
 - (g) the Avondale-Roskill Ward, comprising the area delineated on S.O. Plan No. 69292 deposited with the Chief Surveyor of the North Auckland Land District:

- (3) The Council shall comprise a Mayor and 19 members who shall be elected as follows:
- (a) one member shall be elected by the electors of the Hauraki Gulf Islands Ward;
 - (b) two members shall be elected by the electors of the Western Bays Ward;
 - (c) three members shall be elected by the electors of the Hobson Ward;
 - (d) two members shall be elected by the electors of the Eastern Bays Ward;
 - (e) four members shall be elected by the electors of the Penrose Ward;
 - (f) three members shall be elected by the electors of the Balmoral Ward; and
 - (g) four members shall be elected by the members of the Avondale-Roskill Ward.

48 As required by section 101L(2) of the Act, 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

Ian Lawrence, Chairman
Barbara Durbin, Commissioner
Robin Wilkins, Commissioner

27 March 1998