

# MANUKAU CITY COUNCIL

## Background

- 1 The Manukau 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 is a Mayor and 19 members elected from the following wards:

<b>Wards</b>	<b>Members</b>
Pakuranga	3
Howick	3
Otara	2
Papatoetoe	3
Mangere	3
Manurewa	4
Clevedon	1

- 3 The Council commenced its review in February 1997 when it appointed an independent review panel to review the membership and basis of election of the Council. The panel comprised Mr George Tyler, Mrs Fa’afua Leavasa-Tautolo and Mr John Robertson.
- 4 The review panel, in relation to the Council’s membership and basis of election recommended that:
  - the current wards and ward boundaries remain, subject to 2 minor boundary alterations:
  - the Council comprise a Mayor and 19 members:
  - based on a formula applying the following weightings:

Population	75%
Area	10%
Rateable value	5%
Ethnic diversity	10%

- the number of members to elected by each ward be as follows:

<b>Wards</b>	<b>Members</b>
Pakuranga	2
Howick	3
Otara	2
Papatoetoe	3

Mangere	3
Manurewa	4
Clevedon	2

- 5 The panel did, however, express concern about the reduction in the membership of the Pakuranga Ward, and suggested that the Council consider alternative methods of addressing this issue to ensure that ward continues to have fair representation.
- 6 After considering the panel’s recommendations the Council resolved that the total number of members should be 21. Application of the formula referred to above resulted in an additional member being elected from each of the Otarā and Pakuranga wards.
- 7 The Council received 3 objections to its proposal, from:
- the Bucklands and Eastern Beaches Ratepayers and Residents Association, which opposed an increase in the number of councillors;
  - the Highland Park/Macleans Community Network, which sought the formation of a Pakuranga/Howick Ward and an East Tamaki Ward; and
  - A B Gearney, who opposed an increase in the number of councillors.
- 8 After considering the objections, the Council declined to amend its original proposal for the following reasons:

*“It is not accepted that it would be desirable in the interests of fair representation for the number of Councillors elected from Clevedon and Otarā to remain at one and two respectively.”*

*“It is not accepted that it would be desirable in the interests of fair representation for Pakuranga and Howick to reduce to three the numbers to be elected from these areas.”*

*“It is not accepted that the proposed East Tamaki ward represents a community of interest and the objection does not provide for the balance of the Clevedon ward.”*

*“It is considered that, in the interest of fair representation in the Otarā and Clevedon wards, and taking population and workload increases into consideration, 21 is the appropriate number of Councillors.”*

## **Appeal**

- 9 One appeal was received against the Council’s decision from the Bucklands and Eastern Beaches Ratepayers and Residents Association, on the basis of its original objection.

## **Matter for Preliminary Determination**

- 10 The Commission on receiving advice of the appeal, resolved that, before making a determination of this appeal, it would meet with the Council and with the appellant if they wished to heard. The date of the meeting was fixed for 17 December 1997.

## **The Hearing**

- 11 The Commission met with representatives of the Council and the appellants. Appearing for the Council were the Mayor, Sir Barry Curtis; Councillor Roger Baldwin; the City Manager, Colin Dale; the Manager Corporate Planning, Ken Coulam; and the Ward Co-ordinator, Charles Rhodes. Appearing for the appellant were Shirley Warren, Chair; Grace Kirk, Vice Chair; and Mary Wilton, Secretary.
- 12 Mr Rhodes outlined the process the Council had gone through. He stated that the Council was mindful of the Commission's comments in respect of the 1995 review and had therefore appointed the Independent Review Panel to conduct a thorough review of the Council's membership and basis of election.
- 13 There was little evidence that ward boundaries did not conform with communities of interest, other than those which could be dealt with by minor boundary alterations.
- 14 Sir Barry Curtis spoke to written evidence about the nature of Manukau City and in particular, the representation needs of the Otara and Clevedon Wards. He stated that Manukau City is unique in a number of ways, in particular its ethnic diversity as the city contains 55 different ethnic groups and more than half the population of the city have a non-European background. In respect of the Otara Ward, he stated that 25% of the population on the Ward are Maori and 57% are Pacific Islanders. Many residents of the ward faced considerable hardship which placed demands on the services and advocacy which the Council must provide. The Council is involved in a number of health, education and community well-being issues which are of particular significance in the Otara Ward. He considered that it is impossible for only two elected members to provide adequately for the needs of the Otara Ward.
- 15 He stated that the Clevedon Ward covered a large area extending over 400 square kilometres. It has a diverse make-up with a number of small urban centres, rural residential lifestyle areas and diverse rural land uses. There are a number of development issues facing the ward, including subdivision in the Beachlands and Maraetai area, significant rural residential development, and the fact that the Ward provides a reservoir of land to meet the demands for ongoing urbanisation.
- 16 He also considered it impossible for a single councillor to adequately respond to the needs of the Ward. That person has to interact with a large range of

organisations. In an urban ward that responsibility could be shared amongst a greater number of ward representatives.

- 17 Councillor Baldwin discussed the workload of councillors and stated that developments such as the new financial management regime, introduced by the Local Government Amendment (No. 3) Act, placed a large burden on councillors.
- 18 The City Manager, Colin Dale stated that “where local government is at this point of time” meant that there are enormous strategic issues to be dealt with by the council. He considered that the community wants to be represented while those issues are being considered. He added that the constitution of LATEs have increased the workload of councillors, contrary to a common perception. Their performance has to be monitored and managed. This particular aspect of councillors’ workloads is likely to increase in the future as more LATEs are established.
- 19 Speaking on behalf of the appellants, Mary Wilton stated that there was a world-wide trend to downsize the management structure of organisations generally, and the association did not consider that the Council should be immune from this process. She was concerned that additional members would result in the cost of running the Council increasing.
- 20 Shirley Warren stated that the Commission had set the size of the Council in 1995 and since then, she considered, the workload of councillors should have decreased through corporatisation and contracting out. She considered that this workload could be further decreased through greater delegation to community boards.
- 21 In relation to the Clevedon Ward, the Association considered that the Maraetai - Beachlands area could be transferred to the Howick Ward, thereby making one member for the Clevedon Ward more acceptable. It was also considered that the workload of the Clevedon Ward councillor could be lessened through more extensive delegations to the Clevedon Community Board.
- 22 The Council in its right of reply stated that:
  - the number of wards is appropriate at this stage of the development of Manukau City:
  - the ward boundaries reflect communities of interest, however the time may come when a more general review of boundaries should be undertaken to reflect the changing pattern of growth and population of the City:
  - residents of the Beachlands - Maraetai area feel part of the community encompassed in the Clevedon Ward, and have indicated a desire to remain part of that ward:
  - the Council appreciates the emerging role of the community boards, and is presently reviewing their role with a view to delegating further responsibilities in 1998:

- Manukau City is a unique unit of local government in terms of social characteristics and an appropriate approach for the Council's membership is required to deal with those circumstances:
- the current level of representation has compromised the effectiveness of representation for the residents of the Otara and Clevedon wards.

## **Matters for Determination**

23 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 -*
- Consider the resolutions, objections, appeals, counter-objections, and information forwarded to it under section 101J of this Act; and*
  - 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."*

24 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 -*
- 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*
  - 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*
  - 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

- 25 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.

- 26 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 remain 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. The final decision must be that which the Commission considers will, after having regard to the various factors set out in the Act, provide fair representation for the electors of any ward.
- 27 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.
- 28 The Commission came to the view that because of the size and diversity of the district, effective representation of the various communities of interest could only be achieved at this time by councillors being elected on a ward basis.
- 29 Having decided that the basis of election would be the ward system, the Commission then had to consider, whether the existing wards were appropriate. The Commission considers that, subject to the two minor adjustments proposed by the Council, the boundaries of the wards reflected communities of interest and that each of those communities of interest required separate representation.

30 The next issue to be addressed by the Commission was the number of members to be elected from each ward. The appeal from the Bucklands and Eastern Beaches Ratepayers and Residents Association sought no increase in the current total membership of the Council. This is not precisely what the Commission is required to do. In determining the number of members to be elected from each ward the Commission is required to ensure fair representation between those wards. The Commission does not start out with a fixed number of members in its mind. The total number of members will flow out of decisions on the boundaries of wards, and on the number of members required to achieve fairness between wards.

31 The Commission therefore considered the allocation of membership to wards proposed by the Council. As noted above this was as follows:

<b>Wards</b>	<b>Members</b>
Pakuranga	3
Howick	3
Otara	2
Papatoetoe	3
Mangere	3
Manurewa	4
Clevedon	2

32 The Council had determined this by applying the following weightings to a 21 member Council:

Population	75%
Area	10%
Rateable value	5%
Ethnic diversity	10%

33 The Commission does not consider that ethnic diversity is an appropriate characteristic to be used in determining fair representation between wards as a representational factor. The ethnic makeup of the population of any particular area is certainly a characteristic, as would be their socio-economic status. Another major characteristic is whether the principal occupations of the inhabitants of an area could be classified as being of a rural or an urban nature. In the Commission's opinion, these are characteristics which would be appropriate to take into account when seeking to define communities of interest.

34 In addressing the Commission, Sir Barry Curtis referred to the additional demands placed on the Council and on councillors by the ethnic diversity of the City and certain wards in particular. The Commission accepts that this may be the case. However, the Commission does not accept that this necessarily translates into an argument for additional representation. There are a variety of resources available to the Council to assist in responding to

community needs other than elected members, including community board members and council staff.

35 In addition the Commission considers, as a general principle, there is difficulty in the use of ethnicity as the determinant of electoral entitlement in that it gives a potential electoral advantage to one segment of society over another. In the situation of Manukau City there is a particular difficulty as it would result in an electoral advantage being given to the majority of the population of the district.

36 The Commission therefore considered whether fairness for the electors of the various wards could be achieved by taking account of population alone for a range of 18 to 21 councillors, as is shown in the following table.

**Table 1**

Wards	Population	%	Members			
			18	19	20	21
Mangere	42,750	16.81	3.03	3.19	3.36	3.53
Manurewa	57,451	22.59	4.07	4.29	4.52	4.74
Otara	31,386	12.34	2.22	2.34	2.47	2.59
Pakuranga	35,930	14.13	2.54	2.68	2.83	2.97
Clevedon	9,928	3.91	0.70	0.74	0.78	0.82
Howick	39,681	15.61	2.81	2.97	3.12	3.28
Papatoetoe	37,152	14.61	2.63	2.78	2.92	3.07
<b>Totals</b>	<b>254,278</b>	<b>100.00</b>	<b>19.00</b>	<b>19.00</b>	<b>20.00</b>	<b>22.00</b>

37 The table shows that the use of population only did not produce any result which could, in the context of Manukau City, be considered to be completely fair.

38 The Commission has therefore applied those characteristics specified in section 101L(3) of the act to assist in determining the membership of wards of Manukau City. The characteristics and weightings applied are population 80%, rateable values 10%, and area 10%. These characteristics and weightings are those which the Commission frequently applies to those districts where one or more wards contain significant rural areas, and where the district as a whole contains divergent rateable values. The use of this formula results in the following statistical entitlement of each ward with a total membership of the Council ranging from 18 to 21.

**Table 2**

Wards	Members			
	18	19	20	21
Mangere	2.78	2.94	3.09	3.24
Manurewa	3.72	3.93	4.14	4.34
Otara	1.99	2.10	2.21	2.32
Pakuranga	2.44	2.58	2.72	2.85
Clevedon	2.01	2.12	2.24	2.35
Howick	2.72	2.86	3.01	3.16
Papatoetoe	2.34	2.47	2.60	2.73
<b>Totals</b>	<b>18.00</b>	<b>19.00</b>	<b>20.00</b>	<b>20.00</b>

- 39 The Commission considers that using this set of characteristics and weightings fair representation for each of the wards can best be achieved through a total membership of 20 and an allocation of members between wards as follows:

Ward	Members
Pakuranga	3
Howick	3
Otara	2
Papatoetoe	3
Mangere	3
Manurewa	4
Clevedon	2

- 40 To the extent that the membership of the Council does not increase to 21, the appeal of the Bucklands and Eastern Beaches Ratepayers and Residents Association is upheld, although not fully for the reasons stated in the appeal.

### Determination

- 41 Pursuant to s 101K of the Act, the Commission hereby determines that for the triennial general election in 1998:
- (1) Manukau City, as delineated on SO Plan No 63495 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 Pakuranga Ward, comprising the area delineated on SO Plan No 63501 deposited with the Chief Surveyor of the North Auckland Land District:

- (b) the Howick Ward, comprising the area delineated on SO Plan No 63502 deposited with the Chief Surveyor of the North Auckland Land District:
  - (c) the Otara Ward, comprising the area delineated on SO Plan No 63507 deposited with the Chief Surveyor of the North Auckland Land District:
  - (d) the Papatoetoe Ward, comprising the area delineated on SO Plan No 63506 deposited with the Chief Surveyor of the North Auckland Land District:
  - (e) the Mangere Ward, comprising the area delineated on SO Plan No 63505 deposited with the Chief Surveyor of the North Auckland Land District:
  - (f) the Manurewa Ward, comprising the area delineated on SO Plan No 63504 deposited with the Chief Surveyor of the North Auckland Land District:
  - (g) the Clevedon Ward, comprising the area delineated on SO Plan No 63503 deposited with the Chief Surveyor of the North Auckland Land District.
- (3) The Council shall comprise 20 members of whom:
- (a) three members shall be elected by the electors of the Pakuranga Ward; and
  - (b) three members shall be elected by the electors of the Howick Ward; and
  - (c) two members shall be elected by the electors of the Otara Ward; and
  - (d) three members shall be elected by the electors of the Papatoetoe Ward; and
  - (e) three members shall be elected by the electors of the Mangere Ward; and
  - (f) four members shall be elected by the electors of the Manurewa Ward; and
  - (g) two members shall be elected by the electors of the Clevedon Ward.

42 As required by section 101L 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