



LOCAL GOVERNMENT COMMISSION

Determination

of the membership and basis of election for the
general election of the Manukau City Council to be
held on 9 October 2004

BACKGROUND

- 1 The Manukau City Council (“the Council”) undertook a review of the membership and basis of election of the Council and of community boards under sections 19H and 19 J of the Local Electoral Act 2001 (“the Act”). On 31 August 2003 the Council resolved the initial proposed electoral arrangements to apply for the general election of the Council to be held in October 2004.
- 2 The Council elected at the 2001 general election comprises 20 members and the Mayor. The 20 members were elected as follows:

Mangere Ward	3 members
Papatoetoe Ward	3 members
Otara Ward	2 members
Pakuranga Ward	3 members
Howick Ward	3 members
Manurewa Ward	4 members
Clevedon Ward	2 members
- 3 Community boards are established for each ward. The boards comprise six members except for the Manurewa Community Board, which has eight elected members.
- 4 Following its review, the Council proposed the following electoral arrangements as its initial proposal:

Council

The Council would comprise the Mayor and 19 members elected as follows:

Mangere Ward	3 members
Papatoetoe Ward	2 members
Otara Ward	2 members
Pakuranga Ward	2 members
Howick Ward	2 members
Manurewa Ward	4 members
Botany Flatbush Ward	2 members
Clevedon Ward	2 members

Communities

The existing communities would be retained, although in some cases with altered boundaries. A new community board would be established for the proposed Botany Ward. Each board would comprise five elected members. All of the councillors for the appropriate ward would be appointed to the board.

- 5 The Council received 47 submissions to its initial proposal. The submissions covered a range of issues including:
 - support for the proposed Botany-Flatbush Ward
 - retention of the Millhouse and Golflands areas in the Howick Ward
 - a number of other boundary alterations
 - a number of alternative wards arrangements
- 6 Following consideration of the submissions, the Council modified its initial proposal to provide as follows:

Council

The Council would comprise a Mayor and 23 members elected as follows:

Mangere Ward	3 members
Papatoetoe Ward	3 members
Otara Ward	2 members
Pakuranga Ward	3 members
Howick Ward	3 members
Manurewa Ward	5 members
Botany Ward	2 members

There were some alterations to ward boundaries.

Communities

Each community board would comprise five elected members, except for the Manurewa Community Board, which would have six elected members. All of

the councillors for each ward would be appointed by the Council to the appropriate board.

- 7 Twenty appeals and 35 objections were received against the Council's final proposal. The subject matter of the appeal included the following:
- Retention of an area between Buckland Road and the South Western Motorway in the Mangere Ward and not include it in the Papatoetoe Ward
 - Dividing Manukau City into 3 wards –
 - Northern Botany Ward (population 133880)
 - Southern Manukau Ward (population 163320)
 - Clevedon Ward (population 10000)
 - Millhouse, Golflands and Northpark should stay in Howick Ward
 - Clevedon Ward should not be an isolated community. It should be combined with Botany Ward but retain a separate community board
 - Membership of the Manurewa Community Board should remain at 8 members
 - Divide Mangere Ward into Mangere East and Mangere West Wards
 - Divide Manurewa Ward into Manurewa East and Manurewa West Wards
 - Transfer Eastern Manurewa to Botany Ward
 - Include Otara maunga in Otara Ward
 - Transfer Te Puke O Tara, Highbrook Park and Otara lake from Botany Ward back to Otara Ward
 - Bucklands Beach should be transferred from the Pakuranga Ward to the Howick Ward
 - Botany Ward's representation should be based on the estimated population as at the time of the next census
 - Botany Ward should be called the Botany-Ormiston Ward
 - An area east of Murphys Road should be transferred from the Manurewa Ward to the Clevedon Ward
 - The entire East Tamaki Business Area should be in Botany Ward
 - Burswood area should remain in Pakuranga Ward or be included in Howick Ward
 - Burswood should be in Botany Ward not Pakuranga Ward
 - Transfer Otara taonga maunga from Botany Ward to Otara Ward

Hearing

- 8 The Commission, on receiving advice of the appeals and objections, decided that it would meet with the Council and the appellant if they wished to be heard. A quorum of the Commission, comprising Commissioners Linda Constable and Kerry Marshall, met with the Council and appellants in Manukau City on 23 February 2004.
- 9 The Council and 13 appellants and objectors appeared before the Commission at the hearing. The Council outlined its proposal, and the appellants and objectors spoke to their submissions.

MATTERS FOR DETERMINATION

10 The statutory provisions in respect of these appeals and objections 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.*

11 When applying the provisions detailed above, the principles of the Act (set out in section 4 of the Act) need to be taken into account of, particularly the principle of fair and effective representation for individuals and communities.

Consideration by the Commission

12 The Commission considers that when deciding the basis of election of the Council, i.e. whether the Council should be elected at large, or by wards, or partly by wards and parts at large, the criterion to be met within the terms of section 19T is the provision of effective representation of the various communities of interest within the City. The Commission must determine which communities of interest or groupings of communities of interest require representation. If wards are considered appropriate, then any particular ward may encompass one or more communities of interest.

13 Section 19V provides that the electors of the various wards within the City must receive fair representation. Section 19V(3) provides that the requirements of section 19V(2) may only be set aside in the circumstances where the Commission considers that island or isolated communities require specific representation. The provisions of section 19(V) which are relevant to the Commission's consideration are subsections (1), (2) and (3), as follows:

19V. Requirement for fair representation and other factors in determination of membership for wards, constituencies, and subdivisions

- (1) *In determining the number of members to be elected by the electors of any ward or constituency or subdivision, the territorial authority or regional council and, where appropriate, the Commission must ensure that the electors of the ward or constituency or subdivision receive fair representation, having regard to the population of every district or region or community and every ward or constituency or subdivision within the district or region or community.*
- (2) *For the purposes of giving effect to subsection (1), the territorial authority or regional council and, where appropriate, the Commission must ensure that the population of each ward or constituency or subdivision, divided by the number of members to be elected by that ward or constituency or subdivision, produces a figure no more than 10% greater or smaller than the population of the district or region or community divided by the total number of elected members (other than the mayor, if any).*
- (3) *Despite subsection (2),—*
 - (a) *if the territorial authority or the Commission considers that the effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority so requires, wards and subdivisions of a community may be defined and membership distributed*

between them in a way that does not comply with subsection (2):

- (b) *if the regional council or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and membership distributed between them in a way that does not comply with subsection (2).*

- 14 The Commission notes that any preliminary ward arrangements determined to reflect communities of interest might need to change to ensure that the population to member ratio requirement of section 19V(2) is met, unless it is satisfied that island or isolated communities require separate representation to achieve effective representation.
- 15 The Commission's first responsibility was to decide whether or not the City 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 City.
- 16 The Manukau City covers a reasonably large and diverse area. It includes a number of distinct and diverse urban communities, and a significant rural area. The Commission came to the view that because of the size and diversity of the City, effective representation of communities of interest could only be achieved by councillors being elected on a ward basis. In reaching this decision Commission noted that there were no submissions or appeals objecting to this element of the Council's proposal.

Appropriate Ward System and Membership

- 17 Having decided that the basis of election would be the ward system, the Commission then considered the number and boundaries of wards necessary to ensure the effective representation of the various communities of interest in the City. The Commission does not consider that section 19T envisages that individual communities of interest need separate representation. Its sole requirement in this regard is that the representation of communities of interest must be effective.
- 18 The Commission emphasises that wards are for electoral purposes only, and that the Council is the entity to which members are elected.
- 19 In the Commission's view, where a district is to be divided into wards, there should be such number of wards as is necessary and consistent with the concept of effective representation of various communities of interest. In this regard the requirements of section 19V(2) also need to be taken into account, as the population that each ward member represents must fall within a population to member ratio +/-10%.
- 20 The Council had proposed a ward system broadly based on the existing ward system but with the significant addition of the proposed Botany Ward. The representation of several of the proposed wards falls outside the population per

member ratio required by section 19V(2). As noted in paragraph 7 appeals and objections were received against several elements of the Council's proposed ward system.

- 21 The representation of several of the proposed wards falls outside the +/-10% population per member ratio required under section 19V(2) of the Act. These are the Mangere, Papatoetoe, Otara and Clevedon Wards. The only justification contained in section 19V(2) for not complying with this requirement is the need to ensure effective representation for island communities of interest or isolated communities of interest. In the view of the Commission it is clear that the Mangere, Papatoetoe and Otara Wards do not fall within either of those categories of community of interest. Although the Council presented an argument that the Clevedon Ward is isolated, it seems clear that the Mangere, Papatoetoe and Otara Wards are not isolated. The Council should therefore have explored options to ensure that they complied with the +/-10% requirement.
- 22 The Commission considered whether the area encompassed by the Clevedon Ward constitutes an isolated community requiring specific representation. In considering this matter the Commission noted that the Clevedon Ward covers a significant rural area. However, the Commission also noted that most of the population resident in the proposed ward is relatively close to developed areas, and that the ward is well served by a network of principal roads.
- 23 The Commission considers while the Clevedon Ward, in the context of Manukau City, covers a large rural area, it does not constitute an isolated community requiring specific representation. In reaching this decision the Commission has applied the following criteria:
- Physical separation alone is not isolation
 - For a community to have enhanced representation on the grounds of isolation a significant proportion of the population of the area must be isolated
 - Rural areas are not automatically isolated
 - Isolation must be evidenced by significant distance or travel time, or other physical/practical travel and/or communications difficulties or reliability problems
 - Isolation must relate to the ability of a community to receive appropriate representation by elected members
- 24 The population of the Clevedon Ward at 10,000 would not entitle the ward to separate representation that complied with section 19V(2) unless the total number of members of the Council was 30. The Commission did not consider that a Council of that size was warranted. As a consequence of this, the area of the Clevedon Ward would have to be included with other areas to form a new ward.
- 25 A significant change in the Council's proposed ward structure over the existing structure is the Botany Ward. The Botany area is a rapidly growing area with a significant new town centre. The area of the proposed Botany ward is currently divided between three wards – Howick, Clevedon and Otara.

The Commission is satisfied on the basis of the evidence presented to it that the Botany area has developed into a community of interest warranting representation through a single ward.

- 26 A particular issue the Commission had to consider was a request by two appellants for the inclusion of the Otara lakes and three maunga – Te Puke Ariki Nui, Te Puke Otara and Te Puke Matangi Nui – in the Otara Ward. The Commission recognises the significance of these features to Maori and the Otara community generally. It has therefore decided that the Otara lakes and the first two mentioned of those maunga should remain in the Otara Ward.
- 27 The Commission has had to consider a number of appeals and objections, (some with conflicting aims). It also has to ensure effective representation of communities of interest and the requirement for the population to member ratio of each ward to comply with the +/-10% requirement of section 19V(2) of the Act. What the Commission has therefore decided to do is design a ward system that meets those obligations. The system the Commission has devised is broadly as follows:
- **Mangere Ward:** comprising the Mangere Ward proposed by the Council, but also retaining the area bounded by Massey Road, Buckland Road, Aorere Park and the South Western Motorway, and also including the majority of the Mangere East area;
 - **Papatoetoe Ward:** comprising the existing Papatoetoe Ward but excluding Mangere East;
 - **Otara Ward:** comprising the proposed Otara Ward, the Flatbush area and the areas containing the Otara lakes and the maunga Te Puke Ariki Nui and Te Puke Otara;
 - **Pakuranga Ward:** comprising the existing Pakuranga Ward excluding the Burswood area;
 - **Howick Ward:** comprising the proposed Howick Ward and part of the Millhouse area;
 - **Manurewa Ward:** comprising the existing Manurewa Ward; and
 - **Botany-Clevedon Ward:** comprising the proposed Botany Ward (excluding part of the Millhouse area and part of the Flatbush area), the Burswood area, and the area of the proposed Clevedon ward.
- 28 The Commission looked at a number of options before deciding on this particular option. In devising this system, the Commission has attempted to achieve an outcome that is sympathetic to communities of interest while still complying with the requirements of section 19V(2).
- 29 Applying the ward changes outlined above to a total Council of 17 members (excluding the Mayor) enables the requirements of section 19V(2) to be met, as follows:

Ward	Members	Population per member	Ward Population
Mangere	3	17452	52357
Papatoetoe	2	19772	39543
Otara	2	16465	32929
Pakuranga	2	18920	37840
Howick	2	19481	38963
Manurewa	4	17850	71400
Botany-Clevedon	2	17037	34073

(The population per member falls within the range of 18065+/-10% (16258 to 19871). The City's total usually resident population estimated by the Government Statistician as at 30 June 2002 was 307100)

- 30 Having considered all aspects of the matter of Council representation the Commission has concluded that the membership of the Council should total 17 members elected from seven wards, and the Mayor.

Community Boards

- 31 The Council proposed that community boards should continue to be established over the whole of the City. The Commission is satisfied that the Community Boards continue to fulfill a useful local governance function and has therefore determined that all areas should continue to have community board coverage.
- 32 As noted above the Commission has determined that a separate Clevedon Ward cannot continue in existence. The Commission has determined, however, that a Clevedon Community Board should continue in existence. This will ensure that the area continues to receive affective representation. The Botany-Clevedon ward will therefore contain a Botany Community and a Clevedon Community.
- 33 The Council proposed community board membership as follows:
- The Manurewa Community Board should have six elected members;
 - The other community boards should each have five elected members; and
 - All of the appropriate ward members should be appointed to the community board covering the area of the ward.
- 34 The Commission considers that these arrangements will provide effective representation for the residents of each community, other than the Botany and Clevedon communities. The Commission's decision to have a Botany Community and a Clevedon community within a single ward requires some modification to this arrangement. The Commission has decided that each of the Community Boards for those communities should have one appointed member.

GENERAL COMMENTS

- 35 The Commission encourages territorial authorities that have community boards constituted within their areas to review the functions delegated to

community boards. To maximise the effectiveness of the contribution of community boards to local governance the Commission is of the view that territorial authorities should consider providing the boards with a comprehensive set of delegated functions. The Commission considers that two current examples of effective community board delegations are:

- The delegations for the Otago Peninsula Community Board, as detailed in the Commission's determination of 11 October 2001, and
- The delegations issued by the Thames-Coromandel District Council and Christchurch City Council for the community boards constituted in their districts.

DETERMINATION

36 Under section 19R of the Act, the Commission determines that for the general election of the Council to be held on 9 October 2004 -

- (1) Manukau City as delineated on S.O. Plan 63495 deposited with Land Information New Zealand, shall be divided into seven wards;
- (2) Those seven wards shall be -
 - (a) The Mangere Ward, comprising the area delineated on S.O. Plan No. 63505 deposited with Land information New Zealand;
 - (b) The Papatoetoe Ward, comprising the area delineated on S.O. Plan No. 63506 deposited with Land Information New Zealand;
 - (c) The Otara Ward, comprising the area delineated on S.O. Plan No. 63507 deposited with Land information New Zealand;
 - (d) The Pakuranga Ward, comprising the area delineated on S.O. Plan No. 63501 deposited with Land information New Zealand;
 - (e) The Howick Ward, comprising the area delineated on S.O. Plan No. 63502 deposited with Land information New Zealand;
 - (f) The Manurewa Ward, comprising the area delineated on S.O. Plan No. 63504 deposited with Land information New Zealand;
 - (g) The Botany-Clevedon Ward, comprising the area delineated on S.O. Plan No. 335635 deposited with Land information New Zealand;
- (3) The Council shall comprise the Mayor and 17 members who shall be elected as follows -
 - (a) three members shall be elected by the electors of the Mangere Ward;

- (b) two members shall be elected by the electors of the Papatoetoe Ward;
 - (c) two members shall be elected by the electors of the Otara;
 - (d) two members shall be elected by the electors of the Pakuranga Ward;
 - (e) two members shall be elected by the electors of the Howick Ward;
 - (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 Botany-Clevedon Ward.
- (4) There shall be eight communities as follows:
- (a) The Mangere Community, comprising the area of the Mangere Ward;
 - (b) The Papatoetoe Community, comprising the area of the Papatoetoe Ward.;
 - (c) The Otara Community comprising the area of the Otara Ward;
 - (d) The Pakuranga Community comprising the area of the Pakuranga Ward;
 - (e) The Howick Community comprising the area of the Howick Ward;
 - (f) The Manurewa Community comprising the area of the Manurewa Ward;
 - (g) The Botany Community comprising the area delineated on S.O. Plan No. 335636 deposited with Land information New Zealand; and
 - (h) The Clevedon Community comprising the area delineated on S.O. Plan No. 335637 deposited with Land information New Zealand
- (5) The membership of the community board for each community shall be as follows:
- (a) The Mangere Community Board shall comprise five elected members and each of the members of the Council representing the Mangere Ward and appointed to the community board by the Council; and
 - (b) The Papatoetoe Community Board shall comprise five elected members and each of the members of the Council representing the Papatoetoe Ward and appointed to the community board by the Council;
 - (c) The Otara Community Board shall comprise five elected members and each of the members of the Council representing the Otara Ward and appointed to the community board by the Council;
 - (d) The Pakuranga Community Board shall comprise five elected members and each of the members of the Council representing the Pakuranga Ward and appointed to the community board by the Council;

- (e) The Howick Community Board shall comprise five elected members and each of the members of the Council representing the Howick Ward and appointed to the community board by the Council;
- (f) The Manurewa Community Board shall comprise six elected members and each of the members of the Council representing the Manurewa Ward and appointed to the community board by the Council;
- (g) The Botany Community Board shall comprise five elected members and one member of the Council representing the Botany-Clevedon Ward and appointed to the community board by the Council;
- (h) The Clevedon Community Board shall comprise five elected members and one member of the Council representing the Botany-Clevedon Ward and appointed to the community board by the Council.

37 As required by sections 19T(b) and 19W(c) of the Act, the boundaries of the above wards and communities coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

THE LOCAL GOVERNMENT COMMISSION

Linda Constable (Commissioner)
Kerry Marshall (Commissioner)

7 April 2004