


Review of representation arrangements - appeals and objections

Appellant / objector	Issue
Kathryn Avenell	Waitematā and Gulf Ward
Michael Avenell	Waitematā and Gulf Ward
Gael Baldock	Waitematā and Gulf Ward
Parnell Community Committee (Inc.)	Waitematā and Gulf Ward
Brian Clayton	Waitematā and Gulf Ward
George Gillard	Waitematā and Gulf Ward
Cr Mike Lee	Waitematā and Gulf Ward
Rock The Vote NZ	Waitematā and Gulf Ward
Jo Malcolm	Waitematā and Gulf Ward
Concerned Ratepayers Herne Bay	Waitematā and Gulf Ward
Grant Mountjoy	Waitematā and Gulf Ward
Waitematā Local Board	Waitematā and Gulf Ward
The Olympic Pools and Fitness Centre Limited	Waitematā and Gulf Ward
Matakana Community Group	Rodney Local Board - Procedural Issues and Lack of Natural Justice
Ivan Wagstaff	Rodney Local Board - Procedural Issues and Lack of Natural Justice
David Holm	Number of councillors and public notification of final proposal
Devonport-Takapuna Local Board	North Shore / Albany wards - fair representation
Kaipātiki Local Board	North Shore / Albany wards - fair representation



To whom it may concern

I object to the 2018 alteration of the Waitemata and Gulf Ward boundaries and their current positions in Newmarket and Parnell.

I support the Waitemata Ward boundaries being brought into alignment with the current Waitemata Local Board boundaries, as they were historically positioned.

I stand in support of submissions from the Waitemata Local Body Board, Councilor Mike Lee, council staff and the numerous agreeing public.

Multiple councilor responsibility for the Waitemata Local Board has been thoroughly impractical and confusing.

Parnell and Newmarket are fast joining a unified city area and it is best that they be governed by one local board and one Auckland Councilor.

Lastly... why was the Joint Governance Working Party led by Councilor Julie Fairey? She has had an obvious conflict of interest, being an associated councilor herself.


I am very unhappy that this type of slip should have been allowed.

Leaders of these groups should be completely independent.

Let's put this right.

Kathryn Avenell

Interested resident



To whom it may concern

I am writing this submission in support of the Waitemata Ward boundaries being in alignment with the Waitemata Local Board boundaries - ie that Parnell & Newmarket be brought back under Waitemata Ward, as they always had been before 2018.

I can say, as a resident in the Waitemata Local Board area and someone who is very interested in local body politics, that it is very confusing for everyone to have Parnell & Newmarket under the Waitemata Local Board area but not under the Waitemata Ward and therefore not under one Councillor.

This would seem to be the logical thing to do and would clear up any ongoing confusion in this regard.

Kind regards

Michael Avenell

OBJECTION: Representation Review 2024 - Waitematā-Orakei Boundary

The Final Proposal in the Representation Review, relating to the Waitematā and Orakei ward boundaries, is NOT in the best interest of the community, in my opinion

I am a passionately engaged Waitematā resident who frequently observes Governing Body meetings and the other 'mega committee' meetings. I've watched as the strong views of local residents have been cast aside in pursuit of an ideologically driven boundary justified by very questionable logic.

I regularly attend Waitematā Local Board meetings and workshops. Some of the Waitematā Local Board and Waitematā & Gulf Ward councillor have listened to the local residents, heard their concerns, and taken a position to support those they represent. Their submissions and the WLB vote seem to have been wrongly neglected.

It is evident from the 2018 census that the boundary decisions made in that year were based on flawed data, and council staff have correctly identified that these areas should move back to Waitematā.

The public consultation revealed a strong support among the community for Parnell and Newmarket to become part of the Waitematā Ward again, therefore undoing a mistaken decision made in 2018. It is interesting that member Richard Northey recused himself from the WLB vote because of a conflict of interest and then promptly overruled that vote from the outside. I find those ethics highly questionable when the committee he chaired made the wrong decision in 2018.

The business associations are disingenuous to purport that their visitors come from the Orakei suburbs; many of us that live in Waitemātā regularly shop or visit in Newmarket, and have our own ties to Parnell. It would be unusual for a councillor to represent the origin of shoppers, rather than the local community.

In 2018 we were told that some areas had to go from the Waitemātā & Gulf Ward. A group of us in Westmere fought to stay in that Ward because of areas of similar interests so we stayed with Ponsonby and Grey Lynn. The same 'similar interest' argument applies to Parnell and the Domain and Sir Dove Myer Robinson Park. This suggested misalignment would mean that the Domain and the Rose Gardens would be in the Waitemātā Local Board area and the residents overlooking it in Parnell would be in the Ōrakei Ward. That would be just silly!

The community has not had an opportunity to provide feedback on the Final Proposal, only the Initial Proposal. Given the stark differences, the public should be consulted, and listened to.

One of the primary objectives of the Representation Review process this year has been to align local board and ward boundaries, reducing the confusion for local residents. The confusion in turn leads to underrepresentation, and poorer engagement/voting of the community. The Joint Governance Working Party has failed the community by not following the advice to address this issue.

There were a number of mistakes made in the setting up of Auckland at the 'SuperCity', but the close alignment of Board and Ward areas was not one of

them. These plan areas of the Boards follow natural boundaries of streams, motorways and sea. The stream through Newmarket Park heading to Hobson Bay is a natural edge between Parnell and Remuera.

The Final Proposal should be rejected where the Parnell and Newmarket boundary is concerned, and instead the Local Government Commission should pursue the Initial Proposal, aligning Board and Ward areas as much as possible, in this case, going back to the original configuration.

Yours sincerely,

Gael Baldock,

Community Advocate and Ponsonby News regular contributor.





Objection to the Final Proposal for Representation Arrangements for the 2025 Local Body Elections

30th October 2024

To the Local Government Commission:

info@lgc.govt.nz

To Auckland Council Representation Review :

representationreview@aucklandcouncil.govt.nz

Parnell Community Committee (Inc.), Parnell's only Residents Association, did not make a Submission on the Council's Initial Proposal, because we interpreted that the key objective of the Representation Review was the alignment of boundaries, which we whole heartedly agree with. As the Waitemātā Local Board Boundary can't be moved, and because the Council had got it so wrong in 2019, we incorrectly assumed that the Council's Joint Governance Working Party ("JGWP") would now rectify the mistakes of the past and realign Parnell, Newmarket and Grafton back into the Waitemātā and Gulf Ward, as it was originally from 2010 to 2019.

Obviously they haven't, and accordingly we now make the following:

Objections to the Final Proposal

1. It is against the Key Objective of the Representation Review, being the alignment of Ward and Local Board Boundaries
2. It is against the recommendation and advice of Auckland Council Staff to realign the boundaries
3. The Waitemātā Local Board ("WLB") submission for realignment was also down played because of the way the JGWP chose to interpret the 3:2 vote as close, which is actually irrelevant. We understand that had all seven members of the WLB been able to attend the vote, the result would have been 4:2 in favour of realignment. Either way, the WLB voted to align the Waitemātā & Gulf Ward with the Waitemātā Local Board area.
4. It ignores the 68% of individual public submissions for realignment, and aligns with the 8% who opposed it. Which means the Final Proposal does not reflect the views of the Community, and therefore does not serve the residents of Parnell or Newmarket
5. There is no logic behind excluding Parnell and Newmarket, and including Grafton just because it is a less strong "community of interest" to the Ōrākei Ward
6. Parnell aligns with the CBD as much of Parnell falls within that area. The Eastern and Northern reaches of Parnell cover the areas of The Strand (the gateway to the





Port) and includes the railway lines, University accommodations, Business of all sizes and parts of the Port of Auckland. To the South West, Auckland Domain is in Parnell and it serves the CBD, Auckland Hospital and the University

7. Having ignored the points outlined in 1 to 6 above, it is ludicrous to then rely on the submissions of the Newmarket and Parnell Business Associations (who by the way do an amazing job) but who's only justification for keeping the status quo is provided by non-local residents, and based on the shoppers who visit from other Wards. To do this sets a dangerous precedent for all Electorates, and demonstrates that the JGWP had run out of support for their preconceived result
8. The other primary argument proffered by the JGWP was that the boundaries remain as is because the JGWP considered that the Hobson Bay Catchment would be best served by a singular Ward Councillor. This makes absolutely no sense, especially given that the Hobson Bay Catchment sits across multiple Local Boards. It would actually reduce the effective representation, and therefore cause more political uncertainty because there would be no Councillor to support each of those respective Local Boards. Hobson Bay is not in itself a community of interest, but simply a geographic area/catchment, so what relevance does this argument also have to do with the number of voters within a Ward/Local Board Area
9. All points 7 and 8 do, is continue the Public confusion, build on the ongoing distrust in the political system, and yet again will minimise the election turn out as it is just all too hard to understand. Point 7 reinforces the notion that politicians should never be allowed to be involved in these types of working parties, unless there is a truly bipartisan mix, which certainly wasn't the case with the JGWP in 2018 or 2024

Parnell Community Committee (Inc.) is an Incorporated Society representing the interest of the Community and Ratepayers of Parnell.

As Auckland's first suburb we have much in common with the other Waitemata suburbs (Ponsonby, Herne Bay, St. Marys Bay, Freemans Bay, etc.) that make up the Auckland inner city, and the logic that created this foundation when the Super City was created, in November 2010, remains very pertinent today, and will do so for the foreseeable future.

We continue to offer our extensive resources to everyone who calls Parnell home.

Luke Niue, Chair

Roger Burton, Secretary/Treasurer



To whom it may concern.

This submission is in support of the Waitemata Ward boundaries being in alignment with the Waitemata Local Board boundaries - i.e. that Parnell & Newmarket be brought back to the Waitemata Ward as they were before 2018.

As a resident in the Waitemata Local Board area we should have one councillor for both Ward & Local Board.

Regards Brian Clayton

3rd November, 2024

To Whom It May Concern

Re: Representation Review, Waitematā & Ōrākei Ward Boundary (Objection)

I'm writing to object to the Final Proposal of the Representation Review process in Auckland, with respect to the Waitematā-Ōrākei boundary, specifically the exclusion of Parnell and Newmarket from the Waitematā Ward. I am a resident of the city centre in the Waitematā area, with connections to the surrounding suburbs including Parnell and Newmarket.

I did not submit on the Initial Proposal, as it seemed sensible to me to align the boundaries and bring Parnell and Newmarket back into the Waitematā Ward. I am uneasy with our system in which politicians have influence over electoral boundaries, and where they deviate from an Initial Proposal which garnered significant support, their reasonings must be compelling. I do not believe the reasons given by members of the Joint Governing Working Party are compelling, or coherent, for the reasons set out as follows:

1. Support for the Initial Proposal

The Initial Proposal developed by Auckland Council staff, in which Parnell and Newmarket became part of the Waitematā Ward, had overwhelming public support. Of all individual submitters, 68% were in support, with only 8% opposed. Even looking at responses by the local board areas for Waitematā and Ōrākei, there was a clear majority of support to bring Parnell and Newmarket into the Waitematā Ward. It is worth noting this majority view was also held in the 2018 Representation Review.

I have no doubt that some who submitted on the Initial Proposal will lodge an appeal, however note that the Final Proposal has not been sent out for consultation in the same manner that the Initial Proposal was. This may not be of consequence for most areas, where the Final Proposal matches the Initial Proposal, but where there is a material difference such as in this case, I believe the public should have been engaged more.

I understand the Waitematā Local Board submitted in support of Parnell and Newmarket being brought back into the Waitematā Ward area. This is per the objectives of the Representation Review process to align boundaries wherever possible, and per the clear support of the residents. I understand the Ōrākei Local Board submitted to the contrary, but with respect, Parnell and Newmarket sit (and remain) in the Waitematā Local Board area, and as such it is the Waitematā Local Board that is best positioned to submit on this matter.

I understand the Waitematā Ward councillor Mike Lee is in favour of Parnell and Newmarket moving back to the Waitematā Ward, from his comments made to the Governing Body on 26th September 2024, specifically noting the flawed basis of the changes enacted in 2019, in which the population statistics driving the decision had an error of nearly 30%. I would urge the Local Government Commission to review the 2019 changes and rationale for context.

2. Simplification of Boundary

The proposal aligned boundaries, ending a frustrating period of confusion for voters. I've heard from people in Parnell who spoke of feeling in a vacuum when it came to representation from their current (Ōrākei) councillor; the area is neither Ōrākei, nor currently in Waitemātā, and their Ōrākei Ward councillor has been missing on key issues, such as the Erebus memorial in Dove Myer Robinson Park. They feel represented by the Waitemātā Local Board, and wish for the same from their councillor. I understand they did not feel as poorly represented prior to the changes enacted in 2019, when they fell under the Waitemātā Ward area.

One of the key objectives of the Representation Review process was to align local board and ward boundaries where possible. I believe the previous paragraph is a good example of why this is important. Not only does alignment lead to better representation, it also leads to better engagement in our democracy; confusion turns people off politics.

My layperson's understanding of the Local Electoral Act 2001 is that boundaries must align wherever possible. Indeed, Section 19T(1)(c) states "that, so far as is practicable, ward boundaries coincide with any local board area or community boundaries.". Given that population estimates now allow for alignment (that is, Section 19V(2) is satisfied, and the very reason for the changes enacted in 2019 no longer applies), it is entirely practicable for the boundaries to coincide as they used to.

3. Geography

A look at a map or aerial photography shows a rather distinct hub around the Auckland CBD. That includes the likes of Ponsonby and Freemans Bay to the West, Eden Terrace and Newton to the South, and Parnell and Newmarket to the East - these are the fringe suburbs of the city centre. Indeed, there is a distinct ring route that connects them all together: Ponsonby Road-Newton Road-Khyber Pass Road-Broadway-Parnell Road. They all have similarities, and dynamics that you don't find in the outer suburbs such as those in Ōrākei. It would seem to me that it would be sensible to group these together. Indeed, this is the essence of the Waitemātā Local Board area.

Grafton and Newmarket are inextricably linked; in fact, there is very little demarcation between the two. As such, the two should be considered together. Grafton is in turn connected to the city centre (such as but not limited to its university student population), and adjacent Newton.

As you move downhill in Parnell, towards The Strand, you find businesses that are resemblant of what you find in Freemans Bay, Newton, and indeed Newmarket. Again, these are there by nature of being adjacent to the city centre, and as such should be linked to the city centre, and in turn the Waitemātā Ward.

4. In Response to Arguments Against Alignment

The only reasons not to align boundaries would be on the grounds of a “community of interest” being unfairly separated (per Section 19V(3) of the Local Electoral Act 2001). However, my interpretation is that this argument would suggest that both local board and ward boundaries move to suit the communities of interest, that is, maintaining compliance with Section 19T(1)(c). It would not be coherent to be a community of interest for one and not the other. Further, I do not believe that the “communities of interest” argument is valid for reasons that follow.

Councillor Julie Fairey, chair of the Joint Governance Working Party, set out the following reasons for keeping Parnell and Newmarket in the Ōrākei Ward: (1) that the business associations in Parnell and Newmarket say their visitors come largely from the Ōrākei suburbs, and (2) that the Hapua Thrive group say that the Hobson’s Bay catchment should sit under a single ward. Cr Fairey also stated that Jo Malcolm of the Parnell Community Residents Association supported Newmarket and Parnell being part of Ōrākei, but I gather that Cr Fairey misspoke on this matter, and did not present Jo Malcolm’s submission at all correctly. I hope that Cr Fairey corrects the record when she is next able to.

In regards to the Newmarket and Parnell business associations - the argument that their visitors come largely from Ōrākei suburbs is extremely questionable. Newmarket is a signature shopping destination attracting visitors from across Auckland. I myself often shop or dine in Newmarket, and for my work I am actively in Newmarket to oversee construction in my role as an engineer. I have friends in Eden Terrace that do their weekly grocery shop in Newmarket. People from across the Waitemātā area use Newmarket as a place to meet up. Furthermore, the logic that the councillor represents the visitors rather than the residents is a rather extreme precedent to set, and could raise questions of other town centres and indeed representation of our CBD in future boundary reviews.

The Parnell and Newmarket business associations ran a campaign to collect 153 pro-forma submissions in favour of remaining in Ōrākei. These submissions did not identify if the submitters were local residents or not. I do not believe they are as valid as the clear views from residents, due to the organised nature and representation of business interests over the local community, and should be taken with caution.

With respect to the Hapua Thrive argument, a geographic rainfall catchment area is not in itself a community, and therefore has no standing in the eyes of the Local Electoral Act 2001. Public services through Watercare are not delivered on a ward-by-ward basis, and as such the ward itself is irrelevant. Rather, they are seeking an effective voice. Residents can use their vote to elect whoever they feel would best represent their concerns. They will remain represented by multiple local boards, and can present deputations to those local boards. There is nothing to suggest being in a single ward would improve their catchment concerns.

I also understand that the Auckland War Memorial Museum submitted stating they had a community of interest connection with the Ōrākei Ward. With respect, the museum is a destination frequented by members of the public across Auckland. There is no single valid community of interest that the museum is associated with. If anything, the museum should be associated as a landmark in the Auckland Domain, itself served by the Waitemātā Local Board and the Auckland Domain Committee.

5. Confidence in Joint Governance Working Party Process

In general, like many, I believe that politicians should not be responsible for choosing the boundaries that define which electors can vote for them. The process we have is susceptible to gerrymandering; it must be asked where politicians stand to benefit, and if there is a conflict of interest. The stop-guard we have against this is the final review and ratification by the Local Government Commission.

In this case, there is a perceived conflict of interest in the case of Councillor Julie Fairey and Member Richard Northey (who chaired the review in 2018 and is involved once again). Both people are members of the centre-left City Vision party, which stands to benefit from excluding Parnell and Newmarket from the Waitematā Ward; both suburbs are recognised as being more favourable to the centre-right, which is more significant in a contested area like Waitematā than it is to Ōrākei. Unlike Councillor Mike Lee, they have not declared their interests. It is virtually impossible for politicians to exclude political bias in matters such as setting ward boundaries, and as such it is even more critical that should they go against the impartial advice and support of the community, that their reasons be compelling.

The decision made by the Governing Body on 26th September 2024 was not in any way unanimous. Councillor Mike Lee explained the population statistics errors from the previous review in 2018 that led to Parnell, Newmarket and Grafton leaving the Waitematā Ward in the first place, and supported the Initial Proposal to correct this. Councillor Daniel Newman agreed with Cr Lee regarding the population statistics error, and noted that despite the discussions about communities of interest with Eastern suburbs, that Parnell as a first suburb in fact looked West (i.e. towards Ponsonby). Councillor John Watson spoke about how the opinions of the business associations have been taken far more greatly than the overwhelming views of residents and the Waitematā Local Board, and how that was not appropriate. In the vote, they were further supported by Cr Ken Turner and Cr Wayne Walker. Mayor Wayne Brown said he was tempted to also record a dissenting vote, but disappointingly had offhand remarks saying the process didn't matter and wanted to move onto items of actual significance.

In conclusion, I believe the reasons to bring Parnell and Newmarket back to the Waitematā Ward are far more compelling than those against, and I would urge the Local Government Commission to reject the Final Proposal in this specific regard, and instead adopt the Initial Proposal to align the Waitematā Local Board and Ward boundaries through Parnell and Newmarket, which had overwhelming support from the residents and Waitematā Local Board, and is consistent with Section 19T of the Local Electoral Act 2001. I would appreciate the opportunity to present to the Local Government Commission on this matter should the opportunity arise.

Yours sincerely,



George Gillard
City Centre, Waitematā Resident

1 November 2024



Warwick McNaughton
Principal Advisor Governance – Planning – Operations
Auckland Council
135 Albert Street
Auckland

Dear Warwick,

Representation Review

Re the Auckland Council Representation Review I wish to lodge an objection to the Auckland Council Governing Body decision on the Waitemātā & Gulf ward boundaries.

Declaration of Interest

I am the elected councillor for the Waitemātā & Gulf ward, representing this area from 2010 to 2019 & from 2022 to the present. I have been elected 3 times under the ward's original boundaries and in 2022 under the present mis-aligned boundaries. As a member of the Governing Body I voted against adoption of the Final Proposal as it relates to the boundaries of the Waitemātā & Gulf Ward.

Objection

My objection is to the council adopting a fundamentally different Final Proposal to the publicly notified Initial Proposal, abandoning the key provisions of the Initial Proposal recommended by Council officers, which was to realign the boundaries of the Waitemātā & Gulf Ward and the Waitemātā Local Board Area, to essentially restore the common boundaries established by the Local Government Commission in 2009.

My objection is based on the following grounds:

- The decision of the Governing Body to abandon the intent set out in the Initial Proposal conflicts with the principles of the Local Electoral Act, section 4 i.e. “(aa) representative and substantial electoral participation in local elections and polls” and...
“ (a) fair and effective representation for individuals and communities; and ...

“(c) public confidence in, and public understanding of, local electoral processes...”

- The 2018 decision by the Council to reconfigure and separate the ward and local board boundaries was rationalised on population figures which were egregiously inaccurate, the claimed figure of 119,100 being overestimated by 28%. The 2018 census figures released immediately after the 2019 local body elections which proved to be 92,865. The population within the ward is now 79,800.
- This decision to separate the boundaries resulted in a significant decline in election participation, figures for the ward fell from 42% in 2016 to 35% in 2019 because the relatively high voting areas of Parnell, Grafton and Newmarket were transferred to the Orakei Ward but confusingly remained in the Waitemata Local Board Area
- This also resulted in frustration for the local Parnell community, especially during the highly controversial Erebus Memorial process, seeking accountability from elected members of the Waitemata local board and the Orakei ward councillor who represented separate communities of interest.
- The latest council decision overrides the wishes of 68% of individual submitters who supported the Initial Proposal and the realignment of boundaries therein, but were ignored by the Representation Review Joint Governance Working Party. The figure of 68% in support for the initial proposal provided by the council report is similar to the percentage supporting the initial proposal i.e. boundary alignment from residents presently within the Orakei Ward.
- The decision of the Joint Governance Working Party and the Governing Body is incongruent with Section 4 of the Local Electoral Act viz: “(c) public confidence in, and public understanding of, local electoral processes through—(ii) the provision of elections that are managed independently from the elected body: and (iv) the provision of transparent electoral systems and voting methods and the adoption of procedures that produce certainty in electoral outcomes.”

Finally I make the point that the business of making and changing electorate boundaries should not really be made by elected persons (including myself) especially those with a clear partisan party political interest in the outcome, as has happened, but by the Local Government Commission itself which in my opinion did an excellent job in establishing the Auckland Council wards and local board areas, or by another independent panel.

As you know there is some history to this affair and I append attachments as background information. Could this objection and the attachments please be conveyed to the Local Government Commission.

Yours sincerely,

Michael Lee

25 June 2018

Auckland Council Governing Body Representation Review

Response by Cr Michael Lee

Declaration of interest: I am the elected councillor for the Waitemātā & Gulf Ward. I have represented the area since February 1992, initially for the former Auckland Regional Authority/Council electorate of 'Auckland Central'. I have represented the Waitemātā & Gulf Ward since the establishment of the Auckland Council in 2010.

Summary

The preferred option to address a problem of 'under representation' in the Waitemātā & Gulf Ward proposed by the Representation Review Joint Working Group does not provide a durable solution and will not be in the best interests of Auckland Council or its electors. This is because that due to the special nature of this part of inner Auckland, there is a significant 15% difference (previously undetected) with the rest of Auckland (and New Zealand), in the ratio of electors to population. The proposed changes to the ward boundary will be disruptive and likely to exacerbate this distortion and therefore do more harm than good. An alternative approach enabled within the legislation of retaining the existing ward boundaries and preserving existing communities of interest is recommended along with a request, additional to those the Council has already made, to amend anomalies and inconsistencies in the legislation relating to Auckland Council under the **Local Electoral Matters Bill** currently before parliament. This is a more pragmatic approach and one much more likely to achieve a durable solution to this unusual problem.

Introduction

Auckland Council has been undertaking a review of its representation arrangements for the 2019 elections. A Council Representation Review Joint Working Group made up of councillors and local board members has identified a number of problems with representation across the region. These are mainly not of a major nature but the Joint Working Group has identified a significant 43.74% differential in respect of councillor/population ratio between the Waitemātā & Gulf Ward and the other wards in the region. This is the result of major population growth in the Auckland central subdivision (Waitemātā) of the ward and more to the point, the special nature of that growth, resulting in apparent 'under-representation'.

The difficulty the Council faces in dealing with this problem in the Waitemātā & Gulf Ward can be partially traced to misalignment between certain provisions of the generic Local Electoral Act (2001) and the bespoke Local Government Auckland Council Act (2009). This misalignment between legislation designed for the 78 local bodies across New Zealand and the special legislation establishing the Auckland Council lies in the exceptional nature of the 'Super City'. The other factor is the apparent unusual growth in the non-citizen, non-permanent resident population of inner Auckland.

Neither of the three options examined by the Council's Representation Review Joint Working Group provide a satisfactory solution to the problem and all are predicated on a narrow, mechanistic interpretation of the Local Electoral Act (2001). The disproportionate focus on the '10% rule' for 'fair representation' comes at the expense of the other criteria for 'effective representation' i.e. maintaining communities of interest and the coherent alignment of ward and local board boundaries.

All the proposed options have the simplistic objective of simply achieving a more mathematically equal ratio of population-to-elected member by carving off large segments of residential areas and transferring them to neighbouring wards but local board boundaries will stay the same. Therefore, the proposed

alterations will have cascading effects on neighboring wards, extending across the isthmus: Orakei, Tamaki-Maungakiekie, Albert-Eden-Roskill, and Whau. This will have the effect of unravelling the Local Government Commission's carefully crafted alignment of wards and local board area boundaries, which has worked very successfully since 2010. Furthermore, the changes will be costly to implement and will be confusing to electors. Finally, none of the proposed options provide anything more than a temporary solution to a problem - which upon closer examination is actually more apparent rather than real.

The legislative framework – key provisions

There are three key pieces of legislation which deal with the special nature of representation and decision-making within the Auckland Council and this report will highlight key aspects of them.

1. Local Government (Auckland Council) Act 2009.

s7. Decision-making of Council shared between governing body and local boards

a) The Auckland council has a *two-tier governance structure* comprising the governing body and the local boards; and

b) The *decision-making responsibilities of the Auckland Council are shared between the governing body and the local boards* in accordance with sections 14 to 23 of this Act.

s34. Local Government Commission to determine boundaries of local board areas and wards.

s34 (2). (f) *So far as practicable*, local board area boundaries coincide with ward boundaries; and

(g) a local board area is constituted for the Waiheke Island community; and

(h) a local board area is constituted for the Great Barrier Island community.

2. The Local Electoral Act 2001

s4. Principles

(1) The principles that this Act is designed to implement are the following:

(a) fair and effective representation for individuals and communities:

(b) all *qualified* persons have a reasonable and equal opportunity to- [Interalia] (i) *cast an informed vote*.

The Local Electoral Act places particular emphasis on the determining role in all electoral matters of those qualified persons called '*the electors*'. Please see Part 1, s19ZB, & s 19ZF and Part 2, s20, s21, s22 s23, 24A, s24B, s24C, s24D, s24E.

Noting especially '**Requirement for effective representation and other factors in determination of membership and basis of election territorial authorities and local boards**'.

s19T (1) (a) "*that the election of members of the territorial authority...will provide effective representation of communities of interest with the district...*"

However, in addition to 'effective representation' the Act also addresses 'fair representation'. Section 19V (below) seemingly equating 'electors' with 'population' (though elsewhere the Act makes very clear they are not the same).

s19V(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 subdivision within the district or region or local board area*

or community and every ward or constituency or subdivision with the district or region or local board area or community,

s19V (2). For the purpose 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 produces a figure no more than 10% greater or smaller than the population of the district or region or local board area or community divided by the total number of elected members (other than members elected by the electors of a territorial authority as a whole, if any, and the mayor, if any)...

The population is defined as the 'ordinary resident population' as defined by the Government Statistician. The qualification of 'electors' is defined in a third Act of Parliament:

3. The Electoral Act 1993

s74 Qualification of electors

(1) Subject to the provisions of this Act, every adult person is qualified to be registered as an elector of an electoral district if—

(a) that person is—

(i) a New Zealand citizen; or

(ii) a permanent resident of New Zealand; and

(b) that person has at some time resided continuously in New Zealand for a period of not less than 1 year; and

(c) that electoral district—

(i) is the last in which that person has continuously resided for a period equalling or exceeding 1 month; or

(ii) where that person has never resided continuously in any one electoral district for a period equalling or exceeding 1 month, is the electoral district in which that person resides or has last resided."

Therefore, there are two important categories in the legislation, 'electors' and 'population' which appear to be considered equivalent. Population assessed from time to time by census has been the preferred tool in determining democratic representation across the country. But under the same legislation participation in elections and in all matters of representation it is electors not population that is the determining element. This does not normally present any difficulties because the proportion of adult population qualified to vote is around 70% across the country, however because of abnormal factors peculiar to central Auckland and the special legislation relating to Auckland Council we are now presented with what appears to be problem.

Special nature of Auckland Council representation.

A standard population-to-elected member ratio plus or minus 10% applies to Auckland Council but unlike the 77 other councils across New Zealand, the Auckland Council is prevented, under the Local Government (Auckland Council) Act (2009), from increasing the number of elected councillors in line with growing population. It is also legally unable to change the boundaries of its local board areas though it can change the boundaries of its wards. These restrictions are due to the special nature of the governance arrangements of the Auckland Council as set out in the same Act. However, in the Auckland Council, unlike most other councils, the exercise of "functions, responsibilities and duties and executing its powers" unlike all other councils, are not the sole prerogative of elected councillors

Co-governance

Auckland Council is a unitary authority with two-tiers of governance – a Governing Body of the mayor and 20 elected councillors and 21 elected Local Boards - a form of representation exceptional to Auckland.

Local Board members of which there are 140, therefore share decision-making with Governing Body members (mayor and councillors). This unique form of shared governance operated during the preparation of the 'Auckland Plan', (first and second versions), the Unitary Plan and the Annual and Long Term Plans, and also in numerous working parties and the City Centre Advisory Board. The council committee I chair is an interesting example. The Auckland Domain Committee is made up of 8 voting members, 3 councillors, 3 local board members and 2 members of the Independent Māori Statutory Board. The Joint Governance Review Working Party is another example, made up of 4 councillors and 4 local board members and chaired by a local board member.

In addition to the role of local boards, there are other governance features unique to Auckland Council. While outside of what normally considered representative government and therefore this discussion, they do underscore the unusual nature of this Council,

Council Controlled Organisations

In the Auckland Council, traditional local government responsibilities, considered core business by other territorial authorities and regional councils e.g. transport, have been devolved to the boards of CCOs which comprise some 25 decision-making board directors.

Independent Māori statutory Board (IMSB)

IMSB members are represented on all Council committees (albeit not the Governing Body), i.e., all committees-of-the-whole, all sub-committees and all working parties. The two votes of these members are often critical to decision-making outcomes of the important Council committees-of-the-whole, including the Finance and Performance Committee. This is a form of representation unique to Auckland and unlike any other in local government, including in those councils that have elected Māori Wards. The presence on the Council of 9 voting, members of the IMSB has of course not been factored into the standard plus or minus 10% councillor-to-population ratio but it does underscore that this 10% rule based on just 20 councillors is not completely sensible in relation to the reality of Auckland Council

Clearly, in terms of representation and in carrying out “functions, responsibilities and duties and executing its powers”, the Auckland Council is very much a special case.

Rather than just 20 councillors there are actually 160 elected members of the council, plus the mayor, plus 9 x IMSB members and 25 x CCO directors, all having an active role more or less, in “functions, responsibilities and duties and executing its powers”.

The special case of Waitemātā & Gulf

In terms of population and representation an examination of population and registered electors reveals the Waitemātā & Gulf Ward to be strikingly different from any other ward – not only in Auckland but across New Zealand.

The Ward has three local board areas. In terms of population while Great Barrier Island and Waiheke Island are significantly over-represented, urban mainland Waitemātā (inner city Auckland) is under represented. While the unique nature of these island subdivisions is specifically catered for in the legislation (see above), the unusual nature of the inner city subdivision, which has become apparent only in recent years, is not recognized at all.

Waitematā – ‘City Centre’ & ‘CBD of New Zealand’

Inner city or central Auckland is no longer just the ‘Central Business District’, it is now defined by the *City Centre Master Plan (2012)* to be the ‘City Centre’ closely bounded by the ‘City Fringe’ all within the Waitematā & Gulf Ward and the Waitematā Local Board Area. The City Centre has become a primary residential zone and the principal focus of the Auckland Council’s strategy of population intensification. The urban subdivision of the ward contains by far the highest number of non-citizen residents in New Zealand, with a high concentration international students, long-staying visitor and temporary work permit holders. The total *population* of the ward is now 119,100 people. However, in terms of representation for Auckland Council it is important to bear in mind the number of *electors* in the ward.

The total number of electors in the Waitematā & Gulf ward is 60,685. This is just over half the total population – 51% of the Ward’s population. By comparison the total population of Auckland is 1,657,200. The total number of electors in Auckland is 1,085,520. Therefore, the ratio of electors to population Auckland-wide is nearly 66%

	Those Enrolled, May 2018	Total Population, June 2017	Percent of Population that is enrolled.	Ratio of Population to Those Enrolled
New Zealand	3,282,416	4,793,900	68.5%	1.46
Auckland	1,087,986	1,657,200	65.7%	1.52
Waitematā and Gulf Ward	60,685	119,100	51.0%	1.96

Table 1.

Source notes: Pop Ests: data extracted on 06 Feb 2018 20:48 UTC (GMT) from NZ.Stat

Those enrolled: data extracted 13 June 2018 from <http://www.elections.org.nz/research-statistics>

Information and table by Brian Osborne & Warwick McNaughton. The population estimates in the NZ.Stat source are rounded to the nearest hundred.

The disparity is even greater when you subtract the population and the electors of Waitematā & Gulf from the Auckland-wide totals: Auckland-wide population (without W&G) **1,538,100**. Auckland-wide electors (without W&G) **1,024,835** which increases the Auckland-wide ratio of electors to population to **67%**, underscoring how different Waitematā & Gulf is from the norm. While Auckland has been a magnet for high levels of immigration in recent years the Auckland-wide ratio of electors-to-population (without W&G) is only 1.5% below the national norm of 68.5%. See Table 1 below.

This significant disparity between electors and population is unique to the Waitematā & Gulf Ward. It is also reflected in the parliamentary constituency of Auckland Central where despite recently shedding of ‘City Fringe’ residential areas it has almost exactly the same unusual low ratio of electors to population:

Auckland Central population **76,240**. Auckland Central registered electors **37,709**. Ratio **51.11%**

Table 2. **Ratio of electors per member, population per member and electors to population**

Ward	Electors	No. mbrs	Electors per mbr	Ppn/mbr	Electors/ppn
Rodney	46,394	1	46,394	64,300	72%

Councillors' Office

Albany	118,571	2	59,286	84,900	70%
North Shore	106,471	2	53,236	78,400	68%
Waitakere	115,514	2	57,757	88,250	65%
Waitematā & Gulf	60,685	1	60,685	119,100	51%
Whau	54,892	1	54,892	84,700	65%
Albert-Eden-	114,303	2	57,152	86,100	67%
Roskill					
Orakei	65,339	1	65,339	91,500	72%
Maungakiekie	51,504	1	51,504	79,700	65%
Tamaki					
Howick	101,848	2	50,924	75,100	68%
Manukau	105,847	2	52,924	84,450	63%
Manurewa-	94,553	2	47,277	74,450	64%
Papakura					
Franklin	51,921	1	51,921	74,600	70%

Numbers courtesy Electoral Commission.

Note: in terms of electors per member Waitematā & Gulf has a lower ratio than the Orakei and just above Albany (each highlighted). However the Representation Review Joint Working Party recommendation is to remove meshblocks of electors from Waitematā & Gulf and add them to Orakei.

In 2010 the Waitematā & Gulf Ward population was 79,300 and the number of electors 45,785. The ratio of electors to population was 58%. Since then the population has increased by 40,000 residents but the number of registered electors has increased only by 14,900, therefore the ratio of electors to population has fallen to 51%.

While we do not have precise information on the reason for this significant disparity, we can surmise that as with other international-scale cities the city centre has a very large and rapidly growing non-citizen, non-permanent resident and likely transient population.

Political representation and voter participation.

However, despite theoretical 'over' representation on the islands and 'under' representation in the city, the Waitemātā & Gulf Ward has a lively political culture with relatively high voter turnout at elections. At the 2016 local elections Great Barrier had 71% voter participation, Waiheke had 60% and the urban subdivision had 43%. The community is sophisticated and politically aware. Election contests for the Council tend to draw prominent media coverage.

Waitemātā Community of Interest

The urban subdivision of the ward comprises the central and most historic parts of Auckland. Like the islands, it is very much a maritime ward – almost a semi-island. Projecting into the Waitemātā Harbour, bounded to the east by Hobson Bay and to the west by the Meola inlet, with three sides backstopped largely by the Western Motorway, and the North Auckland (rail) Line, the ward forms a geographically and socially coherent entity.

The City Centre is flanked to the west by what the City Centre Master Plan calls the 'urban villages' of Ponsonby, Grey Lynn, Western Bays and Westmere and to the east by the 'urban village' of Parnell, to the south Newmarket, Newton and Arch Hill. Reinforced by the identical boundaries of the Waitemātā Local Board Area and the Waitemātā & Gulf Ward, a strong community of interest based on a common historical and geographic identity and has built up, especially over the last 8 years.

However, the option preferred by the Joint Working Group will slice through all this – on both eastern and western sides. This will disrupt rather than preserve long-standing communities of interest with meshblocks of electors to be moved about like pieces on a board.

What appears to have been overlooked by the Joint Working Group is that stripping away these historical suburbs where registered elector presence is relatively high (in line with the rest of Auckland), but leaving the CBD untouched, is that the consequence is likely to exacerbate the very low ratio between 'population' and 'electors'. As a result the ratio of electors to population in what is left of the ward is almost certain to fall even lower – well below 50%.

Impacts of proposed boundary changes on the logistics and costs of managing the 2019 local body elections

In order to hold local body elections, the Auckland Council through Election Services presently is required to produce 130 different combinations of voting papers. This to ensure that accurate voting papers are delivered to electors with the correct Wards, Local Board Areas, District Health Boards, and Licensing Trusts. The proposed change to the Waitemātā & Gulf boundary will dislocate the common ward and local board boundaries and cause knock-on effects to surrounding wards Orakei, Tamaki-Maungakiekie, Albert-Eden-Roskill, and Whau. This will significantly increase the number and level of complexity of required voting paper combinations. This in turn will generate extra costs to the Council. Election Services predict these boundary changes will generate a significant number of extra enquiries and complaints during the election period. The resulting confusion caused by a bewildering mish-mash of counter-intuitive ward and local board boundary changes is likely to be a turn-off for voters and not likely to improve voter participation. These effects will be ongoing as the proposed changes are not likely to be sustainable for more than six-year review period.

Conclusion

Councillors' Office

Changing the Ward boundaries to achieve what appears to be in the case of Waitemātā & Gulf ward to be a less than meaningful mathematical formula will not provide a robust nor sustainable solution to a problem not foreseen by the drafters of the legislation. Nor will it achieve more effective or fair representation by any dictionary meaning of those words. In fact, in terms of cost benefit it will do more harm than good.

Therefore, it is recommended that the Council advises the Local Government Commission that it is unconvinced of the merits of dismantling the carefully balanced structures erected by the Commission itself in 2010. Instead citing 19V (3) (a) of the Local Electoral Act, and that compliance with the 10% formula in this situation would actually reduce effective representation by dividing communities of interests between wards and local boards and drive the proportion of electors to population even lower. Instead the Council should offer to work with the Commission to review those parts of the legislation that are not currently fit-for-purpose with the objective of formulating a more durable solution, taking into account central Auckland's non-permanent resident population. This should also be considered in terms Council's current applications to the government for minor changes in the **Local Electoral Matters Bill** presently before parliament.

MIKE LEE:

COUNCIL'S REPRESENTATION REVIEW

Is our local political class putting its own interests before the public's?

In a recent article entitled 'An age of discontent growing in New Zealand', political scientist Bryce Edwards analysed public opinion surveys, revealing an increasing decline in public trust and respect for politicians and the political process.

It brought to mind the council's current representation review. In the last review in 2018, council, despite widespread opposition, separated the boundaries of the Waitematā & Gulf Ward from that of the Waitematā Local Board. High profile Waitematā & Gulf is always an electoral battleground; the focus of intense political activity – from left and right. Declaration of interest: As an independent, I have represented the ward for four out of five terms, since its establishment in 2010.

The official reason for the change in 2018 was council's concerns that the ward's growing population was causing an 'imbalance' in representation, referring to the Local Electoral Act (2001) requirement that for fairness, populations within council wards must not vary by ± 10%. The conclusion was that this ward had 'too many people'. As the sole ward councillor, I was told I was 'under representing'. This was nonsense, of course, as I pointed out at the time: political decision-making in the ward is also undertaken by three local boards, Aotea-Great Barrier, Waiheke and Waitematā, comprising no less than 17 other politicians! Furthermore, given the roles of CCOs, especially Auckland Transport, key decisions are also made by some 25 non-elected directors, plus nine members of the Independent Māori Statutory Board.

However, despite a remarkable 88% of public submitters opposing changes to the boundaries, and my own submissions: www.mikelee.co.nz/waitemata-gulf-under-threat-from-auckland-council/, the Representation Review Joint Working Party, chaired by City Vision's Richard Northey, recommended radical surgery, carving off Parnell, Newmarket and Grafton. Some 16,000, mainly blue, voters were moved to the Orakei Ward, which was expanded to extend from the Tāmaki Estuary to Symonds Street. Confusingly, these same areas stayed within the boundary of the Waitematā Local Board.

So much for the statutory requirement to maintain communities of interest. Not surprisingly, Mr Northey's political colleague, then Mayor Phil Goff agreed, and the changes were duly rammed through the council's Governing Body. A few weeks after the 2019 local elections, the 2018 census figures were finally released. Instead of the claimed 119,100 people living in the ward, it turned out there were 92,865. A difference of 26,135. In other words, the deeply unpopular separation of

the boundaries was justified on false premises – a population overestimate of 28%!

This had its consequences at the 2019 election. Voter participation fell from a respectable 42% to 35%, with the ratio of eligible voters-to-population falling below 50% (this due to the high numbers of ex-patriate workers and international students in this ward – the ratio across Auckland and the country is between 67-70%).

Council officers now to their credit admit the last review got it wrong. Moreover, the population in the ward has declined to an estimated 79,800. As part of the current review, officers proposed restoring the original boundaries, with Parnell, Newmarket and Grafton returned to the ward, just the way the Local Government Commission set it up in 2009, bringing the population back to 94,050. Unfortunately, despite 68% of 572 individual submissions supporting the officers' proposal and only 8% opposing, the working party chaired by Cr Julie Fairey, with Waitematā Local Board member Northey still playing a prominent role, recommended that Parnell and Newmarket should remain in Orakei (but still in the Waitematā Local Board area) and that only Grafton be returned to Waitematā & Gulf, bringing the population up by 2830 to 82,630.

Given what looked suspiciously like a political gerrymander in 2018, I am firmly of the view that politicians with a direct political interest (including myself) should not be involved in making these recommendations, rather the Local Government Commission or an independent panel should undertake this work.

Once again, these politicians' recommendations, overriding nearly 70% of public submitters, the formal position of the present Waitematā Local Board and of council staff, are unfortunately likely to be supported by the Governing Body. Sadly, the maritime Waitematā & Gulf Ward, in which for nine years Auckland's city centre was balanced to the west and to the east by the two oldest suburbs in the country, still has a dysfunctional, non-legible eastern boundary. Once again, it's a case of public 'have your say' but the politicians having their way. Sadly, coming back to Dr Edward's article, trust in politicians and the political process is likely to take another hit. (MIKE LEE) [PN](https://www.mikelee.co.nz)

www.mikelee.co.nz

Waitematā & Gulf Ward city component, as established by the Local Government Commission – elegantly balanced – almost an island.





**MIKE LEE:
COUNCILLOR FOR WAITEMATA & GULF**

Waitemata & Gulf under threat... from Auckland Council

Under the Local Electoral Act, Auckland Council must undertake a representation review every six years to ensure there is a 'fair' balance between the population sizes of the wards and 'effective representation' of communities of interest.

In Auckland the review only relates to council wards. After months of deliberation, (I was never consulted), a council working party chaired by Waitemata local board member Richard Northey found the only ward significantly out of alignment in terms of population was Waitemata & Gulf which the working party declared was 'under represented'. That is the ratio of population to councillor within this ward is 33% above the recommended $\pm 10\%$ difference with that of other wards. To lower the population I recommended significant parts of Grey Lynn and Grafton and all of Westmere, Parnell and Newmarket be chopped off ('sliced and diced' as one submitter put it) and transferred to the neighbouring Drake and Albert-Eden wards. Bizarrely the Waitemata Local Board Area would remain untouched. To me this just didn't make sense so I undertook my own investigation.

My first question was: is there really 'under representation' in this ward? The Auckland Council 'Super City' is markedly different from all the other 77 councils across New Zealand. In terms of representation not only are there 20 councillors and a mayor - but because of the council's unique 'co-governance' there are also 140 elected local board members. In Waitemata & Gulf, while I am the only elected councillor, there are seven local board members for Waitemata, five for Great Barrier and five for Waiheke - 17 in all. So rather than just 20 councillors, the council has 160 elected members, plus the mayor, plus nine unelected Independent Māori Statutory Board members, plus 25 unelected COO directors - all having an active role in the 'handson, responsibilities and duties and executing the powers' of the council.

My next stop was Electoral Services, the agency charged with running our local elections. In order to do so 130 different voting paper combinations must be produced to ensure voters receive the correct papers for their wards, Local Board Areas, District Health Boards, and Licensing Trusts. The proposed changes to the Waitemata & Gulf ward (but not the local board) boundaries and consequent changes to other ward boundaries across the isthmus will significantly increase the number and complexity of voting paper combinations and their cost. Election Services predict the resulting confusion is likely to generate significant complaints. I suspect it will also act as a turn-off for voter participation. Then I researched the legislation. The Local Electoral Act requires 'fair representation'. Representation

presupposes 'electors', a category referred to frequently throughout the act, which also refers in one key instance, (the $\pm 10\%$ rule), to 'population'. Normally this is not a problem. Across New Zealand about 70% of the population are 'electors' (the rest are mainly those too young to vote). Across Auckland the ratio is similar - 67%. But here in Waitemata, I discovered a remarkable difference - a ratio of only 51% of electors to population. This is due to the CBD having the highest concentration of non-elector residents in the country. Many are students and, not surprisingly for the 'CBD of New Zealand', many are ex-pat workers on temporary work permits. Most, I understand, are actually eligible to vote - but in their hometowns: Hamilton, Wellington, Christchurch, or in the UK, Ireland, US, China, India and so on. So Waitemata & Gulf has a population of 119,100 but only 69,700 electors. Drake, where the council wants to shift the high voting areas of Parnell and Grafton, has a population of 91,500 with 65,339 electors - 72%. Actually the ratio of councillor to electors here is much lower than in Drake.

Unfortunately, the council has focused rigidly on population but (typically) has overlooked the equally important legal requirement for 'effective representation of communities of interest'. Not surprisingly the proposed changes are deeply unpopular. Of 145 written submissions from Waitemata residents, a remarkable 88% were opposed. I attended the hearing where community leaders from Grey Lynn, Parnell, Grafton and the City Centre made compelling arguments to keep the ward and local board boundaries aligned. These, they argue define a historical and geographical community of interest which should not be divided. There is a remedy and it lies within the Local Electoral Act s19V 3 (a) (i) which allows the council to retain the status quo if complying with the 10% rule would 'divide communities of interest'. If Waitemata is a 'community of interest', as 88% submitters attest, and the Local Government Commission in 2010 deemed it to be - then the answer is obvious. The hearing panel only half-listened, sparing Grey Lynn and Westmere but shifting Parnell, Grafton and Newmarket to the Drake Ward but at the same time keeping these within the Waitemata Local Board area. The whole messy proposal will now go to the Local Government Commission where it can be appealed. I will continue to fight to keep Waitemata & Gulf together. It's one of the few good things to come out of the Super City (MIKE LEE) [\[2\]](#)

Mike Lee is the Auckland Councillor for Waitemata & Gulf Ward, www.mikelee.co.nz

PONSONBY NEWS+ NOVEMBER FEATURE

Bring on Christmas & holiday fun in the sun

CHRISTMAS GIFT IDEAS

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SUMMER FASHION AND ACCESSORIES

SUMMER HOLIDAY ACTIVITIES

SAFETY IN THE SUN AND ON THE ROADS

Copy deadline: Saturday 20 October Published: Friday 2 November

To whom it may concern

I am writing on behalf of Rock The Vote NZ Inc., to register our society's objection to the Joint Governance Working Party's final proposal for representation arrangements for the 2025 elections, specifically the proposal that Parnell and Newmarket, currently in the Ōrākei ward and, in the initial proposal, moved to the Waitemata and Gulf ward, remain in the Ōrākei ward.

We support the Waitemata ward boundary being brought into alignment with the current Waitemata Local Board boundaries.

The Newmarket and Parnell areas were historically always included in the Waitemata ward in alignment with the Waitemata and Gulf ward boundaries and we believe they should be returned to their original positions.

We note that the Waitemata Local Board submission supports the return of Parnell and Newmarket to their original position in the Waitemata and Gulf ward. Councillor Mike Lee supports this. Council staff support this, as do the vast majority of submissions from the public.

It is the obvious and practical solution to resolve residents' confusion, and it makes sense that this fast-growing part of the central city is unified with the rest of the city and governed in the co-ordinated hands of one Local Board and one Auckland Councillor.

Further, we are very unhappy that the Joint Governance Working Party has been led by Councillor Julie Fairey, who has an obvious conflict of interest, and believe that it should have been led by someone completely independent.

Yours faithfully,

[REDACTED]

[REDACTED]

Rock The Vote NZ

www.rockthevotenz.com

www.facebook.com/RockTheVoteNewZealand



Appeal in response to representation arrangements for the 2025 Local Body Elections

26 October 2024

To Auckland Council Representation Review :
representationreview@aucklandcouncil.govt.nz

To the Local Government Commission:
info@lgc.govt.nz

To the Chief Executive Officer Auckland Council:
phil.wilson@aucklandcouncil.govt.nz

I provided both a written and oral submission¹ on the Auckland Council Representation Review process in particular on the question of the eastern boundaries for the Waitemata and Gulf Ward and the Waitemata Local Board which were established by the Local Government Commission at the outset for the new Auckland Council but separated by the Auckland Council in 2019. The six-yearly review I understand is a requirement of the Local Electoral Act 2001 (Please see attached *Auckland Council's Representation Review Initial Proposal*).

Subsequently, I became aware that Councillor Fairey, Chair of the Council's Joint Governance Working Party, which heard submissions on the matter, was misrepresenting my submission (provided written in advance) and position to the full Council on 26 September 2024².

I have since written to Councillor Fairey asking her to publicly correct my position and received a less than satisfactory response³. Councillor Fairey clearly and quite deliberately heard what she wanted to hear and was deaf to a different perspective. Worse, having deliberately or otherwise misunderstood my submission she then misled the Council, using my words and submission for aligning the boundaries to argue for her own agenda. When asked if she would publicly correct this, she has remained silent.

When community members make the time to present to Councillors in challenging public forums, the very least Councillors should do is listen and understand the perspective being presented. The last thing they should do is then mislead others about it.

Further Councillor Fairey stated to the full Council that my comments were on behalf of "the Parnell Community Residents Association". I submitted as an individual. I made that clear at the outset of both my oral and written submission.

¹ Oral submission provided in advance in writing

² <https://councillive.aucklandcouncil.govt.nz/meeting/26-09-24-governing-body-items-1-6-8/26-09-24-governing-body-item-9/>

³ Email correspondence Councillor Fairey 16 October 2024

Councillor Fairey misled Council as to both the role I played in the community and the contents of my submission.

I raise this matter solely because it speaks to the pre-determined view of Councillor Fairey and underscores my concern that decision making in relation to boundaries has been decided for political gain and not in the community interest; or indeed to achieve one of the key objectives of the JGWP - to align Local Board and Ward boundaries.

One of the key pillars of my submission was the conflict that arises when politicians are left to make decisions that may well influence the votes cast in the next election.

I am therefore appealing the decision of the JGWP in relation to the Waitemata Local Board area for the following reasons:

1. The failure to realign the boundaries of the Waitemata & Gulf Ward with the boundaries of the Waitemata Local Board Area, as established by the Local Government Commission in 2009 and recommended for realignment by Council officers in the 'Initial Proposal', remains confusing for the public and therefore is likely to continue to impact public engagement in local body elections
2. It is against the key objective of the Representation Review (alignment of boundaries)
3. It is against the vast majority of public submissions (66%),
4. It is against the Waitemata Local Board's submission who are arguably the best placed to understand the impact on their community
5. It is against the Auckland Council Staff advice (who are not politically driven)
6. It is not reflective of the community views, and it does not serve the people of Parnell or Newmarket.
7. The argument used to justify keeping Newmarket in the Orakei Ward is non-sensical and has potential wide-ranging impacts on the balance of the city. If a reason to keep Newmarket in Orakei is because of clientele of shops, then the CBD should be allocated to every Ward whose residents, shop, eat or work there and the people of Herne Bay should be banned from shopping in Newmarket. Parnell in particular – as I pointed out in my submission, is fast becoming the CBD, with major businesses setting up offices there and it being home to the Port. It is more City than suburb and that will only continue as the city grows. Excluding it makes no sense, given the reason for excluding Newmarket.
8. It is nonsensical to exclude Parnell and Newmarket, but to include Grafton and which just further confuses matters.
9. In terms of a disrupting the community of interest principle of the Local Electoral Act, it is completely out of alignment with the Local Government Commission's definition of community of interest, i.e.:
 - **perceptual** – a sense of belonging to a clearly defined area or locality

- **functional** – the ability to meet with reasonable economy the community’s requirements for comprehensive physical and human services (reasonable economy means providing the community's needed services without unnecessary or excessive spending)
- **political** – the ability of the elected body to represent the interests and reconcile the conflicts of all.

10. It appears, that the only reason for the decision is a self-serving gerrymandering political agenda.

As I said in my submission, I am not concerned with where the precise boundary is. I am solely concerned with the confusion caused by having a different Ward Boundary from the Local Board Boundary, and the vacuum that creates around key decision making in Parnell. The example I gave in my oral submission was the Erebus Memorial debacle and the impact that the Ward Boundaries had on the near disastrous outcome, primarily because of a Councillor’s influence in an area outside of her Ward.

I urge the Council to rethink their approach and align the boundaries back to where they were in 2018. If you want community engagement, make it easier and not harder for them to engage.

Nga mihi nui

Jo Malcolm

[REDACTED]
[REDACTED]
[REDACTED]

To the Members of the Joint Governance Working Party,

I am writing to formally express my objection to the recent decision made by the Joint Governance Working Party (JGWP) regarding the ward boundaries of Parnell and Newmarket. This decision not to incorporate these areas back into the Waitemata Ward directly contradicts the objections made from the Waitemata Local Board, ward councillor Mike Lee, and the majority of affected residents.

The rationale provided for this decision raises serious concerns. Firstly, the argument that Newmarket's visitors primarily come from the Orakei Ward is totally unfounded and sets a poor precedent for how we define ward boundaries across the region. This effectively undermines the significance of local representation and community identity, which are the *raison d'être* of local government, is it not?

Moreover, the submission from the Hapua Thrive group regarding water quality management appears to misinterpret the role of local councillors. Rather than consolidating responsibility under a single ward, having two elected representatives would more than likely enhance accountability and effectiveness in addressing water quality concerns in the Hobson's Bay catchment.

It is essential to consider the historical context of these boundaries. The previous decision in 2018 to separate Parnell, Newmarket, and Grafton from the Waitemata Ward was based on inaccurate statistics and has since been recognized as a mistake. The staff proposal to revert these areas back into the Waitemata Ward is a necessary correction, aligning local government with community interests.

The overwhelming support from local stakeholders highlights the disconnect between the JGWP's decision and the sentiments of the community. This decision appears to prioritize political interests over the voices of the residents. It is crucial that local government reflects the needs and preferences of the communities they serve, rather than being shaped by strategic electoral priorities.

I urge the Joint Governance Working Party to reconsider its stance and adhere to the original staff proposal that aligns Parnell and Newmarket with the Waitemata Ward. This adjustment is not merely a matter of administrative convenience; it is about ensuring fair representation for our community and fostering a local government framework that is responsive to the needs of all residents.

Thank you for considering my objection. I look forward to your response and hope for a resolution that truly reflects the voice of our community.

Sincerely,

Pete Mars
Concerned Ratepayers Herne Bay

Objection to the Joint Governance Working Party Decision on Waitemātā Ward Boundaries

To the Joint Governance Working Party, members of the Auckland Council, and representatives concerned with equitable governance,

I, the undersigned, strongly object to the recent decision made by the Joint Governance Working Party (JGWP) to disregard the clear and overwhelming public support for realigning the boundaries to include Parnell and Newmarket within the Waitemātā Ward. This decision was made despite compelling evidence from the affected residents, local elected officials, and the Waitemātā Local Board advocating for this change. It also disregards the expert recommendations provided by council staff, who have firsthand insights into the operational and representational benefits of this proposed alignment.

Disregard for Public Sentiment and Local Representation

The voices of Parnell and Newmarket residents, the Waitemātā Local Board, and local representative, Councillor Mike Lee, were collectively ignored. This lack of responsiveness directly contradicts the purpose of democratic governance, which is to reflect the will of the people and make decisions based on their best interests. Furthermore, the submission process itself risks becoming a hollow exercise if the considered views of constituents are dismissed with minimal rationale.

Questionable Justifications Provided by JGWP

The JGWP has presented two primary justifications for this decision, neither of which adequately address the core issue at hand:

1. **External Influence on Newmarket:** The argument that Newmarket attracts visitors from surrounding suburbs, specifically Orākei, is tenuous and irrelevant to the concerns of local governance. By this logic, many central city areas frequented by residents from various wards could be justifiably redistricted, which would set a problematic and unsustainable precedent. The flow of visitors does not negate the importance of effective representation for those who actually reside in Newmarket and Parnell.
2. **Water Quality Concerns:** The argument referencing the submission from Hapua Thrive concerning the Hobson Bay catchment's water quality management is also unconvincing. This concern appears unrelated to ward boundaries, as water quality is managed on a regional level and could benefit from oversight by multiple elected members rather than a single ward representative. The emphasis on a localized environmental matter to dictate boundary alignment for urban representation seems, at best, a misplacement of priorities.

Concerns Regarding Political Motivation

The decision to oppose the realignment of Parnell and Newmarket raises valid concerns regarding gerrymandering. By keeping Parnell and Newmarket outside of Waitemātā Ward, there is a risk of creating an electoral environment that advantages certain political groups by diluting the influence of these areas' voters, who do not traditionally align with certain left-leaning candidates. This manipulation of electoral boundaries undermines the foundational principles of fair representation and risks damaging the public's trust in local governance.

Call for Action

We urge the JGWP and all relevant council members to reconsider this decision in light of the strong and clear community support for realignment. The initial staff proposal, which was based on expert analysis and public feedback, remains the most equitable solution. Reuniting Parnell and Newmarket with Waitemata Ward will ensure that residents in these areas have their voices accurately represented and that local governance is conducted in alignment with the democratic principles that the council is mandated to uphold.

In light of these issues, we call on the JGWP to restore integrity to this process by respecting the original proposal and aligning the boundaries of Parnell and Newmarket with the Waitemata Ward, as the community has overwhelmingly requested.

Sincerely,

Grant Mountjoy

28.10.2024

Date: 1 November 2024

To: The Local Government Commission

From: Waitemata Local Board

Re: **Appeal under section 190 of the Local Electoral Act 2001 (LEA) on a decision made by Auckland Council on 26 September 2024 at its Governing Body Meeting in the matter of Item 9 - Review of representation arrangements for the 2025 elections - final proposal.**

1. On 27 June 2024 the Auckland Council resolved its initial proposal for representation arrangements for the 2025 elections and delegated to the Joint Governance Working Party (JGWP) the responsibility to hear and consider submissions and make recommendations to the Governing Body.
2. Following consultation on the initial proposal, the Waitemata Local Board (WLB) held an extraordinary business meeting on 27 August 2024 to consider its response and passed its resolution number **WTM/2024/143** (see endnote ⁱ for online references).
3. Having considered feedback received on the matter along with the report and recommendations of the JGWP, Auckland Council passed its resolution number **GB/2024/133** on 26 September 2024 (see endnote ⁱⁱ for online references).
4. WLB recognised that high level feedback was generally in support of the initial proposal **WTM/2024/143 b) i)** but noted others held divergent views, in particular the business associations of Newmarket and Parnell, Auckland War Memorial Museum and environmental community group 'Hapua Thrive' **WTM/2024/143 b) ii)**.
5. The initial proposal indicated the community in Eden Terrace, south of the motorway, which is in the Albert-Eden-Puketāpapa Ward and the Waitemata Local Board area would not change so as to avoid central Auckland wards not complying with the fairness of representation rule. WLB resolved to that effect **WTM/2024/143 b) viii)**.
6. The initial proposal indicated that Pukekawa / Auckland Domain and the communities in Parnell, Newmarket and Grafton, currently in the Ōrākei Ward and Waitemata Local Board area, will return to the Waitemata and Gulf Ward and remain in the Waitemata Local Board area. WLB resolved to that effect **WTM/2024/143 b) vii)**.
7. Following receipt of submissions and the report and recommendations of the JGWP, the recommendation to the governing body was to amend the initial proposal in regard to wards in central Auckland so that the areas of Parnell and Newmarket remain in the Ōrākei ward. That was confirmed in the governing body's resolution **GB/2024/133 d) i)**.
8. The matter to which WLB's appeal relates in particular is the conflict between the decisions referred to in the previous two paragraphs and identified below as follows:
 - **WTM/2024/143 part b) vii)**

“agree that Pukekawa/ Auckland Domain and the communities in Parnell, Newmarket and Grafton, currently in the Ōrākei Ward and Waitamatā Local Waitematā Local Board area, will return to the Waitematā and Gulf Ward and remain in the Waitematā Local Board area.”

- **GB/2024/133 part d) i)**

“Amend the initial proposal in regard to wards in central Auckland so that the areas of Parnell and Newmarket remain in the Ōrākei ward”

9. The initial proposal noted current population estimates now allow for adjustments to be made to ward boundaries in central Auckland so that ward and local board boundaries can align again, while still ensuring fair representation within the 10 per cent variation rule. Consistent with section 19T(1)(c) of the Local Electoral Act 2001 which requires that the territorial authority and, where appropriate, the Commission must ensure that, so far as is practicable, ward boundaries coincide with any local board area or community boundaries, WLB resolved to that effect **WTM/2024/143 b) vi)**.
10. Waitematā Local Board submits to the Commission that the realignment of the boundaries in terms of WLB’s resolutions, in particular **WTM/2024/143 part b) vii)** is both practicable and justified, particularly in terms of voter support.
11. Should the Commission wish to meet, in terms of section 19R(2)(b) of the Local Electoral Act 2001, the WLB would like to be heard by the Commission in relation to this appeal.

On behalf of

Waitematā Local Board



Genevieve Sage

Chairperson

Endnotes:

27 August 2024 - Waitematā Local Board extraordinary meeting

Item 4 – Feedback on the representation review initial proposal

Agenda: (Item 4: pp 7-52)

https://infocouncil.aucklandcouncil.govt.nz/Open/2024/08/20240827_WTM_AGN_12618_AT_EXTRA.PDF

Minutes: (Item 4: pp 3-7)

https://infocouncil.aucklandcouncil.govt.nz/Open/2024/08/20240827_WTM_MIN_12618_EXTRA.PDF

ii **26 September 2024 - Governing Body Meeting**

Item 9 - Review of representation arrangements for the 2025 elections - final proposal

Agenda: (Item 9: pp 25-34)

https://infocouncil.aucklandcouncil.govt.nz/Open/2024/09/20240926_GB_AGN_11279.PDF

Agenda attachments: (Item 9: pp 3-128)

https://infocouncil.aucklandcouncil.govt.nz/Open/2024/09/20240926_GB_ATT_11279.PDF

Minutes: (Item 9: pp 5-8)

https://infocouncil.aucklandcouncil.govt.nz/Open/2024/09/20240926_GB_MIN_11279.PDF

Minutes attachments: (Item 9: p 17)

https://infocouncil.aucklandcouncil.govt.nz/Open/2024/09/20240926_GB_MAT_11279.PDF

Objection to the Representation Review regarding the Waitematā-Ōrākei Boundary

31st October 2024

To the Local Government Commission:

info@lgc.govt.nz

To Auckland Council Representation Review :

representationreview@aucklandcouncil.govt.nz

I serve as a Director of The Olympic Pools and Fitness Centre Limited, in Newmarket, and we have 6000+ users per week.

I am writing to **Object to the Final Proposal** set by the Auckland Council's Governing Body to not realign Newmarket into the Waitematā and Gulf Ward. The reasons for my objection are as follows:

- The initial proposal, which I support, was for alignment of Newmarket with the Waitematā and Gulf Ward. It had widespread support from the Community where as the Final Proposal does not.
- While some of The Olympic visitors may come from suburbs towards Ōrākei, the majority of our members come from our own local community in Newmarket, Parnell and Grafton.
- We associate more with Waitematā, so the alignment of Newmarket into the Ōrākei Ward, has no merit and is highlighted by the fact that Ōrākei was not there to support us when needed.

Over the last 9 months, we have faced considerable challenges in the renewal of our long-term lease. We currently sit in the Waitematā Local Board area and the Ōrākei Ward. It was those in Waitematā (Local Board and Ward) that stood up for us and provided us with representation, not Ōrākei.

I am disappointed that the Joint Governance Working Party has disregarded the preferences of the Community. I request that the Local Government Commission, in their review, amend the Ward boundaries to include Newmarket (and those that sit within the Waitematā Local Board area) into the Waitematā and Gulf Ward, as initially proposed.



Peter Rust

Director

The Olympic Pools and Fitness Centre Limited



Dear Sir/ Madam,

I would like to raise a formal objection regarding the procedural issues observed during the recent consultation and decision-making process affecting the Rodney community during the current Representation and Boundary reviews.

The relevant people from Council met with myself and the other chairs of the local community groups in our area. We discussed the process that they followed and the inappropriateness of various aspect of it;

1) NAG, a small, unrepresentative group of rural individuals was given disproportionate influence over the proceedings. This group had exclusive and early access to staff and resources that were not made available to the broader community and myself.

2) The Council's calculations for population numbers in the various areas in Rodney were based on the 2018 census. Not only was this generally accepted to be a very poorly organised and un-representative census (including by those Council members present at our meeting), but it is already 6 years out of date in Rodney, an area that is undergoing major population growth as a result of the Unitary Plan formulated by Council

When these concerns were brought to the attention of the relevant council staff at our meeting of local community groups, the staff acknowledged their awareness of the situation. However, instead of addressing the issues, the staff "pleaded an inability to change the rules governing the process" and subsequently ignored the raised concerns.

This conduct constitutes a clear violation of the principles of natural justice, in the instance of NAG, and illustrates the use of an inappropriate process in their decision making. It resulted in an unfair and biased outcome. The actions taken have undermined the integrity of the decision-making process and have failed to ensure fair representation and consideration of all community voices.

I respectfully request a thorough review of the process and the use of appropriate measures and information to rectify the situation, ensuring that relevant data is used and all community members are given an equal opportunity to participate and be heard before any changes in Rodney are confirmed.

Yours sincerely

Dr Simon Barclay

--

Dr Simon Barclay
Chair

Matakana Community Group

Submission on Procedural Issues and Lack of Natural Justice in the Representation Review

To Whom It May Concern at the LGC,

I am writing to formally raise an objection regarding the procedural issues observed during the recent consultation and decision-making process affecting the Rodney community during the current Representation and Boundary reviews. It has come to my attention that a small, unrepresentative group was given disproportionate influence over the proceedings. This group had exclusive and early access to staff and resources that were not made available to the broader community and myself.

When these concerns were brought to the attention of the relevant council staff by various community groups, the staff acknowledged their awareness of the situation. However, instead of addressing the issues, the staff responded with rudeness and subsequently ignored the raised concerns.

This conduct constitutes a clear violation of the principles of natural justice, as it resulted in an unfair and biased process. The actions taken have undermined the integrity of the decision-making process and have failed to ensure fair representation and consideration of all community voices.

I respectfully request a thorough review of the process and appropriate measures to rectify the situation, ensuring that all community members are given an equal opportunity to participate and be heard before any changes in Rodney are confirmed.

Sincerely,

Ivan Wagstaff

(David Holm)

I am lodging this objection because the proposal and the consultation which gave rise to it appear to have completely ignored the opportunities provided by the amendment last year to the Local Government (Auckland Council) Act 2009 which increased the maximum governing body members from the mayor plus 20 other members to the mayor plus 29 other members. A careful perusal of the consultation documents suggest to submitters that the old maximum still applies. The old maximum was negative for fair representation for Auckland because it led to steadily increasing numbers of constituents per councillor as the city's population grew rapidly, inhibiting accessibility for constituents, increasing the cost for candidates to campaign for election to council and deterring some from putting their names forward and thus limiting choice. It also did not cater for the increasing diversity of Auckland's population which means that varying communities of interest are becoming submerged by being parts of constituency populations of between 150,000 and 191,390 in the case of two member wards. These populations are greatly in excess of those for any other local body in the country (except for mayoralities) and over double the 70,000 people per general parliamentary electorate arrived at in the latest determination of the Electoral Commission based on the 2023 Census.

Sticking with the 20 member straight jacket when the Council's total population has grown by 20% since its establishment in 2010 suggests a reluctance to provide for more diverse voices and that councillors workloads are not increased by an increased population. A contributor to Auckland's relatively poor voter turnout is likely to be difficulties in ability to access councillors to discuss issues and concerns especially compared to the accessibility to electorate M.P.s.

Another factor in Auckland's representation which has received little discussion is the impact of likely future population trends. The last representation review saw big changes needed in ward boundaries around the CBD because its population, boosted by new apartments, grew much faster than its neighbours, requiring areas under the Waitemata Local Board to be moved into neighbouring wards. This was a departure from the principle that as far as practicable local board and ward boundaries should coincide. For this review it has been a fortunate coincidence for observing this principle that the excessive impact of Covid in reducing CBD population reversed the changes made in 2018.

However, indications on the variability of Auckland's future population growth point to growing difficulties in trying to line up ward and local board boundaries, especially if we stick with 20 councillors. The city's growth is going to see big surges in parts of the south and the west along with major subdivisions under way in Mt. Roskill and Mt. Albert. I believe that fair representation (as stated in the act) should have priority

over aligning wards and local boards, especially where a new local board may be needed. The amendment allowing 9 more councillors cannot have envisaged the new arrangement having to line up with local boards.

In submitting to the Council's original proposal and appearing in person I attempted to draw their attention to the benefits of providing for more councillors. I also outlined how a 25 member council could be lined up with parliamentary constituencies which are based on the same principles of fair representation and communities of interest which the Local Electoral Act highlights. The council's predecessor, the Auckland Regional Authority, was elected from parliamentary constituencies. A 25 member council could base 21 wards on 21 electorates wholly within the council boundary plus two wards in the south and two Maori wards. The consultation document mentioned Maori wards but was silent, unlike over 40 councils, on how they might be achieved.

I cannot understand why this review failed to mention the opportunity for more councillors. In my submission on the original proposal I tried to bring it to the attention of officers and elected members. The final proposal continues to ignore what is a fundamental aspect of fair representation. Section 19N 2b of the Local Electoral Act requires councils to issue a public notice stating both the reasons for amendments to its original proposal and reasons for any rejection of submissions. I presume that having my submission ignored is the same as rejecting it. I therefore object to the final proposal and seek to know whether the Council has abided by the requirements of clause 19N (2b) of the Local Electoral Act 2001.

29 October 2024

Auckland Council Representation Review

Attention: Local Government Commission

Appeal under the Local Electoral Act

1. The Devonport-Takapuna Local Board has resolved to lodge an appeal against the decision of the Auckland Council Governing Body to not address the breach of the +/-10 percent rule for the Albany and North Shore Wards. Currently the population average of the North Shore ward of Auckland Council is -13.7 percent less than required. This means that both the North Shore and Albany wards are in breach of the +/-10 percent rule.

2. History:

When Auckland Council was formed in 2010 the North Shore and Albany wards covered all the former North Shore City Council areas, along with the developed areas of Silverdale, Orewa and Whangaparaoa along the eastern coastline and Hobsonville, Whenuapai and parts of West Harbour.

There were no changes to the decisions made by the Local Government Commission for the setting up of the 13 wards and 21 local boards for both the 2013 and 2016 elections. The first fair representation review was required to be done prior to the 2019 local government elections.

In 2018 Auckland Council undertook a review of representation for the 2019 elections of ward councillors and local boards. At this time neither the North Shore nor Albany wards breached the +/-10 percent rule. At this stage the Albany ward population was growing at a far faster rate than the North Shore ward.

In the five years between the 2018 Census and the June 2023 Census the population has grown by 24,449 or 14.65% in the Albany Ward, but only 3,866 or 2.64% in the North Shore ward.

3. Representation Review process for 2024:

This is the process that the Devonport-Takapuna Local Board is appealing against. When the figures for the estimated populations for the Albany and North Shore wards came out it was clear that the North Shore ward had a figure of -13.82% less than the average, and Albany was over the average by 10.16%.

The report submitted to the Auckland Council Governing Body for consideration prior to them adopting the initial proposal in June, showed this to be the case. We believe this should have triggered a process to move at least all the areas listed in the excerpt from the May 30, 2024 report to the Auckland Council Governing Body [See Figure 1 below].

Governing Body
30 May 2024

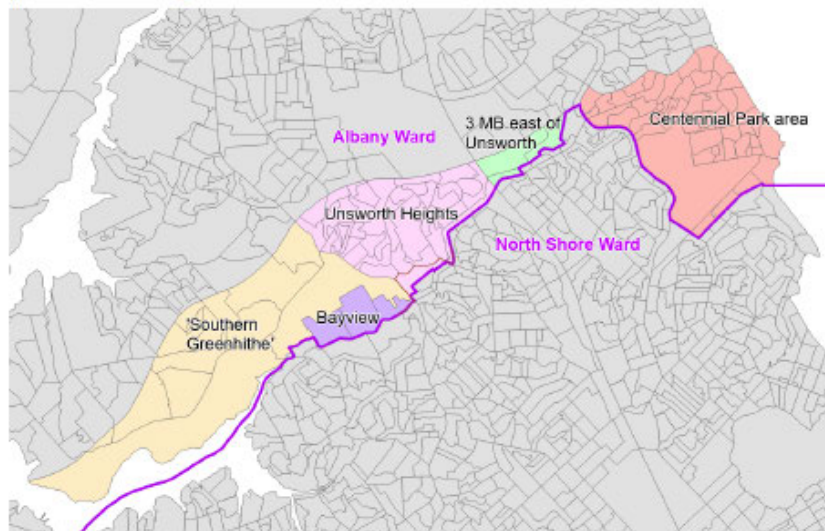


Non-compliance with the 10 per cent rule in the above table

North Shore/Albany

38. The North Shore ward variance is -13.82 per cent and needs to gain population. The Albany ward variance is 10.16 per cent and needs to lose population. Staff have investigated options for correcting this.

Item 15



39. The effect on variance (in the population table this is the “% diff from quota”) for the North Shore ward if the ward encompassed the following areas:
- i) Unsworth Heights and Bayview: -10.03 per cent
 - ii) Centennial Park: -10.13 per cent
 - iii) Everything except Centennial Park: -8.8 per cent
 - iv) Move all 5 areas from Albany to North Shore: -5.1 per cent.
40. The JGWP recommends addressing this non-compliance by transferring the Unsworth Heights (including the 3 mesh-blocks to its east) and Bayview areas to the North Shore Ward. This reduces non-compliance considerably – the variance being -10.01%

Figure 1 Excerpt from Auckland Council Governing Body agenda of May 30, 2024.

If this proposal had been agreed this would have meant that the North Shore ward would be down to -5.1%. In the view of the Devonport-Takapuna Local

Board this would still not have provided adequate leeway to allow for the expected continued growth in the Albany area. Additionally, the Devonport-Takapuna Local Board recommended moving the Mairangi South and Mairangi North statistical areas from Albany Ward to North Shore ward, which would have aligned the two wards with populations that are similar at approximately 191,000 in each ward. [See Figure 2 below]

4. Communities of Interest:

It was argued by the Governing Body that addressing the imbalance will divide communities of interest, however in this case no formal study of communities of interest in these areas have been undertaken by Auckland Council. Aside from noting historical boundaries of wards and community boards from the legacy councils, these are merely residential statistical areas. Auckland Council has not provided evidence to show that there are communities of interest in the Castor Bay, Campbells Bay and Mairangi Bay areas other than what is noted in the resolutions.

In a rapidly growing area such as the Auckland region, changes must occur. The integrity of the electoral system must prevail.

The Devonport-Takapuna Local Board believes strongly that the statistical areas of Unworth Heights East, Unsworth Heights West, Campbells Bay, Mairangi Bay South and Mairangi Bay North along with small areas of Bayview should be moved from the Albany Ward into the North Shore ward.

Please refer to our initial submission to the Auckland Council Joint Governance Working Party, which has been appended to this document.

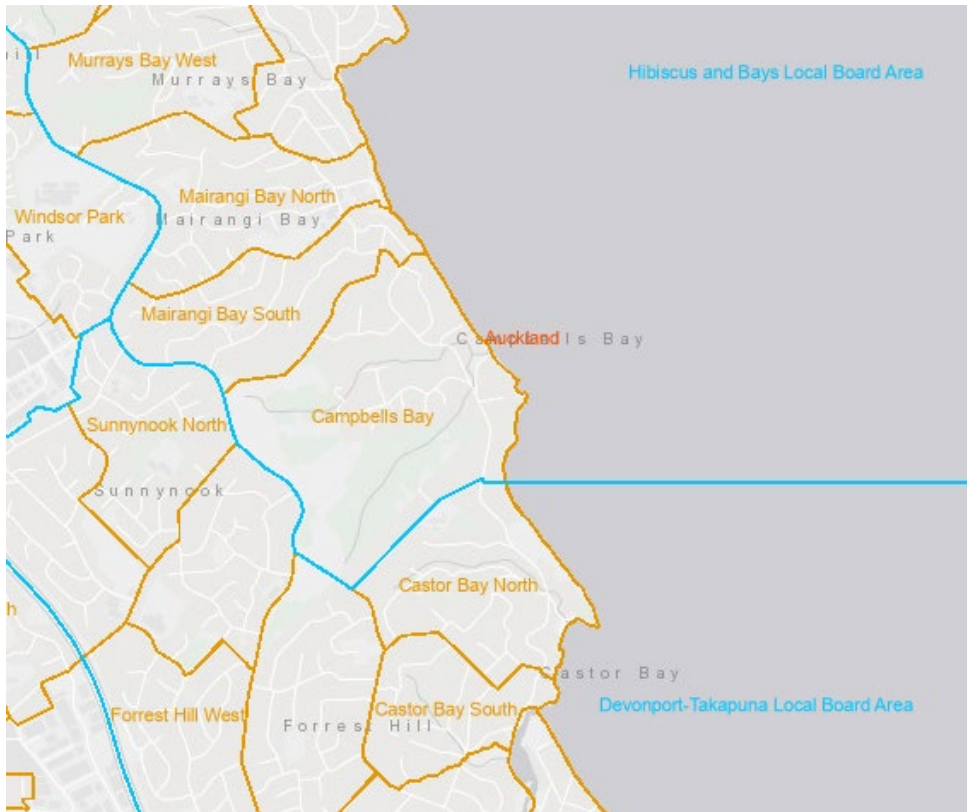


Figure 2 Mairangi south and north statistical areas

5. Consultation across Auckland Communities:

The consultation document included a question seeking opinions on the proposed changes to the North Shore and Albany Wards, that involved minor boundary changes.

Of the 796 responses 57 did not support the proposed changes and of those who provided comments a common theme was concern around insufficient representation, including having fewer elected members representing their community or representation that they don't believe will adequately align with the needs of their community.

After 14 years of the Auckland Council, we now see no mention of the major breach of the Local Electoral Act 2001 in this first major review of the representation.

6. Joint Governance Working Party:

It is noted that when the Joint Governance Working Party voted on the proposal to rectify the imbalance between the North Shore and Albany wards, the vote was tied six-all and the Chair exercised their casting vote to vote against making any change to rectify the +/-10 breach.

7. Summary:

The balance of the population within the North Shore and Albany wards must be organised to ensure compliance with the provisions of section 19(V)(2) of the Local Electoral Act 2001 which states, "*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 of no more than 10% greater or smaller than the population of the district or region or local board area or community divided by the total number of elected members.*" There are provisos that can overrule this requirement, but we suggest they do not apply here.

The population figures between the Albany and North Shore ward have grown in favour of the Albany ward substantially in the last 14 years. There is also a projected 49 per cent increase in the Albany population from 2006 to 2031. ¹With Albany already having the highest population per councillor, at 1/95,000 it is important that the opportunity to address this breach is taken now to ensure that residents are fairly represented. We understand the local board boundaries will be out of alignment, but we can live with this in the interim.

Signed:



George Wood
Member: Devonport-Takapuna Local Board



Gavin Busch
Member: Devonport-Takapuna Local Board

¹ Te Whatu Ora – Waitematā – Locality NHA Albany Ward

01 November 2024

To: representationreview@aucklandcouncil.govt.nz
Attention: Local Government Commission

RE: Appeal under the Local Electoral Act 2001 against Auckland Council's Decision on the Representation Review

Tēnā koe,

The Kaipātiki Local Board has formally decided through resolution to lodge an appeal against the Representation Review decision by the Auckland Council Governing Body (KT/2024/218).

In particular, we appeal against the decision to allow for a breach of the fair representation requirement for both the Albany and North Shore wards, when a viable alternative exists that adheres to community of interest and population requirements.

Attached to this appeal (Attachment 2) is our original submission on the Representation Review (dated 20 August 2024) that shows that we did raise this matter at that time, and are eligible to appeal the decision.

We also request to appear before any Local Government Commission hearing on this matter.

Overview

As part of the recommendation from the Joint Governance Working Party (JGWP) to the Governing Body on what to include in the Representation Review, the JGWP recommended to move the Albany/North Shore ward boundary north from Sunset Road to Upper Harbour Highway/Constellation Drive. This was to ensure that both wards were not in breach of the fair representation rule (also known as the '+/- 10% rule'), as well as better aligning the suburb of Unsworth Heights with its community of interest to the south.

However, the Governing Body chose not include this in the Representation Review Initial Proposal, which was unfortunate as it did not become a specific question in the consultation.

The fair representation requirement ensures equality of population representation by each ward councillor by ensuring that no ward is +/- 10% from the average ward population. Ideally, the difference above or below 0% for each ward would be as little as possible, and should be no more than +/- 10%, however following the minor boundary changes that the Governing Body has adopted through the Representation Review, the percentages for the Albany and North Shore wards will both be in breach, as follows:

- Albany: 10.04%
- North Shore: -13.7%

As the Albany ward is growing in population much faster than the North Shore ward, the above percentages will continue to grow further in breach of the fair representation requirement, unless the boundary is adjusted accordingly.

In order to comply, the North Shore ward needs an additional **6428** people (compared to Auckland Council’s Initial Proposal). As the North Shore ward cannot expand further south, west or east due to the Waitematā Harbour, it must expand north into the Albany ward. If done correctly, such a boundary change should bring the population of both wards within +/- 10% from the average ward population. And as the Albany and North Shore wards are the only wards that Auckland Council is choosing to breach the +/- 10% rule, then making such a boundary change will also result in all of Auckland’s wards being within limits.

A viable solution: Unsworth Heights

The Kaipātiki Local Board believes that moving the Unsworth Heights area from the Albany ward to the North Shore ward would ensure that both wards comply with the fair representation rule, and would also ensure that the Unsworth Heights community is grouped with their community of interest to the south. This can be achieved by moving the Albany/North Shore ward boundary north from Sunset Road to Upper Harbour Highway/Constellation Drive.

The Kaipātiki Local Board proposed this boundary change in its submission on the Representation Review (and presentation to the JGWP hearing panel) and we still believe this is the simplest and most logical change to ensure that both wards comply with the fair representation rule.

We acknowledge that if the ward boundary is moved, there will be a discrepancy between the ward and local board boundaries (the Governing Body chose not to consult under the Local Government Act 2002, so local board boundaries cannot be substantially moved at this time). We are happy to have this misalignment to ensure that the fair representation of the wards is in place, and will support adjusting the local board boundary to match the ward boundary at the next available opportunity. That will ensure that Unsworth Heights is also moved from the Upper Harbour Local Board area to the Kaipātiki Local Board area, keeping the community of interest together.

Unsworth Heights: Fair representation requirement

The total population of Unsworth Heights is **6390** (Statistics NZ SA2 2023 estimate):

Mesh Block	Population
Unsworth Heights West	2620
Unsworth Heights East	3770
Total Unsworth Heights:	6390

The North Shore ward needs to gain **6428** people to comply. By moving Unsworth Heights West and Unsworth Heights East, the +/- 10% rule breaches will be reduced to the following (compared to Auckland Council’s Initial Proposal):

- Albany: from 10.04% to **6.36%**
- North Shore: from -13.7% to **-10.02%**

By also moving the NZ Statistics mesh-block near Saunders Reserve (east of the motorway, between Constellation Drive and Sunset Road), the breach will be reduced further - to only 8 people:

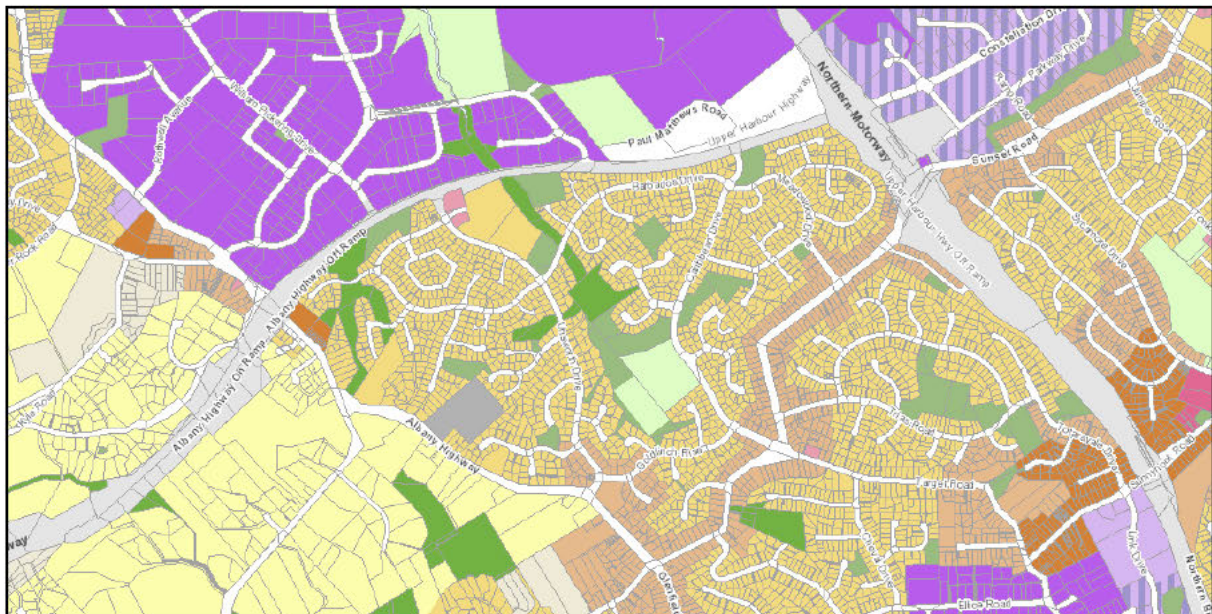
Mesh Block	Population
Unsworth Heights	6390
Near Saunders Reserve	30
Total:	6420

We believe this is a good outcome that should be supported by the Local Government Commission.

Unsworth Heights: Community of interest

Unsworth Heights is both a shared community of interest and continuous suburban area with the suburbs of Totara Vale and Sunnynook to the South. It more naturally fits within the North Shore ward than the Albany ward, and should have been included in the North Shore ward at the formation of Auckland Council in 2010.

Unsworth Heights is separated from the rest of the Albany ward in the North by the Upper Harbour Highway/Constellation Drive and a large industrial area. The continuous suburban link to the south can be clearly seen when looking at the zoning differences on the Auckland Unitary Plan map (below). Residential suburban zoned properties are shown in gold and beige shades, while the industrial area immediately to the north of Upper Harbour Highway/Constellation Drive can be seen in purple.



Unsworth Heights, with industrial area to the north and suburban area to the south.

Source: <https://unitaryplanmaps.aucklandcouncil.govt.nz/upviewer/>

While all North Shore residents travel to Albany Mall on occasion, the people of Unsworth Heights shop at the local supermarkets and businesses in Glenfield, Wairau Valley and Sunnynook, in the North Shore ward.

Primary schools are often the heart of the community, bringing people together. The primary school zone for Unsworth Heights is Target Road School which is in the North Shore ward, as can be seen below:

Target Road School

Find your nearest school

Profile and Contact Details

Student Population

Early Childhood Education

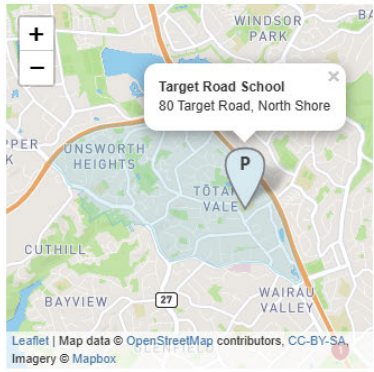
Student Engagement

Finances

Technical Notes / Definitions

Profile and Contact Details

Education institution no:	1528
Principal:	Fina Hallman
School type:	Contributing School (Year 1-6)
Authority:	State
School gender:	Co-Educational
School zoning:	Written description of enrolment zone
Boarding facilities:	No
Language of instruction:	All students taught in English



Leaflet | Map data © OpenStreetMap contributors, CC-BY-SA, Imagery © Mapbox

Show zoning

Target Road School's zone includes the suburb of Unsworth Heights.

Source: <https://www.educationcounts.govt.nz/find-school/school/profile?school=1528&district=7604®ion=2>

Conclusion

We appeal to the Local Government Commission not to endorse the decision by the Auckland Council Governing Body to leave the Albany and North Shore wards in breach of the fair representation requirement, because there is a logical and viable alternative to transfer the suburb of Unsworth Heights from the Albany ward to the North Shore ward. This would not only ensure that the +/- 10% rule is complied with (or very close to it) but would also unite Unsworth Heights with its community of interest to the south.

We look forward to addressing any hearing on this matter.

Ngā mihi, na



John Gillon

Chair, Kaipātiki Local Board

Attachment 1: Kaipātiki Local Board resolution

The following resolution by the Kaipātiki Local Board on 16 October 2024 agreed to appeal the Governing Body's decision on the representation review to the Local Government Commission and authorised Chairperson John Gillon to submit the appeal:

17 Kaipātiki Local Board Chairperson's Report

Resolution number KT/2024/218

MOVED by Chairperson J Gillon, seconded by Deputy Chairperson D Grant:

That the Kaipātiki Local Board:

- a) **tuhi ā-taipitopito / note the chairperson's report.**
- b) **whakaae / agree to appeal to the Local Government Commission the breach of the fair representation requirement (+/- 10% rule) in relation to the Albany and North Shore wards, due to it being unfair that these wards do not have equality of population representation, and as there are suitable boundary adjustments that would resolve this matter while not impacting communities of interest.**
- c) **kopou / appoint the Chairperson to lodge the appeal with the Auckland Council for forwarding to the Local Government Commission.**
- d) **kopou / appoint the Chairperson and Deputy Chairperson to present the appeal to the Local Government Commission.**

CARRIED

Attachment 2: Kaipātiki Local Board submission

The following submission was made by the Kaipātiki Local Board to the hearing panel of the Joint Governance Working Party who conducted the representation review hearing on behalf of the Governing Body:

Feedback from Kaipātiki Local Board: Representation Review

20 August 2024

The Kaipātiki Local Board welcomes the opportunity to input into the Auckland Council Representation Review:

Scope of the Representation Review

We are deeply disappointed that the Governing Body did not approve consultation on an amalgamation of the Devonport-Takapuna and Kaipātiki Local Boards. This could have given the people of the North Shore the first opportunity to have their say on the structure of the SuperCity since it began in 2010. While an amalgamation would have brought with it pros and cons, on balance we believe that it could have been of huge advantage to the North Shore and the people of the North Shore deserved to have their say.

We are also disappointed that the Governing Body didn't include in the review a proposal to transfer the Unsworth Heights area from the North Shore ward and Upper Harbour Local Board to the Albany ward and Kaipātiki Local Board. Not only is Unsworth Heights a shared community of interest and continuous suburban area with Totara Vale and Sunnynook, transferring Unsworth Heights from the Albany ward to the North Shore ward would substantially address the 'fairness of representation' rule that applies to ward populations. The Albany ward already exceeds the average population per ward by 10.16% while the North Shore ward is under by 13.82%. This is grossly unfair democratically to the people of both wards, especially as these figures are likely to increase further until such time that the ward boundary is redrawn.

Both of the above topics were recommended to proceed to consultation by the Joint Governance Working Party, but not endorsed by the Governing Body.

1. Overall, what is your opinion of the changes outlined in the representation review initial proposal?

Overall we support the proposed changes, however there are parts of the proposal that we do not support or do not submit an opinion on, and these are addressed in the following sections. We note that 94% of submitters from the Kaipātiki Local Board were in support of this question.

2A. What is your opinion of the proposed changes to the Central Auckland wards?

We do not submit an opinion on the Central Auckland wards proposal, and note that 83% of submitters from the Kaipātiki Local Board did not know how to answer.

2B. What is your opinion of the proposed changes to the North Shore and Albany wards?

We support some of the proposed changes to the North Shore and Albany wards, and note that 95% of submitters from the Kaipātiki Local Board were in support of this question.

We support the proposed Bayview change to move the boundary from the centre of Glendhu Road to behind the properties on the northern side of the road, as this will effectively unite the whole of the Bayview community within the North Shore ward.

We support the proposed changes to Kereru Reserve and Saunders Reserve to ensure that these reserves are not split across wards.

However instead of the Sunset Road alignment, we support altering the boundary to include properties to the west of Albany Highway and south of Constellation Drive, in order to transfer the whole of Unsworth Heights from the Albany ward to the North Shore ward.

Unsworth Heights is a shared community of interest and continuous suburban area with Totara Vale and Sunnynook, and more naturally fits within the North Shore ward than the Albany ward. Unsworth Heights is also separated from the rest of the Albany ward by a motorway and an industrial area. The people of Unsworth Heights shop at Glenfield Mall and the Wairau Valley in the North Shore ward, and are in zone for Target Road School, also in the North Shore ward.

Importantly, transferring Unsworth Heights from the Albany ward to the North Shore ward will substantially address the ‘fairness of representation’ rule that applies to ward populations. The Albany ward already exceeds the average population per ward by 10.16% and the North Shore ward is under by 13.82%. This is grossly unfair democratically to the people of both wards, especially as these figures are likely to increase further until such time that the ward boundary is redrawn.

3A. What is your opinion of the proposed changes to the proposed Rodney Local Board subdivision?

We do not submit an opinion on the Rodney Local Board subdivision proposal, and note that 84% of submitters from the Kaipātiki Local Board did not know how to answer.

3B. What is your opinion of the proposed changes to the proposed Howick Local Board subdivision?

We do not submit an opinion on the Howick Local Board subdivision proposal, and note that 89% of submitters from the Kaipātiki Local Board did not know how to answer.

5A. We are proposing that Saunders Reserve, currently split across Devonport-Takapuna and Upper Harbour Local Boards, will be fully in the Upper Harbour Local Board. What is your opinion of this proposal?

We support the Saunders Reserve proposal as it will ensure that the reserve is not split across two local boards, and note that 82% of submitters from the Kaipātiki Local Board were in support of this question.

5B. We are proposing to move part of Kereru Reserve, currently split across Kaipātiki and Upper Harbour Local Boards, to the Upper Harbour Local Board. What is your opinion of this proposal?

We support the Kereru Reserve proposal as it will ensure that the reserve is not split across two local boards, and note that 80% of submitters from the Kaipātiki Local Board were in support of this question.

5C. We are proposing to shift the section of the Upper Harbour/ Kaipātiki boundary that lies between Caribbean Drive and Albany Highway southwards, so it follows a road. What is your opinion of this proposal?

The Kaipātiki Local Board / Upper Harbour Local Board boundary in this area has needed addressing for some time, as it zig-zags around various properties, with only a few properties on Albany Highway and Caribbean Drive included the Kaipātiki Local Board area, and Tenbless Reserve split between the two local boards.

While the proposal to realign the boundary along the middle of Sunset Road helps to resolve the above matters, and we note that 85% of submitters from the Kaipātiki Local Board were in support of this question, our preference is to transition towards transferring Unsworth Heights from the Upper Harbour Local Board to the Kaipātiki Local Board.

To this end, we support realigning the boundary further north, such as along Goldfinch Rise (as there is a maximum population transfer for local board boundary changes), rather than Sunset Road, with further moves north in future years. Or if Unsworth Heights is transferred from the Albany ward to North Shore ward, then the local board boundary should be realigned to match the new ward boundary.

The reason that we support moving towards a transfer of Unsworth Heights from the Upper Harbour Local Board to the Kaipātiki Local Board, is that Unsworth Heights is a shared community of interest and continuous suburban area with Totara Vale, and more naturally fits within the Kaipātiki Local Board than the Upper Harbour Local Board. Unsworth Heights is also separated from the rest of the Upper Harbour Local Board by a motorway and an industrial area. The people of Unsworth Heights shop at Glenfield Mall and the Wairau Valley in the Kaipātiki Local Board, and are in zone for Target Road School, also in the Kaipātiki Local Board.

5D. We are proposing to align Bayview, currently split across Upper Harbour and Kaipātiki Local Boards, to the Kaipātiki Local Board. What is your opinion of this proposal?

We support the Bayview proposal to move the boundary from the centre of Glendhu Road to behind the properties on the northern side of the road, as it will ensure that Bayview is not split across two local boards, and note that 83% of submitters from the Kaipātiki Local Board were in support of this question.

5E. We are proposing to align Taumanu Reserve (Onehunga), currently split across Puketāpapa and Maungakiekie-Tāmaki Local Boards, to the Maungakiekie-Tāmaki Local Board. What is your opinion of this proposal?

We do not submit an opinion on the Taumanu Reserve proposal, and note that 91% of submitters from the Kaipātiki Local Board did not know how to answer.