



Determination

of representation arrangements to apply for
the election of the Auckland Council
to be held on 12 October 2019

Background

1. All territorial authorities are required under sections 19H and 19J of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years. These reviews are to determine the number of councillors to be elected, the basis of election for councillors and, if this includes wards, the boundaries and names of those wards. Reviews also include whether there are to be community boards and, if so, membership arrangements for those boards. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.

Establishment of the Auckland council

2. Auckland's current representation arrangements were determined by the Local Government Commission in 2010 as part of the Auckland Council establishment process.
3. The criteria applying to the Commission's decision in 2010 differed somewhat to the criteria applying now to representation reviews. Key differences were that:
 - It was permissible for the '+/-10% rule' not to be complied with where necessary for the effective representation of communities of interest (in contrast to other reviews at that time where non-compliance was only permitted where necessary for the effective representation of island communities or isolated communities of interest)¹
 - Single member wards were required to be established for the rural area of Rodney District and for an area based on the part of Franklin District remaining in Auckland
4. These two criteria no longer apply and broadly speaking the same criteria apply to Auckland Council's representation review as to other reviews. However, some key

¹ The exemption has since been extended to permit non-compliance where it would limit effective representation of communities of interest by dividing a community of interest or grouping together communities of interest with few commonalities.

differences remain. The number of members of the governing body is fixed at 20 plus the Mayor, and, unlike the situation for community boards, the external boundaries of local board areas may not be changed through the representation review process, local boards may not be abolished, and new local boards may not be established.²

5. The Local Government (Auckland Council) Act 2009 required the Auckland Council to carry out its first representation review no later than 8 September 2018 (that is after three elections rather than after two elections as is the norm).
6. The representation arrangements determined in 2010 and which the Auckland Council had to review in 2018 are described in the following tables.

Governing body membership and wards

Ward	*Population	Members	Population-member ratio	Difference from quota	% Difference from quota
Rodney Ward	64,300	1	64,300	-18,560	-22.40
Albany Ward	169,800	2	84,900	2,040	+2.46
North Shore Ward	156,800	2	78,400	-4,460	-5.38
Waitākere Ward	176,500	2	88,250	5,390	+6.50
Waitematā and Gulf Ward	119,100	1	119,100	36,240	+43.74
Whau Ward	84,700	1	84,700	1,840	+2.22
Albert-Eden-Roskill Ward	172,200	2	86,100	3,240	+3.91
Ōrākei Ward	91,500	1	91,500	8,640	+10.43
Maungakiekie-Tāmaki Ward	79,700	1	79,700	-3,160	-3.81
Howick Ward	150,200	2	75,100	-7,760	-9.37
Manukau Ward	168,900	2	84,450	1,590	+1.92
Manurewa-Papakura Ward	148,900	2	74,450	-8,410	-10.15
Franklin Ward	74,600	1	74,600	-8,260	-9.97
Total	1,657,200	20	82,860		

*Based on 2017 population estimates

7. As can be seen from the above table four wards fall outside the +/-10% range, two by significant amounts. The Rodney Ward sat at -24.8% in 2010 and is now slightly more compliant at -22.40%. The Waitematā and Gulf Islands Ward sat at +10.2% in 2010 but now sits at +43.74%. This reflects the significant residential growth in the ward, particularly in the CBD and surrounding areas.

² Such changes to local boards may only be made through the reorganisation process set out in Schedule 3 of the Local Government Act 2002.

Local boards

Local board area	*Population	Members	Population- member ratio
Rodney Local Board Area	64,300	9	7,144
Hibiscus and Bays Local Board Area	104,500	8	13,063
Upper Harbour Local Board Area	65,300	6	10,883
Kaipātiki Local Board Area	94,000	8	11,750
Devonport-Takapuna Local Board Area	62,800	6	10,467
Henderson-Massey Local Board Area	122,300	8	15,288
Waitākere Ranges Local Board Area	54,200	6	9,033
Great Barrier Local Board Area	1,000	5	200
Waiheke Local Board Area	9,630	5	1,926
Waitematā Local Board Area	108,500	7	15,500
Whau Local Board Area	84,700	7	12,100
Albert-Eden Local Board Area	109,200	8	13,650
Puketāpapa Local Board Area	63,000	6	10,500
Ōrākei Local Board Area	91,500	7	13,071
Maungakiekie-Tāmaki Local Board Area	79,700	7	11,386
Howick Local Board Area	150,200	9	16,689
Māngere-Ōtāhuhu Local Board Area	81,100	7	11,586
Ōtara-Papatoetoe Local Board Area	87,800	7	12,543
Manurewa Local Board Area	94,500	8	11,813
Papakura Local Board Area	54,500	6	9,083
Franklin Local Board Area	74,600	9	8,289
Total	1,657,330		

*Based on 2017 population estimates

Local board subdivisions

Local board areas and subdivisions	*Population	Members	Population- member ratio	Difference from quota	% Difference from quota
Rodney Local Board Area					
Wellsford Subdivision	6,380	1	6,380	-763	-10.69
Warkworth Subdivision	20,700	3	6,900	-243	-3.41
Kumeū Subdivision	29,700	4	7,425	+282	+3.94
Dairy Flat Subdivision	7,510	1	7,510	+367	+5.13
Total	64,290	8	7,143		
Hibiscus Coast and Bays Local Board Area					
Hibiscus Coast Subdivision	53,300	4	13,325	+263	-2.01
East Coast Bays Subdivision	51,200	4	12,800	-263	+2.01
Total	64,290	8	7,143		
Albert-Eden Local Board Area					
Ōwairaka Subdivision	53,800	4	13,450	-200	-1.47
Maungawhau Subdivision	51,200	4	13,850	+200	+1.47
Total	104,500	8	13,063		
Maungakiekie-Tāmaki Local Board Area					
Maungakiekie Subdivision	31,200	3	10,400	-971	-8.54
Tāmaki Subdivision	48,400	4	12,100	+729	+6.41
Total	79,600	7	11,371		
Howick Local Board Area					
Pakuranga Subdivision	45,800	3	15,267	-1,422	-8.52
Howick Subdivision	45,900	3	15,300	-1,389	-8.32
Botany Subdivision	58,500	3	19,500	+2,811	16.84
Total	150,200	9	16,689		
Ōtara-Papatoetoe Local Board Area					
Papatoetoe Subdivision	51,600	4	12,900	+343	+2.73
Ōtara Subdivision	36,300	3	12,100	-457	-3.64
Total	87,900	7	12,557		
Franklin Local Board Area					
Waiuku Subdivision	15,350	2	7,675	-619	-7.47
Pukekohe Subdivision	35,900	4	8,975	+681	+8.20
Wairoa Subdivision	23,400	3	7,800	-494	-5.96
Total	74,650	9	8,294		

*Based on 2017 population estimates

8. As can be seen two subdivisions fall outside the +/-10% range – Wellsford in the Rodney Local Board Area, and Botany in the Howick Local Board Area. Both were compliant when established in 2010.

Preliminary consideration for current representation review

9. In 2017 the Auckland Council's governing body established a joint governance working party to develop the council's initial representation proposal, consult with local boards, conduct the hearing of submissions on the initial proposal and report its findings to the governing body for final decision-making. The working party comprised eight members – four councillors and four local board members.
10. The working party made the following decisions relating to the governing body:
- Members of the governing body should not be elected at large or through a mixed at large/ward system. Either would increase the population of electoral areas to an undesirable size. The cost of byelections for at-large positions would be significant.
 - Wards should not be larger in size as populations of larger wards would be high. Varying voter turnout in different parts of larger wards might mean some communities would not be represented. Voters would have to choose from a long list of candidates making the election process more complicated. Byelections would be costly and the cap on election expenses would increase.
 - In considering whether any double-member wards become single member wards it considered that any splits of such wards should be based on local board boundaries. The only ward that could be split in this way was the Manukau Ward and the working party recommended that this occur. Other splits based on local board boundaries would result in wards not compliant with the +/-10% rule.
 - Following on from that it considered that the Manukau Ward should be divided into two single member wards – Māngere-Ōtāhuhu Ward and Ōtara-Papatoetoe Ward. Both proposed wards complied with the +/-10% rule.
 - In relation to the non-compliant wards the working party concluded that:
 - Altering the boundaries of the Rodney Ward would require the splitting of communities of interest, most likely by moving the Orewa-Waiwera area from the Albany Ward, away from its southward facing linkages.
 - Altering the boundaries of the Manurewa-Papakura Ward was not practicable because moving population from the Franklin Ward would make that ward non-compliant and moving population from the Manukau Ward would split communities of interest.
 - The level of non-compliance for the Waitemata and Gulf Ward (+43.74%) necessitated some change. The working party's solution for this was to:
 - Move Westmere and that part of Grey Lynn west of Surrey Crescent to the Albert-Eden-Roskill Ward
 - Move Parnell and Newmarket to the Ōrākei Ward
 - Move Eden Terrace, south of the motorway, to the Albert-Eden-Roskill Ward

11. The changes to the Waitematā and Gulf Ward had consequences for neighbouring wards as far as compliance with the +/-10% rule is concerned. To minimise non-compliance for those neighbouring wards the following consequential changes were proposed:

- Parts of Ellerslie and St Johns would move from the Ōrākei Ward to the Maungakiekie-Tāmaki Ward
- Part of an area close to Royal Oak and Onehunga would move from the Maungakiekie-Tāmaki Ward to the Albert-Eden-Roskill Ward
- Part of Mt Roskill would move from the Albert-Eden-Roskill Ward to the Whau Ward

12. The resulting changes in compliance with the +/-10% rule for these wards would be as follows:

Ward	Before	After
Waitematā and Gulf Ward	+43.74%	+9.22%
Whau Ward	+2.22%	+9.58%
Albert-Eden-Roskill Ward	+3.91%	+10.07%
Ōrākei Ward	+10.43%	+10.91%
Maungakiekie-Tāmaki Ward	-3.81%	+10.43%

13. The working party recommended the following changes to local board arrangements:

- The name of the Great Barrier Local Board be changed to Aotea Great Barrier to take into account the intended renaming of Great Barrier Island as part of the Treaty settlement with Ngāti Rehua-Ngātiwai ki Aotea
- The transfer of the Matakana area from the Wellsford Subdivision to the Warkworth Subdivision
- The transfer of an area adjacent to the Kaipara Harbour from the Warkworth Subdivision to the Wellsford Subdivision (resulting in the Wellsford Subdivision becoming compliant with the +/-10% rule)

14. Although the Botany Subdivision of the Howick Local Board is non-compliant at +16.84% the working party decided not to recommend any changed boundaries as it considered these would split the Botany community of interest.

The Council's initial proposal

15. At its meeting on 26 July 2018 the Council decided, as its initial proposal, to accept the working party's recommendations. The arrangements proposed for the governing body were therefore as follows:

Ward	Population	Members	Population-member ratio	Difference from quota	% Difference from quota
Rodney Ward	64,300	1	64,300	-18,555	-22.39
Albany Ward	169,800	2	84,900	+2,045	+2.46
North Shore Ward	156,800	2	78,400	-4,455	-5.38
Waitākere Ward	176,500	2	88,250	+5,395	+6.51
Waitematā and Gulf Ward	90,800	1	90,800	+7,945	+9.59
Whau Ward	90,500	1	90,500	+7,645	+9.23
Albert-Eden-Roskill Ward	182,400	2	91,200	+8,345	+10.07
Ōrākei Ward	91,900	1	91,900	+9,045	+10.92
Maungakiekie-Tāmaki Ward	91,500	1	91,500	+8,645	+10.43
Howick Ward	150,200	2	75,100	-7,755	-9.37
Māngere-Ōtāhuhu Ward	81,100	1	81,100	-1,755	-2.12
Ōtara-Papatoetoe Ward	87,800	1	87,800	+4,945	+5.97
Manurewa-Papakura Ward	148,900	2	74,450	-8,405	-10.14
Franklin Ward	74,600	1	74,600	-8,255	-9.96
Total	1,657,100	20	82,855		

16. A submission period ran from 8 August to 11 September 2018. The Council received 1265 submissions. Key issues raised in the submissions were as follows:

Issue	Submissions
Manukau Ward: Division into two single member wards	953 submissions, 78% of which were opposed
Waitematā and Gulf Ward	338 submissions, 104 in support and 234 opposed. The main issues raised by those opposing the new ward boundaries were: <ul style="list-style-type: none"> Concern at the splitting of the Grey Lynn community interest between the Waitematā and Gulf Ward and the Albert-Eden-Roskill Ward Concern at Grafton being in a different ward from Newmarket and Parnell
Rodney local board	78 submissions, principally supporting the transfer of the Matakana area to the Warkworth Subdivision. Some submissions opposed moving the Wellsford Subdivision southwards along the Kaipara Harbour coast, and some sought moving the Kumeū Subdivision northwards on community of interest grounds.

The Council's final proposal

17. After considering submissions the working party made the following recommendations to the governing body:

Names

- Rename the Albert-Eden-Roskill Ward to Albert-Eden-Puketāpapa Ward (thus making each component of the ward name equivalent to the names of the local boards in the ward)
- Rename Great Barrier Local Board to Aotea Great Barrier Local Board (as per the initial proposal)

Isthmus wards

- Retain all of Grey Lynn and Westmere in the Waitematā and Gulf Ward, instead of transferring them to the Albert-Eden- Puketāpapa Ward as proposed by the initial proposal
- Move parts of Grafton from the Waitematā and Gulf Ward to the Ōrākei Ward
- Move part of Eden Terrace to the Albert-Eden-Puketāpapa Ward and part to the Ōrākei Ward, instead of all to the Albert-Eden-Puketāpapa Ward
- Move Parnell and Newmarket from the Waitematā and Gulf Ward to the Ōrākei Ward, as per the initial proposal
- Move part of Ellerslie and St Johns from the Ōrākei Ward to the Maungakiekie-Tāmaki Ward, as per the initial proposal
- Move a small area around Royal Oak from the Maungakiekie-Tāmaki Ward to the Albert-Eden- Puketāpapa Ward, as per the initial proposal
- Retain the part of Mount Roskill, which under the initial proposal was to be moved to the Whau Ward, within the Albert-Eden- Puketāpapa Ward

Manukau Ward

- Retain the existing two-member Manukau Ward, instead of splitting it into two wards

Rodney local board subdivisions

- Transfer the Matakana area from the Wellsford Subdivision to the Warkworth Subdivision, as per the initial proposal
- Alter subdivision boundaries along the Kaipara Harbour coast so that the part of the Warkworth Subdivision north of the Hoteo River transfers to the Wellsford Subdivision; and that part of the Warkworth Subdivision south of the Hoteo River transfers to the Kumeū Subdivision, instead of moving all of that area into the Wellsford Ward

18. The governing body adopted each of these recommendations.

19. The resulting ward arrangements were as follows:

Ward	Population	Members	Population-member ratio	Difference from quota	% Difference from quota
Rodney Ward	64,300	1	64,300	-18,560	-22.40
Albany Ward	169,800	2	84,900	+2,040	+2.46
North Shore Ward	156,800	2	78,400	-4,460	-5.38
Waitākere Ward	176,500	2	88,250	+5,390	+6.50
Waitematā and Gulf Ward	97,100	1	97,100	+14,240	+17.19
Whau Ward	84,700	1	84,700	+1,840	+2.22
Albert-Eden-Roskill Ward	177,800	2	88,900	+6,040	+7.29
Ōrākei Ward	96,000	1	96,000	+13,140	+15.86
Maungakiekie-Tāmaki Ward	91,500	1	91,500	+8,640	+10.43
Howick Ward	150,200	2	75,100	-7,760	-9.37
Manukau Ward	168,900	2	84,450	+1,590	+1.92
Manurewa-Papakura Ward	148,900	2	74,450	-8,410	-10.15
Franklin Ward	74,600	1	74,600	-8,260	-9.97
Total	1,657,200	20	82,860		

20. As can be seen the Rodney, Waitematā and Gulf, Ōrākei and Maungakiekie-Tāmaki wards fall outside the +/-10% range. Also falling outside the +/-10% range are the Wellsford Subdivision of the Rodney Local Board (-13.07%) and the Botany Subdivision of the Howick Local Board (+16.84%).

Appeals against the Council's final proposal

21. Eight appeals (from five appellants) were received against the Council's final proposal.

22. In summary, the grounds for the appeals and objections are:

- Alec van Helsdingen who seeks compliance for the Botany Subdivision, renaming of the Albany Ward, subdivisions for the Upper Harbour Local Board, and different subdivision arrangements for the Franklin Local Board
- David Holm who seeks the division of the Albert-Eden-Puketāpapa Ward into two single member wards
- Lance Wiggs who seeks a reduction in the area of the Waitematā and Gulf Ward by transferring Great Barrier, Waiheke and the suburbs surrounding the CBD to other wards
- Liberal Democrats NZ which appealed against the non-compliance in the Waitematā and Gulf, Rodney, Maungakiekie-Tāmaki, and Manurewa-Papakura wards
- Colin Smith who seeks an additional member for the northern part of the Rodney Local Board.

Hearing of appeals

23. The Commission met with the council and four of the appellants and objectors at a hearing in Auckland on 13 March 2019.
24. The Council was represented by Richard Northey and councillors Linda Cooper, Wayne Walker and Daniel Newman.

Matters raised at hearing

25. Matters raised at the hearing included the following.

Auckland Council

26. The council representatives outlined the process the council had gone through and the reasons for its decisions (largely reflected elsewhere in this determination).
27. In relation to particular issues the council advised that:
 - On the Auckland isthmus, particularly in relation to the Waitematā and Gulf and Ōrākei wards, the council tried to achieve compliance with the ‘+/-10% rule’ but had to strike a balance between fair representation and effective representation of communities of interest. It considered that its final decision had both reflected submissions on the initial proposal and struck a reasonable balance between those two criteria.
 - Transfer of the Gulf islands would be contrary to existing community of interest linkages with a clear transport link from the islands to the CBD, and a lack of connection with the Rodney Ward
 - The council had considered several changes to the Rodney Ward, but each would split communities of interest to quite a significant degree. The options considered were either Waiwera and Orewa; Paremoremo, Westgate and Waitākere; or Whenuapai and Westgate
 - Changes made to subdivisions in the Rodney local board area were made in response to community concerns and clearly reflected communities of interest
 - Any changes to the Manurewa-Papakura Ward, the Maungakiekie-Tāmaki Ward and the Botany Subdivision all would split communities of interest
 - Any further changes to ward boundaries or structure would result in further lack of conformity with local board boundaries.

Lance Wiggs

28. Lance Wiggs sought a ward based on the CBD as the nature of the population in the CBD is now significantly different to that in other parts of the ward. Other areas in the ward have more in common with other wards than with the CBD. The population in the CBD is younger, with a far higher proportion of people of non-European ethnicity, particularly Asian. Indications are that voter turnout among this population is low. The nature of living in the CBD is also different with high rises making it a “vertical city”. This also distinguished the CBD from the surrounding, less densely populated suburbs. He considered that the current statistics do not accurately reflect the nature of the CBD as growth in the area is so rapid. This trend will continue. The transfer of the Gulf island and Grey Lynn out of the ward provided the opportunity to both establish a CBD based ward and achieve compliance with the ‘+/-10% rule’.

Liberal Democrats NZ (represented by Bryan Mockridge)

29. Liberal Democrats NZ spoke to the non-compliant wards it had raised in its appeals. It was concerned that the Auckland Council had not properly applied the principle in the Local Electoral Act requiring fair representation. It was argued that, in some cases, at least, there are clear options for boundary changes that which achieve compliance with the '+/-10% rule', e.g. the transfer of the Stonefields area to the Maungakiekie-Tāmaki Ward, the transfer of Panama Road area to the Manukau Ward, and moving the boundary of the Manurewa-Papakura Ward north of Redoubt Road.

David Holm

30. David Holm sought the division of the Albert-Eden-Puketāpapa Ward into two wards. He considered that councillors in the existing two councillor ward are overworked, for example by having to engage with groups and local boards across the whole ward. He noted that with the proposed ward boundaries there would be all or part of four local boards in the current ward which would increase the level of engagement required by councillors. He also noted that larger wards make election campaigning more expensive, potentially limiting the number of candidates who can mount effective campaigns, thereby limiting voter choice.

Colin Smith

31. Colin Smith spoke about the issues facing Wellsford and surrounding areas, and the diminishing range of services available to the community. He said that North Rodney had been reluctant to be included in Auckland and the reality now was that Wellsford missed out in infrastructure through a risk model applied to the allocation of funding. At the same time Wellsford is the northern gateway to Auckland and the lack of funding it received resulted in it being a poor gateway. He believed that additional representation for the area would give the area a bigger voice in advocating for resources, and therefore sought an additional local board member for northern Rodney.

Matters for determination by the Commission

32. Section 19R of the Act makes it clear that the Commission, in addition to consideration of the appeals and objections against a council's final representation proposal, is required to determine, in the case of a territorial authority, all the matters set out in sections 19H and 19J which relate to the representation arrangements for territorial authorities. This interpretation was reinforced by a 2004 High Court decision which found that the Commission's role is not merely supervisory of a local authority's representation arrangements decision. The Commission is required to form its own view on all the matters which are in scope of the review.
33. These matters include:
- whether the council is to be elected from wards, Auckland as a whole, or a mix of the two
 - if there are to be wards, the area and boundaries of wards and the number of councillors to be elected from each ward
 - the membership arrangements for each board.

34. For the purpose of making a determination, the Commission may make such enquiries as it considers appropriate and may hold meetings with the interested parties. There is no obligation on the Commission to hold a hearing and the need for a hearing is determined by the information provided by the parties and as a result of any further enquiries the Commission may wish to make.

Key considerations

35. Based on legislative requirements, the Commission's *Guidelines for local authorities undertaking representation reviews* identify the following three key factors when considering representation proposals:
- a. communities of interest
 - b. effective representation of communities of interest
 - c. fair representation for electors.

Communities of interest

36. The Guidelines identify three dimensions for recognising communities of interest:
- a. *perceptual*: a sense of identity and belonging to a defined area or locality as a result of factors such as distinctive geographical features, local history, demographics, economic and social activities
 - b. *functional*: ability of the area to meet the needs of communities for services such as local schools, shopping areas, community and recreational facilities, employment, transport and communication links
 - c. *political*: ability to represent the interests of local communities which includes non-council structures such as for local iwi and hapū, residents and ratepayer associations and the range of special interest groups.
37. We note that in many cases councils, communities and individuals tend to focus on the 'perceptual' dimension of communities of interest. That is, they focus on what intuitively they 'feel' are existing communities of interest. While this is a legitimate view, more evidence may be required to back this up. It needs to be appreciated that the other dimensions, particularly the 'functional' one, are important and that they can also reinforce the 'sense' of identity with an area. In other words, all three dimensions are important but should not be seen as independent of each other.
38. In addition to evidence demonstrating existing communities of interest, evidence also needs to be provided of *differences* between neighbouring communities i.e. that they may have "few commonalities". This could include the demographic characteristics of an area (e.g. age, ethnicity, deprivation profiles) and how these differ between areas, and evidence of how different communities rely on different services and facilities.

Effective representation of communities of interest

39. Section 19T of the Act requires the Commission to ensure that:
- the election of members of the council, in one of the ways specified in section 19H (i.e. at large, wards, or a mix of both) will provide effective representation of communities of interest within the city
 - ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes

- so far as is practicable, ward boundaries coincide with community boundaries (where they exist).
40. 'Effective representation' is not defined in the Act, but the Commission sees this as requiring consideration of factors including an appropriate total number of elected members and an appropriate basis of election of members for the district concerned (at large, wards, or a mix of both).
 41. As noted, the decision on the basis of election (at large, wards or a mix of both) requires a balancing of identified communities of interest to ensure their effective representation.
 42. The Commission's Guidelines note the following factors need to be considered when determining effective representation:
 - a. avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents' familiarity and identity with an area
 - b. not splitting recognised communities of interest between electoral subdivisions
 - c. not grouping together two or more communities of interest that share few commonalities of interest
 - d. accessibility, size and configuration of an area including access to elected members and vice versa.

Fair representation for electors

43. For the purposes of achieving fair representation for electors, section 19V(1) of the Act requires that the population of each ward divided by the number of members to be elected by that ward must produce a figure no more than 10 per cent greater or smaller than the population of the city divided by the total number of members (the '+/-10% rule').
44. As noted above, the Rodney, Waitematā and Gulf, Ōrākei, Maungakiekie-Tāmaki and Manurewa-Papakura wards do not comply with the '+/-10% rule'. As required the council has referred its decision about this to the Commission for determination. There are also several appeals relating to this matter.
45. Section 19V(3)(a) permits non-compliance with the '+/-10% rule' for territorial authorities in some circumstances. Those circumstances are:
 - non-compliance is required for effective representation of communities of interest within island or isolated communities
 - compliance would limit effective representation of communities of interest by dividing a community of interest
 - compliance would limit effective representation of communities of interest by uniting two or more communities of interest with few commonalities.
46. Where a council decides on representation arrangements that do not comply with the +/-10% rule it must refer those arrangements to the Commission. The Commission must decide whether to uphold that decision or alter it to something that is compliant or more compliant.
47. In altering the proposal, the Commission has the following choices:

- Provide for the council to be elected at large in which case the issue of fair representation would not be an issue (although it is noted that this did not gather support through the council’s preliminary thinking or consultation process)
 - Alter ward boundaries so that the arrangements are compliant.
48. In making any such changes the Commission would also need to be satisfied that the requirement for effective representation of communities of interest is being met. The two criteria – effective representation and fair representation – cannot be considered in isolation.

Deciding on effective representation and fair representation

49. Auckland Council decided that members of the governing body should continue to be elected from wards. There were no appeals or objections seeking the contrary. Given this and given the size and diversity of Auckland we agree that election from wards should continue.
50. The next set of issues for us to consider are the number and shape of wards, and the allocation of members.
51. Specific issues requiring the attention of the Commission in relation to wards and membership of the Auckland Council’s governing body are set out in the following table:

Ward	Non-compliance referred to Commission by council under s.19V(4), LEA	Appeals/objections
Rodney	-22.04%	Lance Wiggs and Liberal Democrats NZ: Seek compliance with +/-10%
Albany		Alec van Helsdingen: Seeks a change in the name of the Albany Ward to “Upper North Shore” or “Harbour and Bays”
Waitematā and Gulf Islands	+17.19%	Liberal Democrats NZ: Seeks compliance with +/-10% Lance Wiggs: Seeks compliance with +/-10% and a CBD focused ward
Albert-Eden-Puketāpapa		David Holm: Seeks division into two single member wards
Ōrākei	+15.86%	Liberal Democrats NZ: Seeks compliance with +/-10%
Maungakiekie-Tāmaki	-10.43%	
Manurewa-Papakura	-10.15%	Liberal Democrats NZ: Seeks compliance with +/-10%

52. For each of the non-complying wards the Auckland Council has argued that altering boundaries would result in communities of interest being split, and that any communities being split would receive less effective representation. This is grounds for non-compliance, but the Commission need to be convinced that the negative impact caused by splitting the communities of interest concerned is sufficient to out-weigh the need for fair representation as measured by the +/-10% rule. Conversely the appellants concerned about non-compliance argue, in effect, that the fair representation rule, in the particular cases they are concerned about, either outweighs the impact on effective representation for any communities that might be split or else reflects communities of interest.
53. In addition to the issue of non-compliance two of the appeals make specific proposals about the size and shape of wards.
54. Lance Wiggs seeks a smaller Waitematā Ward created by transferring Great Barrier and Waiheke to the Rodney Ward and suburbs surrounding the CBD to neighbouring wards, e.g. Grey Lynn to the Albert-Eden-Puketāpapa Ward. Among the issues to consider here are the community of interest linkages these areas have, and how their inclusion in another ward might impact on effective representation of those communities of interest.
55. David Holm has proposed that the two-member Albert-Eden-Puketāpapa Ward be split into two single member wards. The two wards would, in part, match the two local board areas covered by the current ward. However, to achieve reasonable compliance with the +/-10% rule part of the area covered by the Albert-Eden Local Board would have to be included in the ward primarily based on the Puketāpapa Local Board area. The issues for the Commission to consider here are:
 - Whether it will improve effective representation of communities of interest
 - Whether an appropriate boundary can be found that enables effective representation of communities of interest
 - Whether the any new boundaries' lack of coincidence with local board boundaries is a difficulty
56. What we are faced with is an overall situation where:
 - There is a tension between effective representation of communities of interest and fair representation
 - The fact that the '+/-10%' rule is not an absolute rule
 - There are different and competing ideas about what a community of interest is, or what the most appropriate groupings of communities of interest are
 - The requirement that, so far as is practicable, ward boundaries coincide with local board area boundaries (bearing in mind that we are not able to alter local board area boundaries through this review)
57. In short, we are dealing with a set of constraints wider and more complex than say the Representation Commission is faced with when reviewing the boundaries of parliamentary electorates.

58. In addition, making changes to ward boundaries to deal with the non-compliance or other issues may have impacts on neighbouring wards, either for their compliance or for community of interest issues.
59. As a starting point we look at Lance Wiggs's proposal for a CBD focused ward. Key elements of this proposal are transfer of Waiheke and Great Barrier islands to the Rodney Ward and the transfer of Grey Lynn to the Albert-Eden-Puketāpapa Ward.
60. This is a clear case of competing ideas of community of interest. While acknowledging the changing nature of the CBD and immediate surrounds we are also aware of the community of interest linkages of Waiheke, Great Barrier, and Grey Lynn.
61. Submissions on the council's initial proposal showed a strong preference by submitters from Grey Lynn to retain a linkage with the Waitematā and Gulf Ward. There is obviously a strong perceptual community of interest here.
62. As far as Waiheke and Great Barrier are concerned, while they have some commonality with Rodney in that each area has rural activity, coastal environments, and holiday homes, we do not see this as carrying through to a community of interest. We also do not consider that a combined ward would be conducive to effective representation of the communities of interest involved. Rodney Ward is already a large Ward. Adding two groups of islands would result in a far more spread out ward making interaction between residents and the ward member more difficult. This would be made more difficult by the day to day transport links between the islands and the "mainland" being through the CBD, not the Rodney Ward.
63. We have, therefore, decided to retain the current concept of a Waitematā and Gulf Ward.
64. David Holm makes a strong case for splitting the Albert-Eden-Puketāpapa Ward. We do, however, have some reservations about pursuing this proposal. Firstly, the proposed boundaries differ significantly from local board boundaries. The Act requires us to determine ward boundaries that, so far as is practicable, conform with local board area boundaries. It is obviously a matter of judgement as to what is practicable in each individual case but, in this situation, we believe the quantum of non-conformity is beyond what the Act envisages. We are also uncertain about the extent to which the boundaries shown to us conform with recognised communities of interest, particularly for that part of the proposed Puketāpapa Ward in the Albert-Eden local board area. We have therefore decided to retain an Albert-Eden-Puketāpapa Ward.
65. Alec van Helsdingen proposes renaming Albany Ward to either "Upper North Shore" or "Harbour and Bays" on the grounds that better reflect the communities of interest include in the ward. We agree that a sense of identity with an area enhances effective representation, and that appropriate names can add to that. We are unsure in this case, however, whether the suggested names would have enough resonance with the communities encompassed by them. We have therefore decided to retain the name "Albany".
66. The remaining issue are the set of non-compliant wards. As stated above we are dealing with a balance between, on the one hand, the '+/-10% rule', and on the other the concept of community of interest and conformity with local board boundaries.
67. Our analysis of the wards concerned is as follows:

- Rodney Ward: For this ward to achieve compliance 10,274 people would have to be added to the ward. This would require parts of either the Albany Ward or Waitākere Ward to be added. This would divide both communities of interest and local board areas.
- The isthmus wards generally: Here the council has attempted to balance the ‘+/-10% rule’, with the concept of community of interest and conformity with local board boundaries. We consider the changes proposed by the council strike a reasonable balance between the various factors.
- Maungakeikei-Tāmaki Ward: To achieve compliance this ward would need to lose 353 people. The Liberal Democrats has suggested an area around Panama Road could be transferred. Our examination of the area suggests that from a community of interest point of view it is best located in the Maungakiekie-Tāmaki Ward.
- Manurewa-Papakura Ward: To achieve compliance this ward would need to gain 124 people. Our examination of the boundaries suggests no area that could logically be shifted on community of interest grounds. We would question whether a shift of this size would meet the requirement relating to local board area boundaries. We also observe that applying 2018 population estimates results in this ward becoming compliant at -9.84%.

68. In addition to considering the impact of individual differences between ward boundaries and local board boundaries we believe we also have to consider the overall map. Accepting all of the suggestions for differences between the two types of boundaries may lead to a very confusing map. We do not believe such a map would assist the public’s understanding of the local government system in Auckland. It does, in fact, risk detracting from effective representation.

69. We have, therefore, decided to uphold the council’s proposal for the Rodney, Waitematā and Gulf, Ōrākei, Maungakeikei-Tāmaki and Manurewa-Papakura wards not to comply with section 19V(2) as compliance would limit effective representation by dividing communities of interest between wards. It also reflects the requirement in section 19T(1)(c) that, so far as practicable, ward boundaries coincide with local board area boundaries.

Local boards

70. The only matters relating to local boards dealt with by representation reviews are:
- The number of elected members of local boards
 - Whether elected members are to be elected from the whole local board area, subdivisions, or wards (if the local board area comprises two or more wards)³
 - If there are to be subdivisions, the names and boundaries of the subdivisions, and the number of members for each subdivision
 - If local board members are to be elected from wards, the number of members to be elected from each ward

³ There are no local board areas in Auckland comprising two or more wards.

- The names of local boards

71. The criteria applying to these matters are the same as for the representation arrangements for the governing body, that is:
- effective representation of communities of interest (as specified in section 19T)
 - fair representation of electors (as specified in section 19V)
72. The specific issues raised by the process that require the attention of the Commission in relation to local boards are set out in the following table:

Local Board	Non-compliance referred to Commission by council under s.19V(4), LEA	Appeals
Rodney	Wellsford subdivision -13.07%	Colin Smith: Additional member for North Rodney
Upper Harbour		Alec van Helsdingen: Seeks two subdivisions for electoral purposes
Howick	Botany Subdivision +16.84%	Alec van Helsdingen: Seeks transfer of additional population into the Botany Subdivision to achieve compliance
Franklin		Alec van Helsdingen: Seeks division of the Pukekohe Subdivision into two single member subdivisions

73. Colin Smith seeks increased representation for the northern part of the Rodney Local Board area. He spoke at the hearing of the issues facing Wellsford and the most northern parts of the Rodney local board area.
74. Local board members are distributed among subdivisions, where they exist, on the same basis as for the council's governing body – on a population basis. The membership allocation of one member to the Wellsford Subdivision already falls outside the +/-10% range, at -13.07%. The allocation of a further member to the Wellsford Subdivision would make it considerably more non-compliant. We are not, therefore, able to agree to Mr Smith's request.
75. Given this, we feel the best solution is to seek support from other local members and to discuss with the council the level of support given to rurally-based local board members.
76. As far as the non-compliance of the Wellsford Subdivision is concerned we acknowledge that this something that the council, though its working party grappled with. The initial proposal would have resulted in the subdivision becoming compliant but did not meet acceptance from all the communities involved. We agree that the Matakana area proposed to transfer from the Wellsford Subdivision to the Warkworth Subdivision clearly has a community of interest with Warkworth. Likewise, we agree that the area south of the Hoteo River, originally proposed to be transferred from the Warkworth Subdivision to the Wellsford Subdivision clearly has a community of interest southwards to the Kumeū Subdivision. We therefore agree

that the non-compliance of the Wellsford Subdivision is necessary as compliance would limit effective representation of communities of interest by both dividing communities of interest and uniting communities of interest with few commonalities.

77. The non-compliance of the Botany Subdivision also raises community of interest issues. Compliance would require the transfer out of the Botany Subdivision of approximately 3,400 people. Although a series of small changes could be identified as being practicable, we were unable to identify a change that would both achieve compliance and not split the Botany community of interest in a significant way. We have, therefore, agreed to the Botany Subdivision continuing on that basis. We do signal, however, that the council's next review will most probably need to deal with this issue in a more comprehensive manner.
78. Alec van Helsdingen seeks subdivisions for the Upper Harbour Local Board and different subdivision arrangements for the Franklin Local Board. We appreciate the concerns underpinning these proposals but do not feel that we have specific enough information on which to base such changes.

Other matters

Further review

79. Richard Northey, who had chaired the council's working party, expressed a personal view at the hearing that the council should undertake a further review in three years' time. This view was echoed by one appellant, David Holm. This is decision for the council to make. We would observe, however, that Auckland is experiencing considerable population growth and both physical and social change and that a review after three years would be able to factor in more up to date population statistics.

Legislation

80. Auckland's representation arrangements are constrained in two ways that local authorities in other parts of New Zealand are not. The number of members of the governing body is fixed at 20, and local board area boundaries are not able to be altered through the representation review process, not even for the most minor of changes.
81. The Commission's report *Enhancing local government for Aucklanders (March 2018)* contained a recommendation to the Minister of Local Government that consideration be given to whether the Local Government (Auckland Council) Act 2009 and the Local Electoral Act 2001 should be amended to give the Auckland Council more flexibility over these matters. Having dealt with this current representation review we reiterate that recommendation. These changes would give the Auckland Council flexibility to deal with a number of the issues it faces, and, in some cases, issues raised by appellants.

Commission's determination

82. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Auckland Council to be held on 12 October 2019, the following representation arrangements will apply:

Governing body

- (1) Auckland, as delineated on LG-076-2019-W-1⁴ will be divided into thirteen wards.
- (2) Those thirteen wards will be:
 - (a) Rodney Ward, comprising the area defined on LGC-Ak-W1
 - (b) Albany Ward, comprising the area defined on LGC-Ak-W2
 - (c) North Shore Ward, comprising the area defined on LGC-Ak-W3
 - (d) Waitākere Ward, comprising the area defined on LGC-Ak-W4
 - (e) Whau Ward, comprising the area defined on LGC-Ak-W5
 - (f) Albert-Eden-Puketāpapa, comprising the area defined on LG-076-2019-W-2
 - (g) Waitematā and Gulf Ward, comprising the area defined on LG-076-2019-W-3
 - (h) Ōrākei Ward, comprising the area defined on LG-076-2019-W-4
 - (i) Maungakiekie-Tāmaki Ward, comprising the area defined on LG-076-2019-W-5
 - (j) Manukau Ward, comprising the area defined on LGC-Ak-W10
 - (k) Howick Ward, comprising the area defined on LGC-Ak-W11
 - (l) Manurewa-Papakura Ward, comprising the area defined on LGC-Ak-W12
 - (m) Franklin Ward, comprising the area defined on LGC-Ak-W13.
- (3) The members of the governing body of the Auckland Council are elected as follows:
 - (a) one member elected from the Rodney Ward
 - (b) two members elected from the Albany Ward
 - (c) two members elected from the North Shore Ward
 - (d) two members elected from the Waitākere Ward
 - (e) one member elected from the Whau Ward
 - (f) two members elected from the Albert-Eden-Puketāpapa Ward
 - (g) one member elected from the Waitematā and Gulf Ward
 - (h) one member elected from the Ōrākei Ward
 - (i) one member elected from the Maungakiekie-Tāmaki Ward
 - (j) two members elected from the Manukau Ward
 - (k) two members elected from the Howick Ward

⁴ Note, all plans are deposited with the Local Government Commission.

- (l) two members elected from the Manurewa-Papakura Ward
- (m) one member elected from the Franklin Ward.

Membership of local boards

- (4) The Rodney Local Board comprises nine members elected as follows:
 - (a) one member elected from the Wellsford Subdivision defined on LG-076-2019-S-1
 - (b) three members elected from the Warkworth Subdivision defined on LG-076-2019-S-2
 - (c) one member elected from the Dairy Flat Subdivision defined on LGC-Ak-LB1
 - (d) four members elected from the Kumeū Subdivision defined on LG-076-2019-S-3.
- (5) The Hibiscus and Bays Local Board comprises eight members elected as follows:
 - (a) four members elected from the Hibiscus Coast Subdivision defined on LGC-Ak-LB2
 - (b) four members elected from the East Coast Bays Subdivision defined on LGC-Ak-LB2.
- (6) The Upper Harbour Local Board comprises six members elected from the Local Board Area as a whole.
- (7) The Kaipātiki Local Board comprises eight members elected from the Local Board Area as a whole.
- (8) The Devonport-Takapuna Local Board comprises six members elected from the Local Board Area as a whole.
- (9) The Henderson-Massey Local Board comprises eight members elected from the Local Board Area as a whole.
- (10) The Waitākere Ranges Local Board comprises six members elected from the Local Board Area as a whole.
- (11) The Whau Local Board comprises seven members elected from the Local Board Area as a whole.
- (12) The Albert-Eden Local Board comprises eight members elected as follows:
 - (a) four members elected from the Maungawhau Subdivision defined on LGC-Ak-LB9
 - (b) four members elected from the Ōwairaka Subdivision defined on LGC-Ak-LB9.
- (13) The Puketāpapa Local Board comprises six members elected from the Local Board Area as a whole.
- (14) The Waitematā Local Board comprises seven members elected from the Local Board Area as a whole.

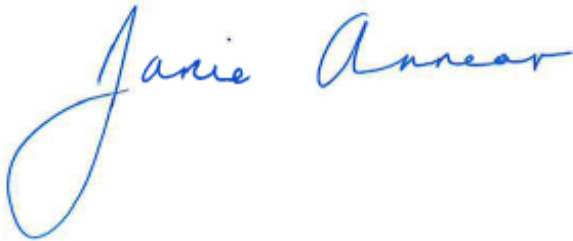
- (15) The Aotea/Great Barrier Local Board comprises five members elected from the Local Board Area as a whole.
- (16) The Waiheke Local Board comprises five members elected from the Local Board Area as a whole.
- (17) The Ōrākei Local Board comprises seven members elected from the Local Board Area as a whole.
- (18) The Maungakiekie-Tāmaki Local Board comprises seven members elected as follows:
 - (a) three members elected from the Maungakiekie Subdivision defined on LGC-Ak-LB15
 - (b) four members elected from the Tāmaki Subdivision defined on LGC-Ak-LB15.
- (19) The Māngere-Ōtāhuhu Local Board comprises seven members elected from the Local Board Area as a whole.
- (20) The Ōtara-Papatoetoe Local Board comprises seven members elected as follows:
 - (a) three members elected from the Ōtara Subdivision defined on LGC-Ak-LB17
 - (b) four members elected from the Papatoetoe Subdivision defined on LGC-Ak-LB17.
- (21) The Howick Local Board comprises nine members elected as follows:
 - (a) three members elected from the Howick Subdivision defined on LGC-Ak-LB18
 - (b) three members elected from the Pakuranga Subdivision defined on LGC-Ak-LB18
 - (c) three members elected from the Botany Subdivision defined on LGC-Ak-LB18.
- (22) The Manurewa Local Board comprises eight members elected from the Local Board Area as a whole.
- (23) The Papakura Local Board comprises six members elected from the Local Board Area as a whole.
- (24) The Franklin Local Board comprises nine members elected as follows:
 - (a) three members elected from the Wairoa Subdivision defined on LGC-Ak-LB21
 - (b) four members elected from the Pukekohe Subdivision defined on LGC-Ak-LB21
 - (c) two members elected from the Waiuku Subdivision defined on LGC-Ak-LB21.

83. As required by section 19T(b) of the Local Electoral Act 2001, the boundaries of the above wards coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

Local Government Commission

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Commissioner Pita Paraone (Chair)

A handwritten signature in blue ink, appearing to read 'Janie Annear', with a large, stylized initial 'J'.

Commissioner Janie Annear

A handwritten signature in black ink, appearing to read 'B. J. Duffy', with a large, stylized initial 'B'.

Commissioner Brendan Duffy

10 April 2019