

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:

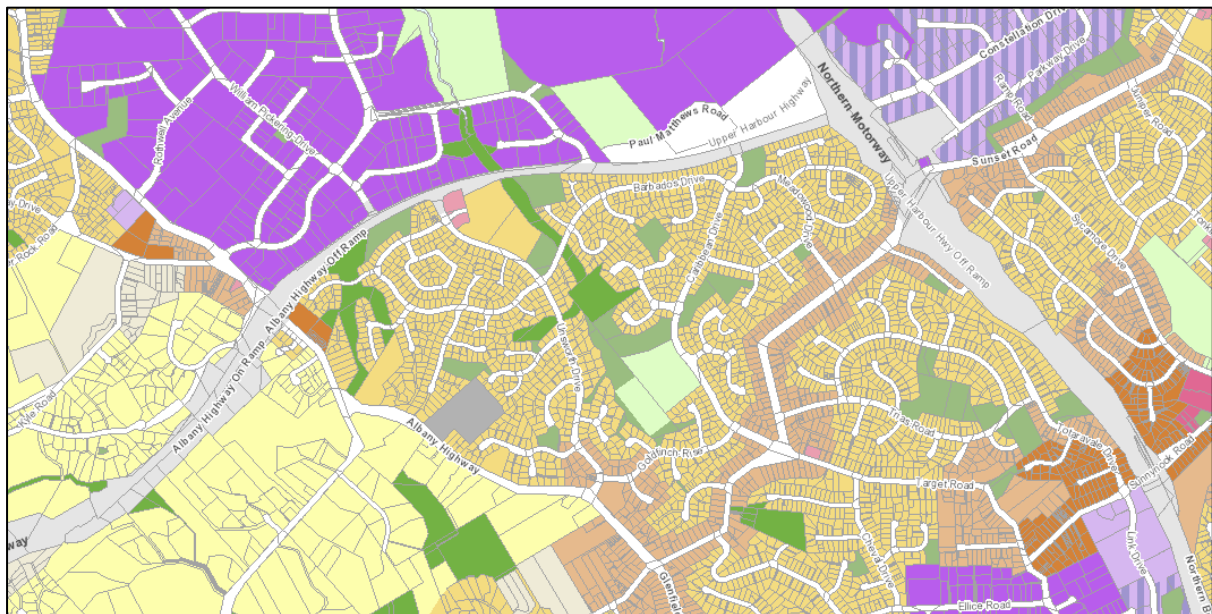
| Mesh Block | Population |
|------------------------------|-------------|
| Unsworth Heights | 6390 |
| Near Saunders Reserve | 30 |
| Total: | 6420 |

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

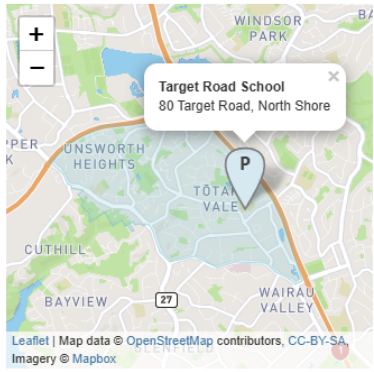
Student Engagement

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.