



Local Government Commission
Mana Kāwanatanga ā Rohe

Volume 1

**Auckland Governance Arrangements:
Determinations of Wards, Local Boards and
Boundaries for Auckland**

March 2010

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MAPS

(Maps of boundaries for Auckland, wards and local boards and also affected Waikato local authorities are provided separately in Volume 2.)

Introduction

The Local Government (Tamaki Makaurau Reorganisation) Act 2009 establishes the Auckland Council as the single local authority for Auckland Region. The Act states that the new council is being established to meet the challenges that Auckland faces as a result of “global economic, environmental and political forces” and “local trends including high population growth”. The Act states that “to meet these challenges and opportunities, Auckland requires local and regional governance of the highest standard.”

A second Act of Parliament, the Local Government (Auckland Council) Act 2009, requires the Local Government Commission to determine the arrangements for electing councillors to the governing body of the Auckland Council. The Commission is also required to determine arrangements for local boards that will share decision-making with the Auckland Council governing body.

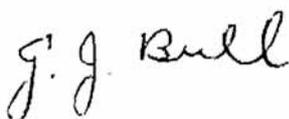
In summary, the Commission is required to decide:

- the number of wards for electing 20 councillors to the governing body of the Auckland Council and the exact boundaries and names for those wards
- the number of local boards that will share decision-making with the Auckland Council governing body, the need for subdivisions of these areas for electoral purposes, and the exact boundaries, names and number of members for each of those boards and subdivisions
- the exact location of the northern and southern boundaries for the area of the Auckland Council as a whole
- arrangements for the area of the current Auckland Region and Franklin District that will not be within Auckland.

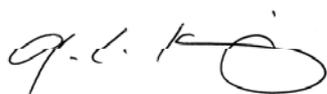
This document sets out the Commission’s determinations on these matters as required by the two Acts of Parliament.



Sue Piper
Chair



Gwen Bull
Commissioner



Grant Kirby
Commissioner

Background

On 20 November 2009 the Commission released its proposals for wards, local boards and the boundaries of Auckland, and consequential and transitional matters.

In response to our proposals, we received a total of 736 submissions.

The most frequently raised issue in submissions related to local board arrangements. This covered the proposed number of boards, number of members for each board, variations in levels of representation between boards, as well as specific boundary and subdivision issues.

The second most frequently raised issue related to councillor representation including fair representation requirements¹ and suggestions for a standard 20 single-member wards across Auckland.

Before considering the submissions in detail, we reviewed the objectives we had set ourselves and associated assessment criteria, as set out in our report released on 20 November 2009.

The objectives were as follows:

1. a new Auckland governance structure that is coherent, understandable, enduring and legally compliant
2. the structure will promote good governance and support effective engagement between people, communities, local boards and the Auckland Council
3. the structure will provide effective representation for Auckland's diverse communities
4. arrangements for the area of Franklin District outside Auckland that will promote good local government for that area.

The criteria for assessing proposals against these objectives, covering wards, local boards and the location of the northern and southern boundaries of Auckland, were summarised in our 20 November 2009 report and related to:

- compliance with the requirements of the Local Government (Auckland Council) Act 2009
- recognition of communities of interest in Auckland
- effective representation of those communities of interest
- effective governance of Auckland.

After further consideration, we confirmed these objectives and criteria.

¹ The Local Government (Auckland Council) Act 2009 defines fair representation in terms of the ratio of population to councillor for each ward being within +/-10% of the average for Auckland as a whole (this is often referred to as the '+/-10% fair representation rule')

We note that a number of submitters queried whether we were complying with our objectives and criteria. While we have made some changes to our proposals in response to submissions, we have in this report also further explained our approach to determining wards, local boards and boundaries for Auckland in relation to our objectives.

We noted in our 20 November 2009 report that, in aiming to meet the purposes of the legislation, we believed it was important to take a fresh approach to local governance arrangements in Auckland and not replicate existing arrangements. This was designed to assist the achievement of overriding goals for Auckland governance reforms of effective regional decision-making and effective engagement of local communities. We reiterate the importance of this approach in these determinations of boundaries and representation arrangements for Auckland.

In relation to names of wards and local boards, we have introduced a number of new names to reflect the need for a fresh approach. We have also retained some well-established names to assist resident identification with certain areas and to encourage their participation in local governance processes.

Our determinations relate to numbers, boundaries and names of wards and local boards, and also the boundaries of Auckland as a whole, together with transitional issues. We are conscious there are other governance mechanisms which will be important in achievement of the goals of effective regional decision-making and local engagement. We believe serious consideration needs to be given to retention of a range of other existing governance mechanisms including the Auckland CBD Board and the Kawau Island Advisory Committee.

PART ONE: AUCKLAND WARDS AND LOCAL BOARDS

Auckland wards

We are required to ensure that wards for the election of 20 councillors to the Auckland Council governing body provide, so far as is practicable, effective representation of communities of interest in Auckland. Wards are also required to provide, so far as is practicable, fair representation for electors (i.e. the ratio of population to councillor for each ward is within +/-10% of the average for Auckland as a whole).²

While fair representation for electors is defined in the legislation, effective representation for communities of interest is not defined. We have previously identified the following three dimensions which we believe help identify communities of interest:

- a sense of identity with and belonging to a community (*a perceptive aspect*)
- the geographical area of services provided for a community (*a functional aspect*)
- other organisational boundaries for representing community interests (*a political aspect*).

We have used all three aspects in determining boundaries and representation arrangements for Auckland.

In relation to effective representation, given the fixed limit of 20 councillors, we have given particular emphasis to not splitting communities of interest when determining boundaries.

Size of wards

In determining ward arrangements, we are required to include two single-member wards as follows:

- one based on the rural area of Rodney District and
- one based on the area of Franklin District remaining within the boundaries of Auckland.³

Wards for electing the remaining 18 councillors could be either single- or multi-member wards.

² Since the release of our 20 November 2009 report, 2009 population estimates have become available from Statistics New Zealand and we have used these most up-to-date estimates for the purpose of calculating ratios of population per councillor and local board member.

³ In relation to these two required wards, we have interpreted the phrase “based on” as meaning the areas to be used as foundations for the new wards which can be added to.

We received a number of submissions on councillor representation and particularly the variation in fair representation ratios between the proposed wards. We agree that fair representation is very important. Consequently, while still providing for effective representation of communities of interest, we have made adjustments to ensure wards now more closely comply with the '+/-10% fair representation rule'.⁴ We believe this will assist achievement of our objective of public understanding of representation arrangements and help promote effective community engagement.

A number of submissions suggested a standard 20 single-member wards be established across the region. We acknowledge that this may be seen to support the objective of coherence and understanding of representation arrangements. However, we believe that the requirement of the Act for effective representation of communities of interest can be best achieved in many cases by two-member wards so as to avoid splitting communities of interest.

Communities of interest are often not confined to small geographically concentrated areas. Given this, larger wards have the advantage of being better able to avoid the splitting of communities of interest between wards. Larger multi-member wards also provide more choice for voters and as a result can provide more diversity in representation than that provided by a single representative. After the election, residents in multi-member wards have a choice of representatives they can approach on local issues.

As noted in our 20 November 2009 report, larger wards will in future not require the degree of boundary changes necessary to comply with the '+/-10% fair representation rule' that is clearly important to Auckland residents and communities as measured by the number of submissions on this issue. Larger wards will, therefore, assist achievement of our objective of more enduring representation arrangements.

We noted in our first report some concerns about large wards and we received a number of submissions on this issue. Large wards may mean that representatives are too remote to effectively engage with local communities and the cost of election campaigning may be prohibitive for many candidates. As a result we have concluded that, for Auckland, wards larger than those electing two members are undesirable.

While we still generally prefer two-member wards for the reasons outlined above, we have not applied this universally as a 'one size fits all' approach. In addition to the statutorily prescribed single-member wards for the Rodney and Franklin Wards, we have confirmed our proposal for single-member wards for the central/CBD ward (to be called Waitemata and Gulf Ward) and the Whau Ward. We have also decided that the proposed Ōrākei-Maungakiekie Ward should be split into two single-member wards.

⁴ Section 34(7) of the Local Government (Auckland Council) Act 2009 provides wards need not comply with the '+/-10% fair representation rule' if the Local Government Commission considers that effective representation of communities of interest requires wards to be defined and membership to be distributed in another manner.

In the case of the Waitemata and Gulf Ward, we believe it is important to have a ward incorporating all of the Auckland CBD, as the commercial heart of the region, together with the adjoining inner city suburbs which have a common geographical orientation. This area has a distinct character of commercial activity, city amenities and higher-density residential accommodation requiring representation. There was widespread support for the concept of such a ward.

We believe that the Hauraki Gulf Islands are best included in this ward given functional community of interest factors such as location of employment, shopping and leisure activities, and transport links. Inclusion of the islands can be achieved by a single-member ward with only a marginal variation from the '+/-10% fair representation rule'. We note that ward under-representation can be addressed, at least in part, by representation arrangements for local boards. In the case of the Waitemata and Gulf Ward, there will be three local boards given the statutory requirement for boards for both Waiheke Island and Great Barrier Island.

We have also retained our proposed single-member Whau Ward. We received relatively few submissions relating to this ward, with some suggesting parts of it could be combined with neighbouring wards. Given the nature of the neighbouring areas, we believe such suggestions would require larger three-member wards which, as we have argued above, we do not support. The suggestions from submitters were based largely on existing territorial authority boundaries, whereas we believe a fresh approach to local governance arrangements is required in areas such as this.

We received a significant number of submissions calling for the splitting of the proposed Ōrākei-Maungakiekie Ward into two single-member wards. These calls were based on distinct socio-economic differences between the Ōrākei area of the ward (including Mission Bay, St Heliers, Kohimarama and Remuera) and the remaining area (including Glen Innes, Tāmaki, Onehunga and Otahuhu). In addition, concerns were expressed that, given past voting patterns, there was a strong likelihood that both representatives would come from the northern area of the ward.

Our investigations did identify a clear distinction between the socio-economic characteristics of the northern area and the central/southern area. We also confirmed voter turnout (using community board election turnout since 1989) was higher in the Eastern Bays Community Board compared with either the Tāmaki or Maungakiekie Community Boards.

On this basis we are persuaded that the proposed ward would combine distinctly different communities of interest and traditional voting patterns suggest effective representation for the central and southern areas of the ward was unlikely. We also note that the area of the proposed ward has historically been split between local authorities which would provide further challenges in developing commonalities of interest.

We have therefore determined that, on the basis of effective representation of distinct communities of interest, our proposed two-member Ōrākei-Maungakiekie Ward be split into two single-member wards (Ōrākei Ward and Maungakiekie-Tāmaki Ward).

We confirm that, with the exception of the Rodney, Franklin, Waitemata and Gulf, Whau, Ōrākei and Maungakiekie-Tāmaki Wards, all other wards will be two-member wards.

Fair and effective representation

We received a number of submissions seeking more equal representation ratios for electing councillors across Auckland. We carefully considered options to achieve this in terms of closer compliance with the '+/-10% fair representation rule' while still ensuring effective representation of communities of interest.

As noted, we are required by the Act to establish a single-member ward for the rural area of Rodney. To balance ward populations as much as possible, we have included areas variously described as 'lifestyle' or 'countryside' living in the Rodney Ward and also, for the sake of consistency, in the Franklin Ward. Rodney Ward, however, remains over-represented relative to the other wards.

This over-representation in the Rodney Ward means a degree of under-representation has to be provided for elsewhere in Auckland, given the fixed limit of 20 councillors. Accordingly, a few wards are marginally outside the '+/-10% range'. In the wards concerned, we believe we have achieved a reasonable balance between the fair and effective representation requirements.

In the Waitemata and Gulf and Waitakere Wards the small degree of under-representation is addressed, at least in part, by local board arrangements. In the Ōrākei Ward, we believe the recognition of communities of interest through establishment of a single-member ward will provide the most effective representation for this area and compensate for the degree of under-representation.

Apart from the prescribed Rodney and Franklin Wards, one further ward, the Te Irirangi Ward (formerly Howick-Pakuranga-Botany Ward) is outside the '+/-10% range'. As in our 20 November 2009 proposal, this ward has a degree of over-representation. As noted in the proposal report, we believe this can be justified on the grounds of projected future population growth in this area which will address the present over-representation over time.

In attempting to achieve closer compliance with the '+/-10% fair representation rule', we began by addressing the isthmus and West Auckland wards being the most under-represented wards in our 20 November 2009 proposal. We then reviewed the ward proposals for the northern and southern sectors.

To achieve as fair representation as possible across Auckland, as sought by many submitters, we have decided to move Otahuhu from the Maungakiekie-Tāmaki Ward to the Manukau Ward and to transfer the West Harbour/Whenuapai/Herald Island areas from the Waitakere Ward to the Albany Ward.

In respect of the boundary change between the Waitakere and Albany Wards, a number of submitters from the Herald Island, Whenuapai and adjoining areas identified strong community of interest connections with the Albany area. Examples of these connections are the shopping and other services which have developed with the new motorway. We noted the distinct socio-economic characteristics of this area along with the adjacent West Harbour area, compared with Royal Heights and areas further south. On this basis we have determined a ward boundary between West Harbour and Royal Heights reflecting this distinction.

The other main changes we have made to the wards to achieve effective representation of communities of interest and particularly to avoid splitting recognised communities of interest, are summarised below.

1. Waitemata and Gulf Ward (formerly Maungawhau-Hauraki Gulf Ward):
 - a. southern boundary moved northward to exclude parts of the Mt Eden and Kingsland communities of interest formerly split between two wards
 - b. western boundary moved westward to recognise communities of interest bounded by Meola Reef, Western Springs College and Pasadena Intermediate School (ward now includes Auckland Zoo, MOTAT and Western Springs Park)
 - c. eastern boundary adjusted to ensure the Newmarket business improvement district is contained within the ward and boundary is more consistent with the Remuera community of interest
2. Ōrākei Ward:
 - a. western boundary moved westward to include all of Ōrākei Basin and Hobson Bay
 - b. southern boundary moved northward to exclude Mt Wellington area on grounds of community of interest
3. Maungakiekie-Tāmaki Ward:
 - a. northern boundary moved northward to include Mt Wellington area
 - b. western boundary moved westward to include areas of the former Onehunga Borough adjoining Royal Oak on grounds of community of interest
4. Albert-Eden-Roskill Ward (formerly Mt Albert-Mt Roskill Ward):
 - a. northern boundary moved northward to include all of Mt Eden and Kingsland to avoid splitting these communities of interest

- b. western boundary moved westward to include Waterview on grounds of community of interest
- 5. Whau Ward:
 - a. northern boundary moved southward to exclude Waterview
 - b. western boundary moved eastward to exclude parts of Glen Eden to avoid splitting this community of interest
- 6. Waitakere Ward:
 - a. eastern boundary moved eastward to include parts of Glen Eden
 - b. northern boundary moved southward to exclude properties on the southern side of Hunter Road on grounds of community of interest
- 7. Rodney Ward:
 - a. southern boundary moved southward to include properties on the southern side of Hunter Road
 - b. eastern boundary moved westward to exclude area east of State Highway 1 in the vicinity of Redvale on community of interest grounds
- 8. Albany Ward (formerly Hibiscus-Albany-East Coast Bays Ward):
 - a. western boundary moved westward to include area east of State Highway 1 in the vicinity of Redvale
 - b. southern boundary moved southward to include Campbells Bay on community of interest grounds
- 9. North Shore Ward:
 - a. northern boundary moved southward to exclude Campbells Bay
- 10. Manukau Ward:
 - a. southern boundary moved southward to include Manukau CBD and area bounded by new State Highway 20 motorway on community of interest grounds
 - b. western boundary moved westward to include Papatoetoe cemetery, Manukau memorial gardens, South Auckland crematorium, Puhinui Reserve and area north of Puhinui Stream on community of interest grounds
 - c. eastern boundary moved westward to exclude area between Chapel Road and Te Irirangi Drive on community of interest grounds
- 11. Te Irirangi Ward (formerly Howick-Pakuranga-Botany Ward):
 - a. western boundary moved westward to include area between Chapel Road and Te Irirangi Drive
 - b. eastern boundary adjusted to include all 'Flatbush variation 13' (district plan change) area as bounded by current Botany Community Board area

12. Manurewa-Papakura Ward:

- a. northern boundary moved south to exclude Manukau CBD and area bounded by new State Highway 20 motorway
- b. western boundary moved eastward to exclude Papatoetoe cemetery, Manukau memorial gardens, South Auckland crematorium, Puhinui Reserve and area north of Puhinui Stream
- c. eastern boundary adjusted to include planned urban areas in the vicinity of Papakura-Clevedon Road, Awanui Rise and Redhill
- d. southern boundary adjusted to include areas of Drury to avoid splitting community of interest

13. Franklin Ward:

- a. western boundary adjusted to exclude 'Flatbush variation 13' area
- b. western boundary adjusted to exclude planned urban areas of Papakura
- c. northern boundary adjusted to exclude areas of Drury
- d. southern boundary adjusted in line with southern boundary of Auckland (addressed in Part 2 of this report).

We received submissions opposing our proposal to include in Waitakere Ward the Te Henga wetlands and farming areas of Bethells Road and Wairere Road. We considered the issues raised carefully and concluded that, as a result of the roading pattern in this area, the immediate community of interest is tied, in the first instance, to Waitakere township which is in turn linked to the community of interest represented by the Waitakere Ward. In other words, farmers in this area must travel to or through the township to access other areas. On this basis we have determined that the boundary, based on a functional community of interest, will be as reflected in our proposal.

We note expressions of concern from some farmers in this area about possible implications of being linked with the Waitakere Ranges heritage area relating to such issues as land use planning and control. We note that the heritage area is defined by legislation and properties currently outside the area remain outside. In addition, we do not agree that location within one ward and local board rather than another, will be of particular significance, given that regulatory decision-making on these issues will lie with the governing body of the Auckland Council, not local boards.

Summary of ward arrangements

In summary, we have determined Auckland wards as follows:

Ward	Population estimate*	No. of councillors per ward	Population per councillor	Deviation from average population per councillor**	% deviation from average population per councillor**
Rodney	54,100	1	54,100	-17,825	-24.8
Albany	137,800	2	68,900	-3,025	-4.2
North Shore	143,200	2	71,600	-325	-0.5
Waitakere	158,700	2	79,350	+7,425	+10.3
Whau	76,400	1	76,400	+4,475	+6.2
Albert-Eden-Roskill	154,900	2	77,450	+5,525	+7.7
Waitemata and Gulf	79,300	1	79,300	+7,375	+10.2
Ōrākei	81,100	1	81,100	+9,175	+12.8
Maungakiekie-Tāmaki	73,000	1	73,000	+1,075	+1.5
Te Irirangi	128,100	2	64,050	-7,875	-10.9
Manukau	156,200	2	78,100	+6,175	+8.6
Manurewa-Papakura	131,500	2	65,750	-6,175	-8.6
Franklin	64,200	1	64,200	-7,725	-10.7
Total	1,438,500	20	71,925		

* These are rounded 2009 population estimates provided by Statistics New Zealand

** '+' denotes under-representation and '-' denotes over-representation

Auckland local boards

We are required to establish local boards to share decision-making with the governing body of the Auckland Council. The Local Government (Auckland Council) Act 2009 specifies that there be between 20 and 30 local boards unless the Commission considers the number should be outside this range on the grounds of effective representation of communities of interest.

In determining local board arrangements, we are required by the Act to:

- establish a local board for the Waiheke Island community
- establish a local board for the Great Barrier Island community
- consider the need for subdivisions of local board areas for electoral purposes and, if required, to ensure fair representation for electors (i.e. the '+/-10% fair representation rule' applies to subdivisions) as far as practicable
- ensure, so far as is practicable, the boundaries of local boards, and any subdivision of those areas, provide effective representation of communities of interest
- ensure, so far as is practicable, the boundaries of wards and local board areas coincide.

As noted above, the most frequently raised issue in submissions related to proposed local board arrangements. This covered the proposed number of boards, number of members for each board, variations in levels of representation between boards, as well as specific boundary and subdivision issues.

Number of local boards

We carefully considered the local board arrangements proposed in our 20 November 2009 report and the submissions received. We noted concerns raised about the size of boards and variations in representation ratios. As a result, we have decided that two of the three largest local boards (the Hibiscus-Albany-East Coast Bays Local Board and the Waitakere Local Board) will both be split into two boards.

We received submissions supporting our proposal for the third large board (the Howick-Pakuranga-Botany Local Board) on the grounds of the close association between the three communities. It was also pointed out that Botany, as a newer area, presently relies on a number of facilities and amenities in Howick and Pakuranga. While a Howick-Pakuranga Local Board, with a population of 84,000, would be a viable option, we do not believe that a local board for the remainder of the ward (the Botany-Flat Bush area) is appropriate at this time. On these grounds we have confirmed our proposal for this board. We have recognised the size of the board, to be called the Te Irirangi Local Board, by allocating it the maximum number of members permissible under the Act.

We believe that the successful reform of Auckland governance will be measured in part by achieving an appropriate balance between effective regional decision-making and engagement of local communities. A number of submissions suggested more local boards were required to facilitate the engagement of local communities. While we believe that a small increase in the number of boards is appropriate, it is equally important that boards, as part of the governance structure of the new Council, have the capacity to undertake effective decision-making on behalf of local communities.

The Local Government (Auckland Council) Act 2009 sets out principles for the allocation of decision-making responsibilities between the governing body of the Council and the local boards. These include that decision-making responsibility for non-regulatory activities should be exercised by local boards unless there are particular (specified) reasons that it should be exercised by the governing body. To us this sends a strong message as to the importance of effective local decision-making which will then allow the governing body to concentrate on regional decision-making.

We stated in our 20 November 2009 report that to ensure effective local decision-making, local boards will need to be an appropriate size, have boundaries that relate to local service delivery, and contain sufficient capacity to support decision-making on local services. We reiterate these criteria.

We believe that the local board arrangements we have determined provide the best balance between these criteria and the requirement for effective representation of communities of interest. We note that, while we believe size and capacity of boards are very important, slightly smaller boards (in addition to the two prescribed boards for the Hauraki Gulf Islands) are appropriate in some cases. In the case of Papakura, for example, while not meeting the fair representation requirement for being a stand-alone ward, it is a clearly distinct community of interest which warrants having its own local board.

In addition to size and capacity considerations, it is also important to take into account factors such as the location of local facilities and services when identifying appropriate boundaries for local boards. This will enable the board concerned to fully reflect local preferences and priorities on levels of service for those facilities when negotiating its local board agreement with the Auckland Council governing body. This may, for example, include a variation in standard fees and charges for use of a particular facility which will then need to be funded locally over an appropriate catchment area.

We acknowledge concerns raised about representation ratios of local boards and have made changes in terms of both the number of local boards and their membership. However, as stated, we believe it is important to achieve a balance between effective engagement and effective decision-making. We believe effective representation of communities of interest is also about being able to make decisions on behalf of local communities not just to engage those communities. To make such decisions, local boards will need to have capacity to generate resources for local decision-making and have an area appropriate for performing their prescribed functions, duties and powers.

Membership of local boards

We believe that a total of 21 local boards for Auckland, with membership between five and nine, is appropriate for achieving a balance between effective community engagement and local decision-making. While a board of four members is permissible under the Act, we believe a minimum of five members is desirable to ensure continuity in decision-making in the event of member absences. The boundaries of each local board either coincide completely with a ward boundary or the boundaries of two boards coincide with the boundaries of a ward.

A number of the submissions on local board issues raised concerns about variations in ratios of population per local board member. As a result, we have carefully considered membership of boards and made a number of changes.

We began by looking at bands in board membership, between five and nine, in relation to population size of the board area as a whole. We then considered the need for electoral subdivisions of local board areas bearing in mind the requirement that subdivisions comply with the '+/-10% fair representation rule'.

We received a range of views on the need for subdivisions. Some submitters suggested that subdivisions ensure fairer representation and others that subdivisions, particularly if they are not of equal size, entrench differences between communities and smaller areas as an ongoing minority.

We believe that the geographical size of the area is one important factor in determining the need for subdivisions. This led us to conclude that subdivisions for the widespread Rodney and Franklin Local Boards were essential. We have also established subdivisions in the Te Irirangi Local Board area, given its large population and the existence of three equal-sized distinct communities within the board area.

We looked for the existence of distinct communities in other local board areas and considered the relative size of these and whether they were physically separated from each other as factors in determining the need for subdivisions. As a result, we have also established electoral subdivisions in the Hibiscus and Bays, Albert-Eden, Maungakiekie-Tāmaki and Otara-Papatoetoe Local Boards. In two of these board areas, Maungakiekie-Tāmaki and Otara-Papatoetoe, it was not possible to create equal-sized subdivisions without drawing what we saw as arbitrary boundaries splitting communities of interest as a result of the ‘+/-10% fair representation rule’.

In other local board areas, we believe, after careful consideration of submissions and of the above factors, that there are good arguments not to establish electoral subdivisions. These include the Kaipatiki (formerly Glenfield-Birkenhead) and the Ōrākei Local Boards where distinct communities of interest based on socio-economic characteristics could not be identified with clear physical or geographical separations.

We received many submissions on our proposal to combine the Devonport and Takapuna communities into one local board, with one subdivision for the Devonport community electing two members and one for the Takapuna community three members. While the vast majority of these submitters sought separate boards for these two communities, a number said that if this was not agreed then at least the provision for subdivisions should be removed as this would entrench the Devonport community as a minority on the board.

We have determined that there be one local board for the combined Devonport and Takapuna communities, given the importance of size and capacity for local boards. We agree with those submitters who suggested that the provision for subdivisions for this board should be removed.

A further argument against the establishment of electoral subdivisions, unless there are particular compelling reasons to establish them, is the fact that the ‘+/-10% fair representation rule’ will require adjustments to subdivision boundaries in future to ensure ongoing compliance. This can be seen to be contrary to our objective of achieving enduring representation arrangements.

Summary of local board arrangements

As a result of our deliberations on issues raised in submissions and the legislative requirements, we have determined the following local board arrangements for Auckland, including the need for subdivisions.

Ward	Local board	Population estimate*	Subdivisions	Population estimate*	Number of members (% deviation from average population per member**)
Rodney	Rodney	54,100	Wellsford Warkworth Dairy Flat Kumeu	5,550 16,700 6,470 25,400	1 (-7.7%) 3 (-7.4%) 1 (+7.6%) 4 (+5.6%)
Albany	Hibiscus and Bays	88,800	Hibiscus Coast East Coast Bays	42,500 46,300	4 (-4.3%) 4 (+4.3%)
	Upper Harbour	49,000	None		6
North Shore	Kaipatiki	85,900	None		8
	Devonport-Takapuna	57,300	None		6
Waitakere	Henderson-Massey	109,600	None		8
	Waitakere Ranges	49,000	None		6
Whau	Whau	76,400	None		7
Albert-Eden-Roskill	Albert-Eden	98,800	Owairaka Maungawhau	48,900 49,900	4 (-1.0%) 4 (+1.0%)
	Puketapapa	56,100	None		6
Waitemata and Gulf	Waitemata	70,000	None		7
	Waiheke	8,420	None		5
	Great Barrier	820	None		5
Ōrākei	Ōrākei	81,100	None		7
Maungakiekie-Tāmaki	Maungakiekie-Tāmaki	73,000	Maungakiekie Tāmaki	28,500 44,400	3 (-8.8%) 4 (+6.6%)
Manukau	Mangere-Otahuhu	75,900	None		7
	Otara-Papatoetoe	80,300	Otara Papatoetoe	34,200 46,100	3 (-0.6%) 4 (+0.5%)
Te Irirangi	Te Irirangi	128,100	Howick Pakuranga Botany	42,700 41,900 43,600	3 (-0.1%) 3 (-1.9%) 3 (+2.0%)
Manurewa-Papakura	Manurewa	86,600	None		8
	Papakura	44,900	None		6
Franklin	Franklin	64,200	Wairoa Pukekohe Waiuku	20,200 30,300 13,750	3 (-5.7%) 4 (+6.1%) 2 (-3.7%)

* These are rounded 2009 population estimates provided by Statistics New Zealand.

Because they are rounded estimates, the total subdivision population does not equal the local board population in some cases.

** '+' denotes under-representation and '-' denotes over-representation

PART TWO: BOUNDARIES OF AUCKLAND AND CONSEQUENTIAL REPRESENTATION AND TRANSITIONAL ISSUES

In addition to determining a system of wards and local boards for Auckland, we are required by the Local Government (Auckland Council) Act 2009 to determine the external boundaries of Auckland and consequential representation and transitional issues.

Northern boundary

Section 33(3) of the Local Government (Auckland Council) Act 2009 requires that when the Commission is determining the boundaries of Auckland (other than the southern boundary) that “so far as is practicable ... the boundaries follow the boundaries of the Auckland region”. In our 20 November 2009 report we proposed that the northern boundary of Auckland follow the northern boundary of Auckland Region (and also the northern boundary of Rodney District).

Several submissions suggested that the northern boundary of Auckland be altered so that it excludes:

- the whole of Rodney District
- the Northern Ward of Rodney District
- the area north of Waiwera
- the Wellsford area.

As noted above, section 33(3) requires the boundaries of Auckland (other than the southern boundary) “so far as is practicable ... [to] follow the boundaries of the Auckland region”. The changes suggested in the submissions referred to above would be extensive and would not, in our view, comply with the requirement in section 33(3). Accordingly, we have determined that the northern boundary of Auckland will be as proposed in our 20 November 2009 report.

Southern boundary

Section 33(2) of the Local Government (Auckland Council) Act 2009 provides that, in determining the southern boundary of Auckland, the Commission must ensure that that boundary follows, as closely as practicable, the southern boundary of Auckland Region, except that:

- the Mangatawhiri and Mangatangi catchments must, as far as practicable, be included in Waikato Region and Waikato District
- the part of Franklin District between the Mangatangi Stream catchment and the Firth of Thames must, as far as practicable, be included in Waikato Region and either Hauraki District or Waikato District.

Our proposed southern boundary of Auckland followed the southern boundary of Auckland Region except as follows:

- the part of the Waiuku urban area currently in Waikato Region and adjacent designated future growth areas
- those parts of Pukekohe currently in Waikato Region
- the adjacent area of Buckland as proposed by the Franklin District Council
- the area to the east of Pukekohe, north of Mill Road.

In addition, as required by the Local Government (Auckland Council) Act 2009:

- the Mangatawhiri and Mangatangi catchments were included in Waikato Region and Waikato District
- the part of Franklin District between the Mangatangi Stream catchment and the Firth of Thames was included in Waikato Region and Hauraki District.

Submitters sought various changes to the southern boundary, including:

- the southern boundary of Auckland be located at the southern boundary of Papakura District
- the southern boundary of Auckland be located at the Waikato River
- the exclusion of Franklin District from Auckland
- Franklin District Council become a unitary authority.

The Franklin District Council requested that the Commission reconsider the governance arrangements for Franklin District and initiate a reorganisation proposal process for Franklin District Council to become a unitary authority. Specifically the Council asked that the Commission:

- not be constrained by the current legislation (because amendments can be made via the third Auckland Bill presently before Parliament) and that the Commission confirm that the southern boundary of the new Auckland Council be based on the existing northern boundary of Franklin District Council
- agree to initiate a reorganisation proposal for the Franklin District Council to become a unitary authority based on its existing boundaries.

We do not consider any of the courses of action outlined above are possible because:

- section 33(2) of the Local Government (Auckland Council) Act 2009 requires the Commission to ensure that the southern boundary follows as closely as practicable the southern boundary of Auckland Region

- the Commission has no power to initiate a proposal for a unitary authority under either the Local Government Act 2002 or the Local Government (Auckland Council) Act 2009
- the Local Government (Tamaki Makaurau Reorganisation) Act 2009 provides for the dissolution of the Franklin District Council on 1 November 2010.

Several submissions sought the retention of the Hunua Ranges and the Kaiaua area in Auckland. This is precluded by section 33(2).

We received several submissions seeking specific changes to sections of the southern boundary. As a result of considering those submissions, we have made two changes to our proposed southern boundary as follows:

- Kariotahi Beach and the immediately adjacent area are to be included in Auckland to ensure that the entire beach area is within the jurisdiction of one local authority
- the entire Paparimu community is to be included in Auckland.

Paparimu is currently divided between Auckland and Waikato Regions and our proposal provided for that division to continue. Paparimu is well defined geographically, particularly in the south where the boundary is clearly marked by bush-clad ridges. We do not consider it practicable to provide for the division of this community between two territorial authorities.

The Franklin District Council sought the inclusion in Auckland of an extended area to the south of Waiuku based on the boundary of the Waiuku integrated catchment management plan for stormwater. Our proposed boundary was based on the growth areas identified in the Franklin District Growth Strategy. We believe that extending the boundary further southward would unnecessarily create further division of the Awaroa River catchment.

Following the receipt of submissions, a small adjustment has been made to the proposed boundary between Hauraki District and Waikato District in the Workman Road area of Kaiaua to better recognise land ownership arrangements and the roading pattern. A small additional area has been included in Hauraki District.

The proposed boundaries also provided for one part of the Kaiaua area to be included in Auckland, an area at Matingarahi. Landowners in the area submitted that this area should be included in Hauraki District. This area was proposed to be included in Auckland on the basis that:

- the settled area in the north had a northwards orientation, forming part of a small bay that would otherwise be split by a boundary
- the southern part of this area is relatively steep and bush-clad and formed a reasonable divide between the more northerly-oriented area and the settlements to the south.

We have decided to retain this area in Auckland.

Our 20 November 2009 proposal stated that:

As a consequence of the transfer of the Kaiaua area to the Waikato Region, the regional boundary through the Firth of Thames needs to be redefined. One way of doing this would be by moving this boundary so that it follows a line extending from the new northern landward boundary of the Waikato Region outward to the middle of the Firth of Thames.

Environment Waikato, however, considered that this boundary should be defined so as to leave the land in a north-easterly direction so as to include a greater proportion of the Firth within the Waikato Region. This would include an area covered by a number of spat catching applications lodged with the Auckland Regional Council. This proposal would allow one regional council to manage marine farming in the majority of the Firth, particularly in the most shallow and sensitive part.

This proposal attracted submissions both in support and opposition.

We consulted further on the matter and after further consideration concluded:

- the boundary proposed by the Waikato Regional Council (Environment Waikato) could be seen as being artificial in that it would separate the land area from the bulk of the adjacent water area
- it would be unusual to determine a boundary solely on the basis of applications for one activity only
- there was no evidence that the Auckland Regional Council and the Waikato Regional Council have not been able to achieve integrated or cooperative management of marine farming effects in the Firth of Thames.

We have therefore decided to follow the conventional approach in determining seaward boundaries and define a boundary that extends in an easterly direction from the land to the middle of the Firth of Thames and then in a northerly direction up the Firth of Thames to the current boundary.

Consequential representation arrangements

Waikato District

As a consequence of a significant area of Franklin District being included in Waikato District, we are required to determine new ward and membership arrangements for Waikato District. In doing this we sought the advice of the Waikato District Council which developed a proposed ward structure. The process for developing the proposal involved:

- initial consultation with the Franklin District Council, Onewhero-Tuakau Community Board, Waiuku Awhitu Community Board and Franklin District iwi
- a workshop involving Waikato and Franklin District councillors and Franklin District community board members
- a limited round of public consultation.

The Council proposed a 14-member council elected from 11 wards and the retention of existing community board arrangements. We have accepted this proposal subject to a name change for one of the wards and an increase from four to six in the members of the Onewhero-Tuakau Community Board.

The part of Franklin District to be included in Waikato District has been divided between three new wards as follows:

- Awaroa ki Tuakau Ward: Tuakau, Pokeno, Pukekohe East, Aka Aka, Whiriwhiri, Hoods Landing
- Onewhero Ward: that part of Franklin District south of the Waikato River
- Whangamarino Ward: Mangatangi, Mangatawhiri and Mercer and parts of Waikato District.

The overall ward structure will be as follows:

Ward	Population	No. of councillors per ward	Population per councillor	Deviation from average population per councillor*	% deviation from average population per councillor*
Awaroa ki Tuakau	8,874	2	4,437	+291.6	+7.0
Onewhero	3,771	1	3,771	-374.4	-9.0
Whangamarino	4,548	1	4,548	+402.6	+9.7
Whaingaroa	3,852	1	3,852	-293.4	-7.1
Hukanui-Waerenga	4,248	1	4,248	+102.6	+2.5
Huntly	8,118	2	4,059	-86.4	-2.1
Ngaruawahia	8,472	2	4,236	+90.6	+2.2
Raglan	4,002	1	4,002	-143.4	-3.5
Newcastle	3,786	1	3,786	-359.4	-8.7
Eureka	4,329	1	4,329	+183.6	+4.4
Tamahere	4,035	1	4,035	-110.4	-2.7
Total	58,035	14	4,145.36		

* '+' denotes under-representation and '-' denotes over-representation

There will be five community boards: the Onewhero-Tuakau Community Board (currently in Franklin District) and the Taupiri, Ngaruawahia, Raglan and Huntly Community Boards (currently in Waikato District), each electing six members.

Other local authority representation arrangements

In line with our 20 November 2009 proposal, we have determined that:

- the area of Franklin District transferred to Hauraki District will be included in that Council's Plains Ward
- the areas of Franklin District transferred either to Hauraki District or Waikato District will be included in the North Waikato-Hauraki Constituency of Waikato Region.

Transitional issues

Our 20 November 2009 proposal referred to several transitional issues resulting from the determination of the southern boundary and inclusion of areas in Waikato Region and either Hauraki District or Waikato District. The determination we have made deals with transitional issues in more detail.

A number of the transitional provisions of Schedule 3 of the Local Government Act 2002 that apply to reorganisation schemes issued under that Act are applied by our determination to the division of Franklin District. Other provisions included in the determination deal with:

- the vesting of regional parkland in the Hunua Ranges in the Auckland Council
- employment contracts
- the application of various statutory plans and strategies.

Our determination provides that, in relation to the southern boundary, the assets and liabilities of the Auckland Regional Council and the Franklin District Council should be apportioned between the Auckland Council, the Hauraki District Council, the Waikato District Council and the Waikato Regional Council under the process set out in clause 67 of Schedule 3 of the Act. This involves the councils attempting to agree on how assets and liabilities should be apportioned. If the councils are unable to reach agreement, they may request that the Local Government Commission decide the apportionment.

Our 20 November 2009 proposal stated that the Waikato District Council and the Auckland Council should enter into an agreement that permits residents north of the Waikato River to access appropriate services through Auckland Council offices located in Pukekohe. The Waikato District Council advised us that its preference is to have an office located in its expanded district in Tuakau. We agree that this is preferable and that it will better enable the Council to establish a direct relationship with residents of the areas added to its district.

At the same time, we do consider that there will be a need for a shared services arrangement between the Auckland Council and the Waikato District Council to ensure that residents in the boundary area continue to have access to important community facilities. There are a number of facilities currently provided by the Franklin District Council that, while being located within the new boundaries of Auckland, have a catchment or area of benefit that extends south of the boundary.

A number of other issues relating to continuity of service in the areas being transferred to Hauraki or Waikato Districts will have to be addressed, including continuation of services provided by external contractors. We see the resolution of such issues as being a priority for the councils involved.

PART THREE: DETERMINATIONS

Local Government (Auckland Wards and Local Boards) Determination 2010

Pursuant to section 34(1) of the Local Government (Auckland Council) Act 2009, the Local Government Commission makes the following determination.

1. Title

This determination is called the Local Government (Auckland Wards and Local Boards) Determination 2010.

2. Commencement

- (1) Subject to subclause (2), this determination comes into force on 1 November 2010.
- (2) Those provisions of this determination necessary to provide for the election of the members of the Auckland Council at the 2010 triennial general elections come into force on the day after the date on which the Order in Council implementing this determination is made.

3. Interpretation

In this determination, unless the context requires another meaning, -

Auckland and **Auckland Council** have the meanings set out in section 4 of the Local Government (Auckland Council) Act 2009.

4. Wards

Auckland is divided into 13 wards as follows:

- (a) the Rodney Ward, comprising the area defined on LGC-Ak-W1
- (b) the Albany Ward, comprising the area defined on LGC-Ak-W2
- (c) the North Shore Ward, comprising the area defined on LGC-Ak-W3
- (d) the Waitakere Ward, comprising the area defined on LGC-Ak-W4
- (e) the Whau Ward, comprising the area defined on LGC-Ak-W5
- (f) the Albert-Eden-Roskill Ward, comprising the area defined on LGC-Ak-W6
- (g) the Waitemata and Gulf Ward, comprising the area defined on LGC-Ak-W7
- (h) the Ōrākei Ward, comprising the area defined on LGC-Ak-W8
- (i) the Maungakiekie-Tāmaki Ward, comprising the area defined on LGC-Ak-W9

- (j) the Manukau Ward, comprising the area defined on LGC-Ak-W10
- (k) the Te Irirangi Ward, comprising the area defined on LGC-Ak-W11
- (l) the Manurewa-Papakura Ward, comprising the area defined on LGC-Ak-W12
- (m) the Franklin Ward, comprising the area defined on LGC-Ak-W13.

5. Members of governing body

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 Waitakere Ward
- (e) one member elected from the Whau Ward
- (f) two members elected from the Albert-Eden-Roskill Ward
- (g) one member elected from the Waitemata 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 Te Irirangi Ward
- (l) two members elected from the Manurewa-Papakura Ward
- (m) one member elected from the Franklin Ward.

6. Local boards

Twenty one local board areas are established in Auckland as follows:

- (a) the Rodney Local Board Area, comprising the area defined on LGC-Ak-LB1
- (b) the Hibiscus and Bays Local Board Area, comprising the area defined on LGC-Ak-LB2
- (c) the Upper Harbour Local Board Area, comprising the area defined on LGC-Ak-LB3
- (d) the Kaipatiki Local Board Area, comprising the area defined on LGC-Ak-LB4
- (e) the Devonport-Takapuna Local Board Area, comprising the area defined on LGC-Ak-LB5
- (f) the Henderson-Massey Local Board Area, comprising the area defined on LGC-Ak-LB6

- (g) the Waitakere Ranges Local Board Area, comprising the area defined on LGC-Ak-LB7
- (h) the Whau Local Board Area, comprising the area defined on LGC-Ak-LB8
- (i) the Albert-Eden Local Board Area, comprising the area defined on LGC-Ak-LB9
- (j) the Puketapapa Local Board Area, comprising the area defined on LGC-Ak-LB10
- (k) the Waitemata Local Board Area, comprising the area defined on LGC-Ak-LB11
- (l) the Waiheke Local Board Area, comprising the area defined on LGC-Ak-LB12
- (m) the Great Barrier Local Board Area, comprising the area defined on LGC-Ak-LB13
- (n) the Ōrākei Local Board Area, comprising the area defined on LGC-Ak-LB14
- (o) the Maungakiekie-Tāmaki Local Board Area, comprising the area defined on LGC-Ak-LB15
- (p) the Mangere-Otahuhu Local Board Area, comprising the area defined on LGC-Ak-LB16
- (q) the Otara-Papatoetoe Local Board Area, comprising the area defined on LGC-Ak-LB17
- (r) the Te Irirangi Local Board Area, comprising the area defined on LGC-Ak-LB18
- (s) the Manurewa Local Board Area, comprising the area defined on LGC-Ak-LB19
- (t) the Papakura Local Board Area, comprising the area defined on LGC-Ak-LB20
- (u) the Franklin Local Board Area, comprising the area defined on LGC-Ak-LB21.

7. Members of local boards

- (1) The Rodney Local Board comprises nine members elected as follows:
 - (a) one member elected from the Wellsford Subdivision defined on LGC-Ak-LB1
 - (b) three members elected from the Warkworth Subdivision defined on LGC-Ak-LB1
 - (c) one member elected from the Dairy Flat Subdivision defined on LGC-Ak-LB1
 - (d) four members elected from the Kumeu Subdivision defined on LGC-Ak-LB1.

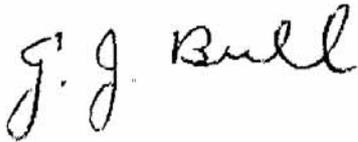
- (2) The Hibiscus and Bays Local Board comprises eight members elected as follows:
 - (a) four members elected from the Hibiscus Coast Subdivision defined on LGC-Ak-LB2
 - (b) four members elected from the East Coast Bays Subdivision defined on LGC-Ak-LB2.
- (3) The Upper Harbour Local Board comprises six members elected from the Local Board Area as a whole.
- (4) The Kaipatiki Local Board comprises eight members elected from the Local Board Area as a whole.
- (5) The Devonport-Takapuna Local Board comprises six members elected from the Local Board Area as a whole.
- (6) The Henderson-Massey Local Board comprises eight members elected from the Local Board Area as a whole.
- (7) The Waitakere Ranges Local Board comprises six members elected from the Local Board Area as a whole.
- (8) The Whau Local Board comprises seven members elected from the Local Board Area as a whole.
- (9) 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 Owairaka Subdivision defined on LGC-Ak-LB9.
- (10) The Puketapapa Local Board comprises six members elected from the Local Board Area as a whole.
- (11) The Waitemata Local Board comprises seven members elected from the Local Board Area as a whole.
- (12) The Great Barrier Local Board comprises five members elected from the Local Board Area as a whole.
- (13) The Waiheke Local Board comprises five members elected from the Local Board Area as a whole.
- (14) The Ōrākei Local Board comprises seven members elected from the Local Board Area as a whole.
- (15) 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.

- (16) The Mangere-Otahuhu Local Board comprises seven members elected from the Local Board Area as a whole.
- (17) The Otara-Papatoetoe Local Board comprises seven members elected as follows:
 - (a) three members elected from the Otara Subdivision defined on LGC-Ak-LB17
 - (b) four members elected from the Papatoetoe Subdivision defined on LGC-Ak-LB17.
- (18) The Te Irirangi 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.
- (19) The Manurewa Local Board comprises eight members elected from the Local Board Area as a whole.
- (20) The Papakura Local Board comprises six members elected from the Local Board Area as a whole.
- (21) 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.

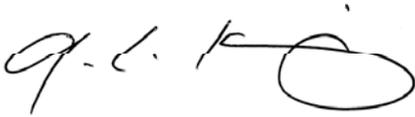
THE LOCAL GOVERNMENT COMMISSION

A handwritten signature in black ink, appearing to read 'Sue Piper'.

Sue Piper, Chair

A handwritten signature in black ink, appearing to read 'Gwen Bull'.

Gwen Bull, Commissioner

A handwritten signature in black ink, appearing to read 'Grant Kirby'.

Grant Kirby, Commissioner

1 March 2010

Local Government (Auckland Boundaries) Determination 2010

Pursuant to section 33(1) of the Local Government (Auckland Council) Act 2009, the Local Government Commission makes the following determination.

1. Title

This determination is called the Local Government (Auckland Boundaries) Determination 2010.

2. Commencement

- (1) Subject to subclause (2), this determination comes into force on 1 November 2010.
- (2) Clauses 13 and 14 and those other provisions of this determination necessary to provide for the election of the members of any local authority affected by this determination at the 2010 triennial general elections, come into force on the day after the date on which the Order in Council implementing this determination is made.

3. Interpretation

In this determination, unless the context requires another meaning, -

Auckland and **Auckland Council** have the meanings set out in section 4 of the Local Government (Auckland Council) Act 2009.

Boundaries

4. Boundaries of Auckland

The boundaries of Auckland are as defined on LGC-Ak-TA1.

5. Boundaries of Waikato Region

That part of Auckland Region not included in Auckland is included in Waikato Region.

6. Boundaries of Waikato District

That part of Franklin District (other than the area referred to in clause 7) not included in Auckland is included in Waikato District.

7. Boundaries of Hauraki District

That part of Franklin District described on LGC-Hk-TA1 is included in Hauraki District.

Representation

8. Representation in Waikato Region

- (1) The boundaries of the North Waikato-Hauraki Constituency of Waikato Region are altered by:
 - (a) including the areas included in Waikato Region by clause 5
 - (b) excluding the areas of Waikato Region included in Auckland.
- (2) The North-Waikato Constituency continues to elect one member to the Waikato Regional Council.

9. Representation in Waikato District

- (1) Waikato District is divided into 11 wards.
- (2) Those 11 wards are:
 - (a) the Awaroa ki Tuaka Ward, comprising the area defined on LGC-Wk-TA1
 - (b) the Onewhero Ward, comprising the area defined on LGC-Wk-TA1
 - (c) the Whangamarino Ward, comprising the area defined on LGC-Wk-TA1
 - (d) the Whaingaroa Ward, comprising the area defined on LGC-Wk-TA1
 - (e) the Hukanui-Waerenga Ward, comprising the area defined on LGC-Wk-TA1
 - (f) the Huntly Ward, comprising the area defined on LGC-Wk-TA1
 - (g) the Ngaruawahia Ward, comprising the area defined on LGC-Wk-TA1
 - (h) the Raglan Ward, comprising the area defined on LGC-Wk-TA1
 - (i) the Newcastle Ward, comprising the area defined on LGC-Wk-TA1
 - (j) the Eureka Ward, comprising the area defined on LGC-Wk-TA1
 - (k) the Tamahere Ward, comprising the area defined on LGC-Wk-TA1.
- (3) The Waikato District Council comprises the mayor and 14 members, elected as follows:
 - (a) two members elected by the electors of the Awaroa ki Tuakau Ward
 - (b) one member elected by the electors of the Onewhero Ward
 - (c) one member elected by the electors of the Whangamarino Ward
 - (d) one member elected by the electors of the Whaingaroa Ward
 - (e) one member elected by the electors of the Hukanui-Waerenga Ward

- (f) two members elected by the electors of the Huntly Ward
- (g) two members elected by the electors of the Ngaruawahia Ward
- (h) one member elected by the electors of the Raglan Ward
- (i) one member elected by the electors of the Newcastle Ward
- (j) one member elected by the electors of the Eureka Ward
- (k) one member elected by the electors of the Tamahere Ward.

10. Representation in Hauraki District

- (1) The area described on LGC-HK-TA1 is included in the Plains Ward of Hauraki District.
- (2) The Plains Ward of Hauraki District continues to elect four members to the Hauraki District Council.

Communities

11. Onewhero-Tuakau Community

- (1) The Onewhero-Tuakau Community continues in existence.
- (2) That part of the Onewhero-Tuakau Community included in Auckland is excluded from that community.
- (3) The community board for the Onewhero-Tuakau Community comprises:
 - (a) six members elected by the electors of the Onewhero-Tuakau Community
 - (b) the member of the Waikato District Council representing the Awaroa ki Tuakau Ward and appointed to the community board by the Council
 - (c) the member of the Waikato District Council representing the Onewhero Ward and appointed to the community board by the Council.

12. Existing communities in Waikato District

- (1) The Huntly, Ngaruawahia, Raglan and Taupiri Communities remain in existence and comprise the areas determined by the Waikato District Council in its review of representation arrangements carried out in 2006.
- (2) The community boards of Huntly, Ngaruawahia, Raglan and Taupiri Communities continue to comprise the number of members determined by the Waikato District Council in its review of representation arrangements carried out in 2006.

Elections

13. Powers of electoral officers

The electoral officers for Hauraki District, Waikato District and Waikato Region shall conduct the 2010 triennial general elections and any polls being held in conjunction with those elections as if the areas included in Hauraki District, Waikato District and Waikato Region by this determination formed part of those districts and regions on the day after the date on which the Order in Council implementing this determination is made.

14. Election signs

Notwithstanding clause 67(e) of Schedule 3 of the Local Government Act 2002, for the purposes of regulating election signs at the 2010 triennial general elections:

- (a) Part 15 of the Franklin District Plan and clause 13 of the Franklin District Council Control of Signs Bylaw 2007 cease to apply to those parts of Franklin District included by this determination in Hauraki District or Waikato District
- (b) Rule 8.7.7.2 of the Hauraki District Plan applies to that part of Franklin District included in Hauraki District by this determination
- (c) Chapters 21 to 26 of the Proposed Waikato District Plan as they relate to election signs and Chapters 26 to 28 of that plan as they relate to general signs apply to that part of Franklin District included in Waikato District by this determination.

Transitional Provisions

15. Transitional matters

- (1) Except as provided by subclause (2) and clauses 16 to 23 of this determination, clause 67 of Schedule 3 of the Local Government Act 2002 applies to this determination.
- (2) Despite subclause (1), the provisions of clause 67 of Schedule 3 of the Local Government Act 2002 do not apply to the apportionment of assets and liabilities between the local authorities affected by this determination.

16. Apportionment of assets and liabilities

The assets and liabilities of the local authorities affected by this determination are to be apportioned between those local authorities under the process contained in clause 69 of Schedule 3 of the Local Government Act 2002.

17. Vesting of land and other property

Notwithstanding clause 16 of this determination:

- (a) the areas of land listed in Schedule 1 are vested in the Auckland Council
- (b) any buildings, plant, fixtures or fittings owned by the Auckland Regional Council and normally located on or used in conjunction with the land listed in Schedule 1 are vested in the Auckland Council.

18. Employment agreements

For the avoidance of doubt, any reference to “contracts” in clause 67(a)(ii) of Schedule 3 of the Local Government Act 2002 is declared to include a reference to “employment agreements”.

19. Resource Management Act 1991

- (1) Any matter under the Resource Management Act 1991, including proceedings before or initiated by the Auckland Regional Council or Franklin District Council in respect of any area included by this determination in Waikato Region or Hauraki District or Waikato District, is to become the responsibility of the local authority assuming responsibility for that area.
- (2) Any matter under the Resource Management Act 1991, including proceedings before or initiated by the Waikato Regional Council in respect of any area included by this determination in Auckland, is to become the responsibility of the Auckland Council.

20. Long-term council community plans

- (1) The long-term council community plan prepared by the Franklin District Council continues in force in respect of those areas of Franklin District included in Hauraki District and Waikato District by this determination until any amendment is made by the Hauraki District Council or the Waikato District Council to their long-term council community plan to reflect the inclusion of those areas in their districts.
- (2) The long-term council community plan prepared by the Waikato Regional Council continues in force in respect of those areas of Waikato Region included in Auckland by this determination until a long-term council community plan is prepared by the Auckland Council that reflects the inclusion of those areas in Auckland.

21. Other plans

- (1) Any plan, policy, rule or strategy prepared by the Franklin District Council under any Act continues in force in respect of those areas of Franklin District included in Hauraki District and Waikato District by this determination until that plan, policy, rule or strategy expires or is revoked by the Hauraki District Council or the Waikato District Council.

- (2) Any plan, policy, rule or strategy prepared by the Auckland Regional Council under any Act continues in force in respect of those areas of Auckland Region included in Waikato Region by this determination until that plan, policy, rule or strategy expires or is revoked by the Waikato Regional Council.
- (3) Any plan, policy, rule or strategy prepared by the Waikato Regional Council under any Act continues in force in respect of those areas of Waikato Region included in Auckland by this determination until that plan, policy, rule or strategy expires or is revoked by the Auckland Council.
- (4) This clause applies subject to any provision in any Act providing anything to the contrary.

22. Statutory warrants

- (1) This clause applies to warrants to which all the following apply:
 - (a) they relate to the enforcement of law
 - (b) they were issued by the Franklin District Council to an employee of or contractor to that Council
 - (c) they are in force at the close of 31 October 2010
 - (d) an employee to whom a warrant was issued has become an employee of the Hauraki District Council or the Waikato District Council
 - (e) a contractor to which a warrant was issued has become a contractor to the Hauraki District Council or the Waikato District Council.
- (2) On and from 1 November 2010 the warrants are deemed to have been issued by the Hauraki District Council or the Waikato District Council as the case may require.
- (3) Each warrant remains in force until one of the following occurs:
 - (a) the employee or contractor to whom it was issued ceases to work for the Hauraki District Council or the Waikato District Council
 - (b) the Hauraki District Council or the Waikato District Council confirms the warrant, the confirmed warrant becomes a warrant issued by the Hauraki District Council or the Waikato District Council and remains in force until it is expired or revoked
 - (c) the Hauraki District Council or the Waikato District Council amends the warrant, the warrant as amended becomes a warrant issued by the Hauraki District Council or the Waikato District Council and remains in force until it expires or is revoked
 - (d) the Hauraki District Council or the Waikato District Council revokes the warrant.

23. Residual responsibilities

The Auckland Council is responsible for the documents of the Franklin District Council, other than those relating to a specific area being included in Hauraki District or Waikato District or an activity becoming the responsibility of the Hauraki District Council or the Waikato District Council.

Schedule 1

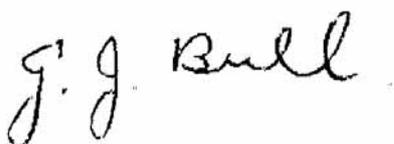
Land Vested in Auckland Council

Hunua Regional Park
Waharau Regional Park
Whakatiwa Regional Park

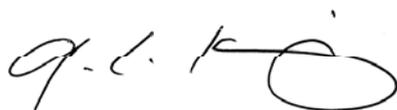
THE LOCAL GOVERNMENT COMMISSION



Sue Piper, Chair



Gwen Bull, Commissioner



Grant Kirby, Commissioner

1 March 2010

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