

2 December 2024

By email: governance@orc.govt.nz

Dear / Tēnā koe,

**QUEENSTOWN LAKES DISTRICT COUNCIL APPEAL ON THE OTAGO REGIONAL COUNCIL
REPRESENTATION REVIEW OUTCOME FOR THE 2025 LOCAL ELECTIONS**

Please accept this letter as a formal appeal on the October 2024 publicly notified resolution of the Otago Regional Council (ORC) representation arrangements for the 2025 local elections.

The Queenstown Lakes District Council (QLDC) is supportive of the ORC's process in reviewing the region's representation arrangements, it does not support the outcome of the review. The position of this Council is that the notified arrangements do not fully meet the requirements of the Local Electoral Act 2001 (LEA). Whilst they achieve compliance in a number of aspects, QLDC's position is that the arrangements do not provide effective representation of communities of interest. There is a clear and evident change in the size and distribution of the region's population and the ORC decision demonstrates an unwillingness to proactively respond and adapt to the trajectory of change within ORC's boundaries and populations. The regional council has the opportunity to make a series of changes that will provide stability across its constituencies from more than one election cycle, but in failing to do so has abrogated its responsibilities to its communities

Thank you once again for ORC's engagement with this Council throughout this review process and the opportunity to participate.

Yours sincerely, Nāku noa nā



Glyn Lewers
Mayor



Mike Theelen
Chief Executive

1. Context of ORC's representation arrangements in relation to QLDC

- 1.1. In June 2024, the Otago Regional Council determined by resolution (pursuant to LEA s19I) its initial proposed representation arrangements to apply for the October 2025 local elections. Queenstown Lakes District Council made a submission¹ on that proposal and Mayor Glyn Lewers spoke to that submission at a public hearing on 3 October 2024². The basis for that submission was in alignment with option 2 of the ORC's paper (dated 22 May, report number GOV2413³) which proposed the creation of a new "Upper Lakes" constituency.
- 1.2. That proposed option as described by ORC's report would:
 - 1.2.1. Respond to the significant growth in the Queenstown, Wānaka and Cromwell areas by creating dedicated representation.
 - 1.2.2. Reflect potential communities of interest around territorial authority boundaries, education, commuting and employment patterns and roading networks. Also reflect potential communities of interest based on economic profiles related to tourism, horticulture and viticulture sectors.
 - 1.2.3. Comply with the 10% threshold for representation.
- 1.3. However, it is acknowledged that the resulting smaller Dunstan constituency would be over-represented and leave the one elected Councillor with a large geographic area to cover.
- 1.4. At its 23 October 2024 meeting, ORC's Councillors directed staff to the option notified as the proposed representation arrangements (option 1) on grounds that QLDC acknowledges are statistically compliant, but do not in reality reflect or accurately represent communities of interest.
- 1.5. QLDC strongly maintains that the progressed option, which has resulted in the 30 October 2024 public notice for representation arrangements (pursuant to LEA section 19N), remains contrary to the requirements of section 19V(3)(a)(iii) by limiting effective representation of communities of interest by uniting within a ward or subdivision two or more communities of interest with few commonalities.

2. Specific matters for appeal by the QLDC

- 2.1. **ORC claims that a new "Upper Lakes" constituency does not work statistically without Cromwell and working outside of territorial authority boundaries is challenging.**

¹ <https://www.qldc.govt.nz/media/a3wlha1m/3d-attachment-d-draft-qldc-submission-to-orc-on-representation-review.pdf>

² <https://www.orc.govt.nz/get-involved/events/2024/october/council-meeting-orc-representation-review-hearings-and-deliberations/>

³ <https://www.orc.govt.nz/media/mccf43zl/council-agenda-20240522.pdf>

- 2.1.1. The decision of the ORC relies on aligning with existing territorial authority boundaries as a priority consideration, claiming that creating an “Upper Lakes” constituency would not meet the requirement for effective representation as defined by LEA s19U(c) without adding in Cromwell. The decision was also based on maintaining perceptual, functional and political dimensions.
- 2.1.2. QLDC’s strong view is that this claim is not a valid reason and the requirement of s19U(c) is to coincide with existing territorial districts or the boundaries of wards *so far as is practicable*. Furthermore, it is open to ORC to create a new “Upper Lakes” constituency that follows the existing QLDC district boundary and extends to encompass the Cromwell ward boundary, thereby meeting the requirement of s19U(c).
- 2.1.3. It is logical that whilst remaining part of the Central Otago District Council, Cromwell is a fast-growing town and does experience many needs and pressures in common with those experienced in the Queenstown Lakes District Council.
- 2.1.4. The development of the Grow Well Whaiora Spatial Plan⁴ for QLDC (in partnership with Central Government and Iwi) includes Cromwell as a significant interconnected factor, and the intention to bring CODC formally into the partnership structure both demonstrate a clear alignment with these communities which is recognised at a national level. Whilst existing boundaries are important and must be considered under the LEA it is clear that to ensure effective and cohesive planning in these interrelated areas boundaries do not become a defining factor.
- 2.1.5. Cromwell also sits within the Waitaki electoral boundaries alongside the Wānaka-Upper Clutha ward of QLDC, unlike other centres in CODC such as Clyde, Alexandra and Roxburgh that are in the Southland electorate. In forming boundaries for general elections, due consideration must also be given to existing boundaries and communities of interest, as well as topographic features and facilities of communications.
- 2.1.6. QLDC argues that in this context it is clear that guidance to follow existing boundaries in both the Electoral Act 1993 and Local Electoral Act 2001 are a preference and should be considered but are not an absolute requirement. It also demonstrates that there are shared political interests and dimensions at a national level between Cromwell and the Wānaka-Upper Clutha ward of the Queenstown Lakes District.
- 2.1.7. In addition, there are examples of precedent for the Local Government Commission to approve statistically non-compliant arrangements. QLDC’s own representation review in 2019 retained the Arrowtown ward at that time, despite being non-compliant by -12.74%. This was based on the recognition of a distinct community of interest.

⁴ <https://www.qldc.govt.nz/your-council/council-documents/queenstown-lakes-spatial-plan/>

- 2.1.8. By prioritising the statistical and boundary compliance, ORC is intentionally combining communities of interest with few commonalities which QLDC argues is in direct conflict with the requirements of section 19V.
- 2.2. **ORC claims it is critical that it can maintain rural representation and that a large geographic footprint of a remaining split Dunstan would impact the ability to represent communities of interest.**
- 2.2.1. QLDC acknowledges the importance of ensuring that rural communities are fairly and effectively represented. ORC's position is that splitting the existing Dunstan constituency would disadvantage rural communities that are located in what would be a reduced remaining Dunstan due to its geographic spread. However, whether split or retained as a single constituency that geographic challenge remains for all representatives as Queenstown Lakes has numerous rural and/or smaller communities from Hāwea Flat and Makarora through to Kingston. QLDC argues that the challenge of rural access to elected members, which is lessened through modern technology and improved internet connectivity, should not outweigh the importance of ensuring communities of interest with genuine commonalities are recognised and fairly and effectively represented.
- 2.2.2. In its submission, QLDC detailed the clear differences in the communities of interest of the Queenstown Lakes district from the remaining more rural areas of the Dunstan constituency, and the alignment with the Cromwell ward. QLDC reiterates its status as a metro sector council, a high growth council, its role in the QLDC Spatial Plan and Grow Well Whaiora partnership with Central Government, Kāi Tahu and ORC, the current intent for there to be a partnership approach to regional deals between QLDC and CODC, and the significant challenges related to the highest sustained population growth in Aotearoa New Zealand; all as evidence of a community that has very clear and common interests that are not reflected by the remainder of the Dunstan constituency.
- 2.2.3. These commonalities and alignment between Queenstown Lakes district and the Cromwell ward reinforce that there is little commonality with the communities in the remainder of the Dunstan constituency. Whilst ORC argues a large geographic footprint of a remaining split Dunstan would impact the ability to represent communities of interest doing so does again combine communities of interest with few commonalities, and in doing so runs the risk of Councillors being asked to address very different issues (water, pests and farming vs urban growth, public transport, and tourism).
- 2.2.4. QLDC argues that in not creating a new "Upper Lakes" constituency the ORC is prioritising the "ease" of representation over what is fair and effective representation.

3. Conclusion

- 3.1. QLDC is strongly of the view that ORCs notified arrangements for the 2025 local elections do not fully comply with the requirements of the LEA. While it's important to ensure rural communities are represented this should not be achieved at the detriment of communities with few commonalities being combined for ease and statistical compliance.
- 3.2. QLDC requests that reconsideration is given to creating a new, fifth constituency centering around a community of interest including the Queenstown Lakes District and Cromwell ward boundaries as outlined in option 2 or ORC's May 2024 report.
- 3.3. QLDC requests that this new constituency elects a number of members to fairly, effectively and proportionately represent the growing population in these areas.
- 3.4. QLDC requests that it be consulted on the name for this new, fifth constituency.
- 3.5. Thank you for further consideration of these appeal points.