

CHIEF EXECUTIVE OFFICER'S REPORT

15 DECEMBER 2014

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CITY OF ARMADALE
Chief Executive Officer's Report

Mayor and Councillors
City of Armadale

Following is my Report for the period
ended 15 December 2014

1.1 - REVIEW OF WARD SYSTEM AND REPRESENTATION FROM 2015

WARD : ALL
FILE No. : M/886/14
DATE : 10 December 2014
REF : SD
RESPONSIBLE : Chief Executive Officer
MANAGER

In Brief:

Councillors are advised that this item is for information only as Governor's Orders have not been issued.

- The Local Government Act 1995 requires that Councils that use a Ward System are to review the Ward Boundaries and the number of offices of Councillor for each ward so that not more than 8 years elapse between successive reviews.
- The City last conducted a review of the Ward System and Councillor Representation in 2013.
- The Local Government reform process has now designated that a newly enlarged City of Armadale will have no wards.
- In order to revert to a ward system by 17 October 2015, Council needs to resolve to again review wards and representation.
- This item provides an overview and timeline for the necessary processes to be undertaken and will lead to a recommendation that Council formally resolve to undertake a review of the ward system and Councillor representation.
- In the absence of Governor's Orders it is recommended that the report be received.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

Section 4.1 (Good governance and leadership) of the City's Strategic Plan 2010 – 2014 applies, particularly 4.1.2 – Ensure governance policies, procedures and activities align with legislative requirements and best practice.

Legislation Implications

The Local Government Act 1995 –

- Section 2.2 Districts may be divided into wards
- Section 2.3 Names and districts of wards
- Section 2.18 Fixing and changing the numbers of Councillors
- Schedule 2.2 Provisions about names, wards and representation

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

The City has budgeted \$500,000 in 2014/15 in anticipation of a Government grant to fund the local government reform process. The Government has now determined only limited grants are available and that Councils may borrow to fund the process. This will be reported further in due course.

The cost of this review will be charged to the Metropolitan Local Government reform account.

Consultation

Department of Local Government & Communities (DLGC)
 Local Government Advisory Board (LGAB)
 MANEX

BACKGROUND

The LGAB and Governor's Orders will designate that the City of Armadale's boundary will change from 1 July 2015 and the City will consist of one "district" ward.

In order to revert to a Ward system from October 2015, the Department of Local Government & Communities advise that the City must now undertake the following steps:-

Estimated Time frame	Stage
After Governor's Orders are issued (December)	The ongoing council resolves to undertake a representation review. It is preferable that the ongoing council's resolution is made following consultation with, and with the support of, the LIC.
December 2014	A Discussion or Information Paper must be prepared exploring a range of models, including no wards, in a balanced way. No recommendation is made in the paper.
December 2014	Council should endorse the paper. (Not statutory.)

Estimated Time frame	Stage
	<p>It is preferable that the Local Implementation Committee (LIC) also supports the paper.</p>
<p>December 2014</p>	<p>The ongoing local government must give local public notice to all electors of the new district that the review is to be carried out.</p> <p>The notice must advise that submissions may be made to the local government not less than six weeks from the day after the date of the first notice (that is, not including the day of the notice). The closing date for submissions should not be a weekend or public holiday.</p> <p>The public notice should not try to “sell” a particular position. It should include a number of ward system alternatives so that all options can be considered.</p> <p>The public notice should encourage responses and suggestions from the community.</p>
<p>From early February 2015</p>	<p>The council must consider all submissions it receives and record this in the minutes of its meeting along with any other information considered relevant to the decision making process.</p> <p>The council should have due regard to the opinion of the community in making its decisions.</p>
<p>Mid-February 2015</p>	<p>If the council decides it wants to change the ward structure, it must resolve to propose the making of an order to change the ward structure. This resolution must be made by an absolute majority.</p> <p>The council’s resolution must include the reasons for changing the ward structure.</p>
<p>On or before 31 March 2015</p>	<p>The ongoing council must provide the Local Government Advisory Board with a proposal for changing the ward structure including a written report. The report must outline the processes and outcome of the review, and include the council’s resolution(s).</p>
<p>April to June 2015</p>	<p>On receipt of a proposal, the Local Government Advisory Board will consider the local government’s written report and assess it against the requirements of the Act. The Board will consider all recommendations for change submitted as part of the review, and then make recommendations to the Minister.</p>
<p>May/June 2015</p>	<p>The Minister may accept or reject the Board’s recommendations.</p>
<p>June 2015</p>	<p>On acceptance of the recommendations for a different ward structure, a number of administrative processes follow. This includes the</p>

Estimated Time frame	Stage
	<p>issuance of Governor's Orders setting out the change to the ward structure for a district.</p> <p>The Act sets out a number of specific issues which can be addressed in the Governor's Orders. The Act also allows the Governor's Orders to include other things which are 'necessary' for the purpose of giving effect to an order.</p> <p>It will be necessary to make a subsequent order to allocate existing councillors to wards. This is not part of the Local Government Advisory Board's considerations. Refer elsewhere for a discussion of the principles which will underpin the allocation of existing councillors to wards following a ward review.</p>
<p>On or before 22 August 2015</p>	<p>For the purpose of conducting the local government elections in October 2015, the Western Australian Election Commission must know the number of offices of councillor which will be vacant and require filling at the election.</p> <p>Councillors will have until 10 August 2015 to indicate whether they are continuing as a Ward representative.</p>
<p>17 October 2015</p>	<p>Local government elections are held.</p>

The City can only commence this process following the issue of Governor's Order regarding the extension of its southern boundary to include the localities of Oakford, Darling Downs, Byford, Cardup, Oldbury, Mundijong, Whitby and Karrakup.

Governor's Orders had been anticipated to be issued by Monday, 15 December 2014. Unfortunately, the date of Governor's Orders cannot be advised at this point.

COMMENT

The City previously sought the views of the community on the matter of wards and representation in February/March 2013. At that time the City advertised five options:-

- No ward option with 14 Councillors (1x14)
- Seven wards of two Councillors (existing) (7x2)
- Seven wards of two Councillors (alternative) (7x2)
- Six wards of two Councillors (6x2)
- Three wards of three Councillors (3x3)

There were no submissions from the public and the City resolved (CS33/3/13) to adopt the alternative 7x2 ward system currently in place, subsequently approved by the LGAB.

The City strongly submitted the benefits of continuing a 7x2 representation model when it made submission on the proposed change of the City's boundaries to the LGAB in May 2014.

In determining that the City of Armadale's boundaries will be extended south to Mundijong Road from 1 July 2015 the LGAB and the Minister have determined that a "district" ward (i.e. no wards) must be implemented from that date.

They have made this determination on all metropolitan boundary adjustments or amalgamations other than the City of Melville and Shire of Murray proposals. It is understood the district ward determination is based on a technicality regarding the Act's requirement on continued Councillor representation. Whilst the reasoning is not clear, once Governor's Orders are issued, they are binding.

Accordingly a process has been determined (see above) to enable the option of wards to be revisited in time for the first election of the newly enlarged City on 17 October 2015.

Given this matter was canvassed as recently as March 2013 and the communities of both the City of Armadale and Shire of Serpentine Jarrahdale have expressed their views on representation throughout the reform process, it is proposed to canvas three options over the compulsory 6 week submission period.

- Option 1 - One district ward as proposed under Governor's Orders
- Option 2 - Seven wards of two Councillors each (7x2)
- Option 3 - Two wards, one North Ward representing predominantly residents of the current City of Armadale and one South Ward representing predominantly the northern part of the current Shire of Serpentine Jarrahdale.

A discussion paper outlining the benefits/disbenefits of each option (without indicating any preference) will be made available throughout the City's new district. The issuing of Governor's Orders removes any doubt as to the City's area of responsibility from 1 July 2015. The Shire of Serpentine Jarrahdale and the LIC will be kept fully apprised of the process. Both are supportive of commencing a process that will enable a ward structure to be in place by October 2015.

At the closure of submissions all options must be considered against the following:-

- Community of interest;
- Physical and topographical features;
- Demographic trends; economic factors and
- The ratio of councillors to electors in the various wards.

The Minister for Local Government customarily will not consider changes to ward boundaries and representation that result in ward councillor/elector ratios that are greater than plus or minus 10% of the average councillor/elector ratio for that local government.

Reaching a decision, it needs to be clear from the consideration of submissions and the assessment of options against the above criteria - why an option has been chosen as the best one for the district. An **absolute majority** is required.

Once a Council has completed its review, it must provide a written report about the review to the Local Government Advisory Board. This report must outline the process and the outcome of the review and include the recommendations for change. If the Board determines that some part of the review does not meet the requirements of the Act, then the local government may be requested to undertake another review (or part of a review) that does meet the requirements.

The process will then continue as outlined earlier in this report.

At this point in time, the recommendation to Council would be:

That Council:

1. *Pursuant to Schedule 2.2 of the Local Government Act 1995 and having regard for:*
 - (i) *the timetable proposed by the Department of Local Government & Communities (DLGC) under the Metropolitan Local Government Reform process; and*
 - (ii) *the Governor's Orders of (date) decreeing that the City's boundaries be adjusted from 1 July 2015;*

resolve to undertake a review of:

 - (a) *the City's ward boundaries*
 - (b) *the number of offices of Councillor for each ward.*
2. *conduct the review in accordance with the DLGC's recommended schedule to enable implementation prior to the local government election scheduled for 17 October 2015.*

However, in the absence of Governor's Orders, the final Council decision will now have to be at a date to be determined.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

That the Chief Executive Officer's report on Review of Ward System and Representation from 2015 be received.

1.2 - COUNCILLORS' INFORMATION BULLETIN - ISSUE NO. 22/2014

WARD : ALL
FILE No. : M/887/14
DATE : 11 December 2014
REF : CT
RESPONSIBLE : Chief Executive Officer
MANAGER

In Brief:

- Councillors' Information Bulletin – Councillors are advised to take note of the information submitted in Issue No. 22/2014 to be received by Council.

Strategic Implications

The following general information and memorandums were circulated in Issue No. 22/2014 on 11 December 2014.

COMMENT

Correspondence & Papers

- **Correspondence**
- **WA Local Government Association (WALGA) News**
- **Australian Local Government Association (ALGA) News**
21 November 2014
28 November 2014
- **Media Releases**
Planning Reforms Years in the Making – 20 November 2014
Report Strengthens Case for Road Funds – 20 November 2014
Biodiversity Program Receives Top Honour – 21 November 2014
Sector Welcomes Joint Services Model – 1 December 2014
Sector Supports Waste Act Review – 1 December 2014

Information from Human Resources

- Employee Movements

Information from Technical Services

- **Outstanding Matters and Information Items**
Various Items
- **Monthly / Quarterly Departmental Reports**
Technical Services Works Programme

Information from Community Services

- **Outstanding Matters & Information Items**
Report on Outstanding Matters – Community Services Committee
- **Monthly / Quarterly Departmental Reports**
Community Planning
Community Development Report –Community Development Report November 2014

Leisure Services Report –October 2014

Manager Library & Heritage Services Monthly Report – October 2014

Manager Ranger & Emergency Services Monthly Report – October 2014

Tourism/Events & Visitor Centre Monthly Report – October 2014

▪ **Notes / Minutes from Committees and Groups**

Positive Ageing Working Group November 2014

Information from City Strategy

Progress Report

Progress Report on Contingency, Operational & Strategic Projects

▪ **Outstanding Matters & Information Items**

Report on Outstanding Matters – City Strategy Committee

▪ **Donations/Grants/Contributions**

July/August/September/October/November 2014/15

Grants

Annual Contributions

Accounting Reports

Rates Report

Report of the Common Seal

Information from Development Services

▪ **Outstanding Matters & Information Items**

Report on Outstanding Matters - Development Services Committee

Review before the State Administrative Tribunal (SAT)

▪ **Health**

Health Services Manager's Report - November 2014

▪ **Planning**

Planning Applications Report - November 2014

Town Planning Scheme No.4 - Amendment Action Table

Subdivision Applications - WAPC Approvals/Refusals - November 2014

Subdivision Applications - Report on Lots Registered for 2013/2014

PAW Closure Report - Significant Actions during November 2014

Compliance Officer's Report - November 2014

▪ **Building**

Building Services Manager's Report - November 2014

Building Applications Monthly Statistics - November 2014

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

That Council acknowledge receipt of Issue No 22/2014 of the Information Bulletin.