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**SPECIAL COUNCIL MEETING  
MONDAY, 12 JANUARY 2015**

**MINUTES**

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# CITY OF ARMADALE

## MINUTES

OF SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,  
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 12  
JANUARY 2015 AT 7:00 PM.

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### 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

*The Mayor, Cr Zelones, declared the meeting open at 7.00 pm.*

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### 2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (previously approved)

#### PRESENT:

|   |                 |
|---|-----------------|
| Mayor, Cr H A Zelones OAM JP<br>presided over | River Ward      |
| Cr D M Shaw                                   | Heron Ward      |
| Cr G Nixon                                    | Jarrah Ward     |
| Cr C M Wielinga                               | Jarrah Ward     |
| Cr C Frost                                    | Lake Ward       |
| Cr J H Munn JP CMC                            | Lake Ward       |
| Cr M H Norman                                 | Minnawarra Ward |
| Cr G A Best                                   | Neerigen Ward   |
| Cr M Geary                                    | Neerigen Ward   |
| Cr M S Northcott                              | Palomino Ward   |

#### IN ATTENDANCE:

|               |   |
|---------------|---|
| Mr I MacRae   | Acting Chief Executive Officer            |
| Ms F Baxter   | A/Executive Director Corporate Services   |
| Mr P Sanders  | A/Executive Director Development Services |
| Mr G Davies   | A/Executive Director Technical Services   |
| Ms Y Loveland | Executive Director Community Services     |
| Mrs S D'Souza | CEO's Executive Assistant                 |

Public:

#### LEAVE OF ABSENCE:

Leave of Absence previously granted to Cr C A Campbell, Cr J A Stewart and Cr K Busby

#### APOLOGIES:

Apology received from Cr R Butterfield

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**3 PUBLIC QUESTION TIME**

Nil

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**4 BUSINESS OF THE MEETING**

**4.1 SPECIAL CHIEF EXECUTIVE OFFICER'S REPORT**

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***REVIEW OF WARD SYSTEM AND REPRESENTATION FROM 1 JULY 2015***

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**Previous Items:** 10.5 - Report of the Chief Executive Officer - Council - 15 Dec 2014 7:00 pm

WARD : ALL  
FILE No. : M/9/15  
DATE : 7 January 2015  
REF : MD  
RESPONSIBLE : A/CEO  
MANAGER

**In Brief:**

- The *Local Government Act 1995* (The Act) 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 follows a report to Council from 15 December 2014,

**Tabled Items**

Nil

**Officer Interest Declaration**

Nil

**Strategic Implications**

Section 4.1 (Good governance and leadership) of the City's Strategic Community Plan 2013-2028 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**

1. Local Government Advisory Board (LGAB)
2. Department of Local Government and Communities (DLGC)
3. Shire of Serpentine Jarrahdale
4. MANEX

### **BACKGROUND**

The Governor's Orders issued on 24 December 2014 now designate that the City of Armadale's boundary will change from 1 July 2015 and the City will consist of a one "district" ward.

As a consequence of the Governor's Orders declaring a one "district" ward, in accordance with schedule 2.2, 6(2) of the Act, if a local government is not divided into wards it may carry out a review as to:-

*a) whether or not the district should be divided into wards; and*

*b) if so -*

*(i). What the ward boundaries should be; and*

*(ii). The number of offices of councillor there should be for each ward,*

*from time to time so that not more than 8 years elapse between successive reviews.*

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 (1 x 14)
- 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 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.

The purpose of a review is to evaluate the current arrangements and consider other options to find the system of representation that best reflects the characteristics of the district and its people. Any of the following may be considered:

- Creating new wards in a district already divided into wards
- Changing the boundaries of a ward
- Abolishing any or all of the wards into which a district is divided
- Changing the name of a district or a ward
- Changing the number of offices of Councillor on a Council
- Specifying or changing the number of offices of Councillor for a ward

The LGAB encourages local governments to complete their reviews so that any changes can be in place within the 8 year period. It is appropriate for local governments to undertake reviews on a more frequent basis when the district is experiencing changes to its population that may impact on representation.

### ***Review Process***

In carrying out the review, the local government must assess all options against the following factors -

- Community of interest
- Physical and topographical features
- Demographic trends
- Economic factors
- The ratio of Councillors to Electors in the various wards

The % ratio deviation gives a clear indication of the % difference between the average Councillor/Elector ratio for the whole local government and the Councillor/Elector ratio for each ward.

The Board considers that the ratio of Councillors to Electors is the most significant of the above factors. It is expected that each local government will have similar ratios of Electors to Councillors across the wards of its district. To that end, only under exceptional circumstances will the Board consider deviations to this ratio greater than plus or minus 10%.

Population growth is a significant issue for the City due to certain areas experiencing considerable and exponential population growth greatly affecting Councillor representation within certain areas within a very short period of time. For instance currently the locality of Harrisdale is growing by 520 persons per year, Piara Waters by 1118, and Byford by 1,562. With this fact in mind the Ward and representation options proposed within the discussion (Options 2 and 3) fall outside the LGAB's preferred 10% ratio deviation to reflect significant forecast population growths over the next one to two years.

### ***Councillor Representation***

Under section 2.17 of the Act not less than 6 and no more than 15 Councillors are to be on the Council in circumstances where the method of filling the office of Mayor is election by the Council.

The City will be subject to a boundary adjustment and the requirement to move from a seven ward representing each ward to a one "district" ward system from 1 July 2015. However, if the outcome of the ward review process is for the re-establishment of a ward system, then the

issue of the allocation of wards to those councillors whose term continues beyond the next ordinary election to be held 17 October 2015 will need to be addressed. While this is not a matter for Council to determine, the following advice is provided from the DLGC Metropolitan Local Government Reform Information sheet titled "Wards and representation arrangements" published December 2014. The information sheet indicates that:

- Where a Governor's Order is made under section 2.2 of the Local Government Act 1995 to divide a district into wards, and under section 2.18(3) to specify the number of offices of councillor for each ward it will be necessary to make a subsequent order under section 9.62 to allocate the existing councillors to wards.
- Existing councillors will be allocated to wards where at least some of the electors elected them. That is, there will be some geographical overlap between the old and new ward.
- Councillors will be allocated to wards such that the total number of councillors are to retire every two years.
- In wards with no overlap, all offices of councillor will be filled at the next election. As near as practicable to half of these will have four year terms, with those receiving a lesser number of votes getting two year terms.
- Consideration will be given to enable existing councillors whose terms end in 2017 to serve out the remainder terms, to the extent that the concept of ward representation are still complied with.
- The application of the provisions of the Act to each district and its ward structure will need to be considered on a case by case basis before a definitive decision can be made on the allocation of existing councillors to wards.

The final decision for the allocation of wards to councillors will be determined by the DLGC and published within the Governor's Orders.

## COMMENT

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 determined that a "district" ward (i.e. no wards) must be implemented from that date.

This determination has been made for 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. Now the Governor's Orders are issued these are binding.

However a process is available to enable the option of wards to be revisited in time for the first election of the newly enlarged City on 17 October 2015. This process is in line with advice from the DLGC and must follow the following steps:

| Date               | Step  |
|--------------------|---|
| <b>24 Dec 2014</b> | Governor's Orders gazetted designating City of Armadale's boundary will change from 1 July 2015 to include the localities of Oakford, Darling Downs, Byford, Cardup, Oldbury, Mundijong and Whitby. |
| <b>12 Jan 2015</b> | Special Council Meeting- Initial report explaining the Ward Review and Representation process and endorsement of discussion paper.  |

|                                    |   |
|------------------------------------|---|
| <b>15 Jan 2015</b>                 | Public Notice period commences inviting submissions - six week minimum statutory advertising period.  |
| <b>19 Jan 2015</b>                 | Officers canvass Councillors views on the Ward system by way of a survey.   |
| <b>26 Feb 2015</b>                 | Public Notice period finishes. Officers assess public submissions and draft report and recommendation.  |
| <b>16 Mar 2015</b>                 | City Strategy Committee - Final report recommending ward structure and Councillor representation.   |
| <b>20 March 2015</b>               | Council Meeting - Council resolves preferred option for forwarding to the LGAB  |
| <b>31 March 2015</b>               | Deadline for proposal to be submitted to LGAB   |
| <b>Apr/June 2015</b>               | LGAB consider proposal and assess it against requirements of the Act. If satisfied will make recommendations to the Minister.   |
| <b>May/June 2015</b>               | Minister may accept or reject Board's recommendations.  |
| <b>June 2015</b>                   | On acceptance of the recommendations issuance of Governor's Orders.   |
| <b>On or before 22 August 2015</b> | The Western Australian Electoral Commission to be made aware of the number of councillors vacant and require filling at the election. Councillors have until 10 August 2015 to indicate whether they are continuing as a Ward representative. |
| <b>17 October 2015</b>             | Local Government Elections – New wards take effect  |

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 of 10 Councillors representing predominantly residents of the current City of Armadale and one South Ward of 4 Councillors representing predominantly the northern part of the current Shire of Serpentine Jarrahdale.

(i.e. Option 3 combines 5 Armadale Wards from Option 2 into 1 and 2 SJ Wards into 1)

A discussion paper outlining the benefits/dis-benefits of each option (without indicating any preference) is included as an attachment to this report.

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 relevant factors.

As detailed within section 3 of the LGAB's Guide for Local Governments on how to conduct a review of wards and representation the Board will be reluctant to 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 unless exceptional circumstances apply.

Reaching a decision, it needs to be clear from the consideration of submissions and the assessment of options against the above relevant factors - 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 to the LGAB. 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.

## **OPTIONS**

1. Undertake a review of ward boundaries and councillor representation.
2. Not undertake a review and as at 1 July 2015 continue to operate under a one district ward system.

## **CONCLUSION**

As a direct result of Local Government reform and the State Government's mandate, the City of Armadale's boundary will be extended south to Mundijong Road and will revert to a one "district" ward system from 1 July 2015. It is considered important that an urgent review be undertaken to ensure the Ward and Councillor representation model is in place at the next election as this is considered to be the most reflective and representative of the interests of all affected electors.

## **ATTACHMENTS**

1. Discussion Paper 2015 Review of Wards and Representation

*It was confirmed by the Mayor that the Local Implementation Committee at its meeting on 11<sup>th</sup> December were made aware and endorsed the three options being presented in this Discussion paper for a review of wards and Councillor representation within the City prior to the October 2015 local government elections.*

MOVED Cr G A Best, SECONDED Cr J H Munn

### **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 24 December 2014 decreeing that the City's boundaries be adjusted from 1 July 2015;

**Resolve to undertake a review of:**

- a) **The City's ward boundaries, and**
  - 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.**

1/1/15

**MOTION not opposed, DECLARED CARRIED**

**(10/0)**

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**5**

**CLOSURE**

*The Mayor, Cr Zelones, declared the meeting closed at 7.05pm*

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MINUTES CONFIRMED THIS 27<sup>th</sup> DAY OF JANUARY 2015

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MAYOR