



Review of Wards and Representation Discussion Paper

2020

21 July 2020 - Attachment 8.3.1a

Review of Wards and Representation Discussion Paper



Background

The Shire of Denmark has resolved to undertake a review of its wards and representation to comply with the requirements of the *Local Government Act 1995* (the Act). A copy of the report to Council and Council Resolution is attached to this report (Attachment one).

Schedule 2.2 of the Act (Attachment two) requires local governments with wards to carry out reviews of ward boundaries and the number of Councillors for each ward from time to time so that no more than eight years elapse between successive reviews.

The Shire of Denmark last undertook a Ward and Elected Member Representation Review in April 2013. The review outcome and subsequent Council resolution was as follows:

“That with respect to the 2013 Ward and Elected Member Representation Review Council;

1. *Notes the six (6) submissions received and the officer comments with respect to those and;*
2. *Notes the previous Minister for Local Government’s directive of 5 February 2009 in relation to Councillor numbers being voluntarily reduced to between 6 and 9 and;*
3. *Notes that there is a likelihood of increased Governance costs associated with Councillors allowances moving to being regulated by the Salaries and Allowances Tribunal with effect from 1 July 2013 and;*
4. *Submits to the Local Government Advisory Board, proposing that;*
 - a) *There be no change to its current 3 Ward structure and;*
 - b) *That there not be a complete spill of elected member positions but that its number of elected representatives be reduced to 9 by reducing one Councillor from each ward with effect from the 2013 Local Government Elections.”*

As the last Ward and Elected Member Representation Review was completed in April 2013, the Shire of Denmark is now required to undertake another ward review in advance of the 2021 Ordinary local government elections.

Following this review, Council were asked to consider amending the gazetted Denmark townsite area to include areas which had previously been deemed as ‘urban’. From an administrative perspective it was beneficial to align the gazetted townsite with the Local Planning Strategy to ensure consistency and clarity.

Council resolved at its meeting held on 11 February 2014 to request the extension of the Denmark townsite boundary. Landgate subsequently confirmed that an amendment to the Denmark townsite boundary had been completed on 5 July 2016. A Landgate map showing the new Denmark townsite boundary can be found on page 5 of this document. A copy of the previous boundary is shown on page 4.

Section 2.10 ‘Role of councillors’ of the LG Act 1995 states:

A councillor — (a) represents the interests of electors, ratepayers and residents of the district; and (b) provides leadership and guidance to the community in the district; Elected Members, in accordance with the Act are required to represent the views of all electors, and make decisions in the best interest of the municipality as a whole.

Review Process

The review process involves a number of steps:

- That Council resolves to undertake the review;
- Public submission period opens;
- Information provided to the community for discussion;
- Public submission period closes;
- That Council considers all submissions and relevant factors and makes a decision;
- That Council submits a report to the Local Government Advisory Board (the Board) for its consideration; and
- (If a change is proposed) The Board submits a recommendation to the Minister for Local Government (the Minister).

Any changes approved by the Minister where possible will be in place for the next local government ordinary election, due to be conducted in October 2021, noting that the Electoral Roll for elections close in August 2021.

Factors to be Considered

When considering changes to Wards and Representation, Schedule 2.2 of the Act specifies factors that must be taken into account by a local government as part of the review process:

1. Community interest;
2. Physical and topographic features;
3. Demographic trends;
4. Economic factors; and
5. Ratio of Councillors to Electors in the various Wards.

The Board offers the following interpretation of these factors.

1. *Community Interest*

The term community interest has a number of elements. These include a sense of community identity and belonging, similarities in the characteristics of the residents or a community and similarities in the economic activities. It can also include dependence on the shared facilities as reflected in catchment areas of local schools and sporting teams, or the circulation areas of local newspapers.

Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.

2. *Physical and Topographic Features*

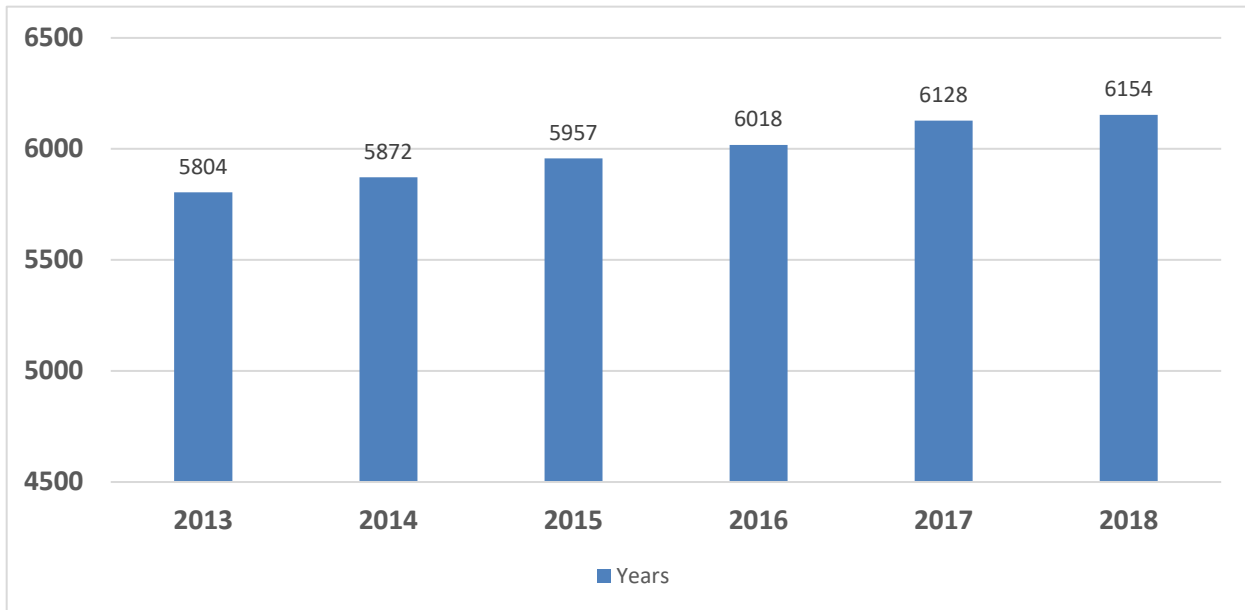
These may be natural or man-made features that will vary from area to area. Water features such as rivers and catchment boundaries may be relevant consideration. Beach suburbs, coastal plain and foothills regions, parks and reserves may be relevant as may other man-made features such as railway lines and freeways.

3. *Demographic Trends*

Several measurements of the characteristics of human populations, such as population size, and its distribution by age, sex, occupation and location provide important demographic information. Current and projected population characteristics will be relevant as well as similarities and differences between areas within the local government.

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Comment: The Shire of Denmark's population has remained relatively constant with an increase in population of only 5.6% between 2013 and 2018, tapering down to an increase of only 0.5% to the population between 2017 and 2018 as demonstrated by the below graph (figures obtained from the Australian Bureau of Statistics).



4. Economic Factors

Economic factors can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area. This may include the industries that occur in a local government area (or the release of land for these), the rates paid by different sectors, and the distribution of community assets and infrastructure such as road networks.

5. Ratio of Councillors to Electors in the various Wards

It is expected that each local government will attempt to have similar ratios of electors to Councillors across the Wards of its district. Minor variations may be permitted but the reasons for these would need to be well demonstrated. Variations above or below 10% are generally not accepted unless it can be demonstrated that the wards will 'come into balance' within a short period of time.

Current Situation

The Shire of Denmark has 5,088* electors. These are located across three wards, with the Town Ward being represented by 3 Councillors, the Kent/Nornalup Ward by 2 Councillors and Scotsdale/Shadforth Ward by 4 Councillors. Current representation of Councillors amongst electors:

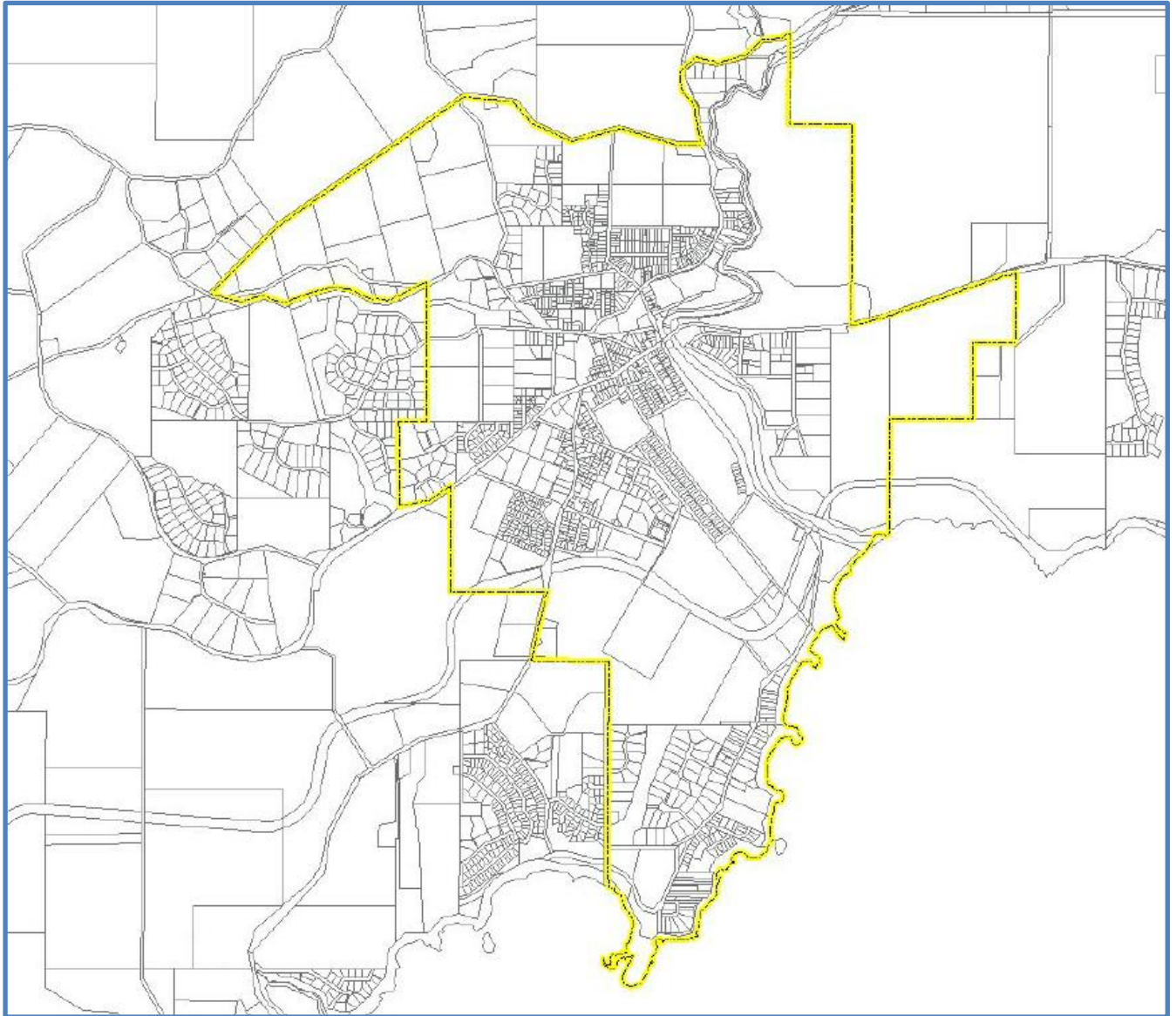
Table 1 - Current Councillor/Elector Ratio

Ward	# of Electors*	# of Councillors	Councillor: Elector Ratio	% Ratio Deviation
Town	1,805	3	602	+ 6%
Kent/Nornalup	1,198	2	599	+ 6%
Scotsdale/Shadforth	2,085	4	521	- 9%
TOTAL	5,088*	9	565	

* Figures relate to total number of Electors on the combined Electoral roll October 2019

It needs to be noted that the figures indicated in Table 1 show ratios which relate to the Denmark townsite as highlighted in yellow below, prior to the new Denmark townsite boundary being amended in 2016.

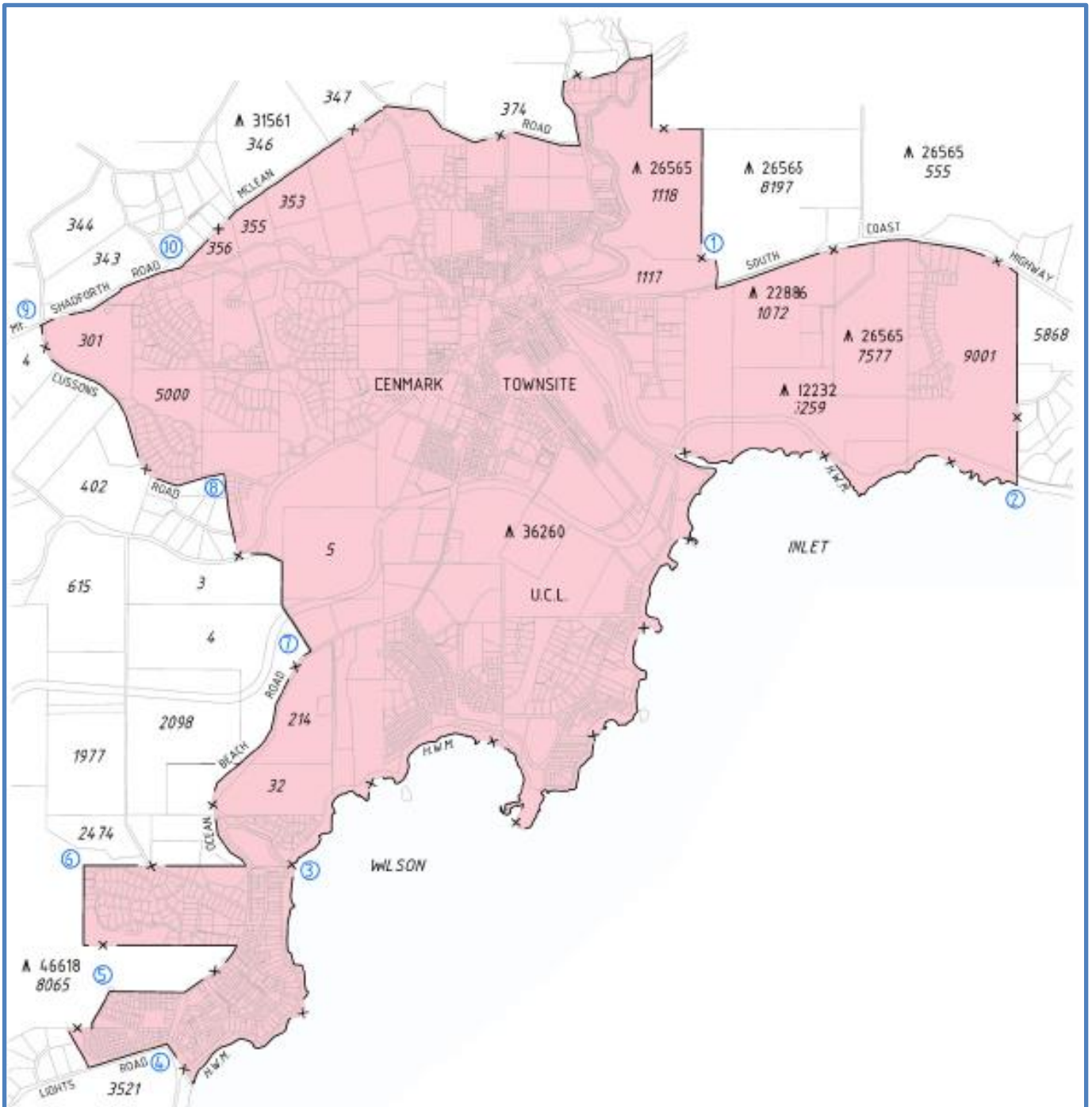
FIGURE 1 – Denmark Townsite Boundary prior to 2016



The percentage ratio deviation is important given that it is the stated position of the Local Government Advisory Board that this should not deviate plus or minus 10% across the district. The above summary demonstrates that the current ward system used by the Shire and the ratios comply with this requirement.

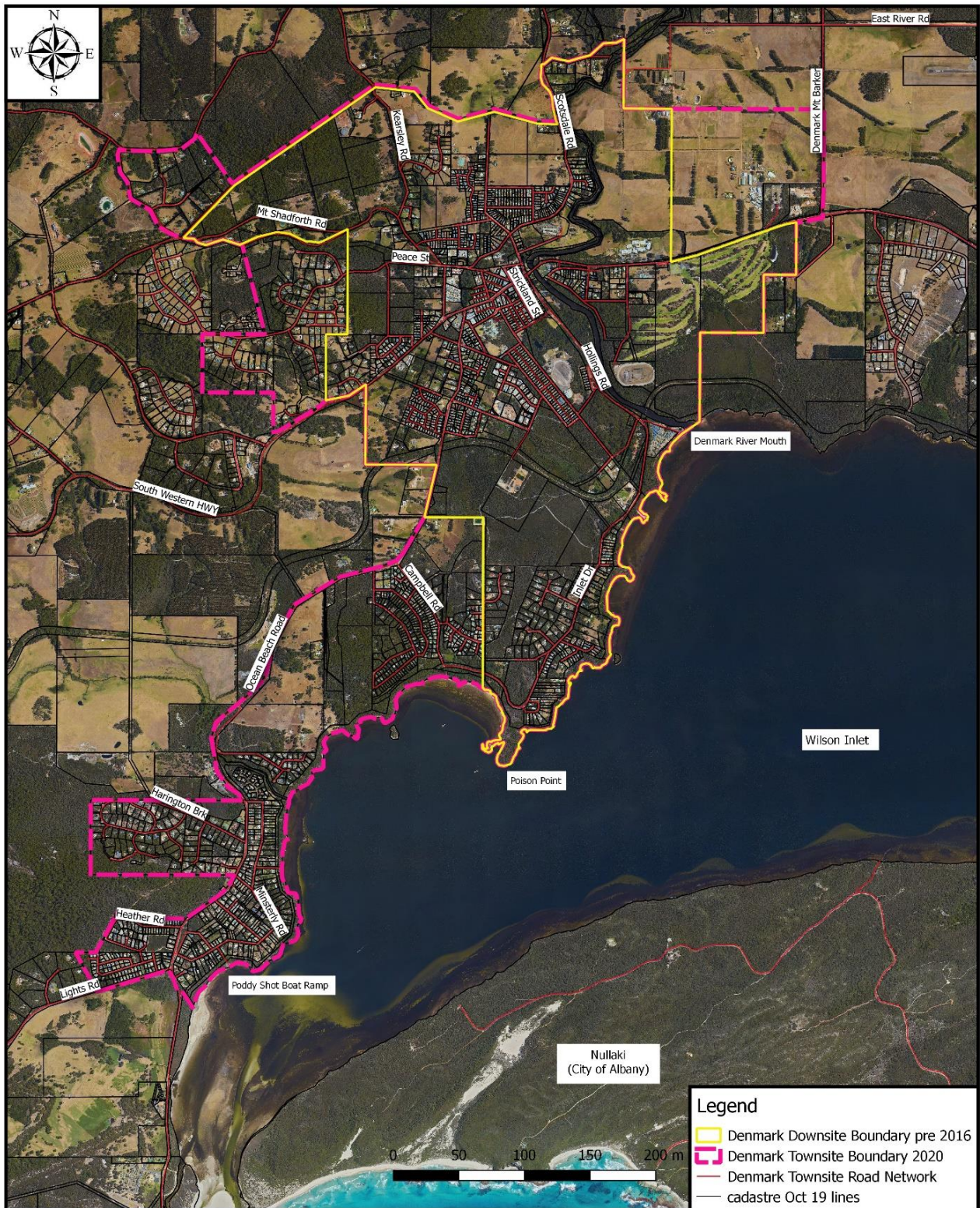
However, due to the extension of the Denmark Townsite Boundary in 2016, Councillor/Elector ratios would markedly change for Town Ward and Scotsdale/Shadforth Ward should it be agreed to align the Town Ward with the new Townsite Boundary.

FIGURE 2 – Denmark Townsite Boundary now



The difference in the 2013 and 2016 Denmark townsite boundary can more easily be seen when highlighted on one map as shown in Figure 3 overleaf.

FIGURE 3 – Comparison Denmark Townsite Boundaries 2013/2016



Produced by Shire of Denmark
 Whilst all care has been taken, no responsibility shall be taken for any omissions or errors in this documentation. Please advise the Shire of Denmark of any errors or omissions in this document.
 Digital Cadastral Data Supplied by the Western Land Information Authority.

Shire of Denmark Townsite Ward Boundary

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The impact on the Councillor/Elector ratio would be significant for Town Ward and Scotsdale/Shadforth Ward as can be seen in Table 2.

Table 2 - Councillor/Elector Ratio comparison				
Ward	Ratio with previous Denmark townsite boundary		Ratio with current Denmark townsite boundary	
	Councillor: Elector Ratio	% Ratio Deviation	Councillor: Elector Ratio	% Ratio Deviation
Town	602	6%	930	+ 65%
Kent/Nornalup	599	+ 6%	599	+ 6%
Scotsdale/Shadforth	521	-9%	275	- 48%

As mentioned previously, the percentage ratio deviation is the stated position of the Local Government Advisory Board and **should not deviate , by more than, plus or minus 10% across the district**. The above summary demonstrates that if the Town Ward boundary was amended, the current ratio figure used by the Shire **would not** comply with this requirement.

Options for Change

The Shire of Denmark has decided to only specifically seek comments on four (4) options, however members of the community are welcome to suggest others based on the five factors detailed on page 2, with special consideration being given to Factor 5, ratios.

Option 1

If it was determined that the Ward boundary should mirror the gazetted Denmark Townsite boundary for Town Ward then the option of increasing the number of Town Ward Councillors from three (3), to five (5) Councillors should be considered. This would require a reduction in Elected Members in the Scotsdale/Shadforth Ward from four (4) to two (2). This measure would then ensure an acceptable Councillor/Elector ratio of within 10%.

Table 3 – Option 1						
Ward	Ratio deviation figures – New Denmark Townsite Boundaries			Proposed Councillor/Elector ratio		
	# of Electors	# of Councillors	% Ratio Deviation	# of Electors	# of Councillors	% Ratio Deviation
Town	2790	3	+ 65%	2790	5	- 2%
Kent/Nornalup	1198	2	+ 6%	1198*	2*	+ 6%*
Scotsdale/ Shadforth	1100	4	- 48%	1100	2	+ 2.5%

* No change to Councillors or ratio

The figures contained within Table 3 illustrate that:

- By increasing the number of Council Representatives for Town Ward from 3 to 5, the ratio deviation reduces from a variation of + 65% to an acceptable Councillor/Elector ratio of - 2%

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- By decreasing the number of Council Representatives for Scotsdale/Shadsforth Ward from 4 to 2, the ratio deviation increases from - 48% to an acceptable Councillor/Elector ratio of + 2.5%.

Advantages and disadvantages that should be considered if the Shire was to retain a ward structure but redistribute representatives between the wards of Town and Scotsdale/Shadforth.

Some advantages of Option 1

- Ensures an even cross section of representation and workload distribution.
- There are more opportunities for Elected Members to have knowledge and interest in the issues of the ward they represent.
- It may be easier for a candidate to be elected if they only need to canvass one ward.
- Elected members may be more easily accessible to the electors of the ward they represent.

Some disadvantages of Option 1

- Elected Members could become too focused on their own wards, and less focused on the affairs of other wards and the whole local government.
- Competition for resources could develop where electors in each ward come to expect the services and facilities provided in other wards, whether they are appropriate or not.
- The community and Elected Members could regard the local government in terms of wards rather than as a whole community.
- Ward boundaries may appear to be placed arbitrarily and may not reflect the social interaction and communities of interest of the community.
- Balanced representation across the local government may be difficult to achieve.

Option 2

A second option to be considered could be to create four (4) wards and 'split' the Townsite boundary area into two (2) wards. One retaining the name of 'Town Ward' and the second being named, for example, "Ocean Beach Ward".

Option 2 would involve decreasing the number of Councillors in the Scotsdale/Shadforth Ward by two (2), and creating two (2) Councillors for the new "Ocean Beach Ward".

Table 4 – Option 2

Ward	Current Status			Proposed Option – 4 ward structure		
	# of Electors	# of Councillors	Ratio	# of Electors	# of Councillors	Ratio
Town	1,805	3	+ 6%	1,770	3	+ 4.2%
Kent/Nornalup	1,198	2	+ 6%	1,198	2	+ 6%
Scotsdale/Shadforth	2,085	4	- 9%	1,100	2	- 2.7%
Ocean Beach (new ward)	0	0	0	1,020	2	- 9%
	5,088	9		5,088	9	

Some advantages of Option 2

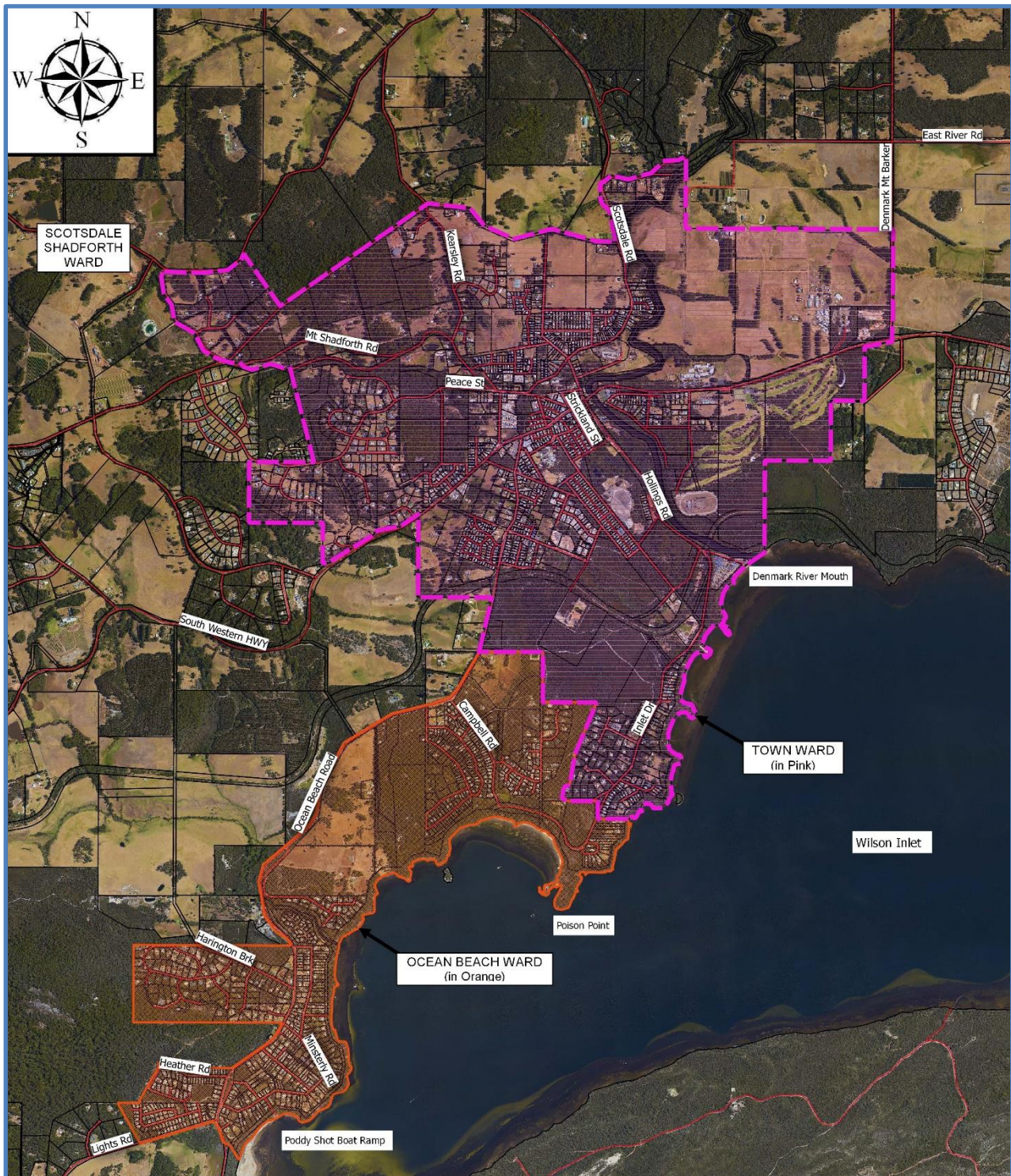
- Ensures an even cross section of representation and workload distribution.
- It may be easier for a candidate to be elected if they only need to canvass one ward.
- Electors in the newly established Ward may feel a greater sense of 'belonging', instead of being part of a larger Ward (being Scotsdale/Shadforth).

Some disadvantages of Option 2

- Competition for resources could develop where electors in each ward come to expect the services and facilities provided in other wards, whether they are appropriate or not.
- Elected Members could become too focused on their own wards and less focused on the affairs of other wards/the whole Shire.

The boundaries of the new “Ocean Beach Ward” would be as indicated in figure 4.

FIGURE 4 – Town Ward and proposed Ocean Beach Ward boundaries



Option 3

Implement a ‘no ward’ structure with nine Elected Members.

Table 5 – Option 3				
Ward	# of Electors	# of Councillors	Councillor: Elector Ratio	% Ratio Deviation
No wards	5,088	9	565	0 %

Advantages and disadvantages that should be considered if the Shire was to implement a ‘no ward’ structure are detailed below.

Some advantages of Option 3

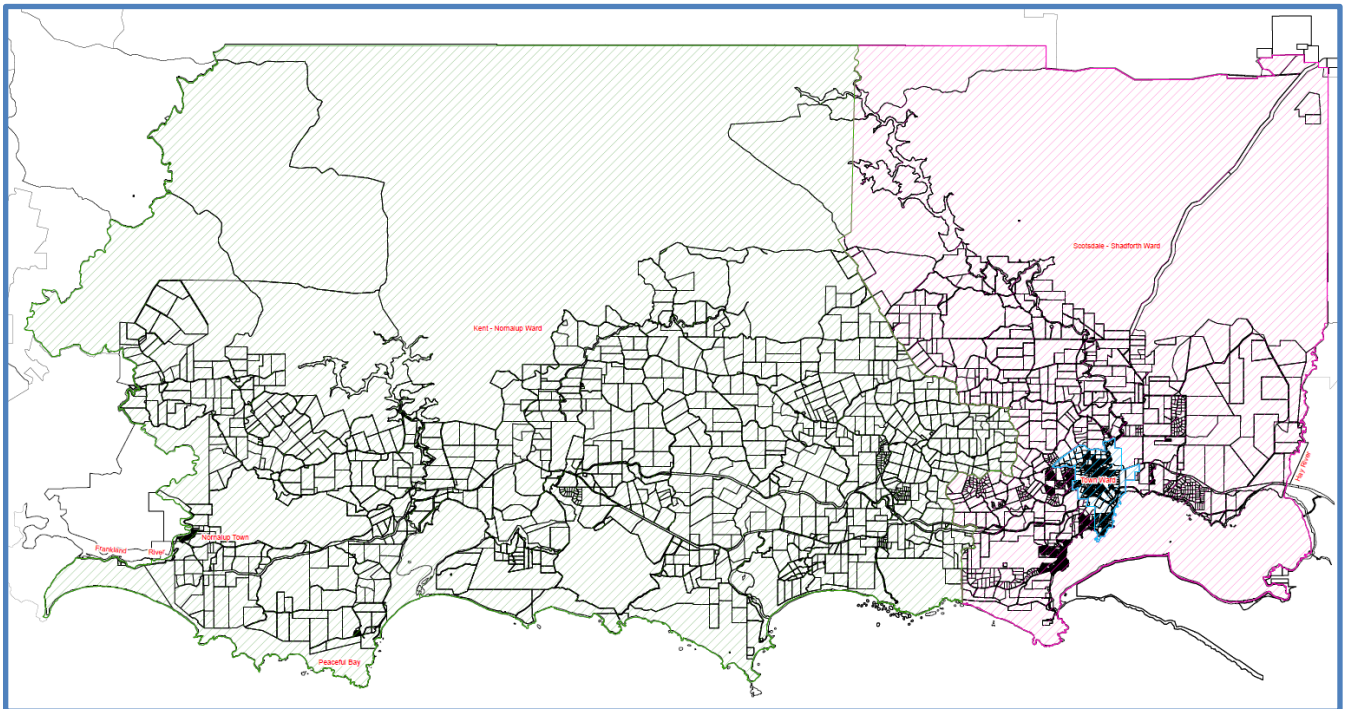
- Elected Members are elected by the whole of the electorate, not just a section of it. Elected Members, in accordance with the Act are required to represent the views of all electors of the Shire, and make decisions in the best interest of the municipality as a whole.
- Knowledge and interest in all areas of the Shire’s affairs would result in broadening the views beyond the immediate concerns of those within a ward.
- Members of the community who want to approach an Elected Member could speak to any Elected Member, rather than only an Elected Member who (seemingly only) represents a particular ward.
- Elected Members could use their speciality skills and knowledge for the benefit of the whole local government.
- There could be more balanced representation with each Elected Member representing an equal number of Electors regardless of changes to numbers of Electors or population distribution.
- The election process is much simpler for the community and for the Shire to administer.

Some disadvantages of Option 3

- Electors may feel that they are not adequately represented if they do not have an affinity with any of the Elected Members. Elected Members living in a certain area may have a greater affinity and understanding of the issues specific to that area.
- Elected Members may feel overwhelmed by having to represent all electors, and may not have time or opportunity to understand and represent all the issues.
- It may be more difficult and costly for candidates to be elected if they need to canvass the entire number of Electors.

Option 4

Retain the current Wards & Representation with nine Elected Members and 4 Wards.



Some advantages of Option 4

- Retains the current ward structure which is known to the community and Electors.
- Removes the need to (re)define internal ward boundaries.
- Election process is maintained.
- May be easier and less expensive for candidates to focus electioneering to ward only.

Some disadvantages of Option 4

- May lead to Councillors being less accessible to residents.
- May be seen as under-representing Electors.
- Elected Members could become too focused on their own wards, and less focused on the affairs of other wards and the whole local government.
- Competition for resources could develop where electors in each ward come to expect the services and facilities provided in other wards, whether they are appropriate or not.
- The community and Elected Members could regard the local government in terms of wards rather than as a whole community.
- Ward boundaries may appear to be placed arbitrarily and may not reflect the social interaction and communities of interest of the community.

Related Documents

Attachment One	Report to Council and Council Resolution – 17 March 2020
Attachment Two	Local Government Act Schedule

Public Submissions

Council is not restricting itself to consider only those options put forward in this discussion paper as there may be other options not raised here which would be most worthy of consideration.

Members of the community are invited to make written submissions about any aspect of Ward boundaries and representation and lodge it at:

Shire of Denmark
953 South Coast Highway (or PO Box 183) DENMARK WA 6333
or by email to: enquiries@denmark.wa.gov.au

Enquiries should be directed to Ms Sue Mearns, Executive Support Officer, on telephone 9848 0300 or email enquiries@denmark.wa.gov.au.

All submissions must be received by 4.00 pm on Friday, 12 June 2020.

Your interest and involvement in this review is welcomed and encouraged. Council values your input, which will assist it to make an informed decision for the benefit of the people of the Shire of Denmark.

Cr Ceinwen Gearon
Shire President

David Schober
Acting Chief Executive Officer

ATTACHMENT ONE

8.3.1 WARD & REPRESENTATION REVIEW

File Ref:	ELC.5
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Shire of Denmark
Disclosure of Officer Interest:	Nil
Date:	17 January 2020
Author:	Claire Thompson, Executive Assistant & Governance Coordinator
Authorising Officer:	David Schober, Acting Chief Executive Officer
Attachments:	Nil

Summary:

In order to commence a review of the Shire of Denmark's Wards & Representation, Council are required to resolve to do so by formal resolution.

Background:

A Ward and Representation review is a project which has been identified in the Corporate Business Plan.

Consultation:

Should Council agree to commence a review, an initial public notice is required to advise of Council's intent to carry out a review. A further six (6) weeks advertising is required once a Discussion Paper has been developed. Council is required to consider any submissions received prior to requesting an order be made by the Local Government Advisory Board to make any changes.

Statutory Obligations:

Local Government Act 1995:

- Section 2.2 – Districts may be divided into wards; and
- Schedule 2.2 – Provisions about names, wards and representation.

A local government is to conduct ward & representation reviews from time to time so that not more than 8 years elapse between successive reviews. The last Shire of Denmark ward & representation review was done in 2013.

Policy Implications:

There are no policy implications related to this report or recommendation.

Budget / Financial Implications:

The 2019/20 Budget includes \$20,000 to undertake a review which can accommodate engaging an external consultant to develop a Discussion Paper, advertising and any other associated costs.

Strategic & Corporate Plan Implications:

The report and officer recommendation is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027

L5.0 Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.

L5.1 To be high functioning, open, transparent, ethical and responsive.

L5.2 To have meaningful, respectful and proactive collaboration with the community.

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Corporate Business Plan

L5.2.10 Undertake a Ward and Representation Review to ensure balanced representation.

Sustainability Implications:

➤ **Governance:**

There are no known significant governance considerations relating to the report or officer recommendation.

➤ **Environmental:**

There are no known significant environmental implications relating to the report or officer recommendation.

➤ **Economic:**

There are no known significant economic implications relating to the report or officer recommendation.

➤ **Social:**

There are no known significant social considerations relating to the report or officer recommendation.

➤ **Risk:**

There are no known risks associated with this report or recommendation.

As the last review was undertaken in March 2013, the Council could decide to wait until the end of the year and include funds in the 2020/21 Budget. However, gaining broader and comprehensive community consultation could be more difficult leading up to the Christmas and New Year period, given that:

- the review would need to be concluded by March 2021 (to be implemented in time for the Local Government Elections in October)
- there is a required six (6) week advertising period;
- final endorsement by Council; and
- final consideration (order) by the Local Government Advisory Board is required.

Comment/Conclusion:

The Officer recommends that Council commence a review in 2019/20 given the timeframes involved in advertising, Council consideration of submissions and final approval / order by the Local Government Advisory Board (should any changes be proposed).

Officers are confident that the project can be concluded by 30 June 2020.

Voting Requirements:

Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM
	8.3.1
MOVED: CR GIBSON	SECONDED: CR LEWIS
That Council authorise the Chief Executive Officer to commence a review of the Shire of Denmark's Wards & Representation.	
CARRIED UNANIMOUSLY: 9/0	Res: 140320

ATTACHMENT TWO

No. 74]
Sch. 2.2

Local Government Act 1995

Local government with wards to review periodically

6. A local government the district of which is divided into wards is to carry out reviews of —

- (a) its ward boundaries; and
- (b) the number of offices of councillor for each ward,

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

Reviews

7. (1) Before carrying out a review a local government has to give local public notice advising —

- (a) that the review is to be carried out; and
- (b) that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.

(2) In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.

Matters to be considered in respect of wards

8. Before a local government proposes that an order be made —

- (a) to do any of the matters in section 2.2 (1), other than discontinuing a ward system; or
- (b) to specify or change the number of offices of councillor for a ward,

its council is to have regard, where applicable, to —

- (c) community of interests;
- (d) physical and topographic features;
- (e) demographic trends;
- (f) economic factors; and
- (g) the ratio of councillors to electors in the various wards.