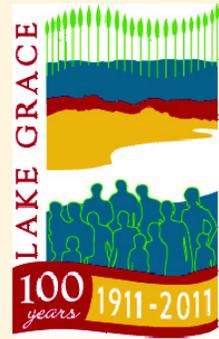


Shire of Lake Grace

# Special Council Meeting

# Minutes

17 March 2011  
Special Meeting Commencing at 8.00 am



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## **SHIRE OF LAKE GRACE**

Minutes of the Special Meeting of Council held at Council Chambers, 1 Bishop St Lake Grace on Thursday 17 March 2011.

### **1.0 OPENING & ANNOUNCEMENT OF VISITORS**

The Chairperson (Shire President) opened the meeting at 8.00am, welcomed members of the public present and advised that today's special meeting has been convened to consider the 2008 Ward & Representation Review.

### **1.1 MEETING ATTENDANCE VIA INSTANTANEOUS COMMUNICATION**

#### Summary

For Council to endorse the 'Attendance by Instantaneous Communication' format for today's Special Meeting.

#### Background

Today's meeting is being held in order to comply with a request from the Local Government Advisory Board that the Shire of Lake Grace 2008 Ward & Representation Review be completed by 18 March 2011.

With two elected members unable to attend this meeting in person, it was deemed suitable to allow them to attend the meeting remotely via a teleconference facility i.e. attendance via instantaneous communication.

To allow this to occur, the *Local Government Administration (Regulations) 1996, Regulation 14A* states:

*Attendance at meetings by means of instantaneous communication — Local Government Act 1995 s. 5.25(1)(ba)*

*(1) A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —*

*(a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting;*

*(b) the person is in a suitable place; and (c) the council has approved\* of the arrangement.*

*\* Absolute majority required.*

Accordingly a decision by absolute majority (5) is required to enable the meeting to proceed.

#### Recommendation/Resolution

#### **MOTION 11170**

Moved Cr Newman  
Seconded Cr De Landgraft

That Crs Farrelly & Milton attendance by means of instantaneous communication be approved as per *Regulation 14A of the Local Government Administration Regulations 1996*.

**MOTION CARRIED BY ABSOLUTE MAJORITY 7/0**

## 2.0 ATTENDANCE RECORD

### 2.1 PRESENT

Cr AJ Walker	Shire President
Cr IG Chamberlain	Deputy Shire President
Cr LW Armstrong	
Cr R Chappell	
Cr JF De Landgraft	
Cr AI Milton	<i>via teleconference</i>
Cr WA Newman	
Cr OP Farrelly	<i>via teleconference</i>
Cr DP Sinclair	
Mr SK Fletcher	Chief Executive Officer
Mrs L Trevenen	Acting Manager Corporate Services
Mrs J Bennett	Executive Assistant
Mrs D Clarke	Observer
Mr D Spencer	Observer
Mr P Stoffberg	Observer
Mrs N Owen	Observer

### 2.2 APOLOGIES

Mr H Vanderplas	Manager Community Services
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### 2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

## 3.0 PUBLIC QUESTION TIME

### 3.1 MRS DEBBY CLARKE

*Mrs Clarke had previously submitted the following questions via email:*

Question 1

Regardless of the number of wards and elected members, will this process be completed by the time of the next election?

**Reply**

***The President replied that yes, on the advice we have been given by the Local Government Advisory Board, providing our review is completed by this Friday, it will be presented to the Local Government Advisory Board Meeting on the 5<sup>th</sup> April.***

Question 2

Can you please explain the election process if there are no wards; if 12 people have made themselves available for 9 positions is the voting 1 to 9 or do we vote 1 to 12 or just vote for one person.

**Reply**

***If 12 people were to nominate for 9 positions, it will be tick a box – you would tick 9 boxes.***

**3.2 MRS NADENE OWEN**

*Mrs Owen had previously submitted the following question via email:*

Question

Cr Walker, is the Council that you lead willing to step up to the mark today and make a decision that will reflect fair and equitable representation throughout the Shire of Lake Grace ensuring that this Council moves forward as a functional and credible entity?

**Reply**

***The President replied that the Council has come together today to make a decision based on the Recommendation that is on the table – he cannot speak for the other elected members present, however if it goes ahead as is it will tick all the boxes with regard to the Ward Review.***

**4.0 DECLARATIONS OF INTEREST**

**4.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT SECTION 5.60A**

Nil

**4.2 DECLARATIONS OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B**

Nil

**4.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C**

Nil



## 5.0 MATTERS FOR CONSIDERATION

### 5.1 2008 SHIRE OF LAKE GRACE WARD & REPRESENTATION REVIEW - OUTCOMES

#### MOTION 11171

Moved Cr Newman  
Seconded Cr Chamberlain

That Standing Orders be suspended at this time, being 8.13am, in order to discuss the Ward Review Report.

**MOTION CARRIED 9/0**

8.13am Cr Chamberlain left the meeting and returned at 8.15am.

*The Chief Executive Officer advised that there are 2 minor amendments to the report:*

- 1. Page 14, second last paragraph – ‘Table One’ should read ‘Table Two’*
- 2. Page 18, as per email update of last night:*

*In particular this was the statement:*

*"From this assessment, Option 5 (adjusting the boundary to two wards with nine elected members) is the best option since it scores yes in more factors than Options 2 and 3."*

*As such the statement was incomplete. The report will be amended to reflect the following:*

*"From this assessment, Option 5 (adjusting the boundary to two wards with nine elected members) and Option 2 are the best options since they score yes in more factors than Option 3. However, Option 5 is preferred as it addresses community concern regarding "local" representation".*

8.53am Mrs Owen left the meeting

9.00am Meeting adjourned for 10 minutes on advice of the Shire President.

9.16am Meeting reconvened with all those previously in attendance present.

#### MOTION 11172

Moved Cr Newman  
Seconded Cr Sinclair

That Standing Orders resume at this time, being 9.18am.

**MOTION CARRIED 9/0**

9.20am The CEO left the meeting and returned at 9.22am.

Cr Newman then indicated his intent to move an alternative motion.

The Chief Executive Officer advised that was not permissible at this stage in proceedings, the Officer's report and recommendation need to be dealt with.

Cr Chamberlain commented that an alternative motion can be put.

The President advised he would not allow the alternative motion.

The Chief Executive Officer advised he was leaving the meeting to seek advice on the procedure with regard to dealing with the report and recommendation.

9.23am *The CEO left the meeting.*  
9.25am *Cr Sinclair left the meeting and returned at 9.31am.*  
9.35am *Cr Newman left the meeting and returned at 9.36am.*  
9.55am *Cr Walker left the meeting and returned at 9.57am.*  
9.59am *Cr Walker left the meeting and returned at 10.02am.*  
10.02am *Mrs Clarke left the meeting and returned at 10.03am.*

**MOTION 11173**

Moved Cr Newman  
Seconded Cr Chappell

That Standing Orders be suspended at this time being 10.03am to allow further discussion.

**MOTION CARRIED 9/0**

10.03am *Crs Armstrong and Sinclair left the meeting.*  
10.03am *Mr Stoffberg left the meeting and re-entered at 10.10am.*  
10.08am *The Chief Executive Officer re-entered the meeting.*  
10.10am *Cr Newman left the meeting and returned immediately.*  
10.10am *Cr Armstrong re-entered the meeting.*  
10.11am *Cr Sinclair re-entered the meeting.*

**MOTION 11174**

Moved Cr Chappell  
Seconded Cr De Landgraft

That Standing Orders resume at this time, being 10.26am.

**MOTION CARRIED 9/0**

10.35am *Mr Stoffberg left the meeting.*

**OFFICER'S REPORT TO THE MEETING**

<b>Applicant:</b>	Local Government Advisory Board
<b>File No.</b>	0375
<b>Attachments:</b>	1. Discussion Paper Ward & Representation Review 2. Summary of Submissions Received 3. Maps
<b>Author:</b>	Mr Sean Fletcher Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	16 March 2011
<b>Senior Officer:</b>	Mr Sean Fletcher Chief Executive Officer

### Summary

This report puts forward the outcomes of the Shire's 2008 Ward and Representation Review including:

- The original request by the Local Government Advisory Board for the Shire of Lake Grace to undertake a Ward and Representation Review;
- The matter regarding consideration of the subsequent request by the Local Government Advisory Board on 29 January 2009 for a full Council to consider whether a no ward structure would be a better option for the Shire in response to the decision of Council to retain the status quo;
- The "List of Affected Persons" (Community petition) of 144 signatories that was received by Council in March 2010 seeking redress of the imbalance of elected member representation that triggered recommencement of the 2008 Ward and Representation Review; and
- The 27 written submissions received during the public consultation period that commenced on 25 January 2011 and closed on 15 March 2011 as well as discussions by some staff at the various development association and progress association meetings.

As such the initial options put to the Shire of Lake Grace communities contained two options:

Option 1:	Maintain the current ward system
Option 2A:	No wards
Option 2B:	No wards – number of elected members reduced from 9 to 7.

In response to the discussion paper a number of submissions showing the passion and well thought out arguments both for and against the options gave detailed consideration regarding the factors around the Review.

Comments ranged from the need to address the elected member representation imbalance by reducing wards and/or the number of elected members or changing boundaries through to maintaining the "status quo" and ensuring that "local" representation is maintained.

The report shows that the current number of electors is now 1010 with an average elected member to elector ratio of 1/112 (i.e.  $1010/9 = 112$ ). The current ratios for each ward are:

Lake Grace (563 electors):	1/141 (-25.89%)
Newdegate (268 electors):	1/89 (20.54%)
Lake King/Varley (179 electors):	1/89 (20.54%)

The report clearly shows that although the outcomes of the last review in 2003 saw the reduction in elected members from 13 to 9 with the abolition of the Biddy-Burngup, the reality is that the dramatic reduction of 123 electors from the Newdegate Ward (391 to 286) and a reduction of 57 electors from the Lake King/Varley Ward (236 to 179) while the Lake Grace Ward (582 – 563) has remained relatively stable means that the imbalance of elected members to electors has to be addressed.

Taking all the factors into account, including local representation it is recommended that Council in accordance with Schedule 2.2 (9) of the *Local Government Act 1995* (the Act), recommend to the Local Government Advisory Board that:

1. An order be made under s 2.2 (1) to abolish the existing ward boundary between the Newdegate Ward and the Lake King/Varley Ward, creating one ward as detailed in the map (ref: CEO's report attachment 23 March 2011) and thus reducing the number of wards in the Shire of Lake Grace from three to two.
2. An order be made under s 2.3 to name the two wards as detailed in the map:
  - a. Lake Grace or Western or other
  - b. Eastern or Newdegate/Lake King/Varley or other.
3. An order be made under s 2.18 to designate the following number of offices of elected members for each ward: Lake Grace, Western or Other (5), Eastern, Newdegate/Lake King Varley or other (4).
4. The Shire of Lake Grace to undertake another review of its wards and representation in four years time.

### Background

#### **PREVIOUS WARD REVIEW**

The Shire of Lake Grace conducted a review of Wards and Representation during 2008 in response to a request by the Local Government Advisory Board as per Schedule 2.2 of the *Local Government Act 1995*.

A report was then prepared by the then CEO for the 27 August 2008 meeting with Council moving Motion 10658:

*That a review of the current ward system be carried out.*

The outcome of the ward review was then tabled at the November 2008 meeting with an absolute majority resolution (8/1) by Council as follows (Motion 10709):

*That in relation to the recent Ward Review the Local Government Advisory Board be advised that:*

1. *Four submissions were received; and*
2. *The Council of the Shire of Lake Grace requests the current representation be maintained for the election to be held in October 2009 on the basis that there is likely to be future changes associated with the SSS report.*

The then CEO wrote to the Local Government Advisory Board on 3 December 2008 advising Council's decision.

The Shire in response received a letter from the Local Government Advisory Board on 28 January 2009 requesting that the above matter was referred to a full Council meeting to consider whether a no ward structure would be a better option for the Shire.

A subsequent letter was received from the Local Government Advisory Board on 23 February 2009 advising that no further action would be taken on ward and representation reviews at that time due to the establishment of the Local Government Reform Steering Committee.

At the ordinary meeting of Council on 25 February 2009 the following resolution (9/0) was passed (Motion 10745):

*That Item 15.3 Wards and Representation be withdrawn on advice from the Chief Executive Officer requesting permission to withdraw the item.*

#### **REASON**

*A further letter was received on 23 February 2009 from the Local Government Advisory Board that due to the recent establishment of the Local Government Reform Steering Committee no further action is being taken on ward and representation reviews at this*

*time with the impact that the current ward structure will remain in place for the 2009 elections.*

The Local Government Advisory Board on 3 March 2009 then wrote further saying that all reviews will be considered following confirmation that the Shire wished to proceed with this matter.

The then CEO responded on 23 March 2009 that it was not the intention of the Shire to proceed with a Ward and Representation Review. A response was further received from the Local Government Advisory Board confirming the advice that the Shire wishes to retain the status quo regarding its ward and representation review pending the outcomes of the local government structural reform agenda.

In discussions with the Manager Statutory Support of the Local Government Advisory Board on 27 January 2010 regarding the status of ward reviews and whether the Shire was still required to conduct one, the author was advised that the Board may seek a continuance of the 2008 review once the Minister has made his mind up about the Reform Process.

### **LIST OF AFFECTED PERSONS (COMMUNITY PETITION)**

At the March 2010 Ordinary Council meeting in response to a community petition and the suspension of the previous Ward and Representation review Council resolved under Motion 10971 the following:

*That Council*

1. *Receives the List of Affected Electors (Petition) submitted by the Lake Grace Development Association seeking an order under the Local Government Act 1995 to address the imbalance of Elected Members in the Shire of Lake Grace.*
2. *In light of the List of Affected Electors received from the Lake Grace Development Association, subject to verification of the legitimacy of the petition with the Local Government Advisory Board, Council completes the 2008 Ward and Representation Review in time for the October 2011 Local Government Ordinary Elections*

### **MOTION CARRIED BY ABSOLUTE MAJORITY 8/0**

As a result of Motion 10971, the author wrote to the Local Government Advisory Board on 26 March 2010 seeking clarification on the legitimacy of the petition received. The author subsequently received confirmation on 16 April 2010 from Meaghan Dwyer the Policy & Research Officer Structural Reform at the Department of Local Government that the elector submission referred to in point two of Motion 10971 was a legitimate petition. Council was informed of this response in the Elected Member Update Volume 2 Number 9 issued on 16 April 2010.

The author then sought expressions of interest from suitably qualified persons to undertake the Ward and Representation Review with a proposal received from BHW Consulting with an overview provided by the author at the September Council Information Session and a report submitted to the November 2010 Council Meeting.

Motion 11125 for Council to appoint BHW Consulting to assist it undertake and completed the 2008 Ward and Representation Review for the Shire of Lake Grace was lost 4/5:

*Recorded as voting for the motion:*

*Crs Milton, Farrelly, Chappell & Walker*

*Recorded as voting against the motion:*

*Crs De Landgraftt, Armstrong, Chamberlain, Sinclair & Newman*

Accordingly, this lost motion meant that the ward and representation review by default fell back on the Shire’s Chief Executive Officer to complete.

**PUBLIC CONSULTATION**

The Shire gave notice inviting public involvement in the review process. In addition to giving public notice and inviting written submissions, Shire staff had the opportunity to answer questions raised at the February Newdegate Development Association Meeting and at the February Lake King Progress Association Meeting.

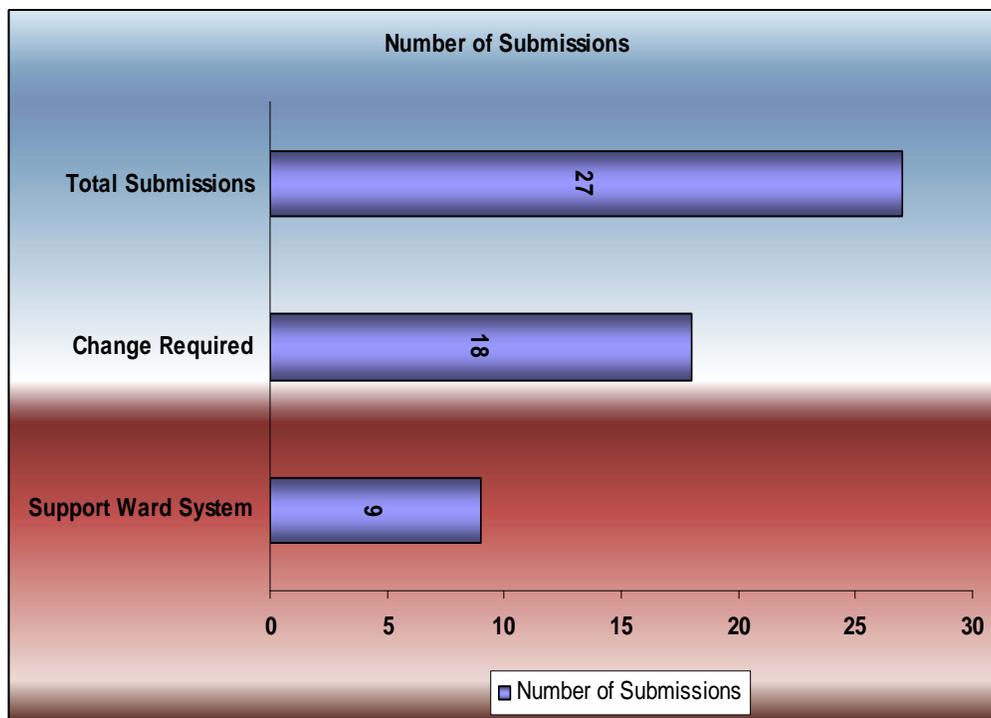
There is also the matter of the “List of Affected Persons” or Community Petition that was received at the March 2010 ordinary meeting of Council seeking an order to address the imbalance of Elected Members in the Shire of Lake Grace.

**Discussion Paper**

The author issued the Ward & Representation Review Discussion Paper on 25 January 2011. This included the reasons for the review, the factors for consideration and the known issues for resolution i.e. no change to the current ward and representation system within the Shire or the abolition of wards with nine elected members or the abolition of wards with seven elected members.

**Overview of Responses**

In all a total 27 written responses were received by the due date apart from the comments made at both the February Newdegate Development Association Meeting and the February Lake King Progress Association Meeting that were noted by staff that advocated the status quo.



**Chart One: Ward System Submissions**

In all, 18 (66%) of the written submissions favoured a change to the current ward system and/or a reduction in the number of elected members. The level of change suggested varied from changing the boundaries (8 submissions) and/or reducing the number of elected members (9) through to the implementation of no wards (9) either with nine elected members or seven elected members. Of these, one submission from Varley suggested the establishment of town and rural wards, while another submission supported the establishment of an East - West Ward with four and five elected members respectively. Another said keep the same number of elected members but align representation to the social fall.

Of the above, the reasons for change were many and varied, but revolved around the following themes:

- There is a need to address the current ratepayer (elector?) to councillor imbalance. A similar theme is that regarding the need for fair representation;
- In a no ward situation, elected members would represent or work for the whole of the Shire;
- Conventional structure of the Council has deteriorated. Council has reached unworkable position with regard to fair representation to all ratepayers & electors without fear or favour;
- Reducing population in eastern areas could necessitate a review in a very short period of time.

There is also the matter of the “List of Affected Persons” or Community Petition to consider. In all 144 signatories requested that the issue of the imbalance of elected members be addressed as it was claimed that Council is making decisions on behalf of the whole Shire of Lake Grace with the result benefiting only a few and the cost is being borne by everyone and in hand with this Council is making decisions without consultation with or consideration for the whole Shire.

There were nine submissions that advocated no change or the status quo. Four were from the Newdegate Ward and five were from the Lake King/Varley Ward. Reasons for maintaining the status quo included:

- Most of the Shire’s income or rates levied (68%) comes from the eastern area (Newdegate and Lake King/Varley Wards). Similarly, higher agricultural productivity in the east continues to outpace that in the west despite a decline in population resulting in higher use of roads and wear and tear;
- Current structure enables 2/3 veto against ideas that benefit one ward at the cost of the whole shire. Similarly, should not contemplate to satisfy the closely populated western fringe and that concentration of elected members in the west would be detrimental in maintaining essential services i.e. roads and buildings as well as no first hand knowledge of issues in the East;
- The ward system is the fairest way of democratic representation. Also because elected members live in the ward and participate in the community. Allows smaller ratepayers to have a say. Other shires who have abolished wards now regret decision;
- The present problem closely related to WA Government Boundary Review;
- Any further disenfranchising of ratepayers to electors will build animosity – must be avoided and Council has a responsibility to ensure this does not happen;
- Rationalisation has occurred over time and current structure works well and continues to deliver best practice.

Four of the submissions included an alternative proposition to the first preference listed. Two submissions advocated no wards and retaining the nine elected

members, another advocated changing the ward names: Western, Central and Eastern Wards, and if necessary, reducing the number of elected members by one in the West and Central Wards respectively. The other submission suggested a name change to the Lake Shire Council.

### Comment

#### **FACTORS FOR CONSIDERATION**

The following is a summary of the factors within the Discussion Paper that the Shire is required to consider under Schedule 2.2 (8) of the *Local Government Act 1995* as part of the review process.

#### **Community of Interest**

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

Another key driver in determining the social catchment in each location is the size of the town. In other words, the larger the town the larger the social catchment by virtue of the broader range of goods and services provided. The larger social catchment comes about because people are prepared to travel further to access a more diverse range of goods and services than may be available closer to where they live.

For the Shire of Lake Grace, the community of interest for each area is similar due to the history of the district based on the same factors of production (e.g. agriculture), the need for an extensive road network to support broad-acre farming and a number of settled communities to provide support services and infrastructure. The Shire’s local inhabitants tend to define the community of interest around the specified area rate system. This system allows for each community to pay for their respective public halls, recreation facilities, swimming facilities, other recreation and sport, libraries and other culture and the Lake Grace Sewerage System.

However as mentioned above, “community of interest” has a wider application than what is in the specified area rate system due to how the communities throughout the Shire overlap each other and thus transcend or go beyond the wards system.

Further to this matter, in terms of the future, the Shire and its communities have the potential to grow tourism and retail as industries through taking advantage of the fact that the Shire is on the “cross roads” regarding key traffic movements between Perth and Esperance as well as between the Wheatbelt and Albany and Kalgoorlie.

Five submissions either discuss or allude to community of interest. Four discuss the loss of community of interest if the wards are removed and one says that there should be better alignment between the elected members and the social fall.

#### **Physical and Topographical Features**

Physical and topographic features 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 considerations. Coastal plain and foothills regions, parks and reserves may be relevant as may other man made features such as railway lines and freeways.

The Shire's geography is very much impacted by the location of the salt lake systems, remnant vegetation as well as the length of the Shire on an east-west axis. This circumstances that led to the historical development of each town have generally been based on agriculture e.g. Lake Grace townsite was established at the lowest possible point in the Lakes system to allow rail access.

One submissions discusses how the salt lake system restricts the necessary level of road building and therefore access to the towns and in essence the ward system has been designed around this phenomena.

### **Demographic Trends**

In terms of 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.

The Shire's population is one that has, sadly, declined over time and is also one that is ageing. The population trend for Lake Grace would appear to be stable while regrettably Newdegate, Lake King and Varley are still declining. The evidence for this trend is reflected in the Australian Bureau of Statistics Regional Profile for Lake Grace where the profile shows that the population has decreased from 1,582 in 2004 to 1,455 in 2008. Student school enrolments reflect the same trend.

In conjunction with this fact is the evidence shown through the electoral role for the district where since 2003 the number of electors for the Newdegate Ward has decreased by 123 (31%) and the Lake King Varley Ward has decreased by 57 (24%). The Lake Grace Ward has remained around 583 electors since 2003 with a drop of 19 (3%) to 563 electors 12 months ago.

### **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) and the distribution of community assets and infrastructure such as road networks.

As such, the Shire has a vast road network that is 2 500kms in length which reflects the importance of the agricultural industry throughout the District. In hand with this, the Shire as identified through the Australia Rural Road Group is considered the second most productive agricultural region in WA and the 25<sup>th</sup> most productive in Australia. The Shire has in the past spent up to 70% of its budget on roads including purchasing the relevant plant and equipment. It should also be noted that at least 58% of the general rate is put towards the Shire's roads. Up until 2006/07, the Shire was spending 46% of the road program on the Newdegate ward, 25% in Lake King/Varley ward and 29% in the Lake Grace ward.

With the advent of the country local government fund and the regional local and community infrastructure program, there has been increased income expenditure on other infrastructure.

Both light industrial and residential land development is occurring in Lake Grace to recognize that there is an opportunity for local businesses to expand and for new

residents to move into the District. There are further light industrial blocks to be developed in Newdegate. With Lake King and Varley there are blocks for sale which is managed through Elders. The hopes for any further residential block development by the Shire in Lake King is minimal given that the cost to connect water to these blocks is well beyond what the Shire can afford.

In terms of rates levied, the current situation for 2010/11 is as follows:

Ward	Valuation \$	Rates Levied \$	SARs Levied \$	Total Rates \$
<b>Lake Grace</b>				
GRV	2 582 929	196 243	163 394	
UV	86 225 900	606 088	363 683	<b>1 329 408</b>
<b>Newdegate</b>				
GRV	715 934	61 328	34 147	
UV	99 433 900	700 922	193 499	<b>989 896</b>
<b>Lake King/Varley</b>				
GRV	357 812	30 358	11 472	
UV	81 835 800	575 937	170 643	<b>788 410</b>

**Table One: Current Level of Rates Paid by Ward**

In terms of rates levied, the Lake Grace Ward raises 37% of the rates required. The Newdegate Ward raises 35% and the Lake King Varley Ward 28%. If the specified area rate is included then the Lake Grace Ward is seen to raise 43% total rates, the Newdegate Ward 32% total rates and the Lake King/Varley Ward 25% total rates.

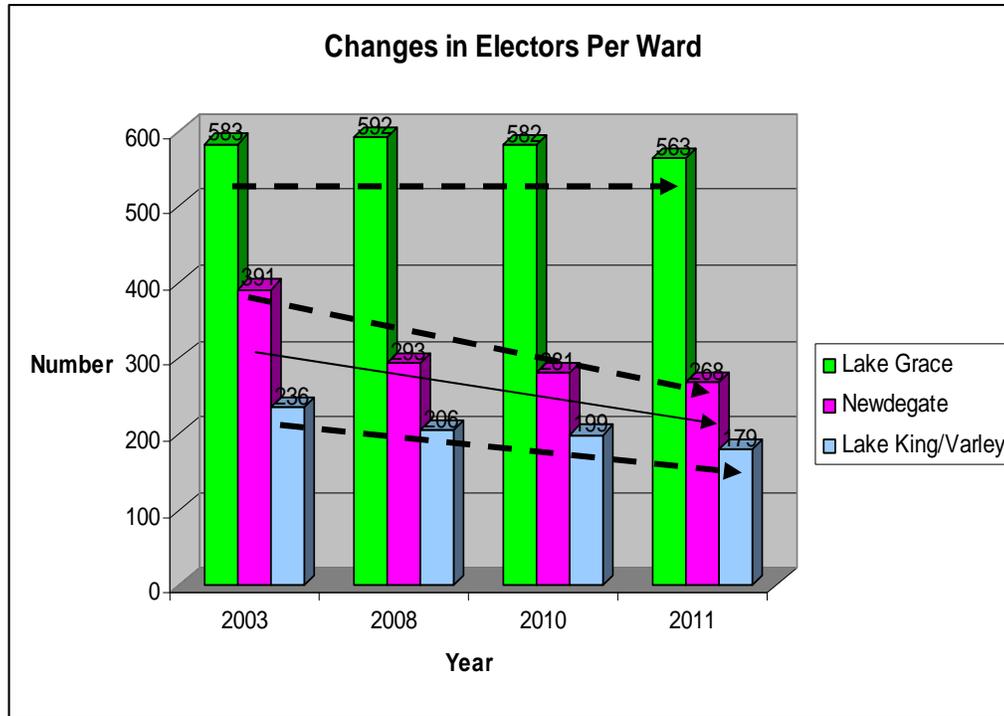
On balance, there are 571 ratable properties in Lake Grace, 371 in Newdegate and 251 in Lake King/Varley. For Lake Grace there are 222 UV properties which are predominantly farming and 349 residential and commercial properties. The Newdegate Ward consists of 226 UV properties and 145 dedicated to residential and commercial activity while Lake King/Varley consists of 165 UV properties and 86 residential and commercial properties respectively.

A number of submissions (6) contend in essence that it would be appropriate to maintain the current level of representation based on the level of rates paid by ward. The sentiment would appear to do more with the amount of UV rates paid rather than the total rate position. Also it would appear that some comments reflect the combined weight of the rates paid in the Newdegate and Lake King/Varley wards.

#### **Ratio of Councillors to Electors**

It is expected that each local government will have similar ratios of electors to councillors across the wards of its district. As shown in Table One the councillor representation for the Shire is skewed. The representation should be no greater than +/- 10%. The Local Government Advisory Board wrote to the Shire previously stating that its decision at the time was that Council consider "no wards".

The trend since the 2003 review is that the Lake Grace Ward in terms of its representation has remained stable, although there has been a slight decrease (3% or 18 electors) in the last 12 months. However, the electors in the Newdegate Ward have dramatically reduced by 31% (123 electors) and the Lake King Varley Ward has reduced by 24% (57 electors).



**Chart Two: Overall Changes to Number of Electors per Ward**

The breakdown by ward and the ratio since 2003 is shown as follows:

Current Situation (March 2011)

Currently the Shire of Lake Grace has nine councillors elected from three wards as follows:

Ward	Number of Electors	Number of Councillors	Councillor: Elector Ratio	% Ratio Deviation
Lake Grace	563	4	1/141	-25.89%
Newdegate	268	3	1/89	20.54%
Lake King/Varley	179	2	1/89	20.54%
<b>Total</b>	<b>1010</b>	<b>9</b>	<b>1/112</b>	

**Table Two: Current Shire Representation**

**Note:**

- a) 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. It can be seen that there is a clear imbalance in representation across the Shire with the Newdegate and Lake King/Varley Wards being over represented and the Lake Grace Ward being under represented. The Local Government Advisory Board considers a balanced representation would be reflected in the % ratio deviation being within plus or minus 10%.
- b) These figures are based on new data issued by the Office of the Electoral Commission. Data on this agencies website is out of date. Lake Grace ward has lost 18 electors, the Newdegate Ward has lost 13 electors and the Lake King/Varley Ward has lost 17 electors. Table Two now shows that the imbalance is continuing to grow at

a steady pace with the Lake King/Varley Ward now on a par with the Newdegate Ward in terms of the level of elected member imbalance.

Ward	Number of Electors	Number of Councillors	Councillor: Elector Ratio	% Ratio Deviation
Lake Grace	582	4	1/146	-23.72%
Newdegate	281	3	1/94	20.34%
Lake King/Varley	199	2	1/100	15.25%
Total	<b>1062</b>	<b>9</b>	<b>1/118</b>	

**Table Three: 2010 Shire Representation**

**Note:**

It can be seen in comparison with table three that the movement is the reduction in electors during the start of the review process and the recommencement of this process. Lake Grace Ward has lost ten electors, Newdegate Ward has lost 12 electors and Lake King Varley Ward has lost seven electors. This shows that the imbalance in representation is continuing to grow.

Situation at the Start of the 2008 Review Process

The following is an overview at the start of the review process:

Ward	Number of Electors	Number of Councillors	Councillor: Elector Ratio	% Ratio Deviation
Lake Grace	592	4	1/148	-22.31%
Newdegate	293	3	1/98	19.00%
Lake King/Varley	206	2	1/103	14.88%
Total	<b>1091</b>	<b>9</b>	<b>1/121</b>	

**Table Four: 2008 Shire Representation**

**Note:**

In the five year period since the 2003 Review it can be seen that there has been a significant reduction in the Newdegate Ward and a clear reduction in the Lake King/Varley Ward, whilst Lake Grace actually increased.

### Situation at the Conclusion of the 2003 Review Process

The following is an overview at the start of the review process:

Ward	Number of Electors	Number of Councillors	Councillor: Elector Ratio	% Ratio Deviation
Lake Grace	583	4	1/146	-8.95%
Newdegate	391	3	1/130	2.98%
Lake King/Varley	236	2	1/118	11.94%
Total	<b>1210</b>	<b>9</b>	<b>1/134</b>	

**Table Five: 2003 Shire Representation**

**Note:**

The above table shows that when the 2003 Review was adopted reducing the number of wards from four to three and the number of elected members from 13 to nine that this was on the surface a reasonable proposition to address the imbalance. The majority of electors from the Bidy Burgup Ward (175) moved to the Newdegate Ward (112), with the remainder split between Lake Grace (43) and Lake King/Varley (20).

### **Legislation to Reduce Number of Elected Members**

The Minister for Local Government has advised that he is introducing legislation in June 2011 to reduce the number of councillors. The number of councillors for each local government in future will range from six to nine.

The Shire responded to the Western Australian Local Government Association's (WALGA) request regarding this and other proposed changes stating that the Minister should engage the Department of Local Government in researching the benefits of his proposal in greater detail and then provide the sector with reasoned arguments in support of this proposal. The Minister at this point has agreed to WALGA's request for further examination of his proposed change.

The other matter to note is that at the start of the current reform process, the Minister indicated that an elected member ratio of less than 1/100 did not reflect good governance.

One submission said it would be appropriate to address the issue regarding reduced numbers of elected members once this matter was legislated. Another said it was appropriate to reduce the number of elected members in light of the change that is coming.

### **List of Affected Persons (Community Petition)**

The "List of Affected Persons" or community petition containing 144 valid signatures was received by Council at the March 2010 ordinary meeting of council. The scope of the petition was as follows:

Purpose

To address the imbalance of "Elected Members" in the Shire of Lake Grace; that is, four in the Lake Grace ward representing 582 electors, three in the

Newdegate ward representing 281 electors and two in the Lake King/Varley ward representing 199 electors.

### Reasons

We feel that Council is making decisions on behalf of the whole Shire of Lake Grace with the result benefiting only a few and the cost is being born by everyone. Council is making decisions without consultation with or consideration for the whole Shire.

As a result of the petition, Council resolved to complete the 2008 Ward and Representation in time for the 2011 Ordinary Local Government Elections. Mr Ross Earnshaw the Manager Statutory Support, Local Government Advisory Board advised the author on 11 March 2011 that the last possible day for ward and representation submissions is 18 March 2011.

Given the nature of the petition the issue is the imbalance of elected members and not necessarily the support for the abolition of wards although this is one mechanism that can be used to address the imbalance. The issue would tend to be more around the number of elected members in each ward and perhaps the number of wards.

### **OPTIONS**

At the end of the day, the Shire of Lake Grace Ward and Representation Review could result in the following:

1. Maintain the current ward system (No change);
2. The abolition of wards;
3. The reduction in the number of elected members;
4. New ward boundaries;
5. A change to the number of wards;
6. A change to the name of the wards.

#### **1. Maintain the current ward system**

The current situation is as follows:

<b>Ward</b>	<b>Number of Electors</b>	<b>Number of Councillors</b>	<b>Councillor: Elector Ratio</b>	<b>% Ratio Deviation</b>
Lake Grace	563	4	1/141	-25.89%
Newdegate	268	3	1/89	20.54%
Lake King/Varley	179	2	1/89	20.54%
<b>Total</b>	<b>1010</b>	<b>9</b>	<b>1/112</b>	

The Local Government Advisory Board as per its publication "Review of Ward and Representation" considers it appropriate to do this review on a more frequent basis when the district is experiencing changes in population that may impact on the representation. This includes ensuring that the ratio of elected members to electors is plus or minus 10% and the Minister for Local Government has made it clear that

he will not consider changes to ward boundaries or representation that result in a deviation greater than 10%.

It can be clearly seen that an imbalance in representation exists. The Newdegate and Lake King Varley Wards are over represented with one elected member per 89 electors while the Lake Grace Ward is under represented with one elected member per 142 electors. It is clear from the factors for consideration that this imbalance will not be corrected and is rather likely to become more pronounced if not addressed as demonstrated though further decline in the number of electors during the last 12 months.

Having regard to the findings of the research including the previous ward and representation reviews, the 2010 community petition, the number of written submissions received as well as face to face comments at development association and progress association meetings, no change or the “status quo” is not an acceptable outcome.

## **2. The Abolition of Wards**

The Local Government Advisory Board wrote to the Shire previously seeking Council to reconsider its decision and consider “no wards”. In particular no wards reinforces elected members working for the whole shire and not just their particular ward.

Also there is the matter of the petition. At the end of the day 144 signatories stated that they wanted the imbalance of elected members addressed.

In all there were nine submissions supporting the abolition of wards. Eight submissions supported changing the boundaries to reflect fairer representation or other method and one supported a better alignment regarding population. Nine submissions advocated no change or the status quo. In other words there was an even distribution within the submissions on how wards should be applied.

On balance, it would appear that moving to “no wards” is not the preferred method to address the imbalance of elected members.

## **3. The Change to the Total Number of Elected Members**

This was a strong theme throughout the submissions both in terms of support for and support against whether to retain or reduce the current number of elected members. Nine submissions advocated reducing the number of elected members. Eighteen advocated keeping the current number of elected members with one submission stating there should be better alignment between the number of elected members with the social fall.

In terms of a secondary position, one submission advocated increasing the number of elected members, whilst another suggested reducing the number of elected members in a scenario where the wards had been renamed. Other comments were made that leave the reduction in the number of elected members to when the Minister introduces the appropriate level of legislation.

Also there is the matter of the petition. At the end of the day 144 signatories stated that they wanted the imbalance addressed.

The opinion would therefore tend to reflect keeping nine (9) elected members.

#### 4. New Ward Boundaries

Only one submission advocated the creation of new ward boundaries. This was on the basis of town and rural wards and is not feasible on the spread of the electors across the district.

#### 5. A Change to the Number of Wards

Eight submissions advocated changing the boundaries including one stating that there should be an east ward and a west ward. Those supporting the changes to the boundaries were primarily saying this was the way to address the imbalance.

The reducing number of electors in the Newdegate and Lake King/Varley Wards has to be taken into account here. In terms of the size of the Shire, the communities involved and the location of the electors, maintaining the three wards is not a practical consideration. However taking into account those submissions advocating the “local” representation two wards with nine (9) elected members can address this issue. This is shown as follows with Ward One representing the Lake Grace ward and Ward Two representing the Newdegate/Lake King Varley ward. In this situation the elected member to elector ratio is 1/112 and thus the ratio deviation 0%.

Ward	Number of Electors	Number of Councillors	Councillor: Elector Ratio	% Ratio Deviation
Ward One	563	5	1/112	0%
Ward Two	447	4	1/112	0%
Total	<b>1010</b>	<b>9</b>	<b>1/112</b>	

Please note that with the two wards, under section 2.18 (2) of the *Local Government Act 1995*, the number of offices of councillor on the council remains unchanged unless the order specifies otherwise. The Governor, under section 2.18 (3) on recommendation of the Minister may make an order changing the number of offices (councillors) for a council or ward. Further to this section 2.35 says that the order may direct which offices become vacant. In other words the Council can recommend that there is a reallocation of elected members or a general spill at the next election.

#### 6. A change to the Name of the Wards

One submission suggested that to eliminate the perceived ward imbalance that a change of names to the three wards would be appropriate i.e. Western, Central and Eastern to take away the actual town names thus the wards become neutral zones or areas.

Another submission advocated changing the name of the Shire to Lake Council Shire. Given the nomenclature required under section 2.5 of the *Local Government Act 1995*, the district must be called the “Shire of (name of the district)”. The nomenclature is different for regional councils and regional organisations of councils. The name of the Shire is something that Council can address in due course if it is required.

#### Conclusion

Under Section 6 (1) of Schedule 2.2 of the *Local Government Act 1995*, a local government that has a ward system is required 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 eight years elapse between successive reviews.

Section 3 (1) of the Schedule 2.2 also says that a review must be undertaken when a local government has received a valid submission from the affected electors (community petition).

For the Shire of Lake Grace a number of factors have come into play regarding the Ward and Representation review including:

- the outcomes of the last review in 2003 which saw the reduction in elected members from 13 to 9 with the abolition of the Biddy-Burngup ward, and the subsequent dramatic reduction in the number of electors since the last review in 2003;
- the original directive by the Local Government Advisory Board to undertake a review during 2008;
- the subsequent request by the Advisory Board for Council to reconsider its decision of no change and contemplate the implementation of “no wards”; and
- the community petition consisting of 144 signatories making it clear that there is a need to address the imbalance of elected members.

Of the 27 submissions received, 18 were advocating that a change was needed in the first instance. Sixteen of these submissions either stipulated that there was an abolition of wards, the reduction in the number of wards and/or elected members. One of the 18 submissions said that the change should be on a town rural ward basis. One advocated better alignment with the social fall.

To determine which option is the best one for the district, the following yes or no rating gives the appropriate level of assessment against the factors for consideration:

Option	Community of Interest	Physical & Topographical Features	Demographic Trends	Economic Factors	Ratio
1	Yes	Yes	No	No	No
2	Yes	Yes	Yes	Yes	Yes
3	No	No	Yes	Yes	Yes
4	No	No	No	No	No
5	Yes	Yes	Yes	Yes	Yes
6	Yes	Yes	No	No	No

Three of the five options provide balanced representation across the Shire (options 2, 3 and 5) and therefore the best option will be one of these.

From this assessment, Option 5 (adjusting the boundary to two wards with nine elected members) is the best option since it scores yes in more factors than Options 2 and 3.

It is recommended that the two wards are named:

1. Lake Grace, Central or Other Choice (Ward One).
2. Eastern, Newdegate/Lake King/Varley, or Other Choice (Ward Two).

The ward structure would be as follows:

Ward	Number of Electors	Number of Councillors	Councillor: Elector Ratio	% Ratio Deviation
Ward One	563	5	1/112	0%
Ward Two	447	4	1/112	0%
Total	<b>1010</b>	<b>9</b>	<b>1/112</b>	

This option results in the two wards being exactly represented. Ward Two is expected to experience a decline in population. Ward One may continue to experience a stable population or a slight increase.

Another review of wards and representation will be required in four years time to check these predictions about population growth and consider any relevant factors.

### Legal Implications

*Local Government Act 1995* - Part 2 Constitution of local government

Section 2.1 – State divided into districts

Section 2.2 – Districts may be divided into wards

Section 2.3 – Name of districts and wards

Section 2.5 – Local governments creates as body corporates

Section 2.17 – Members of Council

Section 2.18 – Fixing and changing the number of councillors

Schedule 2.2 – Provisions about, names, wards and representation including Part 6 (1) (a) and (b)

Part 4 - Elections and other polls

### Policy Implications

Nil

### Consultation

External

- Mr Ross Earnshaw, Manager Statutory Support, Local Government Advisory Board
- Ms Meaghan Dwyer the Policy & Research Officer Structural Reform at the Department of Local Government

- Discussion Paper – Ward and Representation Review 25 January 2011
- CEO discussions Lake King Progress Association
- Staff discussions Newdegate Development Association
- 27 submissions received from throughout the Shire of Lake Grace including 17 from Lake Grace, four from Newdegate, five from Lake King and one from Varley.

#### Internal

- Shire President
- Elected Member Update V2 No9 and Vol 3 No 8
- September 2010 Council Information Session
- Senior Management Team

#### Financial Implications

Nil

#### Strategic Implications

Shire of Lake Grace Strategic Plan  
Organisational Excellence

- 7.1 Support the implementation of quality service provision underpinned by continuous improvement strategies including:
- Customers focus;
  - Communication;
  - Systems Improvement;
  - Feedback; and
  - Good Governance

#### Officer's Recommendation

In accordance with Schedule 2.2 (9) of the *Local Government Act 1995* (the Act), it is recommended to the Local Government Advisory Board that:

1. An order be made under s 2.2 (1) to abolish the existing ward boundary between the Newdegate Ward and the Lake King/Varley Ward, creating one ward as detailed in the map (ref: CEO's report attachment 23 March 2011) and thus reducing the number of wards in the Shire of Lake Grace from three to two.
2. An order be made under s 2.3 to name the two wards as detailed in the map:
  - a. Lake Grace or Western or other
  - b. Eastern or Newdegate/Lake King/Varley or other.
3. An order be made under s 2.18 to designate the following number of offices of elected members for each ward: Lake Grace, Western or Other (5), Eastern, Newdegate/Lake King Varley or other (4).
4. The Shire of Lake Grace to undertake another review of its wards and representation in four years time.

#### Voting Requirements

Absolute majority (5) required.

Resolution

**MOTION 11175**

Moved Cr Chamberlain  
Seconded Cr De Landgraft

That the Officer's Report and Recommendations lay on the table until full consultation regarding all review outcomes are fully canvassed with the electorate, to also include an option of rural and town wards and other options.

**MOTION CARRIED 7/2**

*Recorded as voting for the motion: Crs Chamberlain, Newman, Armstrong, Sinclair, De Landgraft, Chappell & Walker.*

*Recorded as voting against the motion: Crs Milton and Farrelly.*

***Footnote: Motion has intent that the 2008 Ward Review is completed by December 2012.***

***MAIN REASONS FOR CHANGE:***

***Some Councillors felt they had not had enough time to fully consider the report, the community needed to be further consulted and other options needed to be put forward and considered.***

**6.0 CLOSURE**

There being no further business, the Chairperson closed the meeting at 10.35am.

**7.0 CERTIFICATION**

I Andrew James Walker certify that the minutes of the meeting held on the 17 March 2011 as shown were confirmed as a true record at the meeting held on the 23 March 2011.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date