



**CITY OF VINCENT**

**AGENDA**  
**Late Reports**  
**Council Briefing**  
**29 January 2019**

**Time: 6.30pm**  
**Location: Administration and Civic Centre**  
**244 Vincent Street, Leederville**

**David MacLennan**  
**Chief Executive Officer**



## Order Of Business

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**7 CORPORATE SERVICES****7.5 LATE REPORT: COUNCIL RECESS PERIOD 2018-2019 - RECEIVING OF REPORTS****TRIM Ref:** D18/181997**Author:** Natasha Brooks, Governance and Council Support Officer**Authoriser:** Kerryn Batten, Director Corporate Services**Attachments:** 1. Tender No. 560/18 – Design, Supply and Installation of Rooftop Photovoltaic Systems for Four City of Vincent Facilities – Appointment of a Successful Tenderer [↓](#) **RECOMMENDATION:**

That Council RECEIVES the items approved under delegated authority over the period 12 December 2018 to 28 January 2019, as shown in Attachment 1.

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the items approved under delegated authority for the period 12 December 2018 to 28 January 2019.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 11 December 2018 (Item 13.1) Council resolved as follows:

*“That Council:*

1. *DELEGATES BY ABSOLUTE MAJORITY, pursuant to section 5.42 of the Local Government Act 1995, to the Chief Executive Officer, the power to deal with any items of business that may arise from 12 December 2018 to 28 January 2019, and which are not the subject of delegated authority already granted by Council, subject to:*
  - a. *reports being issued to all Council Members for a period of three business days prior to the delegated decision being made and no requests for ‘call-in’ of the matter being received from Council Members;*
  - b. *reports being displayed on the City’s website for a period of three business days prior to the delegated decision being made;*
  - c. *a report summarising the items of business dealt with under delegated authority being submitted for information to Council at its Ordinary Meeting to be held on 5 February 2019; and*
  - d. *a Register of Items Approved under this Delegated Authority being kept and made available for public inspection on the City’s website during the period that the delegation applies.*
2. *DETERMINES for the purpose of section 5.43(b) of the Local Government Act 1995 that the Chief Executive Officer can accept tenders up to a maximum value of \$420,000 for the period 12 December 2018 to 28 January 2019 subject to conditions a – d in resolution 1. above.”*

**DETAILS:**

One report to be approved by the Chief Executive Officer under delegated authority was considered over the Council recess period – ‘Tender No. 560/18 – Design, Supply and Installation of Rooftop Photovoltaic Systems for Four City of Vincent Facilities – Appointment of a Successful Tenderer’. The report details are below:

Item	Responsible Directorate	Subject	Decision and Date
1	Engineering	Tender No. 560/18 – Design, Supply and Installation of Rooftop Photovoltaic Systems for Four City of Vincent Facilities – Appointment of a Successful Tenderer	That Council accepts the tender submitted by DNX Energy Pty Ltd for Tender No. 560/18 for the Design, Supply and Installation of Rooftop Photovoltaic Systems for Four City of Vincent Facilities. Date – 23 January 2019

This report was circulated to Council Members and displayed on the City's website for a period of three business days, commencing on 17 January 2019. The City received no requests from Council Members for the report to be called in to be considered at the 5 February 2019 Council Meeting. On this basis, and following appropriate due diligence, the Chief Executive Officer authorised the report under delegated authority on 23 January 2019.

#### CONSULTATION/ADVERTISING:

The delegated authority report was displayed on the City's Website and provided to Council Members for three business days, in accordance with recommendation 1(a) of Council's resolution above.

#### LEGAL/POLICY:

The Local Government Act 1995 states:

*"Delegation of some powers and duties to CEO*

5.42(1) *A Local Government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act (other than those referred to in section 5.43 and this power of delegation)."*

Matters requiring an absolute or special majority decision of the Council cannot be approved under delegated authority.

#### RISK MANAGEMENT IMPLICATIONS:

**Low:** It is a statutory requirement to report matters approved under delegated authority to the Council.

#### STRATEGIC IMPLICATIONS:

Innovative and Accountable

*Our community is aware of what we are doing and how we are meeting our goals*

#### SUSTAINABILITY IMPLICATIONS:

Nil.

#### FINANCIAL/BUDGET IMPLICATIONS:

The project to which this tender relates was approved in the City's 2018/19 Budget.

#### COMMENTS:

Nil.

## DELEGATED AUTHORITY REPORT

01 JANUARY 2019

**TENDER NO. 560/18- DESIGN, SUPPLY & INSTALLATION OF ROOFTOP PHOTOVOLTAIC SYSTEMS FOR FOUR CITY OF VINCENT FACILITIES -APPOINTMENT OF A SUCCESSFUL TENDERER**

**TRIM Ref:** 018/188131  
**Author:** Sara Orsi, Sustainability Officer  
**Authoriser:** Andrew Murphy, Director Engineering  
**Attachments:** 1. Evaluation Worksheet - Confidential

**RECOMMENDATION:**

That Council **ACCEPTS** the tender submitted by DNX Energy Pty Ltd for Tender No. 560/18 for the Design, Supply & Installation of Rooftop Photovoltaic Systems for four City of Vincent Facilities.

**PURPOSE OF REPORT:**

To consider the awarding of Tender No. 560/18 - Design, Supply & Installation of Rooftop Photovoltaic Systems for four City of Vincent facilities.

**BACKGROUND:**

The City developed an Energy Management Plan in 2012 for the eight highest energy use sites owned and managed by the City and made a number of recommendations to reduce energy usage at these sites. These recommendations included large-scale solar photovoltaic installations at the Library, Beatty Park Leisure Centre, Administration and Civic Centre and the Works Depot.

The City's *Corporate Business Plan 2018/19 - 2021/22* identifies a requirement for the installation of large scale solar photovoltaic panels at various sites. Installing solar panel arrays at high energy use sites is expected to reduce the City's electricity bills by a significant amount. Solar photovoltaic panels are an environmentally sound initiative that would reduce the City's greenhouse gas emissions and promote renewable energy to residents and businesses within the City.

**DETAILS:**Tender Advertising

The allocated budget for the project is \$428 ,000. As the budget exceeds \$250,000, *Policy No. 1.2.3 - Purchasing* requires an open public tender process.

Under CEO Delegation 1.19, the Director Engineering approved the Procurement Plan, which included the following Evaluation Criteria:

Qualitative Criteria	Weighting
<b>1. Relevant Experience of the contractor</b> <ol style="list-style-type: none"> <li>a. Provide details of similar projects undertaken including scope of the Tenderer's involvement and confirming successful completion of the project; and</li> <li>b. Provide details of issues, if any that arose during the projects and how those issues were managed or resolved.</li> </ol>	<b>25%</b>

## DELEGATED AUTHORITY REPORT

01 JANUARY 2019

Qualitative Criteria	Weighting
<p><b>2. Key Personnel Skills and Experience</b></p> <p>Tenderers to provide as a minimum information of the proposed personnel to be allocated to this project such as:</p> <ol style="list-style-type: none"> <li>a. Their role in the performance of the Contract;</li> <li>b. Resumes of key staff (including Subcontractors) inclusive of memberships of any professional or business associations, qualifications etc.</li> </ol>	25%
<p><b>3. Demonstrated understanding of the Project &amp; Project Methodology</b></p> <ol style="list-style-type: none"> <li>a. A project delivery plan including key stages and timelines;</li> <li>b. Site safety procedures including traffic and pedestrian management procedures/plans;</li> <li>c. Demonstrated understanding of the Scope of Works by providing the rationale for: <ol style="list-style-type: none"> <li>i. Choice of solar PV and balance of system products;</li> <li>ii. Rooftop array layout design;</li> <li>iii. Choice and location of the proposed electricity metering equipment to be installed at Beatty Park site; and</li> <li>iv. How the systems' annual output was estimated.</li> </ol> </li> </ol>	50%

The Request for Tender 560/18 was publicly advertised on 13 October 2018 and invited submissions until 6 November 2018.

At the close of the advertising period, 10 tender responses were received from the following companies:

- Australian Solar Designs
- Blasko Enterprises Pty Ltd
- DNX Energy Pty Ltd
- Efficient Homes Australia trading as Infinite Energy
- Future Grid Electrical Pty Ltd
- Nites (WA) Pty Ltd
- Origin Energy Electricity Limited
- Perdaman Advanced Energy Pty Ltd (Conforming tender)
- Perdaman Advanced Energy Pty Ltd (Alternative tender)
- Solgen Energy Group

#### Tender Assessment

The tenders were assessed by members of the Tender Evaluation Panel (below) and each tender was assessed using the above Evaluation Criteria, with a scoring system being used as part of the assessment process.

Title	Role
Director Engineering	Voting
Manager Asset & Engineering	Voting
Procurement and Contracts Officer	Voting
Sustainability Officer	Voting
Eco Advance Consultants	Technical Advice (non-voting)

#### Evaluation

A summary table for each compliant Tenderer is provided below. A full outline of the Qualitative Evaluation Criteria for each tenderer and pricing is contained within **Confidential Attachment 1**.

## DELEGATED AUTHORITY REPORT

01 JANUARY 2019

Company	Qualitative Score/100	Ranking
DNX Energy Pty Ltd	75	1
Efficient Homes Australia trading as Infinite Energy	70	2
Perdaman Advanced Energy Pty Ltd (Alternative response)	62.5	3
Australian Solar Designs	60	4
Blasko Enterprises Pty Ltd	57.5	5
Origin Energy Electricity Limited	57.5	5
Perdaman Advanced Energy Pty Ltd (Conforming response)	57.5	5
Future Grid Electrical Pty Ltd	55	6
Solgen Energy Group	55	6
Nites (WA) Pty Ltd	35	7

Based on the evaluation panel discussion, the submission from DNX Energy Pty Ltd was the highest ranked submission against the Qualitative Evaluation Criteria.

Once the tenders were ranked on the Qualitative Evaluation Criteria, the evaluation panel made a value judgement as to the cost affordability, qualitative ranking and risk of each Tender, in order to determine which Tender presented the best value for money to the City.

**CONSULTATION/ADVERTISING:**

The Request for Tender No. 560/18 was advertised in the West Australian on 13 October 2018 and on both the City's website and Tenderlink portal between 13 October and 6 November 2018.

**LEGAL/POLICY:**

- Section 3.57 of the *Local Government Act 1995*;
- Part 4 of the *Local Government (Functions and General) Regulations 1996*, and
- City of Vincent Policy No. 1.2.3 - Purchasing.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** It is considered low risk for Council to appoint a qualified Contractor to undergo the specified works.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's *Strategic Community Plan 2018-2028* :

"Enhanced Environment

*Invest in alternative energy and water efficiency initiatives, including consideration of emerging technologies ."*

The City's *Corporate Business Plan 2018/19 - 2021/22* states:

"1.3 *Solar Photovoltaic Panel System Installation: Installation of large-scale solar photovoltaic panels at various sites."*

**SUSTAINABILITY IMPLICATIONS:**

The City's *Sustainable Environment Strategy 2011 - 2016* states:

"1.8 *Monitor developments in renewable energy technology , and use renewable energy sources in City-owned facilities where possible and practical."*



DELEGATED AUTHORITY REPORT

01 JANUARY 2019

**FINANCIAL/BUDGET IMPLICATIONS:**

The costs associated with this contract would be met from the City's 2018/2019 Annual Budget, which has an allocation of \$428,000 sourced from loan funds to complete the project. The lump sum price of the recommended contractor was within the allocated budget.

**COMMENTS:**

The submission from DNX Energy Pty Ltd complies with all the tender requirements, including demonstrated understanding of the project and project methodology, as well as demonstrating relevant experience, expertise and a qualified project team. The response included a well thought out project plan that included reasonable time frames. The products chosen for the installations are fit for purpose.

Reference checks were conducted for DNX Energy Pty Ltd by contacting two other local governments and an electrical contractor (project partner) in relation to recent solar photovoltaic panel system installations. All referees were satisfied with DNX Energy Pty Ltd's performance on their respective projects. The projects were completed on time and on budget.

The Evaluation Panel recommends that DNX Energy Pty Ltd be accepted for Tender No. 560/18 as they presented the best overall value for money to the City.

Originating Officer:	S Orsi
Coordinator:	
Manager sign-off (if applicable):	
Director sign-off:	A Murphy

**APPROVAL:**

Approved <input checked="" type="checkbox"/>	CEO Signature: 
Declined	Date: 23/1/19
Comments:	

<b>7.6</b>	<b>LATE REPORT: CITY OF VINCENT SUBMISSION TO WALGA - LOCAL GOVERNMENT ACT REVIEW (PHASE 2)</b>
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**TRIM Ref:** D19/7086

**Author:** Meluka Bancroft, A/Manager Governance and Risk

**Authoriser:** Kerryn Batten, Director Corporate Services

**Attachments:** 1. WALGA's advocacy positions paper - marked up to include City's comments in blue [↓](#) 

**RECOMMENDATION:****That Council:**

- ENDORSES** the City's submission to the West Australian Local Government Association (WALGA) in respect to the Local Government Act review (phase 2) as attached at Attachment 1.

**PURPOSE OF REPORT:**

To consider the City's proposed comments in respect to WALGA's advocacy positions on the *Local Government Act* review (phase 2).

**BACKGROUND:**

The Department of Local Government, Sport and Cultural Industries (Department) is currently working on the review of the *Local Government Act 1995 (Act)*. This review was initiated by the state government in 2017 with the intent to create a new, modern Act which empowers local governments to better deliver for the community and be agile, smart and inclusive.

In early 2018 the Department undertook consultation and identified the priority reforms as:

- Universal training for candidates and Council members;
- Council member code of conduct;
- Improvements to CEO recruitment and performance review processes; and
- Simplification of the gift disclosure framework.

The Department is now inviting local governments and the community to comment on the proposed reform areas, as set out below. This is phase 2 of the review.

<b>Agile</b>	<b>Smart</b>	<b>Inclusive</b>
Beneficial enterprises	Administrative efficiencies	Community engagement
Financial management	Council meetings	Complaints management
Rates, fees and charges	Interventions	Elections

**DETAILS:**

WALGA has prepared an 'advocacy positions' paper to be presented to the Department, and has invited local governments to provide comments in respect to the advocacy positions. Comments are required to be provided to WALGA by 22 February 2019.

Administration believes that commenting on WALGA's 'advocacy positions' paper is an effective means of providing comments to the Department as part of the phase 2 review process.

Administration has included its comments in blue in WALGA's 'advocacy positions' paper, as provided at **Attachment 1**.

**CONSULTATION/ADVERTISING:**

Administration circulated its proposed comments to Council Members in January 2019.

**LEGAL/POLICY:**

The review relates to the *Local Government Act 1995* and associated regulations.

**RISK MANAGEMENT IMPLICATIONS:**

Low: Commenting on WALGA's 'advocacy positions' paper is an effective means of the City providing comments as part of the phase 2 review process.

**STRATEGIC IMPLICATIONS:**

Commenting on the review process aligns with the objectives of the City's *Strategic Community Plan 2018-2028*, particularly:

*"Innovative and Accountable*

- *We will be an innovative, honest, engaged and responsible organisation that manages resources well, communicates effectively and takes our stewardship role seriously."*

**SUSTAINABILITY IMPLICATIONS:**

N/A

**FINANCIAL/BUDGET IMPLICATIONS:**

N/A

## WALGA ADVOCACY POSITIONS LOCAL GOVERNMENT ACT REVIEW

### LOCAL GOVERNMENT ACT REVIEW PRINCIPLES

That State Council endorse the following general principles as being fundamental to its response to the review of the Local Government Act:

- a) Uphold the General Competence Principle currently embodied in the Local Government Act;
  - b) Provide for a flexible, principles-based legislative framework; and
  - c) Promote a size and scale compliance regime
- The City supports the three general principles as they should lead to an Act which is less prescriptive and promotes accountability, innovation and transparency.

### BENEFICIAL ENTERPRISES

<b>Position Statement</b>	The Local Government Act 1995 should be amended to enable Local Governments to establish Beneficial Enterprises (formerly known as Council Controlled Organisations).
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- The City supports the Act allowing local governments to form beneficial enterprises, on the basis that current requirements place local governments at commercial disadvantage
- The benefit to local government would be the ability to form independent corporate entities to manage leisure centres, waste management and land development / urban renewal.

WALGA has been advocating for Local Governments to have the ability to form Beneficial Enterprises (formerly known as Council Controlled Organisations) for approximately ten (10) years.

A Beneficial Enterprises is a standalone arm's length business entity to carry out commercial enterprises and to deliver projects and services for the community. Local Governments would have the ability to create Beneficial Enterprises through the Local Government Act, however the stand alone business entity would be governed by the Corporations Act (ie normal company law).

Beneficial Enterprises provide services and facilities that are not attractive to private investors or where there is market failure. A Beneficial Enterprise cannot carry out a regulatory function of a Local Government.

#### Examples

- Urban regeneration; A Land Development may not be attractive to a private developer, however the ability to develop the land may be beneficial for the Local Government in respect to strategic development/connection of an area. Or may be worth a joint venture with a developer.
- Measures to address economic decline in Regional WA – A small business may not be viable for a private citizen, however maybe considered an essential service for the Local Government. ie Could be the local Pharmacy or local mechanical workshop.

#### Benefits of establishing a Beneficial Enterprise include:

- (a) The ability to employ professional directors and management with experience specific to the commercial objectives of the entity;
- (b) Removal of detailed investment decisions from day-to-day political processes while retaining political oversight of the overarching objectives and strategy;
- (c) The ability to take an overall view of commercial strategy and outcomes rather than having each individual transaction within a complex chain of inter-related decisions being subject to the

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individual notification and approval requirements of the Local Government Act;

- (d) The ability to quarantine ratepayers from legal liability and financial risk arising from commercial or investment activities;
- (e) The ability to set clear financial and non-financial performance objectives for the entity to achieve; and
- (f) Greater flexibility to enter into joint venture and partnering relationships with the private sector on conventional commercial terms.

**FINANCIAL MANAGEMENT**

**Tender Threshold**

<b>Position Statement</b>	WALGA supports an increase in the tender threshold to align with the State Government tender threshold of \$250 000, with a timeframe of one financial year for individual vendors.
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- The City supports this, and notes that it aligns with the threshold for Council approval of tenders as set out in the City’s Procurement Policy.

**Procurement**

WALGA seeks inclusion of the following position, to permit a procurement activity involving a disposal trade-in activity to qualify as a broad exemption under Regulation 30(3) of the Local Government (Functions and General) Regulations:

<b>Position Statement</b>	That Regulation 30(3) be amended to delete any financial threshold limitation (currently \$75,000) on a disposition where it is used exclusively to purchase other property in the course of acquiring goods and services, commonly applied to a trade-in activity.
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- The City supports this as it improves the efficiency of trade-in of equipment.

**Imposition of Fees and Charges: Section 6.16**

<b>Position Statement</b>	That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services.
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- The City supports this, as it will enable setting of fees and charges to be appropriate for the services provided, and relevant to each local government context.

**Power to Borrow: Section 6.20**

That Section 6.20(2) of the Local Government Act, requiring one month’s public notice of the intent to borrow, be deleted.

- The City supports this, as it assists in ensuring local governments can borrow money in an efficient manner, taking advantage of rates and benefits made available to other sectors of the economy.

## WALGA ADVOCACY POSITIONS LOCAL GOVERNMENT ACT REVIEW

### Basis of Rates: Section 6.28

That Section 6.28 be reviewed to examine the limitations of the current methods of valuation of land, Gross Rental Value or Unimproved Value, and explore other alternatives including simplifying and providing consistency in the rating of mining activities.

- The City supports this. The City's position is that local government should determine the method of valuation as it has a better understanding of land use and value within its boundaries.

### Differential General Rates: Section 6.33

That Section 6.33 of the Local Government Act be reviewed in contemplation of time-based differential rating, to encourage development of vacant land.

- The City supports this on basis that it will incentivise development of land.

### Member Interests - Exemption from AASB 124

Elected Member obligations to declare interest are sufficiently inclusive that WALGA seeks an amendment to create an exemption under Regulation 4 of the Local Government (Financial Management) Regulations relating to AASB 124 'Related Party Transactions' of the Australian Accounting Standards (AAS).

- The City does not support exemption for Council Members from Financial Management Regulation 4 if this means a departure from compliance with Australian Accounting Standards (AAS). The City is supportive of the broad compliance with the AAS to the extent that is practical and relevant to do so.

## RATES, FEES AND CHARGES

### Imposition of Fees and Charges: Section 6.16

<b>Position Statement</b>	That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services.
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- The City supports this, as it will enable setting of fees and charges that are appropriate for the services provided, and relevant to each local government context.

### Rating Exemptions – Charitable Purposes: Section 6.26(2)(g)

1. Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997;

- The City does not support independent living units being exempt from rates in any circumstances. The City's position is that all land should be rateable, with no exemptions, however local governments should have the discretion to waive rates.

2. Either:

- (a) amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or
- (b) establish a compensatory fund for Local Governments, similar to the pensioner discount

**WALGA ADVOCACY POSITIONS  
LOCAL GOVERNMENT ACT REVIEW**

provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates; and

- The City supports option 'a' preferably, but would be supportive option 'b' if there was sufficient long term certainty about the compensation arrangements.
3. Request that a broad review be conducted into the justification and fairness of all rating exemption categories currently prescribed under Section 6.26 of the Local Government Act.
- The City supports a review as set out above. The City's view is that there should be no rates exemptions, with rates to be waived at the discretion of the local government.

**Rating Exemptions – Rate Equivalency Payments**

<b>Position Statement</b>	Legislation should be amended so rate equivalency payments made by LandCorp and other Government Trading Entities are made to the relevant Local Governments instead of the State Government.
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- The City supports this as it is fair that the local government receives rates for all land within the district, unless waived.

**Rates or Service Charges Recoverable in Court: Section 6.56**

<b>Position Statement</b>	That Section 6.56 be amended to clarify that all debt recovery action costs incurred by a Local Government in pursuing recovery of unpaid rates and services charges be recoverable and not be limited by reference to the 'cost of proceedings'.
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- The City supports this so long as there is discretion in its application.

**Rating Restrictions – State Agreement Acts**

<b>Position Statement</b>	Resource projects covered by State Agreement Acts should be liable for Local Government rates.
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- The City supports this as it is fair that the local government receives rates for all land within the district, unless waived.

**ADMINISTRATIVE EFFICIENCIES**

**Control of Certain Unvested Facilities: Section 3.53**

WALGA seeks consideration that Section 3.53 be repealed and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.

- The City supports this as facilities on unvested crown land, such as roads and bridges, should be the responsibility of the body that is responsible for the land (which is the Crown / State Government if the land is unvested). If the State intends that a local government be responsible for facilities on the land, the land should be vested in the local government for a particular purpose.

## WALGA ADVOCACY POSITIONS LOCAL GOVERNMENT ACT REVIEW

### Local Government Grants Commission and Local Government Advisory Board

WALGA seeks inclusion of a proposal to allow electors of a Local Government affected by any boundary change or amalgamation proposal entitlement to petition the Minister for a binding poll under Schedule 2.1 of the Local Government Act

- The City supports this as it is important for local governments to be representative and accountable and provide this avenue for electors to provide comments in respect to proposed boundary changes or amalgamation proposals.

### Schedule 2.1 – Proposal to the Advisory Board, Number of Electors

That Schedule 2.1 Clause 2(1)(d) be amended so that the prescribed number of electors required to put forward a proposal for change increase from 250 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.

- The City supports this increase on basis that 500 is more representative.

### Schedule 2.2 – Proposal to amend names, wards and representation, Number of Electors

That Schedule 2.2 Clause 3(1) be amended so that the prescribed number of electors required to put forward a submission increase from 250 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.

- The City supports this increase as 500 is more representative.

### Transferability of employees between State & Local Government (Questions 82-84)

A General Agreement between State and Local Government should be established to facilitate the transfer of accrued leave entitlements (annual leave, sick leave, superannuation and long service leave) for staff between the two sectors of Government. This will benefit public sector employees and employers by increasing the skills and diversity of the public sector, and lead to improved collaboration between State and Local Government.

### Proof in Vehicle Offences may be shifted: Section 9.13(6)

That Section 9.13 of the Local Government Act be amended by introducing the definition of 'responsible person' to enable Local Governments to administer and apply effective provisions associated with vehicle related offences.

- The City supports a definition of 'responsible person' being included, and proposes that definition should be:  
*"the driver of a vehicle liable, accountable and being in the control of a vehicle at the time of any vehicle offence."*

## **COMPLAINTS MANAGEMENT**

### Querulous, Vexatious and Frivolous Complainants

The Complaints Management commentary contemplates the issue up to the point of unresolved complaints and then references the Ombudsman resources with regard to unreasonable complainants. WALGA seeks inclusion of commentary and questions relating to Local Governments



**WALGA ADVOCACY POSITIONS  
LOCAL GOVERNMENT ACT REVIEW**

adopting within their proposed complaints management framework, the capacity to permit a Local Government to declare a member of the public a vexatious or frivolous complainant, subject to the declaration relating to the nature of complaint and not to the person.

Amend the *Local Government Act 1995*, to:

- Enable Local Government discretion to refuse to further respond to a complainant where the CEO is of the opinion that the complaint is trivial, frivolous or vexatious or is not made in good faith, or has been determined to have been previously properly investigated and concluded, similar to the terms of section 18 of the *Parliamentary Commissioner Act 1971*.
- Provide for a complainant, who receives a Local Government discretion to refuse to deal with that complainant, to refer the Local Government's decision for third party review.
- Enable Local Government discretion to declare a member of the public a vexatious or frivolous complainant for reasons, including:
  - Abuse of process;
  - Harassing or intimidating an individual or an employee of the Local Government in relation to the complaint;
  - Unreasonably interfering with the operations of the Local Government in relation to complaint.
- The City supports this, as it will ensure Administrations' and Council Members' time and resources are not taken up with frivolous or vexatious complaints, and enables Administration to more effectively deal with these types of complainants.

**COUNCIL MEETINGS**

**Electors' General Meeting: Section 5.27**

<b>Position Statement</b>	Section 5.27 of the Local Government Act 1995 should be amended so that Electors' General Meetings are not compulsory.
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- The City does not support this, on basis that an annual electors' meeting supports accountability and representation, and therefore it should not be at the discretion of a local government to hold one.

**Special Electors' Meeting: Section 5.28**

That Section 5.28(1)(a) be amended:

1. so that the prescribed number of electors required to request a meeting increase from 100 (or 5% of electors) to 500 (or 5% of electors), whichever is fewer; and
2. to preclude the calling of Electors' Special Meeting on the same issue within a 12 month period, unless Council determines otherwise.

- The City supports this.

**Minutes, contents of: Regulation 11**

Regulation 11 should be amended to require that information presented in a Council or Committee Agenda must also be included in the Minutes to that meeting.

- The City supports this as it aligns with the City's objectives of transparency and accountability.

**WALGA ADVOCACY POSITIONS  
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**Revoking or Changing Decisions: Regulation 10**

That Regulation 10 be amended to clarify that a revocation or change to a previous decision does not apply to Council decisions that have already been implemented.

- The City supports this.

**Elected Member attendance at Council meetings by technology**

The current Local Government (Administration) Regulations 1996 allows for attendance by telephone, however only if approved by Council and in a suitable place. A suitable place is then defined as in a townsite as defined in the Land Administration Act 1997. This restricts an Elected Members ability to attend the meeting to a townsite in Western Australia.

This requirement does not cater for remote locations or the ability to attend via teleconference whilst in another state or overseas. The regulations require amendment to consider allowing attendance at a meeting via technology from any location suitable to a Council.

- The City supports this, on basis that requirements need to be updated to align with contemporary technology and changes in the way people work (that is, the City supports flexible and remote working).

**INTERVENTIONS**

**Remedial intervention; Powers of appointed person; Remedial action process**

In respect to remedial intervention, the appointed person should be a Departmental employee with the required qualifications and experience. This provides a connection back to the Department and its requirements.

The appointed person should only have an advice and support role. Funding of the remedial action should be by the Department where the intervention is mandatory. The Local Government to pay where the assistance is requested.

This area relates to the bigger picture of differentiating between Local Governments based on their size and scale. Suitable arrangements to determine a size and scale compliance regime should be prioritized.

- The City supports this review and for arrangements to differentiate between different size and scale local governments.

**ELECTIONS**

**Conduct of Postal Elections: Sections 4.20 and 4.61**

<b>Position Statement</b>	The Local Government Act 1995 should be amended to allow the Australian Electoral Commission (AEC) and or any other third party provider to conduct postal elections.
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- The City supports this, as it should increase participation in elections and therefore representation.

**WALGA ADVOCACY POSITIONS  
LOCAL GOVERNMENT ACT REVIEW**

**Voluntary Voting: Section 4.65**

<b>Position Statement</b>	Voting in Local Government elections should remain voluntary.
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- The City supports compulsory voting on the basis that it is more representative, however, on the condition that elections are held every four years.

**Method of Election of Mayor/President: Section 2.11**

<b>Position Statement</b>	Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.
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- The City supports the Mayor being directly elected by the community, and does not support local governments having the discretion to change this.

**On-Line Voting**

That WALGA continue to investigate online voting and other opportunities to increase voter turnout.

- The City supports online voting being introduced at the discretion of the local government. The City notes that it may have a higher initial cost, but this would be offset by benefits arising from greater participation. However, while the City is very supportive of any other investigation of opportunities to increase voter turnout, this needs to be considered against the financial costs of implementing the changes by each local government.

**Method of Voting - Schedule 4.1**

<b>Position Statement</b>	Elections should be conducted utilising the first-past-the-post (FPTP) method of voting.
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- If voting was compulsory, the City supports preferential voting.
- If voting remains voluntary, then first past the post is appropriate.

**Leave of Absence when Contesting State or Federal Election**

Amend the Act to require an Elected Member to take leave of absence when contesting a State or Federal election, applying from the issue of Writs. The options to consider include:



- (i) that an Elected Member remove themselves from any decision making role and not attend Council and Committee meetings; or
  - (ii) that an Elected Member take leave of absence from all aspects of their role as a Councillor and not be able to perform the role as specified in Section 2.10 of the Local Government Act.
- The City supports this, as it is a transparent and accountable approach and would assist in preventing any perceived or actual conflict of interest arising.

**7.7 LATE REPORT: STATUTORY REVIEW OF THE CITY'S WARDS AND REPRESENTATION - CONSIDERATION OF SUBMISSIONS AND RECOMMENDATION TO THE LGAB**

TRIM Ref: D19/7163

Author: Meluka Bancroft, A/Manager Governance and Risk

Authoriser: Kerryn Batten, Director Corporate Services

Attachments: 1. Summary of submissions received [↓](#)   
2. Consultant's report - review of submissions and ward and representation criteria [↓](#) 

**RECOMMENDATION:**

That Council:

1. RECEIVES the submissions from the local public notice period for the ward and representation review, as detailed in Attachment 1;
2. RECEIVES the consultant's review of the City's ward and representation system in accordance with the criteria listed in clause 8 of Schedule 2.2 of the *Local Government Act 1995*, as included at Attachment 2, and
3. Pursuant to clauses 8 and 9 of Schedule 2.2 of the *Local Government Act 1995*, **AUTHORISES BY ABSOLUTE MAJORITY** the Chief Executive Officer to advise the Local Government Advisory Board (LGAB) that:
  - (a) the City has undertaken a review of its wards and representation in accordance with clause 6(1) of Schedule 2.2 of the *Local Government Act 1995*; and
  - (b) the City proposes that no changes to wards or representation are necessary.

**PURPOSE OF REPORT:**

To provide detail on the submissions received in response to the local public notice of the City's ward and representation review, and to assist in determining whether any changes to wards and representation should be recommended to the Local Government Advisory Board (LGAB).

**BACKGROUND:**

At the Ordinary Meeting of Council held on 6 November 2018 (Item 7.4) Council resolved as follows:

*"That Council:*

1. *NOTES that eight years has elapsed since the City of Vincent last undertook a review of its ward boundaries and ward representation, and therefore in accordance with clause 6.1 of Schedule 2.2 of the Local Government Act 1995 the City is required to undertake a review this calendar year.*
2. *AUTHORISES the Chief Executive Officer pursuant to clause 7 of schedule 2.2 of the Local Government Act 1995 to provide local public notice advising that:*
  - (a) *a review is being 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;*

*prior to undertaking the review as set out in 1. above.*

3. *RELEASES for public consultation the Discussion Paper titled 'Review of The City's Wards and Representation' (Attachment 1), for the purposes of providing local public notice in accordance with 2. above;*
4. *NOTES that the Discussion Paper in 3. above will be subject to further formatting and styling to be determined by the Chief Executive Officer, prior to publication;*
5. *NOTES that the Chief Executive Officer will present the outcomes of the review at the Ordinary Meeting of Council scheduled for 5 February 2019 for endorsement."*

**DETAILS:**

The City provided public notice of the ward and representation review in accordance with recommendation 2. of the 13 November 2018 Council resolution, as detailed in the Consultation/ Advertising section below. The discussion paper referred to in recommendation 3. of the 13 November 2018 Council resolution was available on the City's website and in hardcopy. The discussion paper included six examples of possible options for change to the ward and representation system, as well as the option of no change, for the public to consider when providing comments on the ward and representation review. The examples are set out below:

*Example 1 – no change (two wards, four councillors per ward).*

Ward boundaries and representation could simply remain as they are. Ratios of electors to councillors are reasonably close, and therefore it is not necessary for any changes to the wards or representation.

*Example 2 – move a part of North Perth presently in the South ward to the North ward (two wards, four councillors per ward)*

The boundary between the two possible wards is along Bourke St as at present, but with the area of North Perth and Mt Lawley north of Alma Rd moved to North ward.

*Example 3 – move the part of Leederville presently in the South ward to the North ward (two wards, four councillors per ward)*

Although within allowable tolerances, the present ratio of councillors to electors shows a slight over representation of the North ward and slight under representation of the South ward. This could be improved by moving the part of Leederville presently in the South ward to the North ward.

*Example 4 – increase the number of South ward councillors to five*

Current wards and boundaries are maintained, but the slight under representation of the South ward improved by adding a councillor to it.

*Example 5 – group localities (suburbs) into the same ward; North/South wards; eight councillors*

Eight councillors and two wards are maintained. North Perth and Mount Hawthorn are placed in one ward, with Leederville, West Perth, Perth, Mount Lawley, Highgate and East Perth the other.

*Example 6 – group localities (suburbs) into the same ward; East/West wards; 10 councillors*

Under this example, the City is divided into two wards along east/west lines with whole localities in each ward. Mount Hawthorn, Leederville and West Perth form a west ward, with North Perth, Mount Lawley, Highgate, Perth and East Perth forming an east ward. In order to achieve as equal as possible ratio of electors per councillor, it is necessary to have an uneven number of councillors per ward, with the possible East ward having 6 councillors and West ward would have four.

*Example 7 - no wards*

Wards are dispensed with altogether. The only variable would be the number of councillors, which are set under the Local Government Act 1995 and can range from 6 to 14.

**CONSULTATION/ADVERTISING:**

The City provided public notice of the ward and representation review in the following ways:

- Press advertisements in the 17 November 2018 and 12 January 2019 editions of The West Australian, 17 November 2018 and 12 January 2019 editions of the Perth Voice and 20 November 2018 and 15 January 2019 editions of the Guardian Express Newspaper;

- Public notice on the digital screen at the City of Vincent administration building and public notice board at the City of Vincent library between 17 November 2018 and 19 January 2019;
- Public notice on the City's website and social media platforms (including imagine Vincent) between 17 November 2018 and 19 January 2019;
- Submission and comment forum on the City's EHQ webpage from 17 November 2018 to 19 January 2019;
- Email notices to all people registered for imagine.vincent.wa.gov.au and /or the City's e-newsletter;
- Email notices to relevant special interest groups, including the town teams; and
- Public notice advertisement included in the October and November City e-newsletter.

The deadline for submissions was 9am on Saturday 19 January 2019. The City received 44 online submissions and two emailed submissions, as detailed in **Attachment 1**.

Conway Highbury, on behalf of the City, reviewed the submissions and considered the criteria for making changes to wards or representation as set out in clause 8 of Schedule 2.2 to the *Local Government Act 1995*. The report attached at **Attachment 2** details the submissions and assessment criteria and recommends that no changes to the City's current ward and representation system are required.

#### **LEGAL/POLICY:**

Section 2.2 and schedule 2.2 of the *Local Government Act 1995* set out the requirements for local government wards and representation and the review process.

The City's Community Consultation Policy No. 4.1.5 Appendix 1 includes additional consultation requirements for a ward review. Administration complied with the statutory and policy public notice requirements by providing public notice as detailed above.

#### **RISK MANAGEMENT IMPLICATIONS:**

Low Risk      The City is required by statute to initiate this review in 2018 and to provide notice of the outcome of the review to the LGAB in 2019 (prior to 31 January 2019 in order for any changes to be implemented prior to the 2019 elections). The City will not meet the 31 January 2019 deadline, but the LGAB has confirmed that if it is advised of the outcome of the review by mid-February 2019 changes, if any, will be implemented prior to the local government elections scheduled for October 2019.

#### **STRATEGIC IMPLICATIONS:**

The review is listed in the City's Corporate Business Plan 2018/19 – 2021/22:

##### “6.10 Ward Review

*Carry out a Ward Review as required by the Local Government Act 1996 (Schedule 2.2, Clause 6).”*

The review is also in keeping with the City's *Strategic Community Plan 2018-2028* 'connected community' and 'innovative and accountable' objectives.

#### **SUSTAINABILITY IMPLICATIONS:**

N/A

#### **FINANCIAL/BUDGET IMPLICATIONS:**

The City has allocated \$20,000 towards this review in its 2018/19 budget. The City has engaged Conway Highbury to conduct the review on the City's behalf for a fee of approximately \$6,000 including GST. The City has also incurred costs of approximately \$2,700 as part of the community consultation process. It is estimated that the total cost of the review will be within the allocated \$20,000.

# Project Report

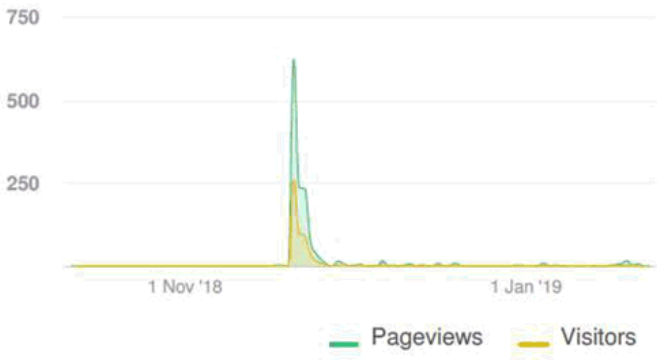
20 January 2019

# The City of Vincent

## Ward and Representation Review



### Visitors Summary



### Highlights

TOTAL VISITS	MAX VISITORS PER DAY	
<b>665</b>	<b>261</b>	
NEW REGISTRATIONS		
<b>27</b>		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
<b>44</b>	<b>288</b>	<b>549</b>

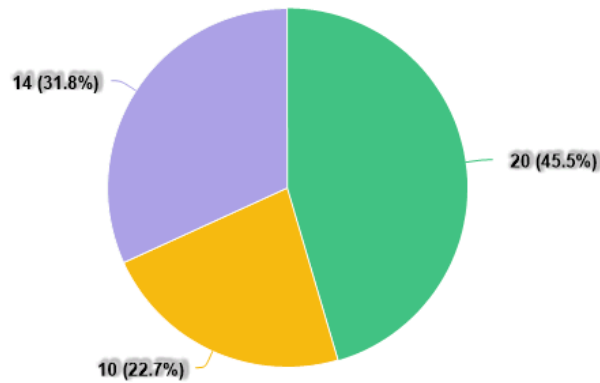
<b>Aware Participants</b>	<b>549</b>	<b>Engaged Participants</b>	<b>44</b>
<b>Aware Actions Performed</b>	<b>Participants</b>	<b>Engaged Actions Performed</b>	<b>Registered    Unverified    Anonymous</b>
Visited a Project or Tool Page	549	Contributed on Forums	0    0    0
<b>Informed Participants</b>	<b>288</b>	Participated in Surveys	44    0    0
<b>Informed Actions Performed</b>	<b>Participants</b>	Participated in Quick Polls	0    0    0
Viewed a video	0	Posted on Guestbooks	0    0    0
Viewed a photo	0	Contributed to Stories	0    0    0
Downloaded a document	147	Asked Questions	0    0    0
Visited the Key Dates page	0	Placed Pins on Places	0    0    0
Visited an FAQ list Page	0	Contributed to Ideas	0    0    0
Visited Instagram Page	0		
Visited Multiple Project Pages	241		
Contributed to a tool (engaged)	44		

## ENGAGEMENT TOOL: SURVEY TOOL

### Ward Review Survey

VISITORS	186	CONTRIBUTORS	44	CONTRIBUTIONS	44
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Do you think the current ward and representation system is effective?

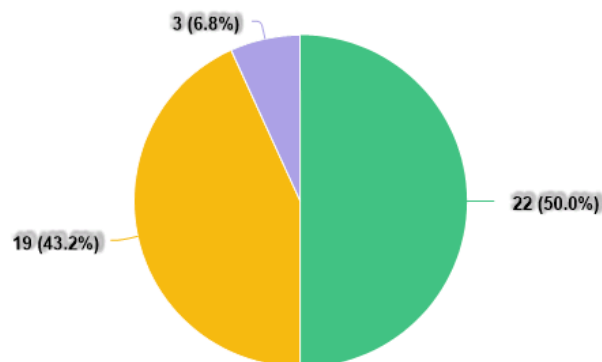


**Question options**

Yes No Unsure

(44 responses, 0 skipped)

Which ward do you live in?



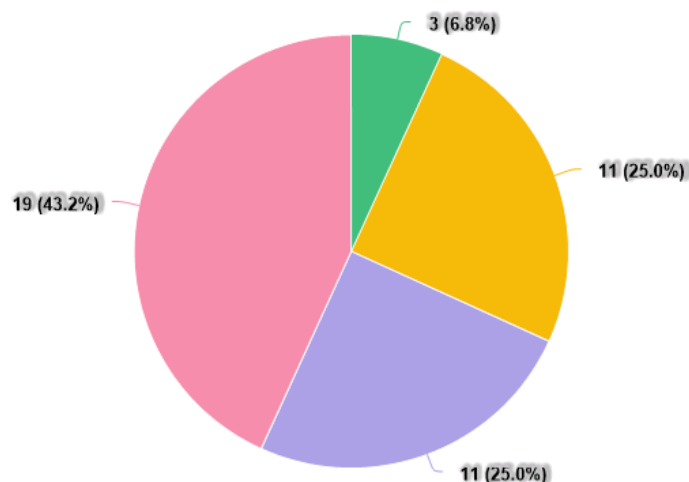
**Question options**

North ward South ward I'm unsure

Optional question (44 responses, 0 skipped)



Which age group are you in?



Question options

25 - 34    35 - 44    45 - 54    55+

Optional question (44 responses, 0 skipped)

COMMENTS:

How do you think the wards or representation should change?	Any other comments?
Take away all wards so everyone has equal systems and make Councillors not partial to just their ward area	To improve the balance, I'd go with option 5.
I think the ward boundaries should encompass complete suburbs and not divide them between wards.	I believe that by moving the ward boundaries to encompass complete suburbs it will allow for clearer representation for each suburb.
Example 5 in the Discussion Paper maximises advantages of changing and minimises disadvantages while achieving objectives of balanced representation and capacity for growth without complicating the voting.	Possibly some sort of young adult representation into local council would be a good start. There is now talk of lowering the voting age to 16 (Federal Parliamentary enquiry 2018) and we should not just sit back and be given the result but perhaps make a preemptive decision. It is good politics to acknowledge the generation coming through. It is good management to have services correctly targeted to the demographic of the area.
The demographics of the changing nature of the inner urban area means that more and more younger people are using facilities. It was only a few years ago that N Perth primary school was fully booked...now those kids are teenagers and growing older everyday. This means that they need accurate representation at local level. And no matter how idealistic an adult councillor is towards that generation, council will always miss the mark on doing what need to be done for teenage populations to feel comfortable within their own community...which, let's face it...is ruled by adults.	It seems to be working. Only other thought would be to break each ward up into 4 and have 1 councilor for each of the 8 areas.
Want to start by saying I think the current ward system is effective but maybe not the most effective - so could do with some tweaks.	- All of Leederville to be in one ward. - Elected members to remain at 8. - Thanks
As a Leederville ratepayer I think having the whole suburb in one ward would make sense. I like example 3	Also there is an error in your timeline that says the consultation opened on 17 October. Should it be 17

## The City of Vincent: ward review community consultation summary

or 5 from the discussion paper. Keep elected members at 8. No need to increase.	November?
I do not know the names of my ward Councillors. I would be happy with one big ward for the whole council.	Makes sense to re-organise the residential suburbs of Mt Hawthorn and North Perth, and potentially Mt Lawley between Vincent and Beaufort St into North Ward, with the rest in South Ward. This will better align with the different character of each area.
One representative for each location - sharing is ineffective I.e - perhaps make 4 wards	No idea how the ward system works
I think there should be more wards to have a closer link to the local area	The city is not large and as such the current system works well. To break the city up into more wards will only dilute the representation we can access on council.
I favour example 3 in the discussion paper as I believe that it makes the most sense to have the entire suburb of Leederville in the same Ward. I also think that there should be an overall reduction in Elected Members to three per Ward, plus the Mayor. The City of Vincent does not have a large enough population to need 9 Elected Members.	Only ONCE in almost 10 years has any South Ward councillor made contact - they are invisible. hundreds of residents/owners don't have the time, inclination or means to access the internet. Councillors should be pro-active not reactive.
Four wards, with two councillors each, based on closest match to AEC enrolment data where closest balancing for four distinct catchments is based on actual resident voters not geographical considerations.	I really am unsure as to the benefits or not of wards
	It is OK, though I do not know that it is necessary to split into wards.
	I am very happy with the way the City is run and the basis for representation
	I would still like to see the two ward system remain in place, as I feel that it gives a greater breadth of personalities and representation within the Council.
	It is adequately representative, but I don't know enough to say whether it is actually effective.
	We don't need to be over-governed, the number and method of a popularly elected Mayor seems to be working very well.
	With only 2 wards there is scope to increase the number of wards whilst not increasing the number of Councillors.
	I think Leederville should become part of the north ward. Mount Hawthorn and Leederville are part of the same lifestyle. People who live and work in the areas visit both and as Oxford Street begins to expand and become one business "strip", there would be benefit in having one group of representatives to oversee it
	I prefer 'Example 5 – Group localities (suburbs) into the same ward; north/ south wards; 8 councillors' as I think this would make it easier to identify the ward that represents us.
	Prefer even number of reps so that Mayoral position retains casting vote.
	I am happy to know that my local representative lives in the same neighbourhood as us.
	I think the system is effective as a general concept. Of the discussion options, the east/west ward system best represents the rhythm of the local government area taking all the elements of the City into consideration but the boundaries should be very carefully considered. Town Centres should not be split between wards i.e. how North Perth is at the moment.

## The City of Vincent : ward review community consultation summary

	I do support greater representation in the southern ward, where future growth is planned/already happening but instead of adding another Councillor position, perhaps reallocating one of the north (the new west) ward councillors to the south (the new east) ward.
	Don't really know if there is much difference between the different areas within Vincent, so the location of wards doesn't seem very relevant to me.
	Not knowing any other alternative system, the current policy seems reasonable and basically, "if it is not broken, don't fix it !"

21 January 2019

**CONSULTANT'S REPORT**  
**REVIEW OF CITY OF VINCENT WARD AND REPRESENTATION COMMUNITY CONSULTATION**

**Criteria for wards and representation**

The criteria to establish wards and representation is set out in clause 8 of Schedule 2.2 of the Act. The Local Government Advisory Board's advice as to what each of these factors means is set out below:

<i>Community of Interest</i>	<ul style="list-style-type: none"> <li>• A sense of community identity and belonging, similarities in the characteristics of the residents of a community and similarities in economic activities;</li> <li>• 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;</li> <li>• Neighborhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.</li> </ul>
<i>Physical and topographical features</i>	<ul style="list-style-type: none"> <li>• 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 considerations;</li> <li>• Coastal plain and foothills regions, parks and reserves may be relevant as may other man made features such as railway lines and freeways.</li> </ul>
<i>Demographic trends</i>	<ul style="list-style-type: none"> <li>• Characteristics of human populations, such as population size, and its distribution by age, sex, occupation and location provide important demographic information;</li> <li>• Current and projected population characteristics will be relevant as well as similarities and differences between areas within the local government.</li> </ul>
<i>Economic factors</i>	<ul style="list-style-type: none"> <li>• Any factor that reflects the character of economic activities and resources in the area;</li> <li>• Includes 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.</li> </ul>
<i>Ratio of councillors to electors</i>	<ul style="list-style-type: none"> <li>• The LGAB considers that the ratio of Councillors to electors is particularly significant - it is expected that each local government will have similar ratios of electors to Councillors across its wards;</li> <li>• The LGAB will not support deviations of more than plus or minus 10% of the average ratio of electors to Councillors between wards.</li> </ul>

Application of the criteria to the City is set out below. The most relevant criteria is the ratio of electors per councillor.

*1. Community of interest*

The City is relatively compact, being 11.3 square kilometres in size.

The localities of Leederville and North Perth are split between the North and South wards at present. Suburb boundaries do not generally follow any particular pattern and tend to simply be a reflection of the pace of development at the time of their creation.

There are five (5) town centres in the City, being:

- Mt Hawthorn – which includes the commercial areas around Scarborough Beach Road and Oxford Street;
- Mt Lawley – Beaufort Street;
- Leederville – Vincent/Oxford Streets area,
- North Perth – Angove Street/ Fitzgerald Street; and
- Perth (William Street)



21 January 2019

The communities of North Perth and Mount Hawthorn also tend to identify strongly with the locality (suburb).

#### 2. Physical and topographic features

Other than transport thoroughfares such as Charles Street, Vincent Street, the Perth-Midland rail line, and Fitzgerald Street, the Town has few physical or topographic features that could realistically be used to determine where ward boundaries could be.

#### 3. Demographic trends

Population growth is forecast in localities in both of the current wards of the City. The City's population (which tends to also drive changes in elector numbers) to the year 2036 (see <https://forecast.id.com.au/vincent/population-summary>) is forecast to be 51,726 broken down as follows:

Population summary							
City of Vincent	Forecast year					Change between 2016 and 2036	
Area	2016	2021	2026	2031	2036	Total change	Avg. annual % change
City of Vincent	35,592	40,487	44,443	48,244	51,726	+16,134	+1.89
East Perth - Claisebrook	1,225	1,649	2,366	3,031	3,441	+2,216	+5.30
Highgate	2,543	2,665	2,801	2,926	3,033	+490	+0.88
Leederville	3,281	3,812	4,434	4,968	5,539	+2,258	+2.65
Mount Hawthorn	7,876	8,203	8,545	8,910	9,322	+1,446	+0.85
Mount Lawley	3,343	3,681	3,872	4,048	4,238	+895	+1.19
North Perth	9,187	10,459	11,202	11,968	12,709	+3,522	+1.64
Perth	5,764	6,858	7,588	8,283	8,951	+3,187	+2.22
West Perth	2,373	3,160	3,635	4,111	4,493	+2,120	+3.24

Growth in the City is expected in a number of areas, but higher rates forecast for localities in the present South ward for the period to 2026 (the period by when the City will need to undertake another review). If this occurs, the present South ward may be under represented and the present North ward over represented. The reliability of the forecasts can be considered closer to the next ward boundary review.

#### 4. Economic factors

The current ward boundaries do not reflect economic activities. Aligning ward boundaries and representation with economic activities is not considered relevant to the City due to the homogenous nature of economic activities across wards.

#### 5. Ratio of councillors to electors

As at September 2018 the ratio of electors per councillor are:

Ward	Electors	Councillors	Ratio	Percentage deviation from average
North	11,143	4	2,786	-5.77%
South	12,507	4	3,127	5.76%
Totals or average	23,650	8	2,956	

This indicates that the North ward is slightly over represented, although both ward ratios are within the upper and lower limits considered appropriate by the LGAB.

21 January 2019

### **Analysis of Submissions received**

The City received 44 responses to an online survey and 2 submissions by email. Of those responses:

- 20 said that they felt that the current system of wards and representation was effective;
- 12 said that it was not; and
- 14 were unsure.

Many respondents made no comment. Those responses where support for a particular example listed in the discussion paper used to assist with community consultation was given are shown below. Some indicated support for a number of options, in particular those that combined localities into the same ward. In those instances if a respondent favoured (say) Example 1 (No change) but felt that localities/suburbs should be in the same ward (Examples 3, 5 or 6), a response is shown under each:

<i>1 – No change (2 wards, 4 councillors per ward)</i>	11
<i>2 – Move a part of North Perth presently in the South ward to the North ward (2 wards, 4 councillors per ward)</i>	0
<i>3 – Move the part of Leederville presently in the South ward to the North ward (2 wards, 4 councillors per ward)</i>	4
<i>4 – Increase the number of South ward councillors to 5 (total 9 councillors plus Mayor)</i>	0
<i>5 – Group localities (suburbs) into the same ward; north/ south wards; 8 councillors</i>	6
<i>6 – Group localities (suburbs) into the same ward; east/ west wards; 10 councillors (4 in West ward; 6 in East ward)</i>	2
<i>7 – No wards</i>	4

While not specified in the Act, the LGAB has a preference that there be a link between community feedback and any changes requested by a local government. The relatively small number of responses from the public consultation process provides little indication from the community as to what changes (if any) they may consider are appropriate.

From the responses received there was no clear indication of support for any particular outcome, although the 'No change' example provided in the discussion paper used attracted the highest number of supporters, followed by Example 5 (group localities into same ward; north/ south wards with 8 councillors) and then Example 7 (No wards).

There was little support for an increase or decrease in the number of councillors in general. No feedback was received about possible ward names; points of the compass (north/south/east/west) seem the most appropriate.

All the examples provided in the discussion paper used for public consultation comply with the criteria in the Act. At the end of the day Council must decide what it believes will be the most appropriate outcome for the City. There was little support at a workshop held with elected members on 30 October 2018 for major changes, either in the number of councillors, number of wards, or ward boundaries.

### **Conclusion**

'No change' is a viable outcome as current ward boundaries comply with the criteria in the Act, as do the current numbers of councillors. While the North ward is slightly over represented, in both wards the ratios of electors per councillor are within the range considered appropriate by the LGAB. Population projections indicate that while they might exceed acceptable limits of plus or minus 10% of the overall average by around 2026, there is no guarantee that this will happen - and by 2026 another review is scheduled in be undertaken anyway.

Example 5 (group localities into same ward; north/ south wards; 8 councillors) was the second most highly supported outcome. A number of submissions indicated support for those examples that grouped localities (suburbs) into the same ward. Under example 5, North Perth and Mount Hawthorn are wholly placed in the proposed North ward with Leederville, West Perth, Perth, Mount Lawley, Highgate and East Perth in the South Ward. Each ward could also have 4 elected members, with 2 retiring at each election. The resultant ratio of electors to councillors is very close:

21 January 2019

Ward	Electors	Councillors	Ratio	% deviation from average
North	11,960	4	2,990	1.14%
South	11,691	4	2,923	-1.14%
Totals	23,651	8	2,956	

The advantage of this approach is that communities of interest are grouped together, the North Perth town centre is wholly within the proposed North ward, and whole localities are within each ward. A disadvantage is that locality boundaries are indistinct, being more a result of historical patterns of development and do not follow major roads or logical and distinct markers.

From a purely administrative point of view, 'No wards' is a relatively simple outcome that reduces the complexity of the election process and future reviews. It obviates the need for any future boundary adjustments as there would be no wards.

The recommendation to Council is that the outcome of the review is for 'no change'. If Council has a different view and considers other outcomes more appropriate, then possible resolutions for the outcomes that were also supported in order of preference by the community (and assuming that the number of councillors remains unchanged at 8) are:

Example 5 – Group localities (suburbs) into the same ward; north/ south wards; 8 councillors:

*That Council*

1. Pursuant to clauses 9 and 10 of Schedule 2.2 and section 2.18 of the Local Government Act 1995, requests the Local Government Advisory Board to recommend to the Minister for Local Government that an order be made to:
  - a. Create two wards for the City of Vincent as shown as 'example 5' in the discussion paper used for community consultation, with the localities of North Perth and Mount Hawthorn comprising the North ward and the localities of Leederville, West Perth, Perth, Mount Lawley, Highgate and East Perth the South ward; and
  - b. Deal with any transitional arrangements so that there are 4 councillors assigned to each ward, with 2 from each ward retiring at each election.
2. Requests the CEO to provide the LGAB with all documentation required to support the submission including:
  - a. Council agenda and minutes recording the decision to undertake a review of wards and representation;
  - b. A copy of the public notice calling for submissions from the community;
  - c. The discussion or information paper and any other materials circulated to the community;
  - d. Council agenda and minutes recording the consideration of public submissions received, assessment of options against the prescribed matters, and the final decision of Council; and
  - e. A set of deposited plans clearly showing the current ward boundaries and the proposed changes.

Example 7 – No wards:

*That Council*

1. Pursuant to clauses 9 and 10 of Schedule 2.2 and section 2.18 of the Local Government Act 1995, requests the Local Government Advisory Board (LGAB) to recommend to the Minister for Local Government that an order be made to:
  - a. Have no wards within the City of Vincent; and
  - b. Retain the number of councillors at 8.
2. Requests the CEO to provide the LGAB with all documentation required to support the submission including:
  - a. Council agenda and minutes recording the decision to undertake a review of wards and representation;
  - b. A copy of the public notice calling for submissions from the community;

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- c. *The discussion or information paper and any other materials circulated to the community; and*
- d. *Council agenda and minutes recording the consideration of public submissions received, assessment of options against the prescribed matters, and the final decision of Council.*

### **Transitional Issues**

After receipt of a review by a local government, if satisfied that the required process has been followed the LGAB makes a recommendation to the Minister for Local Government who may then accept or reject the board's recommendation.

The Act requires that as near as is practical half of the number of councillors of a local government are to retire at each election, and similarly half of the councillors in each ward where wards are used.

The precise effect on existing elected members will depend on the outcome selected and agreed to by the Minister on the LGABs recommendation. Factors include the extent to which proposed wards might differ from current wards, where an elected member might live or own/occupy property in another ward (and hence whether or not councillors may be representative of that new ward) – although note that a councillor does not have to be resident or be an owner/occupier of property in a ward to represent it; they must simply be on the electoral roll for the district.

Subject to this requirement for half the council to retire at each election, when deciding transitional arrangements where there are changes to wards or numbers of councillors the LGAB will usually support outcomes which will allow councillors to serve out the remainder of their term rather than a spill of positions.

To achieve the outcomes required by the Act when phasing in a change, terms of office of 4 years or 2 years may be required. Where multiple vacancies exist, terms of office are decided by the electors with the candidate attracting the highest number of votes getting the longer term of office; if an equal number of nominations are received for vacancies then terms of office are decided by names drawn out of a hat by the returning officer.

In terms of the examples provided in the discussion paper used for community consultation, transitional arrangements could be:

Example	Transitional arrangements
1 – No change (2 wards, 4 councillors per ward)	Nil.
2 – Move a part of North Perth presently in the South ward to the North ward (2 wards, 4 councillors per ward)	Councillors who might reside in the areas moved from South ward to North ward serve out the balance of their terms (a councillor does not have to live in a ward to represent it).
3 – Move the part of Leederville presently in the South ward to the North ward (2 wards, 4 councillors per ward)	At the next election there are no changes to the number of councillors. Individual councillors whose terms expire in 2019 and who wish to seek a further term of office can decide which ward to nominate for at the election scheduled for October 2019, and similarly in October 2021
4 – Increase the number of South ward councillors to 5 (total 9 councillors)	Current councillors serve out their terms of office. At the elections scheduled for October 2019, an additional councillor is added to the representatives for the South ward. Terms of office (4 years or 2 years) are decided by the number of votes each candidate receives so that as near as is practical to half the number of councillors retires at each election. Note that at the 2021 elections there would then be 4 vacancies (2 in North ward, 2 in South ward) and at the 2023 elections 5 vacancies (2 in North ward, 3 in South ward).





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<p>5 – Group localities (suburbs) into the same ward; north/ south wards; 8 councillors</p>	<p>Councillors who may reside in the areas moved between wards serve out the balance of their terms. At the next election there are no changes to the number of councillors. Councillors whose terms expire in 2019 and who wish to seek a further term of office can decide which ward to nominate for at the election scheduled for October 2019.</p>
<p>6 – Group localities (suburbs) into the same ward; east/ west wards; 10 councillors (4 in West ward; 6 in East ward)</p>	<p>It is assumed that Councillors whose terms expire in 2021 are equally assigned to the proposed East and West wards (two each).                  In the election scheduled for October 2019:</p> <ul style="list-style-type: none"> <li>• In the East ward:                     <ul style="list-style-type: none"> <li>○ 2 councillors assigned to the Ward whose terms expire in October 2021 continue; and</li> <li>○ There is an election for 4 councillors, 3 of whom are elected for 4 year terms expiring in October 2023 and 1 for a 2 year term expiring in October 2021;</li> </ul> </li> <li>• In the West ward:                     <ul style="list-style-type: none"> <li>○ 2 councillors assigned to the Ward whose terms expire in October 2021 continue; and</li> <li>○ There is an election for 2 councillors, for 4 year terms expiring in October 2023.</li> </ul> </li> </ul> <p>For the election scheduled for October 2021 and thereafter there are 5 vacancies – 3 in the East ward and 2 in the West ward.</p>
<p>7 - No wards</p>	<p>Current councillors serve out their terms of office. Any change to the number of councillors that may be required is phased in at the October 2019 elections; where there is an increase/ decrease in total councillors, terms of office (4 years or 2 years) are decided by the number of votes each candidate receives so that as near as is practical to half the number of councillors retires at each election.</p>

**9 CHIEF EXECUTIVE OFFICER****9.2 LATE REPORT: INNER CITY COUNCILS - MEMORANDUM OF UNDERSTANDING**

**TRIM Ref:** D18/184642

**Author:** John Paton, Manager - Office of the CEO

**Authoriser:** David MacLennan, Chief Executive Officer

**Attachments:** 1. Attachment 1 - Draft Memorandum of Understanding (MOU) between Inner City Councils - Confidential [↓](#)

**RECOMMENDATION:**

**That Council:**

1. **ENDORSES** in principle the draft Memorandum of Understanding for the Inner City Mayors group, covering the Cities of Perth, South Perth, Subiaco, Vincent and the Town of Victoria Park; and
2. **AUTHORISES** the Mayor and the Chief Executive Officer to negotiate with the other parties on the final terms of the Memorandum of Understanding and for the Mayor to execute the final document on behalf of the City.

**PURPOSE OF REPORT:**

To consider endorsing a Memorandum of Understanding (MOU) between the Cities of Perth, South Perth, Subiaco, Vincent and the Town of Victoria Park.

**BACKGROUND:**

A meeting of the Inner City Mayors was held on 13 September 2018. The meeting was attended by the Chair Commissioner from the City of Perth, Mayors from the Cities of South Perth, Subiaco and Vincent and the Mayor from the Town of Victoria Park. The meeting was convened to explore opportunities for regional collaboration on strategic issues impacting on local government.

An outcome from this meeting was a suggestion that a MOU be developed to define the role and expectations from the group. A draft MOU was prepared and circulated to the parties for discussion at a subsequent meeting of the group, including the respective Chief Executive Officers to be held on 12 December 2018. As a result of the discussion, minor amendments were proposed and a subsequent draft MOU circulated (see **Attachment 1**).

**DETAILS:**

The draft MOU proposes to set out *“the framework for the establishment of a co-operative relationship between the parties”*.

The draft MOU suggests the following strategic objective:

*“The Parties strategic objective is to collaborate in multiple areas to enhance the brand, objectives and strategic outcomes of each organisation as innovators in local governments and also to create appealing destinations for local community and industry, as well as inter-state and international visitors and investment.”*

The overall intent and draft text of the MOU is sound and presents a valuable opportunity for collaboration between the inner city councils.

The MOU is non-binding. Clause 6 deals with agreements for activities and projects and states:

*“Each collaborative activity or project to be initiated under this MoU will be subject to a further agreement between the parties. Such agreements will set out the obligations of the parties, including but not limited to funding, responsibilities, intellectual property ownership and protection, confidentiality, risk allocation and indemnity obligations to be undertaken by each Party in relation to that activity.”*

In the event that it is proposed to proceed with an activity or project that warranted entering into an agreement, that agreement would need to be endorsed through the appropriate process.

The draft MOU is proposed to be submitted to each of the participant Councils during February 2019 for formal consideration and endorsement.

We recommend Council approves in principle the draft MOU and authorises the Mayor and CEO to finalise the text for signature by the Mayor on behalf of Council.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

The MOU is legally non-binding and does not commit the City to any particular liability or position. There are no legislative or policy positions requiring consideration.

**RISK MANAGEMENT IMPLICATIONS:**

Low

**STRATEGIC IMPLICATIONS:**

The nature of the issues likely to be addressed through the MOU could align with all of the priorities identified in the City's 2018 – 2028 Strategic Community Plan and many of the defined outcomes our community expects us to achieve.

**SUSTAINABILITY IMPLICATIONS:**

N/A

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial implications directly associated with the MOU. Any future projects or activities initiated under the MOU which have financial implications and would need to be considered on their merits.

**COMMENTS:**

If endorsed by Council, Administration would provide regular reports and updates on the operation and collaborative activities under the MOU.