

AGENDA

**ADDITIONAL COUNCIL MEETING
WARRNAMBOOL CITY COUNCIL
5:45 PM - MONDAY 24 JULY 2023**



VENUE:

**Reception Room
25 Liebig Street
Warrnambool**

COUNCILLORS

Cr. Debbie Arnott (Mayor)
Cr. Otha Akoch
Cr. Ben Blain
Cr. Vicki Jellie AM
Cr. Angie Paspaliaris
Cr. Max Taylor
Cr. Richard Ziegeler

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**Andrew Mason
CHIEF EXECUTIVE OFFICER**

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All Open and Special Council Meetings will be audio recorded, with the exception of matters identified as confidential items in the agenda. This includes public participation sections of the meeting. Audio recordings of meetings will be made available for download on the internet via the Council's website by noon the day following the meeting and will be retained and publicly available on the website for 12 months following the meeting date. The recordings will be retained for the term of the current Council, after which time the recordings will be archived and destroyed in accordance with applicable public record standards. By participating in Open and Special Council meetings, individuals consent to the use and disclosure of the information that they share at the meeting (including any personal/sensitive information), for the purposes of Council carrying out its functions.

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1. OPENING PRAYER & ORIGINAL CUSTODIANS STATEMENT

Almighty God
Grant to this Council
Wisdom, understanding and Sincerity of purpose
For the Good Governance of this City
Amen.

ORIGINAL CUSTODIANS STATEMENT

I wish to acknowledge the traditional owners of the land on which we stand and pay my respects to their Elders past, present and emerging.

2. APOLOGIES

3. DECLARATION BY COUNCILLORS AND OFFICERS OF ANY CONFLICT OF INTEREST IN ANY ITEM ON THE AGENDA

Section 130 of the Local Government Act 2020 (Vic) (**the Act**) provides that a relevant person must disclose a conflict of interest in respect of a matter and exclude themselves from the decision making process in relation to that matter including any discussion or vote on the matter at any Council meeting or delegated committee meeting and any action in relation to that matter.

Section 126(2) of the Act sets out that a relevant person (Councillor, member of a delegated Committee or member of Council staff) has a conflict of interest if the relevant person has a **general conflict of interest** within the meaning of section 127 of the Act or a **material conflict of interest** within the meaning of section 128 of the Act.

A relevant person has a **general conflict of interest** in a matter if an impartial, fair minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.

A relevant person has a **material conflict of interest** in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken. Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

4. PUBLIC QUESTION TIME

5. REPORTS

5.1. WARRNAMBOOL CITY ELECTORAL STRUCTURE REVIEW SUBMISSION

DIRECTORATE: *Executive Services*

PURPOSE:

This report presents Council with a submission to the electoral structure review of Warrnambool City Council for consideration.

EXECUTIVE SUMMARY

Council's electoral structure is being reviewed for the first time since 2015. Warrnambool has had an unsubdivided electoral structure since 2004, but changes to legislation mean that we must return to a single member ward structure ahead of the 2024 local government elections.

The VEC has released a preliminary report that presents three models for community consideration and calls for submissions to be made by 5pm, Wednesday 26 July 2023. All three models have some merit, but they also contained significant issues. A better outcome can be achieved through using a hybrid structure that combines the best elements of the proposed models contained in the report.

RECOMMENDATION

That Council instructs the Chief Executive Officer to submit the attached submission to the Electoral Representation Advisory Panel after being signed by the Mayor.

BACKGROUND

Warrnambool City Council's electoral structure is currently being reviewed by an independent Electoral Representation Advisory Panel who will ultimately make a recommendation to the Minister for Local Government regarding what electoral structure is most appropriate for Warrnambool.

Warrnambool currently has an unsubdivided structure where seven Councillors are elected by the municipality at large. This structure has been in place since 2004, when a similar review recommended the abolition of the old wards-based structure. This review found that the City of Warrnambool is not geographically suited to a ward system and that the city was not made up of distinct communities of common interest, rather 'the City of Warrnambool encompasses a homogenous community within which defined communities of interest are difficult to discern.'

The electoral structure of the City was again reviewed in 2015. This report departed from the view taken in the 2004 review and found that Warrnambool did indeed have distinct communities of interest. These were found in the urban and agriculture mix, as well as the separate areas of economic activity surrounding both tourism and industrial activity. Concerns were raised around a lack of representation for Dennington, Allansford and Bushfield. However, the report did not suggest a return to a ward system, citing the interdependency between the city and the outer more agricultural areas, as well as a suggesting that a small geographic footprint and concentrated population would lead to an expectation that Councillors will serve all of Warrnambool's constituents.

Since the last review a new Local Government Act was passed, the *Local Government Act 2020*, which at section 13 provides that Councils must use a single-member ward structure unless Ministerial discretion is given to consider alternative structures. This discretion was given to rural shires but was not given to metropolitan councils or regional cities. This means that Warrnambool City Council will be returning to a single member ward electoral structure.

The current review began on 3 July with public information sessions followed by the release of a preliminary report on 5 July. This preliminary report contained three models for public consideration, with all being single member ward structures with seven Councillors. The report called for submissions with the window closing at 5pm on 26 July. This will be followed by a public hearing on 2 August and a final recommendation being provided to the Minister for Local Government on 30 August 2023. The Minister will then make a final determination as to what electoral structure will be in place for the 2024 elections.

ISSUES

Given the context of Council being required to move to a single member ward structure, the only live issues were the total number of Councillors, the names of wards, and where exactly the boundaries of the wards are placed. However, given Warrnambool's Councillor numbers being in line with Councils of comparable population and all three of the preliminary report's models containing seven Councillors it seems that issue is also decided. This means that the remaining issues are:

1. Where the boundaries for the seven wards are placed.
2. What will be the names for each of the seven wards.

When considering where ward boundaries should be located the panel has stated it is considering the following criteria:

- whether the structure would comply with section 15(2) of the Act (10%+/- tolerance from ward to ward), and for how long it would likely comply.
- whether meaningful and effective ward boundaries could be established and whether these would be easily identifiable to local communities. Eg. Main roads, rivers, railway lines.
- the representation of communities of interest
- the voter distribution and physical features of the area, and the impact these may have on the shape and size of wards
- past elections for the council, including:
 - numbers of candidates nominating
 - incidences of uncontested elections
 - rates of informal voting.

When considering ward names, the panel broadly uses the following principles:

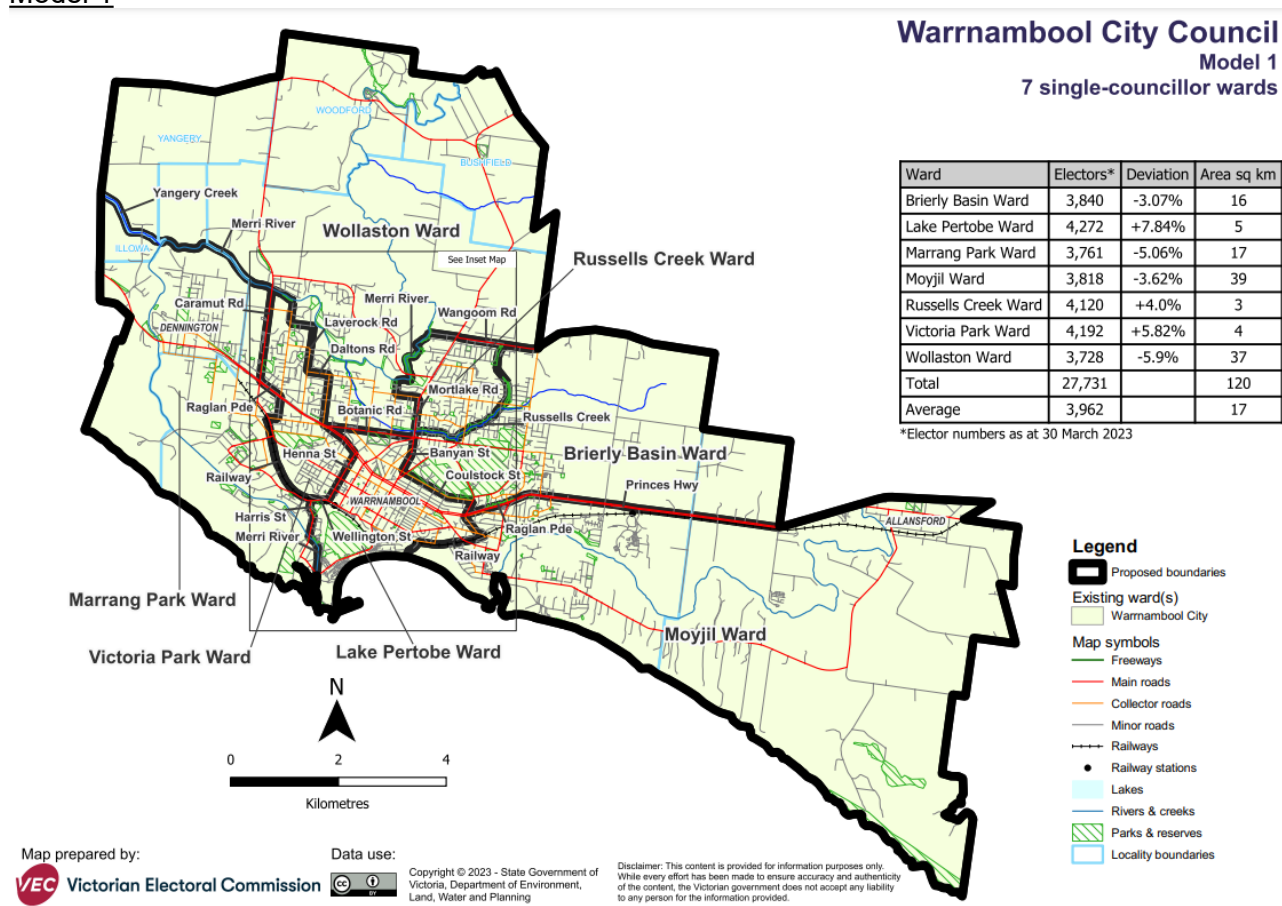
1. Retaining existing ward names if these are still relevant to the area covered by the ward.
2. When a new name is required, the panel bases this on features such as:
 - places (registered under the Geographic Place Names Act 1998) in the ward.
 - compass directions.
 - native flora or fauna.

The panel has also stated it will not be considering unregistered aboriginal names as there is no capacity to undertake informed consultation on their use. So, if a name for a ward is to be indigenous it must be an already registered name of something inside the ward e.g. Moyjil and Marrang.

This paper will consider the merits of each of the three proposed models before outlining a proposed hybrid model for Councillors to consider.

Preliminary Report

Model 1



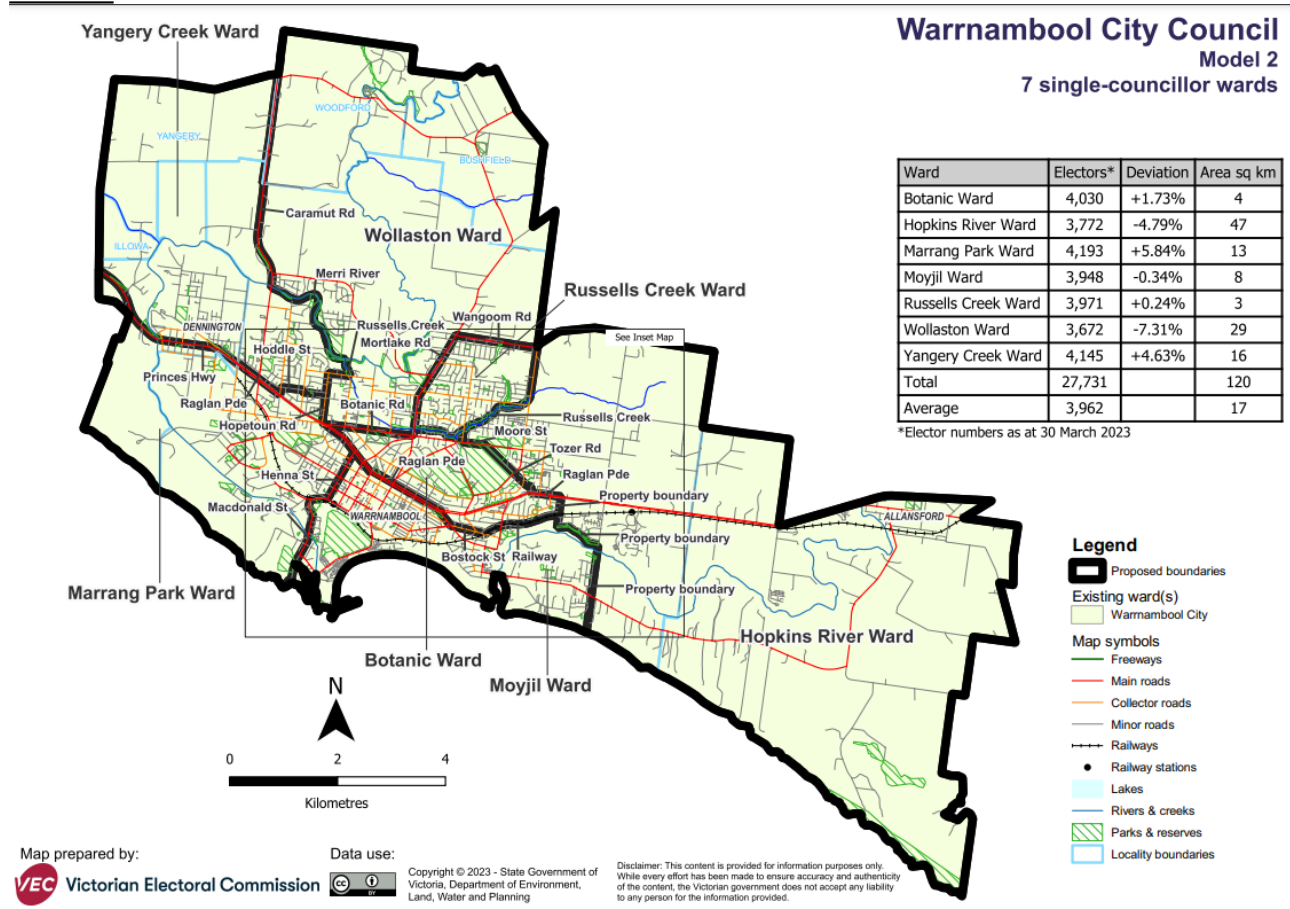
Proposed Model 1 has four large wards taking in large parts of the non-urbanised areas of the municipality and parts of the outer fringes of the city itself which encircle three smaller entirely urbanised wards. This creates the following wards:

- **Wollaston Ward:** A northern ward which takes in parts of North Warrnambool but is primarily rural and centered around Woodford and Bushfield and their surrounds.
- **Marrang Park Ward:** A Dennington/Merrivale ward that runs to the Merri River and the railway line.
- **Brierly Basin Ward:** An 'interface' Brierly ward containing Albert Park, the Racecourse, Brierly Basin and the Brierly Recreation Reserve as well as a large part of the land to the east of Warrnambool and north of the highway.
- **Moyjil Ward:** An Allansford ward that runs up to and into the city taking in parts of Warrnambool south of the highway and the properties surrounding the Hopkins.
- **Russells Creek Ward:** A ward taking in a large part of the northern parts of the city.
- **Lake Pertobe Ward:** A ward taking in the central parts of the city and to the south of the city.
- **Victoria Park Ward:** An inner west Warrnambool ward.

The positives to this ward structure identified by the panel are that it accommodates the anticipated growth in Warrnambool, keeps the town of Dennington contained in a single ward, and that it 'reflects the needs of communities of interest'. The identified drawback was that the Councillor elected to represent 'Moyjil Ward' may have burdensome travel commitments.

An assessment of Model 1 indicates that it does do a good job of mapping some of Warrnambool's communities of interest but it also has some issues around combining largely unrelated communities as well as creating a ward with a strange shape that may be difficult for residents to understand. Capturing the community of Dennington in a single ward is a positive, however the extension of this ward through Merrivale and into South Warrnambool may undermine some of the benefits of the ward. As an example, the communities in the new housing estates in Dennington's north arguably have concerns and issues which are distinct from those in some of the much more established parts of South Warrnambool. It may be better if these communities could each have their own wards. Additionally, the size and shape of Victoria Park Ward is strange and will be difficult for the community to easily understand. Running across Raglan Parade compounds this issue.

Model 2



Like Model 1, proposed Model 2 creates four outer wards that wrap around three inner and more urbanised wards. It has a focus on keeping towns and communities of interest together and is an alternate way to accommodate the uneven projected growth in Warrnambool. It creates the following wards:

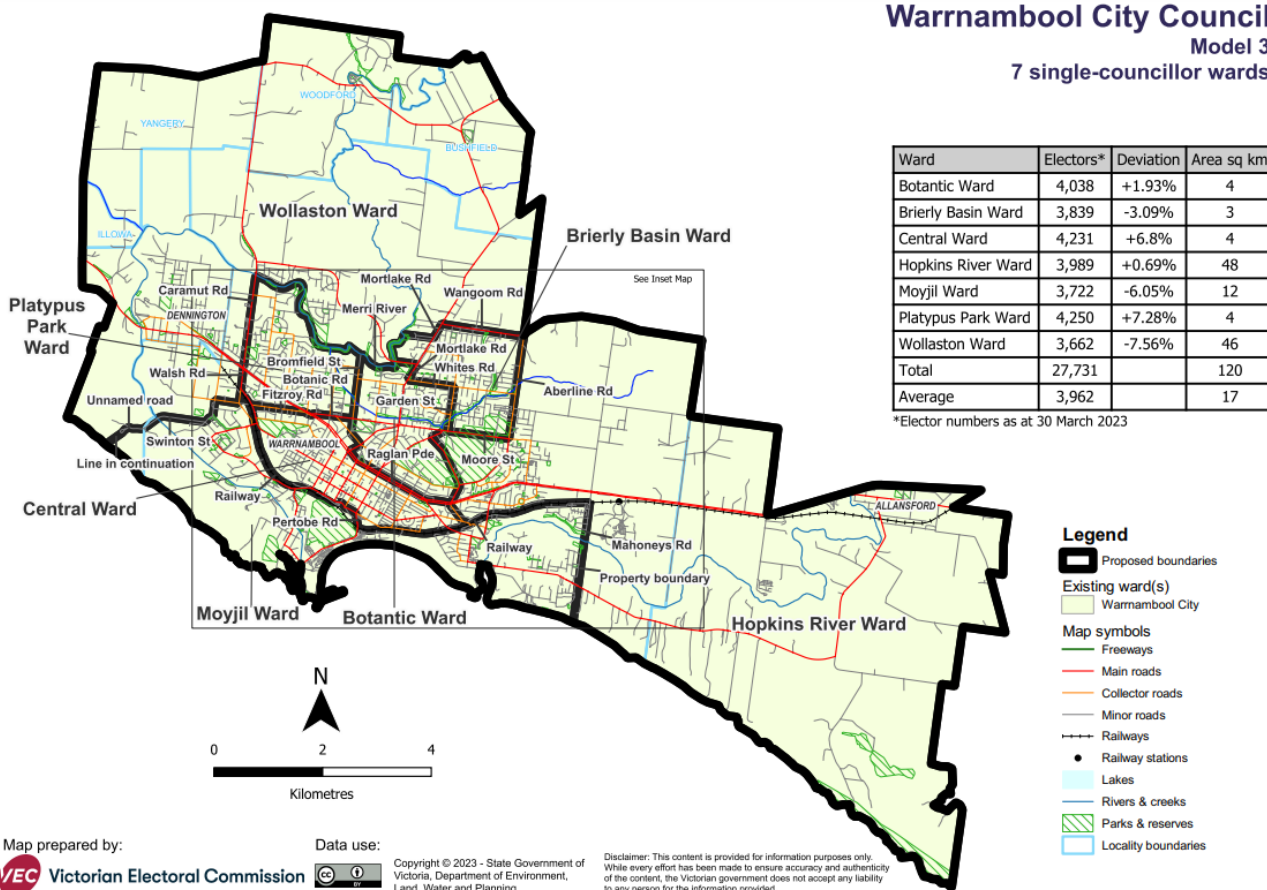
- **Wollaston Ward:** A similar but slightly skinnier Northern ward that takes in parts of North Warrnambool but is largely centered on Woodford and Bushfield.
- **Yangery Creek Ward:** Dennington/North of the highway ward that also takes in parts of West Warrnambool.
- **Marrang Park Ward:** A ward made up of Merrivale and the southern parts of Dennington.
- **Russells Creek Ward:** An expanded version of the Russells Creek Ward from model 1 which focus on the northern parts of the city but moves the boundary to Mortlake Road and Aberline road.
- **Botanic Ward:** An inner northern ward taking in the area north of the highway but south of Botanic Road and Russel Creek.
- **Moyjil Ward:** A southern ward taking in the CBD, parts of South and East Warrnambool.
- **Hopkins River Ward:** A rejigged Allansford based ward that encroaches less on the coastal parts of the city but more on the northern parts of the city.

The panel felt this option acceptably captured the communities of interest in Warrnambool and accommodated the uneven growth projected, with particular positives being the capture of communities both sides of the Hopkins in a single ward, and acknowledged that while it splits Dennington across two wards the boundary runs across an already natural divide that is the highway.

An assessment of Model 2 indicates that it does a better job of mapping the communities of interest that exist south of Raglan Parade and overall provides a good basis for a ward structure that would suit our community. However, officers would depart from the view of the panel and would argue that splitting the community of Dennington in half is a major issue, and while the highway does represent a good topographical border, it is not a border that the community would recognise as having any social basis. It also fails to capture Yangery and the rural northwest of the municipality in the same ward as Woodford and Bushfield like Models 1 and 3 do. Additionally having residents south of Russells Creek but north of Moore Street in the Hopkins River Ward is undesirable. These residents are part of North Warrnambool and have much more in common with the people who live around Whites Road than they do with the people who live in Allansford.

Model 3

Warrnambool City Council Model 3 7 single-councillor wards



Map prepared by:



Victorian Electoral Commission

Data use:



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Proposed Model 3 represents a departure from the approach used in the first two models. It has two rural-focused wards and five wards centered around the urban parts of the city. It creates the following wards:

- **Wollaston Ward:** A northern rural ward taking in Woodford-Bushfield as well as Dennington.
- **Hopkins River Ward:** An eastern rural ward taking in Allansford and part of the northeastern part of the city.
- **Moyjil Ward:** A long thin ward taking essentially all of the coastal parts of the city which runs from Merrivale all the way to Deakin.
- **Central Ward:** A ward that takes in the CBD and the properties immediately to its east and west.
- **Platypus Park, Botanic, and Brierly Basin Wards:** Three small northern urban wards similar in size.

The strengths identified by the panel are clear and easily recognisable boundaries as well as keeping communities of interest together and managing growth. The VEC seemed the most negative about this option, citing concerns around the large disparity in geographic size between wards and the long coastal ward forcing unrelated communities into a single ward.

An assessment of model 3 shows that it does a good job of keeping North Warrnambool residents inside city centered wards, as well as keeping the community of Dennington in a single ward. However it forces together some communities that would be better suited to being in different wards. The Moyjil Ward in this model is far too long and combines communities with different characteristics and profiles. Merrivale is a community which is quite distinct from Hopkins Heights. Likewise, combining Dennington with Woodford and Bushfield is possibly tolerable, but it is far from an ideal solution and is a weakness when compared to Models 1 and 2.

Ward Names

The ward names used across the three models are:

- Wollastan Ward
- Marrang Park Ward
- Victoria Park Ward
- Russells Creek Ward
- Brierly Basin Ward
- Lake Pertobe Ward
- Moyjil Ward
- Hopkins River Ward
- Botanic Ward
- Yangery Creek Ward
- Central Ward
- Platypus Park Ward

These names are largely appropriate however some may lack the local significance to be recognisable and understandable for our residents, these arguably include Marrang Park and Platypus Park.

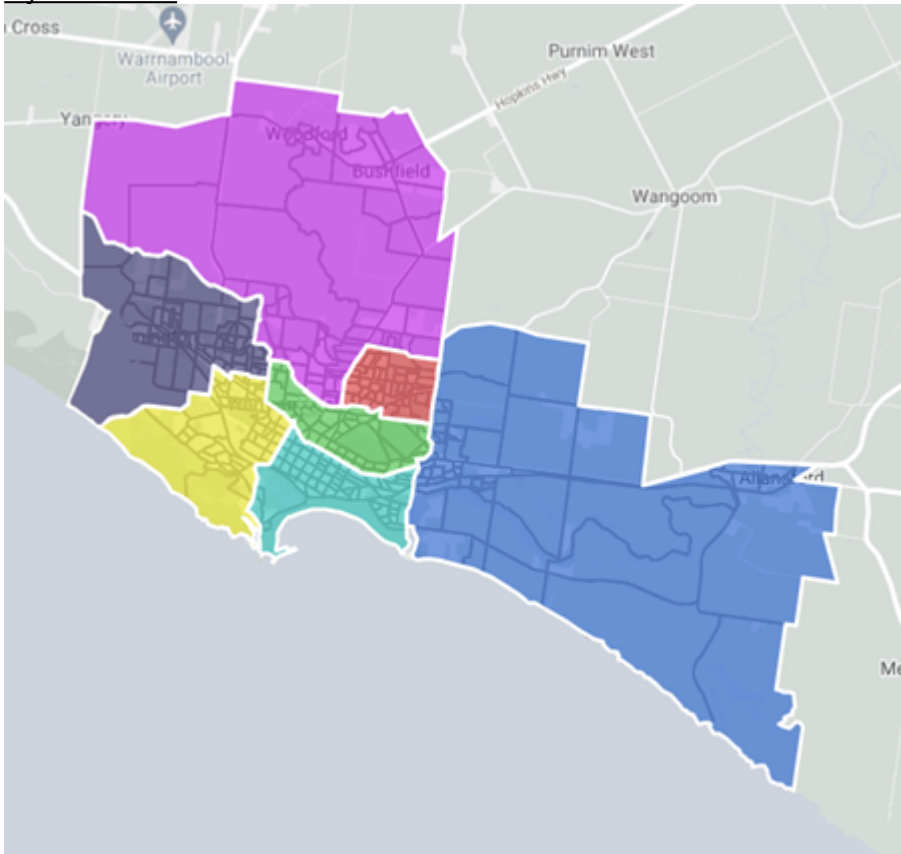
Conclusion

While each of these three proposed models have merit, they all have significant drawbacks that would undermine the representation of Warrnambool's communities of interest and do not offer a proposed model that could be considered ideal within the confines of the legislative requirements.

Council's Submission

It is proposed that Council advocates for an alternate model that captures the benefits of all three models, while also mitigating the issues and drawbacks identified above.

Hybrid Model



This hybrid model uses Model 2 as its base but makes the following significant amendments:

- It removes the divide in Dennington and does not combine it with unrelated communities of interest by creating a dedicated ward centered on that community. It does this by using the boundary to the north of Dennington proposed in Model 1 and the boundary to its south proposed in Model 3. This eliminates concerns around that community being arbitrarily split along the highway.
- It makes Russells Creek Ward somewhat flatter and wider. With its northern boundary moving south from Wangoom Road but extends the ward further South and East, using Moore Street and Aberline Road as its boundaries, making it closer in appearance to the equivalent ward in model 3.
- It moves the boundary of Botanic Ward north, now running to Russells Creek. This keeps the communities around the Botanic Gardens and Botanic Road in a single ward and would be a very recognisable boundary for the community.
- It makes Wollaston Ward flatter and more balanced in shape. It now protrudes less into the northern parts of the city and becomes more of a dedicated rural ward servicing the communities of Bushfield and Woodford, but not splitting off the northwest parts of the municipality like Model 2 does.
- Hopkins River Ward is also now balanced in terms of size and shape. It runs east to west along the river and then has an almost straight line border along its western side that includes the River and Aberline Road as its boundary. This makes the ward truly based on the river and is easier to understand. It does not insert Hopkins Heights into unrelated communities as is the case in some proposed models.
- It creates a dedicated ward for the communities of South Warrnambool and Merrivale that is largely absent from all other models. These communities increasingly blend together with shared interests and are well suited to having their own dedicated ward.

This model also complies with population tolerances and allows scope for the growth of our population in different pockets of the city.

Ward Name	Colour	Population	Tolerance
Botanic Ward	Green	3,722	-6.05%
Dennington Ward	Grey	4,221	+6.55%
Hopkins River Ward	Blue	3,903	-1.48%
Merri River Ward	Yellow	3,948	-0.34%
Moyjil Ward	Teal	3,892	-1.76%
Wollaston Ward	Purple	3,865	-2.44%
Russells Creek Ward	Red	4,180	+5.51%

This is a very balanced distribution that allows for growth of the city at Hopkins Heights, around Wollaston Road, and east of Aberline Road. One potential drawback is that Dennington Ward is at +6.55% with some further growth anticipated, however there is still some room for growth without exceeding the tolerance and the accommodation of Dennington in a single dedicated ward is desirable enough to justify this. The matter could be reassessed at future reviews if it were to become an issue.

FINANCIAL IMPACT

There are significant financial implications with the Victorian Government conducting a review of Council's electoral system. This is because Council is required by the Act to reimburse the Victorian Electoral Commission for the cost of undertaking the review. The estimated cost provided to Council by the Commission in March was \$53,070.37.

LEGISLATION/POLICY/COUNCIL PLAN CONTEXT

5 An effective Council

5.1 Leadership and governance: Council will be a high-functioning team committed to respectful relationships, collaboration and ongoing engagement. It will provide strong, effective leadership, sound governance and informed decision-making

5.7 Effective advocacy: Council will pursue effective advocacy by providing compelling materials for desired support and funding for community priorities through establishing strong relationships with other levels of government, strategic partners and key stakeholders

TIMING

The Preliminary submission window closes at 5pm, 26 July 2023.

A public hearing will be held virtually at 10am on 2 August 2023. This will be attended by the Mayor, Chief Executive Officer, and Manager Governance.

COMMUNITY IMPACT/CONSULTATION

The electoral structure review is not Council's process and the ward system adopted is something that is decided by the Minister for Local Government, not Council. Council's role is to inform and encourage the community to participate in the process. Council will continue to inform the community of the structure review and encourage them to consider the preliminary report, Council's submission, and then make their own submissions.

LEGAL RISK/IMPACT

Nil.

OFFICERS' DECLARATION OF INTEREST

Nil.

CONCLUSION

The best possible ward structure for our community can be achieved through combining the best elements of all three models into a proposed ward structure that would effectively map communities of common interest, be understandable and recognisable for our residents, comply with section 15(2) of the *Local Government Act 2020*, and allow room for the future growth of our municipal population. A submission advocating for such a ward structure is attached for Council's consideration.

ATTACHMENTS

1. Warrnambool City Electoral Structure Review Submission [**5.1.1** - 4 pages]
2. Proposed Structure - City Wide [**5.1.2** - 1 page]
3. Proposed Structure - Centre [**5.1.3** - 1 page]
4. Proposed Structure - Dennington Ward [**5.1.4** - 1 page]
5. Proposed Structure - Hopkins River Ward Boundary [**5.1.5** - 1 page]
6. Proposed Structure - Merri River Ward/Moyjil Ward Boundary [**5.1.6** - 1 page]
7. Warrnambool City Council Electoral Structure Review - Preliminary report [**5.1.7** - 32 pages]

6. CLOSE OF MEETING