

Minutes

Special Council Meeting

13 February 2023

Attention

These Minutes are subject to confirmation.

Prior to acting on any resolution of the Council contained in these minutes, a check should be made of the Ordinary Meeting of Council following this meeting to ensure that there has not been a correction made to any resolution.

Information

Special Council Meetings are run in accordance with the City of Nedlands Standing Orders Local Law. If you have any questions in relation to items on the agenda, procedural matters, public question time, addressing Council or attending meetings please contact the Executive Officer on 9273 3500 or council@nedlands.wa.gov.au

Public Question Time

Public question time at a Special Council Meeting is available for members of the public to ask a question about items on the agenda. Questions asked by members of the public are not to be accompanied by any statement reflecting adversely upon any Council Member or Employee.

Questions should be submitted as early as possible via the online form available on the City's website: [Public question time | City of Nedlands](#)

Questions may be taken on notice to allow adequate time to prepare a response and all answers will be published in the minutes of the meeting.

Addresses by Members of the Public

Members of the public wishing to address Council in relation to an item on the agenda must complete the online registration form available on the City's website: [Public Address Registration Form | City of Nedlands](#)

The Presiding Member will determine the order of speakers to address the Council and the number of speakers is to be limited to 2 in support and 2 against any particular item on a Special Council Meeting Agenda. The Public address session will be restricted to 15 minutes unless the Council, by resolution decides otherwise.

Disclaimer

Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. For example, by reference to the confirmed Minutes of Council meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

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1. Declaration of Opening

The Presiding Member declared the meeting open at 6pm and drew attention to the disclaimer below and advise that the meeting will be live streamed.

2. Present and Apologies and Leave of Absence (Previously Approved)

Councillors	Mayor F E M Argyle (Presiding Member)	
	Councillor B Brackenridge	Melvista Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor H Amiry	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor F J O Bennett	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor N R Youngman	Dalkeith Ward
	Councillor O J Basson	Hollywood Ward
	Councillor O Combes	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward

Staff	Mr W R Parker	Chief Executive Officer
	Mr M R Cole	Director Corporate Services
	Mr M K MacPherson	Director Technical Services
	Mrs N M Ceric	Executive Officer
	Ms L J Kania	Coordinator Governance & Risk

Public There were 0 members of the public present and 1 online.

Press Nil.

**Leave of Absence
(Previously Approved)** Nil.

Apologies Mr T G Free Director Planning & Development

3. Public Question Time

Public questions submitted to be read at this point.

4. Addresses by Members of the Public

Addresses by members of the public who had completed Public Address Registration Forms to be made at this point.

Nil.

5. Disclosures of Financial / Proximity Interest

The Presiding Member reminded Council Members and Staff of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting when the matter is discussed.

Councillor Hodsdon raised the question of Councillors declaring a financial interest in the matter. The interest is an exempt interest under s. 5.63(1) of the *Local Government Act 1995*.

6. Disclosures of Interests Affecting Impartiality

The Presiding Member to reminded Council Members and Staff of the requirements of Council's Code of Conduct in accordance with Section 5.103 of the *Local Government Act*.

Councillor Hodsdon raised the question of Councillors declaring a impartiality interest in the matter. The interest is an exempt interest under s. 5.63(1) of the *Local Government Act 1995*.

7. Declarations by Members That They Have Not Given Due Consideration to Papers

Nil.

8. CEO01.02.23 Review of Wards and Representation

Meeting & Date	Special Council Meeting – 13 February 2023
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	Libby Kania - Coordinator Governance and Risk
CEO	Bill Parker – Chief Executive Officer
Attachments	<ol style="list-style-type: none"> 1. Map of recommended ward boundaries – Option Two - Four wards, two councillors per ward. 2. Review of Wards and Representation Discussion Paper dated October 2022.

Moved – Councillor McManus
Seconded – Councillor Senathirajah

That the Recommendation be adopted with the following amendment:

That clause 3 (a) be amended to replace the words “John XXIII Avenue to the North, Mooro Drive to the West” with “Camelia Avenue to the North”.

Suspension of Standing Orders

Moved - Councillor Hodsdon
Seconded - Councillor Coghlan

That Standing Order No. 10.11(2) be suspended for the purpose of allowing more than 2 successful amendments.

CARRIED UNANIMOUSLY 13/-

Amendment

Moved - Councillor Mangano
Seconded - Councillor Smyth

That an additional clause be added as follows:

7. In the event that the Minister’s proposed reforms to the *Local Government Act 1995* to reduce the number of Council positions for local governments with populations between 5,000 to 75,000, to a maximum number of 9 elected members is not passed by State Parliament in time for the October 2023 Ordinary Local Government Elections, the City of Nedlands withdraws its application to the Local Government Advisory Board in respect to recommendations 4 and 5 of the Council resolution dated 13 February 2023, and

retains the current representation of 13 elected members with 3 Councillors per each of the 4 wards for the 2023 election.

The AMENDMENT was PUT and was

Councillor Coghlan retired from the meeting at 6.19pm.

CARRIED 9/3
(Against: Mayor Argyle Crs. Amiry & McManus)

Amendment

Moved - Councillor Hodsdon

Seconded - Councillor Youngman

That clause 5 be replaced with the following:

5. That Council recommends to the Local Government Advisory Board that at the next ordinary election the number of offices of Councillor be reduced from twelve to eight and designates the following number of offices of Councillor for each ward: Melvista (2), Hollywood (2), Dalkeith (2) and Coastal (2).

The reduction in the number of offices of Council be achieved as follows:

At the 2023 Election – Abolish 1 office of Councillor in each ward so that no election is conducted in the Coastal or Hollywood Wards; and only 1 election is conducted in the Dalkeith Ward (4 year term) and 1 election in the Melvista Ward (4 year term); and

At the 2025 Election – Election of 2 Councillors in the Coastal Ward with 1 election for a term of 4 years and 1 election for a term of 2 years; 1 election in the Dalkeith Ward for a term of 4 years; 1 election in the Melvista Ward for a term of 4 years; and election of 2 Councillors in the Hollywood Ward with 1 election for a term of 4 years and 1 election for a term of 2 years.

The AMENDMENT was PUT and was

CARRIED 7/5
**(Against: Mayor Argyle Crs. Senathirajah
McManus Bennett Mangano)**

The Substantive Motion was PUT and was

Lost 5/7
(Against: Mayor Argyle Crs. Senathirajah Amiry McManus
Bennett Mangano & Youngman)

Moved – Councillor Amiry
Seconded – Councillor Combes

That the City of Nedlands Council recommends to the Local Government Advisory Board, in accordance with Schedule 2.2(9) that:

1. the City of Nedlands abolishes its current four ward structure and moves to a no ward system;
2. reduces the number of offices of Elected Member from 13 to 7 – comprised of a Mayor and 6 Councillors;
3. all offices of Councillor to be declared vacant at the 2023 Ordinary Local Government Elections; and
4. authorises the Chief Executive Officer to prepare a report to be presented to the Local Government Advisory Board proposing that the orders resolved above be made under section 2.2(1) and s. 2.18(3) of the Local Government Act 1995 to:
 - (a) Abolish all wards for the City of Nedlands district; and
 - (b) Reduce the number of offices of Councillors from 12 to 6.
5. the newly established Council to consider a three ward structure through a future ward and representation review in time for the 2025 Ordinary Local Government Elections.

Lost 1/11

(Against: Mayor Argyle Crs. Brackenridge Senathirajah McManus Smyth
Bennett Mangano Youngman Basson Combes & Hodsdon)

Moved – Councillor Youngman
Seconded – Councillor Hodsdon

That the City of Nedlands Council recommends to the Local Government Advisory Board, in accordance with Schedule 2.2(9) that:

1. the City of Nedlands abolishes its four ward structure and moves to a two ward structure;
2. an order be made under s. 2.2(1) for the City of Nedlands to be divided into two wards with the boundary between the wards to be Stirling Highway;
3. an order be made under s. 2.2 for the names of the two wards to be as follows – the Ward North of Stirling Highway to be named the North Ward and the Ward South of Stirling Highway to be named the South Ward;
4. an order be made under s. 2.18(3) to reduce the number of offices of Elected Members from 13 to 9 – comprised of a Mayor and 8 Councillors, and designates the following

number of offices of Councillor for each Ward: the North Ward (4) and the South Ward (4);

5. The reduction in the number of offices of Council be achieved as follows:
 - (a) At the 2023 Election – Abolish 4 offices of Councillor; with an election for two positions of Councillor to be held in the South Ward for the term of four years.
 - (b) At the 2025 Election – Election of 4 Councillors in the North Ward with 2 elections for a term of 4 years and 2 elections for a term of 2 years; Election of 2 Councillors in the South Ward for a term of 4 years; and
6. authorises the Chief Executive Officer to prepare a report to be presented to the Local Government Advisory Board proposing that the orders be resolved above be made under section 2.2(1) and s. 2.18(3) of the *Local Government Act 1995*.

Lost 6/6
(Against: Mayor Argyle Crs. Senathirajah McManus
Smyth Bennett & Mangano)

The Presiding Member adjourned the meeting for 15 minutes.

The meeting adjourned at 7.25 and reconvened at 7.40 pm with the following people in attendance:

Councillors	Mayor F E M Argyle (Presiding Member)	
	Councillor B Brackenridge	Melvista Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor H Amiry	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor F J O Bennett	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor N R Youngman	Dalkeith Ward
	Councillor O J Basson	Hollywood Ward
	Councillor O Combes	Hollywood Ward
Councillor B G Hodsdon	Hollywood Ward	
Staff	Mr W R Parker	Chief Executive Officer
	Mr M R Cole	Director Corporate Services
	Mr T G Free	Director Planning & Development
	Mr M K MacPherson	Director Technical Services
	Mrs N M Ceric	Executive Officer
	Ms L J Kania	Coordinator Governance & Risk
Public	There were 0 members of the public present and 3 online.	

Regulation 11(da) – Council did not make a determination on the method by which the reduction in the number of Council offices was to be achieved. It was considered better to leave this to the LGAB to make a recommendation to the Minister.

Moved – Councillor Hodsdon

Seconded – Councillor Senathirajah

Council Resolution

That the City of Nedlands Council recommends to the Local Government Advisory Board, in accordance with Schedule 2.2(9) that:

- 1. The current four ward structure at the City of Nedlands be retained;**
- 2. An order be made that the name of the Coastal Districts Ward be amended to the Coastal Ward, all other ward names be retained;**
- 3. An order be made under s. 2.2(1) for a boundary adjustment between the Coastal and Hollywood Wards as follows:**
 - a. The area bounded by Camelia Avenue to the North, Lantana Avenue to the West, Brockway Road to the East and Alfred Road to the South is moved from the current Coastal Ward to the Hollywood Ward.**
- 4. An order be made under s. 2.18(3) to reduce the number of offices of Elected Member from 13 to 9 – comprised of a Mayor and 8 Councillors, and designates the following number of offices of councillor for each ward: Melvista (2), Hollywood (2), Dalkeith (2) and Coastal (2);**
- 5. Authorises the Chief Executive Officer to prepare a report to be presented to the Local Government Advisory Board proposing that the orders resolved above be made under section 2.2(1) and s. 2.18(3) of the *Local Government Act 1995*; and**
- 6. In the event that the Minister’s proposed reforms to the *Local Government Act 1995* to reduce the number of Council positions for local governments with populations between 5,000 to 75,000, to a maximum number of 9 elected members is not passed by State Parliament in time for the October 2023 Ordinary Local Government Elections, the City of Nedlands withdraws its application to the Local Government Advisory Board in respect to recommendation 4 of the Council resolution dated 13 February 2023, and retains the current representation of 13 elected members with 3 Councillors per each of the 4 wards for the 2023 election.**

**CARRIED BY ABSOLUTE MAJORITY 8/4
(Against: Mayor Argyle Crs. Bennett Mangano Youngman)**

Recommendation

That the City of Nedlands Council recommends to the Local Government Advisory Board, in accordance with Schedule 2.2(9) that:

1. The current four ward structure at the City of Nedlands be retained;
2. An order be made that the name of the Coastal Districts Ward be amended to the Coastal Ward, all other ward names be retained;
3. An order be made under s. 2.2(1) for a boundary adjustment between the Coastal and Hollywood Wards (as detailed in Attachment 1) as follows:
 - a. The area bounded by John XXIII Ave to the North, Mooro Drive to the West, Lantana Ave to the West, Brockway Road to the East and Alfred Road to the South is moved from the current Coastal Ward to the Hollywood Ward.
4. An order be made under s. 2.18(3) to reduce the number of offices of Elected Member from 13 to 9 – comprised of a Mayor and 8 Councillors, and designates the following number of offices of councillor for each ward: Melvista (2), Hollywood (2), Dalkeith (2) and Coastal (2);
5. All offices of Councillor to be declared vacant at the 2023 Ordinary Local Government Elections; and
6. Authorises the Chief Executive Officer to prepare a report to be presented to the Local Government Advisory Board proposing that the orders resolved above be made under section 2.2(1) and s. 2.18(3) of the *Local Government Act 1995*.

Purpose

Council is required to:

- conclude the Ward and Representation review process that was commenced in October 2022;
- consider the public submissions received; and
- make a recommendation to the Local Government Advisory Board (LGAB) on the future of the City of Nedlands' Ward system and the Councillor representation for the district.

Voting Requirement

Absolute Majority.

Background

In September 2022 the Minister for Local Government advised all local governments that the State intends to amend the *Local Government Act 1995* (the Act), to include changes to the number of councillors that is directly dependent on the population of a district.

Under this proposal, councils of local governments such as the City of Nedlands with populations between 5,000 and 75,000 may have between 5 and 9 elected members including the Mayor, who is to be elected at large.

Council is currently comprised of 13 elected members, being 12 councillors elected from 4 wards and a Mayor elected at large.

Local governments were requested to advise the Department of Local Government, Sport and Cultural Industries (DLGSC) if they intended to make voluntarily changes that align with the proposed legislation (the 'voluntary pathway') or to choose the reform pathway which may involve the abolition of all wards and the number of elected member positions set under the reforms.

Whilst this legislation is yet to be passed, it is understood that the intention is to not only reduce the number of elected members in those local governments that remain outside the range, but for those local governments who do not voluntarily change, to require a spill of all positions on a council and the removal of wards altogether. This would come into effect at the ordinary council elections scheduled for October 2023 after which wards could then be re-established by a council for the elections scheduled for 2025.

Review of Wards and Representation and the Voluntary Pathway

At its Ordinary Council Meeting held on 25 October 2022, item 20.3 - CEO13.10.22 Review of Wards and Representation council resolved:

That Council:

1. advises the Department of Local Government, Sport and Cultural Industries of its intention to pursue the voluntary pathway for the review of wards and representation;
2. initiates a review of the City of Nedlands wards and representation system in accordance with clause 6 of Schedule 2.2 of the Local Government Act 1995;
3. resolves to give local public notice of the wards and representation review in accordance with 7(1) Schedule 2.2 of the Local Government Act 1995; and
4. endorses the Review of Wards and Representation Discussion Paper detailed in Attachment 1 for the purposes of community consultation.

The discussion paper attached to the report to council and used for the community consultation process contained three potential options that complied with both the existing criteria in the Act (being communities of interest, physical and topographic features, demographic trends, economic factors, and the ratio of Councillors to electors) and the

proposed reduction in Councillor positions to eight, to assist members of the public to make comment. These options were:

- Option 1 – No wards;
- Option 2 – Move electors between existing wards to correct imbalance; and
- Option 3 – Two wards of four councillors each.

Members of the community were also encouraged to suggest other outcomes that complied with the criteria in the Act.

The City advertised its review of wards and representation on 31 October 2022 for a six week consultation period. Public submissions closed on 20 December 2022. A discussion paper was made available to all members of the public during the local public notice period. The City received 16 public submissions.

Council is required to consider the submissions received and the options proposed and make a report in writing to the Board proposing (by absolute majority) the making of any order under section 2.2(1) (Creating new wards, changing boundaries etc), 2.3(3) (Names of districts and wards) or 2.18(3) (Fixing and changing the number of councillors). (Clause 9 Schedule 2.2).

If the City submits a report to the Board by 14 February 2023, any changes that are approved by the Minister will likely be implemented in time for the 2023 Local Government Elections.

Discussion

1. Review of Wards

1.1 Present Situation

The City of Nedlands currently has twelve (12) Councillors, with three (3) Councillor representatives per each of the four wards. In addition to the 12 Councillors, the Mayor at the City is popularly elected. There are approximately 15,615 electors in the district.

The number of electors per ward is as follows:

**Table 1 – Current Situation
WARDS AND REPRESENTATION**

Ward	Number of electors	Number of Councillors	Ratio of electors per Councillor	% Ratio deviation
Hollywood	4,018	3	1,339	-2.93%
Dalkeith	3,572	3	1,191	8.50%
Melvista	3,535	3	1,178	9.45%

Ward	Number of electors	Number of Councillors	Ratio of electors per Councillor	% Ratio deviation
Coastal	4,490	3	1,497	-15.06%
Totals/ average	15,615	12	1,301	

The criteria applied under the Act when establishing boundaries for local governments divided into wards includes consideration of the ratio of electors per councillor in each ward. The Local Government Advisory Board (which makes recommendations to the Minister for Local Government about wards and representation issues) considers that this ratio should be as even as possible but considers a range of plus or minus 10% to be acceptable.

The percentage ratio deviation gives a clear indication of the percentage difference between the average Councillor/elector ratio for the whole local government and the Councillor/elector ratio for each ward. The percentage ratio deviation is negative for those wards that have more electors than the average. In these wards the electors are under-represented and therefore a negative percentage is shown in the table.

It can be seen that there is an imbalance in representation across the City with the Hollywood and Coastal Wards being under represented and the Dalkeith and Melvista Wards being over represented.

The Minister for Local Government has indicated that changes to ward boundaries and representation that result in ward Councillor/elector ratios that are greater than plus or minus 10% of the average Councillor/elector ratio for that local government will not be considered.

There is an imbalance between representation levels across the wards in the district. While the variation between the majority of the wards lies within the accepted 10% variation, the ratio deviation in the Coastal Ward and the likelihood of population growth in the Melvista and Hollywood Wards, will require the City to address the imbalance.

1.2. Summary of Public Submissions

A local government is to consider the submissions received. The City advertised the review from 31 October 2022, with submissions closing on 20 December 2022. The City received 16 public submissions in respect to the review.

- Seven supported maintaining the current four ward system and moving electors to correct any imbalance in the ratio of electors per councillor (Option 2 of the discussion paper);
- Three supported the establishment of two wards of four councillors each (Option 3 of the discussion paper); and
- Six suggested other outcomes or no change:

No.	Comment
1	Two wards.
2	Other. Two wards but increase the South ward to cover commercial area both sides of Stirling highway. In the proposed layout, the South ward population number is better aligned to 3 councillors than the suggested 4 (reduces the deviation) so room to expand the South ward population.
3.	Maintain the current four ward system and move electors to correct imbalance.
4.	Two wards.
5.	<p>Other. I support the review of ward boundaries and reduction in the numbers of elected council members and support the council's selection of the Voluntary Pathway to achieve this reform. I also believe 2 or more wards should be retained so the elected councillors have an area on which they are focussed and can thus represent their constituents most effectively. That said I am not supportive of any of the multiple ward options proposed in the discussion paper for one simple reason. In every option proposed the Coastal and Hollywood Ward end up being approximately 10% under-represented and the Dalkeith and Melvista Wards 10% over-represented. This 20% difference in representation! Although allowable under Minister Carey's guidelines this is not acceptable particularly given the following:</p> <ol style="list-style-type: none"> 1. There is an opportunity to fix this imbalance. 2. The Hollywood and Coastal Wards are the areas exposed to the greatest population growth as a result of the recent rezoning. The new zoning must be 'future proofed' lest in be redundant within but a few years of inception. <p>I see at least three options to correct this issue of which my preferred is Option C</p> <p>A. Combine i) the Melvista and Hollywood Wards and ii) the Dalkeith and Coastal Wards. This will result in 1 councillor per 1888 electors and 1 councillor per 2015 electors - a far superior representation ratio than anything proposed in the discussion paper. It will also provide the most effective means of dealing with the significant growth expected along Stirling Highway as it will pass through a single ward.</p> <p>B. Move the northern boundary of the Melvista Ward to Monash Avenue. Like Option B this will significantly improve the representation ratio. It will also provide an effective means of dealing with the significant growth expected along Stirling Highway as it will pass through a single ward</p> <p>C. Combine the Hollywood and Coastal Wards and have them represented by 4 councillors and combine the Dalkeith and Melvista Wards and have them represented by 3 councillors. This will result in 1 councillor per 2127 electors and 1 councillor per 2369 electors respectively. This variation well within the Ministers guidance of +/- 10 % and allows for movement as the implications of LSP3 come to pass.</p>
6.	<p>Other. The current proposal to have 2 Wards ie merging Dalkeith and Melvista, and Hollywood with Coastal can be perceived to split the City into "Affluent" and "Not so Affluent". This is discriminatory.</p> <p>A better and more sensible Option is to do away with having Stirling Highway as an "invisible divide" and redraw Ward boundaries to (roughly) incorporate Dalkeith with Hollywood; and Melvista with Coastal. This way, the population is equally divided; and a fairer representation of Ratepayer/Councillor ratio (with 6-8 Councillors per Ward) is achieved. Councillors will have to understand a wider range of issues that may not pertain to their current Wards. It will be more difficult</p>

	<p>for lobby groups to ensure representation on Council - making decision-making fairer.</p> <p>In my opinion, a more streamlined Council of 6 Councillors, with the 2 Wards I have suggested is enough for this small City. In this way, perhaps we will also see a genuine election battle for the right candidates to represent the people and the City's overall interests.</p>
7.	Two wards.
8.	Maintain the current four ward system and move electors to correct imbalance.
9.	Maintain the current four ward system and move electors to correct imbalance.
10.	Maintain the current four ward system and move electors to correct imbalance
11.	<p>Other. The current 4 wards have logical boundaries. The number of electors on the WAEC roll is not a true representation of the number of ratepayers. There are many ratepayers who are not resident in the area (eg overseas and interstate owners), there are children, and there are changes happening as a result of rezoning, eg Montario Quarter. The discrepancies are not significant enough to warrant changing the ward boundaries.</p>
12.	Maintain the current four ward system and move electors to correct imbalance.
13.	Maintain current wards and current numbers of Councillors in each ward.
14.	Maintain the current four ward system and move electors to correct imbalance.
15.	<p>Other. Maintain current ward boundaries. Don't move Graylands hospital precinct into Hollywood ward. Reasons:</p> <ol style="list-style-type: none"> 1. With 15,615 electors and 4 wards the average is 3,904 electors per ward. There is a +/-10% tolerance, ie 390 electors either side of the average. Coastal Ward exceeds the tolerance by 196 electors. On surface value reallocating 253 Coastal electors to Hollywood is a short-term mathematical fix. However, this does not take into account the other factors for consideration, such as community of belonging and geographic context. 2. Hollywood ward is about to have an immediate influx of population with Montario Quarter, the 200 variation will soon be made up from new residents. 3. Graylands Hospital site is gearing up for redevelopment, it should remain as has been the case under the watchful eye of Coastal ward representatives and the surrounding residential community. 4. Coastal ward has infill mainly creating family homes therefore population increase is in children under voting age and not effecting the elector numbers. 5. Coastal ward is the ward least likely to increase numbers with the other wards bearing the infill population increase. 6. Coastal ward has 368 electors in the Seaward Village and Campbell Barracks, these are transient and highly variable numbers. These electors and Graylands Hospital residents give an inflated numbers to the those who can/ will actually participate in the election process for Coastal Ward.
16.	<p>All citizens and ratepayers of the City of Nedlands must have ADEQUATE representation on Council if their interests are to be protected and grievances heard and acted upon.</p> <p>"No taxation without adequate representation" This was the call to rebellion in the American War of Independence and is as relevant today as it was then.</p> <p>At present the number of electors from the highest Coastal Ward with 4,490 to the lowest Melvista with 3,535 differs by approx. 1,000 electors. However, there aren't any statistics in the information from Council that take into account large future density increases in the Melvista Ward along West side of Broadway,</p>

<p>Stirling Hwy from Broadway to Rockton Rd extending into and along Jenkins Ave. Betty to Doonan Rd, Princess Rd intersection with Dalkeith Rd. Population increases that will affect the demand for better and increased representation on Council.</p> <p>More people equate to more issues and problems and a demand for greater representation.</p> <p>There isn't any information relating to other density increases planned and underway in Dalkeith Ward along Waratah Aye, Phillip Rd, Adelma and Edna Rd, Alexander Rd & Place or Hollywood where there are massive changes planned for William and Stirling Hwy, the Chellingworth fiasco and in Coastal Ward to a less degree.</p> <p>In fact, we are being asked to make an informed (actually ill informed) judgment using Ward elector numbers as they stand today without any projected statistics of what the population numbers are likely to be in each Ward in 2 to 5 or 10 years' time. Is this deliberate?</p> <p>I consider a more useful approach would have been to illustrate the current number of electors in each Ward and contrasted these numbers with projected population increases in all Wards once the governments push for density in the western suburbs has had its affect over the next 5 years.</p> <p>Surely the council planners together with the State Government have the experts to provide information on projected increases in population following the completion of new multi high-rise apartments passed by JDAP and DAPS. These projected population increases in the 4 Wards would be more relevant than relying on the 2021 census.</p> <p>The only option I would consider is Option 2. It will be easy to re install the original Ward boundaries once the population in developing wards explodes as it must. Together with elector dissatisfaction at the reduced representation in contrast to the increase in their rates.</p>

The majority of respondents supported Option 2, a minor boundary amendment to rectify the imbalance between the representation in the wards, and retention of the four ward structure.

1.3 Assessment of Options

Before the City is able to propose that an order be made to change the boundaries of a ward or to create new wards, or to change the number of offices of councillor for a ward, it is to take into account where applicable the following criteria –

- (a) community of interests;
- (b) physical and topographic features;
- (c) demographic trends;
- (d) economic factors; and
- (e) the ratio of councillors to electors in the various wards. (*Schedule 2.2, Clause 8*)

The Board offers the following interpretation of these factors:

a. Community of Interest

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

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

The Local Government Advisory Board suggests that this factor be interpreted in broad terms, such that all these elements may be relevant. A submission to the Board shall ideally specify the basis used for establishing and identifying the communities of interest which have been recognised in a proposal.

b. Physical and Topographic Features

Physical and topographic features may include both natural and man-made features. Water features such as rivers and catchment boundaries may be a relevant consideration in establishing boundary alignments. For example, it may be appropriate for a local government to consider the relevance of beach suburbs, coastal plan and foothills regions within the locality. The location of parks and reserves may be relevant, or other man-made features such as railway lines or freeways. The particular physical and topographic features, which may need to be considered, will vary from area to area. Stirling Highway, Alfred Road, Swanbourne Beach, Sports Parks, and the river should all be considered as major physical and topographical features that may affect ward boundary locations.

Physical features that could be considered significant include Stirling Highway, Alfred Road, Melvista Avenue, Brockway Road, and West Coast Highway.

c. Demographic trends

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

d. Economic factors

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

e. Ratio of Councillors to Electors in the various wards

It is expected that each local government will have similar ratios of electors to Councillors across the wards of its district.

The Local Government Advisory Board believes that as far as practicable the principle of 'one vote, one value' should be applied. Variations from this principle will only be approved where a sufficient case is demonstrated for the variation, based on the other prescribed factors, such as community of interests, economic or demographic factors. A calculation showing changes in the ratios due to population growth, if applicable, would also be desirable.

Option 1 – Current structure (4 Ward Structure and 12 Councillors)

The following is an assessment of the current situation against the factors.

Community of interest

The ward boundaries for the Dalkeith and Melvista Wards tend to reflect communities of interest and suburb boundaries. The Coastal Ward and the Hollywood Ward tend to have a number of suburbs within the ward boundaries or share parts of these suburbs with adjoining local government districts. Notwithstanding, there tends to be strong identification with these communities to their particular ward and to the City of Nedlands generally.

Physical and topographic features

Ward boundaries tend to reflect major physical and topographic features eg the boundary between Melvista and Hollywood Ward is Stirling Highway, and Brockway Road provides a physical boundary between the Hollywood and Coastal Wards.

Demographic trends

The current demographic trends suggest that the Coastal Ward will continue to have greater population growth in the short-term at a rate higher than the other wards.

Demographic trends based on the number of electors in each ward over the period from 2013 – 2022, using electoral data from the WAEC, supports this trend.

In the longer term, future development in the Melvista and Hollywood Wards will see higher densities in these wards. Should Council resolve to retain the current four ward structure, a boundary adjustment may be required in the next periodic review of the Ward system.

Economic factors

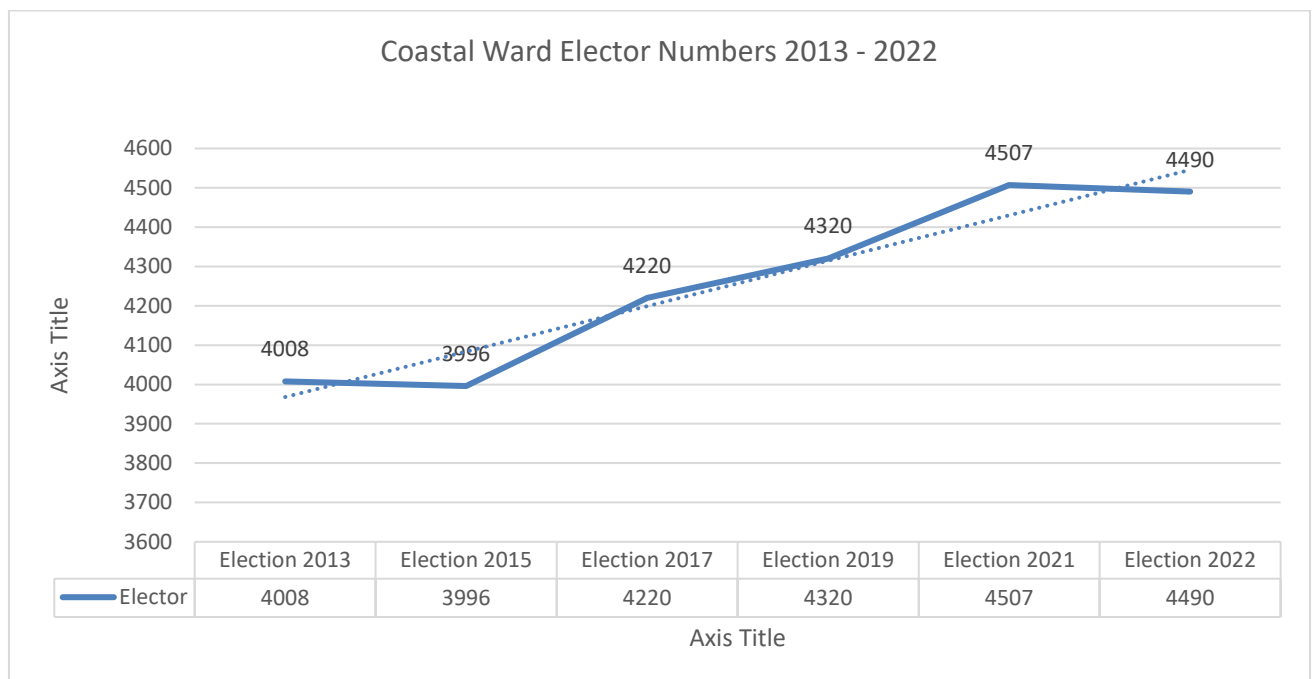
Ward boundaries tend to reflect economic activities with commercial and light industrial tending to be located in the Hollywood Ward and along major intersections in the Melvista Ward. Some commercial activity is present in the Dalkeith Ward, but this tends to be on a smaller scale, with residential and public open space dominating the ward.

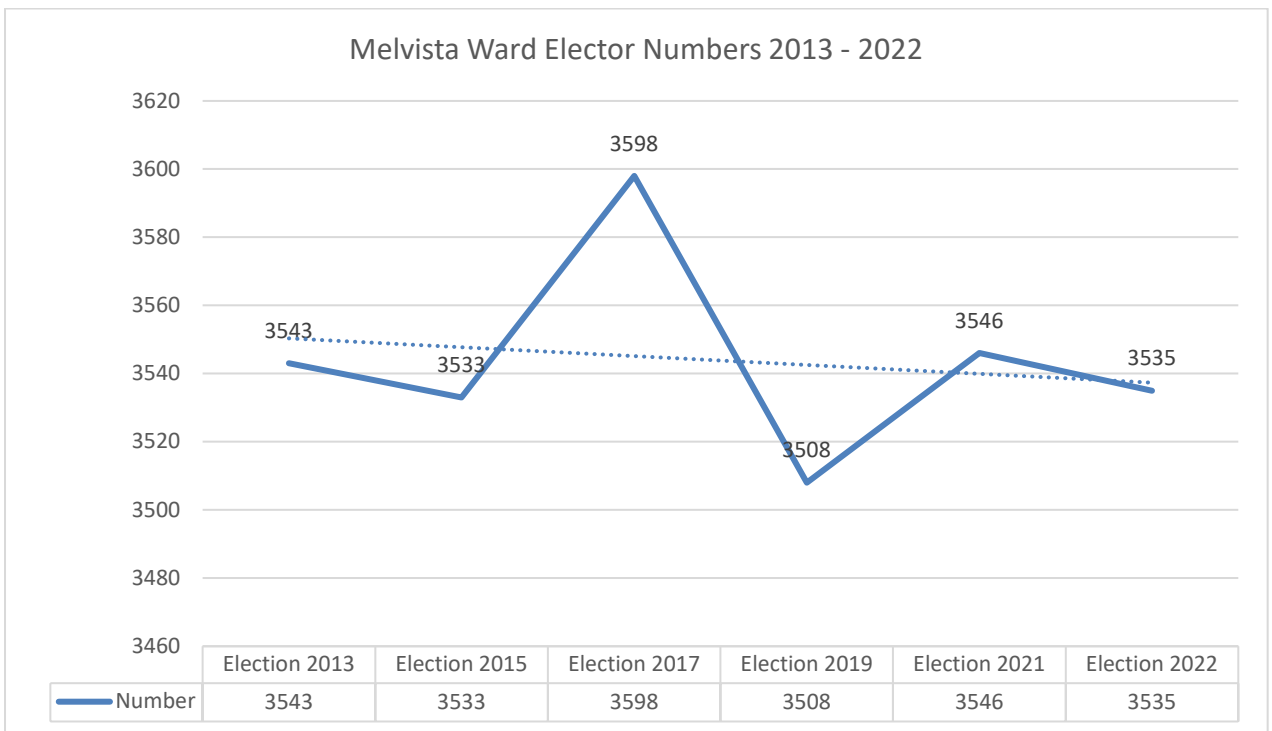
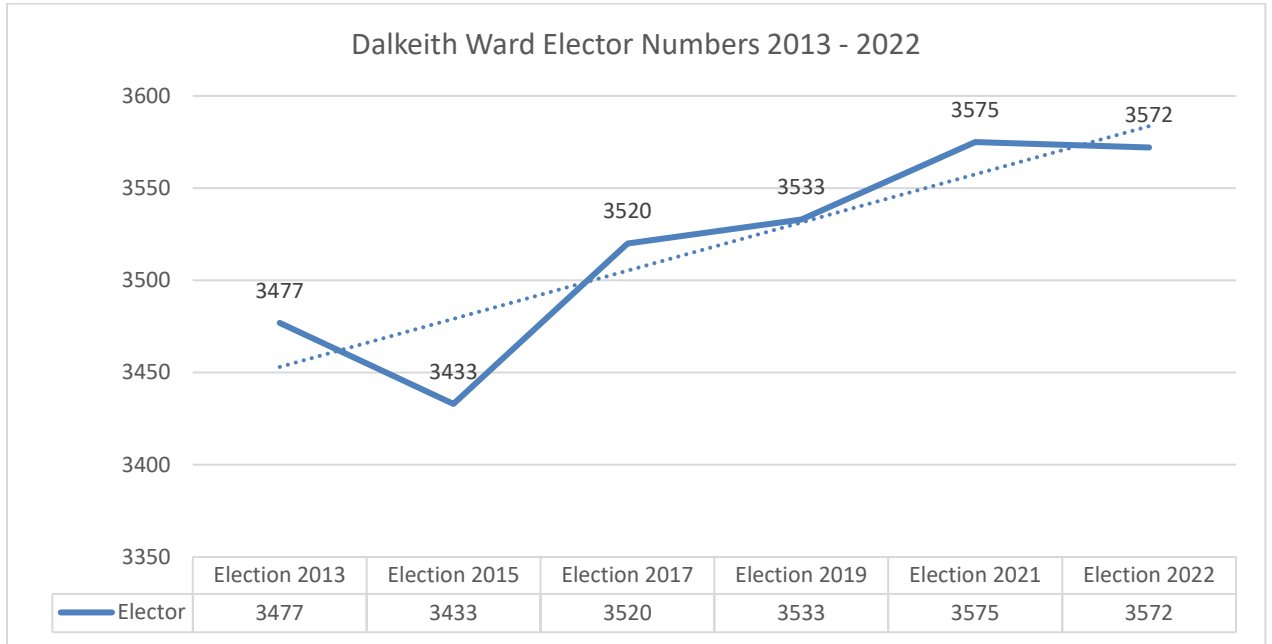
Ratio of councillors to electors

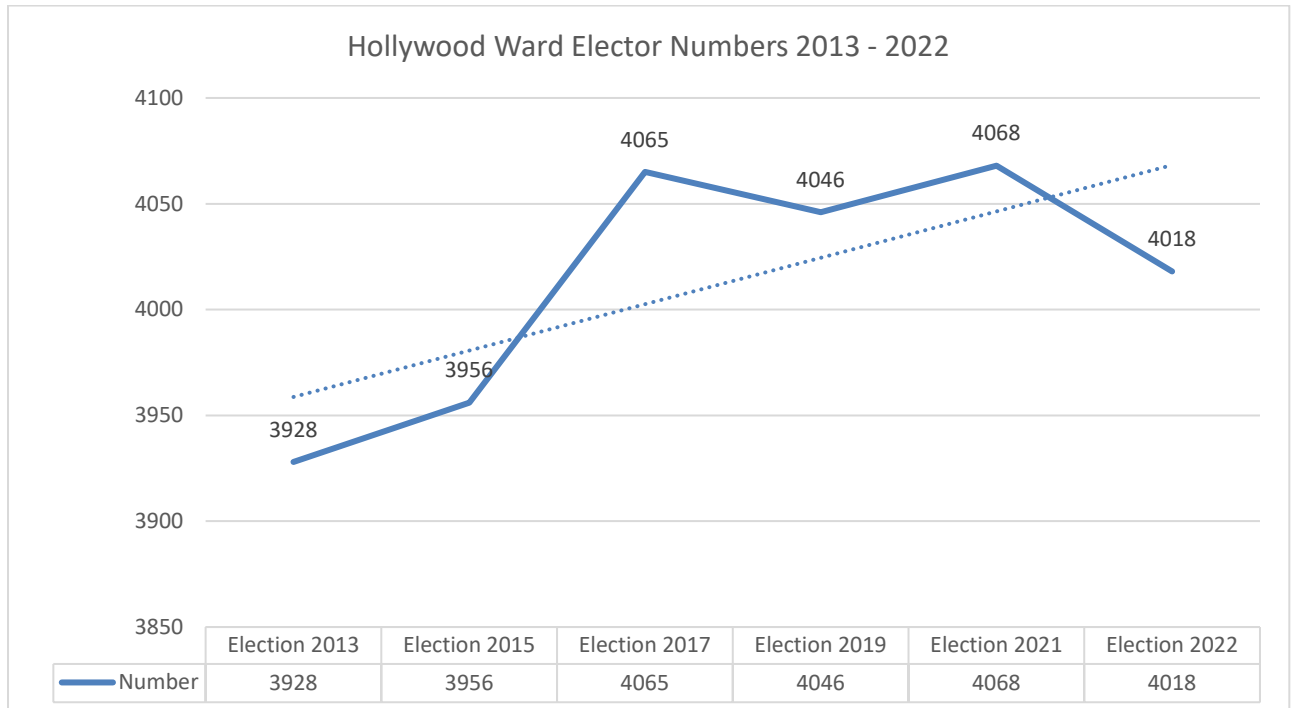
The current situation shows an imbalance between the Coastal Ward and the other Wards.

Given the population distribution between each ward and the current imbalance, a boundary amendment between the Coastal and Hollywood Wards may at the very least, be required to address the variation.

If Council were to argue that the current ward system with the existing boundaries be retained for the October 2023 election, then Council would need to provide a salient argument in its report to the LGAB for this retention. One may argue that proposed developments in the Melvista and Hollywood wards may address the variation between the wards, as population/elector densities increase in these wards. However, this will not be in the short-term and therefore elector imbalances may be above the acceptable deviation ratios for some time. This has not occurred in the past, where elector trends over the last ten years has shown growth in the Coastal and Hollywood Wards at a far greater rate, than in the Dalkeith and Melvista Wards. Current developments in those wards have not had a marked difference in the short-term to the elector ratios. It is acknowledged that with proposed major development under LPS 3 that elector ratios in each of the wards will change going forward.







Representation, the number of councillors per ward, would also need to be addressed as the Minister has indicated that the current number of Council positions will need to be reduced to meet the requirements of the proposed reforms. Retaining the present number of Councillors will most likely not be an option and failure to address this now may prevent the City having determination over the number of Councillors for the district.

Option 2 – Minor Amendment maintaining four wards (8 Councillors)

The following is an assessment of this option against the factors.

This option allows for the City to maintain the present system by making minor boundary changes between the wards. It would require the ceding of area between the Coastal and Hollywood Wards. The current number of Councillors would be reduced to two per ward in order to comply with the Minister’s proposed amendment. It would address the imbalance in the Councillor to Elector ratio, with approximately 253 additional electors being moved from the Coastal to Hollywood Ward. It is however, not a long term solution as proposed major development in other wards will impact the ratio deviations in the future. A further boundary adjustment is likely to be required during the periodic review.

Community of interest

This option generally maintains the community of interest between the wards. The minor boundary amendment would see the area bounded by John XXIII Avenue, Mooro Drive, Lantana Avenue, Brockway Road and Alfred Road move from the Coastal Ward. This would include the Graylands Hospital Complex and the residential estate bounded by Lantana Avenue to the West, Camelia Avenue to the North, Alfred Road to the South and Brockway Road to the East. While proximity may suggest that the residential estate shares a stronger community of interest with the residential area bounded by Lantana Avenue to its West, the

area around the Quintilian School would similarly share a community of interest with these residents due to major topographic features providing a boundary around the estate.

Demographic trends

The proposed amendment would address the current imbalance in the wards however, it would not be a long-term measure as future developments in other wards may lead to an imbalance in the representation ratios.

Physical and topographic features

The amendment of the ward boundary between the Coastal and Hollywood Wards does not provide a natural physical or topographic boundary. It would be more appropriate to amend the boundary at Montgomery Avenue however, the number of electors would then be too large in the Hollywood ward that would then necessitate a boundary amendment for that ward with the Melvista Ward neither along physical or topographic boundaries.

Economic factors

Ward boundaries do not reflect economic activities.

Ratio of councillors to electors

The ratio of Councillors to electors would come within the acceptable ratio of 10%. The number of councillor positions would be reduced from 12 to 8 under this option, with the Mayor popularly elected by the electors of the district.

**Table 2 – Option 2
WARDS AND REPRESENTATION**

Ward	Number of electors	Number of Councillors	Ratio of Councillors per elector	% Ratio deviation
Coastal	4,237	2	2,119	-8.54%
Dalkeith	3,572	2	1,786	8.50%
Melvista	3,535	2	1,768	9.45%
Hollywood	4,271	2	2,136	-9.41%
Average	15,615	8	1,952	0

Option 3 - Divide the district into two wards

The following is an assessment of this option against the factors.

This option would merge the existing Coastal/Hollywood and Dalkeith/Melvista wards, resulting in two wards with four councillor representatives in each ward. The boundary between the two wards would be Stirling Highway.

Community of interest

Community of interest is established between the proposed wards as the wards are divided by a major highway that tends to create inward facing community hubs of residential village-based communities. The wards are comprised of suburbs that have similar demographics in terms of community composition and economic activity. The wards also reflect school catchment areas creating a sense of belonging amongst residents in the proposed ward areas.

Physical and topographic features

The boundary between the two wards would be along the major road network. Stirling Highway will provide the boundary between the two wards that is simple and clear. Both wards have a defining and attractive water feature boundary, the ocean in the North Ward and the river in the South Ward.

Demographic trends

The two wards each have areas of growth and development that may offset one another. There is the potential for further growth in the proposed South Ward with greater densities derived from future development. This may offset the potential growth in the North Ward. At present, the demographic trends are within the ratio requirements.

Economic factors

The majority of retail and light industrial activity occurs in the proposed North Ward. Minor retail and food activities occur in the proposed South Ward. Areas of commercial and industrial development are within the same wards to the extent possible.

Ratio of councillors to electors

This option would result in balanced representation within the district. There is an issue that in the future the current difference in elector numbers may lead to a ratio deviation in the North Ward greater than 10%. It is likely that with the future developments in the South Ward along Brockway and Stirling Highway, that this may offset future growth in the North Ward.

**Table 3 – Option 3
WARDS AND REPRESENTATION**

Ward	Number of electors	Number of Councillors	Ratio of Councillors to electors	%Ratio deviation
North Ward	8,508	4	2,127	-8.97%
South Ward	7,107	4	1,777	8.97%
	15,615	8	1,952	0

Advantages of this option include:

- A Ward system allows for specific focus on the ward-based community of interest factors;
- The wards allow for specific focus on the ward based economic factors;
- the capacity for future growth in areas north and south of Stirling Highway;
- the provision of four councillors per ward providing the community a choice of local government representative; and
- even number of councillors in each ward.

Disadvantages of this option include:

- Commercial areas north and south of Stirling Highway are in separate wards;
- The wards are relatively large compared to other options such as the four ward structure.

Suggestions were provided to remove the Stirling Highway divide and redraw the two ward boundary to roughly incorporate the present Dalkeith and Hollywood Wards into one ward with the Melvista and Coastal Wards forming another. Councillor representation was reduced to 6 with each ward represented by 3 councillors. Total elected member representation would be 7 with 6 councillors and a popularly elected mayor.

Other options supporting the two ward structure was to combine the Dalkeith and Melvista Wards and the Hollywood and Coastal Wards and have different councillor representation with one ward being represented by 3 councillors and the other by 4 councillors (to address the ratio to elector deviation). This option would result in a reduction in the number of elected members in the district from 13 to 8. The option may have an impact on future council decision-making with the necessity for the Mayor to utilise a casting vote whenever decisions were tied.

Option 4 – No Wards

The following is an assessment of this option against the factors.

All wards would be abolished under this option. The electorate would vote for all Councillors chosen from across the entire local government area. There is no requirement under the *Local Government Act 1995* to have wards and indeed over 80 local governments in WA do not have wards.

Community of interest

The City is a relatively homogenous local government in terms of its self-identity as a residential district, although the Hollywood and Coastal wards contain significant areas of civic purposed land.

Physical and topographic features

The district boundary does not follow any physical or topographic features.

Demographic trends

Presently, there are areas of growth in the Melvista and Hollywood Wards with the Dalkeith Ward experiencing a relatively stable population in comparison future development especially in the Melvista Ward would impact on these populations. The abolition of wards would negate the need to focus on demographic trends within the district.

Economic factors

The district boundary does not reflect the areas of economic activity.

Ratio of councillors to electors

The option results in balanced representation across the City as all electors vote for their representatives.

Council could determine the number of positions of elected member to meet the requirement of the Minister's proposed reforms. This would need to be between 5 and 9 (inclusive of a popularly elected Mayor). Table 4 provides details as to representation based on 8 Councillors.

The advantages of the option may include:

- Elected members are elected by the whole district and not just a section of it;
- Knowledge and interest in all areas of the Council's affairs would result in broadening the views of elected members beyond the immediate concerns of those in a ward;
- Members of the community who want to approach an elected member can speak to any elected member; and
- The election process is much simpler for the community to understand and for the Council to administer.

The disadvantages of this proposal are:

- Electors may feel that they are not adequately represented if they do not have an affinity with any of the elected members;
- Elected members living in a certain area may have a greater affinity and understanding of the issues specific to that area;
- There is potential for an interest group to dominate the Council;
- Elected Members may feel overwhelmed by having to represent all electors and may not have the time or the opportunity to understand and represent all the issues; and
- It may be more difficult and costly for candidates to be elected if they need to canvass the whole district.

**Table 4 – Option 4
WARDS AND REPRESENTATION**

District	Number of Electors	Number of Councillors	Ratio of Councillors to electors	% Ratio deviation
Total	15,615	8	1,301	0.00%

Option 5 - Alternate Options

Dividing the City into three wards was not considered in the discussion paper provided to the community nor did the Council receive any submission in support of such option. Nonetheless, Council should consider all options. It is likely that dividing the City into three wards will require dividing the district along boundaries that do not necessarily follow communities of interest or major physical and topographical features. The requirement to ensure councillor to elector ratios within the acceptable 10% deviation causes difficulty in determining final boundaries. This will cause issues in creating wards that create community of interest, take into consideration economic factors, and follow physical and topographical features. There may be a tendency to create artificial boundaries that do not meet the requirements of the criteria set out by the LGAB.

Under this option, there would be a North Ward, consisting of the Coastal Ward and part of the Hollywood Ward to Stubbs Terrace, a Central Ward that would extend from Railway Road in the North to Princess Road in the south, and a South Ward that would include part of the existing Melvista Ward and the Dalkeith Ward.

Representation under the option will need to come within the acceptable numbers proposed by the Minister. This will mean that the City could either have unequal numbers of councillors across the wards and a popularly elected mayor (maximum 9 elected members), or only have a maximum number of 2 councillors per ward, and a popularly elected mayor (maximum 7 elected members).

This option is the most challenging, as it does not provide for community of interest, nor does it clearly delineate the ward boundaries along physical and topographical boundaries. The proposed Central Ward would also have the bulk of the up-coded area and be subject to population growth, at a rate greater than the other two wards. This would impact on the elector to councillor ratio.

1.4 The argument for and against Wards

The submissions received by Council all supported the retention of a ward system for the City. This included the support for either a 2 or 4 ward structure.

In considering of a ward system, Council should be mindful of the advantages and disadvantages of having wards in a local government.

The advantages of a ward system allow for:

- diversity on Council, ensuring that different community sectors across the district are equally represented on Council. This in turn, prevents a single-issue interest or councillors from one area of the district, being disproportionality represented.
- There is a greater opportunity for elected members to have personal knowledge and interest in the issues in the ward that they represent; and
- it is easier for a candidate to be elected if they only need to canvas one ward.

The disadvantages of a ward system are:

- elected members may become too focussed on their wards and less focussed on the affairs of the whole local government;
- competition for resources may develop;
- the community and elected members may tend to regard the local government in wards rather than a whole community;
- ward boundaries may be arbitrary and may not reflect communities of interest; and
- balanced representation across the district may be difficult to achieve.

1.5 Naming of Wards

If the City resolves to maintain a ward system, the names of the wards may also be considered for amendment. No submissions were provided in relation to the amendment of Ward Names and the discussion paper did not provide any commentary on this issue. It is considered that should Council determine to maintain the four ward structure, the existing ward names be retained.

However, if Council considers it appropriate to change the ward names, Council should consider whether the community would be supportive of name changes and the relevance of proposed names to the district.

2. Representation

The ideal number of Elected Members for a local government is determined by the local government. With the proposed Ministerial amendments, local governments will still be able to determine the level of representation, but this will be limited to a minimum and maximum allowable number based on population size. In the case of a local government the size of the City of Nedlands, representation is between 5 – 9 elected members (inclusive of a popularly elected mayor).

The impact on the City is that current representation numbers will need to be decreased to meet the allowable limits.

It may be that a reduced number of Elected Members will provide adequate representation for the City. The number of elected members will directly depend on the number of wards adopted. Currently, there are four wards with three Elected Members per ward and one popularly elected Mayor. If the present number of wards were to be retained, the City would be required at the very least to make a boundary adjustment between the Coastal and Hollywood Wards to come within the acceptable representation ratios established by the LGAB. In identifying the ward structure to adopt, Elected Members should note that wards of differing elector sizes may be considered on the basis that these wards may have a different number of Elected Members. For example, in a district with 7,000 electors divided into two wards with 4,000 electors in one ward and 3,000 electors in another ward, there will be four councillors to represent the former ward and three councillors in the other ward. The Councillor to elector ratio would be in parity.

The advantages of a reduction in the number of Elected Members may include –

- Compliance with the proposed legislative amendments and in accordance with the undertaking proposed by the City in adopting the voluntary pathway.
- The decision-making process may be more effective and efficient if the number of elected members is reduced. Ascertaining the views of fewer people may promote timely and easier decision-making.
- The cost of maintaining Elected Members will be reduced;
- The increase in the ratio of Councillors to electors is unlikely to be significant unless the reduction proposed is significant;
- A reduction in the number of Councillors may result in increased commitment from existing elected members and greater participation in Council's affairs;
- fewer elected members are more readily identifiable to the community;
- fewer positions on Council may lead to greater interest in elections with contested elections and greater community support; and
- According to the Local Government Advisory Board there is a Statewide trend for reductions in the number of elected members.

The disadvantages of a reduction in the number of Elected Members may include –

- A smaller number of elected members may result in an increased workload for elected members and may lessen effectiveness;
- The demands of becoming a Councillor may discourage others from nominating for Council;
- There is the potential for dominance in the Council of a particular interest group;
- A reduction in the number of elected members may limit the diversity of interests at the council table;
- Opportunities for community participation in Council's affairs may be reduced if there are fewer elected members for the community to contact; and
- An increase in the ratio of councillors to electors may place too many demands on elected members.

Elected members should note that although the district is divided into wards, elected members represent all residents of the district.

2.1 Representation Models

It is open to Council to adopt any representation model that comes within the parameters of the proposed Ministerial amendments. That is, a Council that is comprised of 5 – 9 elected members, inclusive of a Mayor. In determining the representation model, Council should consider what it deems is the appropriate number of Council positions to –

- represent the needs of its community;
- ensure efficiency of decision-making; and
- the ability of those Councillors to deliver effective governance for the district.

In considering the representation model, it may be deemed appropriate for Council to adopt an uneven number of Elected Member positions, ie 5, 7 or 9, especially if Council chooses

to retain a ward system. As the minimum and maximum number of elected member positions proposed by the Minister includes a popularly elected Mayor, Council needs to factor that position into any structure that it adopts. Further, the adoption of an uneven number of Council positions has the advantage of limiting the probability for the Mayor to utilise the casting vote due to decisions on Council being tied.

Table 5 provides the representation structure where the City adopts the minimum allowable number of elected members for the district. This would accommodate the retention of the 4 ward structure and or the proposed two ward structure.

Table 5
Number of Council Positions – 4 and a Popularly Elected Mayor

Ward	No of Council Positions
Coastal	1 Councillors
Dalkeith	1 Councillor
Melvista	1 Councillor
Hollywood	1 Councillors
Mayor	1
Total	5 Elected Members

Table 6 below refers to a 7 Elected Member representation model. If the current four ward structure were retained, the City could not adopt the 7 Elected Member representation model without the need to redraw ward boundaries to achieve representational parity across all wards, or a need to have uneven numbers of Council positions per ward.

For example, there would be two wards with one Councillor per ward and two wards with two Council representatives.

Table 6
Number of Council Positions – 6 and a Popularly Elected Mayor

Ward	No of Council Positions
Coastal	2 Councillors
Dalkeith	1 Councillor
Melvista	1 Councillor
Hollywood	2 Councillors
Mayor	1
Total	7 Elected Members

Table 7 provides the representation structure where there are 8 Councillors and a popularly elected Mayor, in total 9 elected members. This would allow for 2 Councillors per ward. The cohort would be the maximum allowable number of Council positions under the Minister's proposed reforms. This would also represent the least obtrusive amendment to representation for the district.

The representation structure would also accommodate the proposed two ward structure, with four Councillors representing each ward.

Table 7
Number of Council Positions – 8 and a Popularly Elected Mayor

Ward	No of Council Positions
Coastal	2 Councillors
Dalkeith	2 Councillors
Melvista	2 Councillors
Hollywood	2 Councillors
Mayor	1
Total	9 Elected Members

2.2 Total Spill of Councillors

It is a matter for council to decide what is the most appropriate representation model for the City, but when offices of councillor are to be redistributed into new wards, or there is a reduction or increase in the number of offices of councillor, the implementation method must give consideration to clauses 1 and 2 of Schedule 4.2 of the Act.

In summary, this provides that as near as practical to half of the total number of councillors are to retire every two years and as near as practical to half of the councillors representing each ward are to retire every two years. It may also be necessary to include in the Governor's Order a provision to allocate the existing councillors to wards, which must also be done in accordance with the provisions and intent of the Act.

The following elections would currently apply in 2023 and 2025.

Election Type	2023	2025
Mayoral	Yes	N/A
Councillor		
Coastal Ward	1 vacancy	2 vacancies
Dalkeith	2 vacancies	1 vacancy
Melvista	2 vacancies	1 vacancy
Hollywood	1 vacancy	2 vacancies

Working within the parameters as stated by the Minister, the City would be unable to continue with its current number of elected members and would be required to reduce the number of Council positions. To do so would impact the election process for 2023 and 2025.

There are a number of ways that the City can achieve the outcome to reduce the number of positions on Council.

1. Request a 'spill' of all positions, in which there would be an election for eight vacancies, with six existing councillors whose terms of office are not currently scheduled to finish until 2025 up for election at the 2023 ordinary Council elections. The terms of office (four years or two years) of each councillor would depend on the number of votes received; or
2. Request that current councillors serve out the terms for which they were elected, with elected members allocated to the wards that they currently serve. This means that in 2023 an election would be held in two wards only:

- Coastal ward – no vacancy
- Dalkeith ward – one councillor
- Melvista ward – one councillor
- Hollywood ward – no vacancy

This would then allow for the 2025 election to proceed as normal.

However, the process outlined in paragraph 2 would be significantly unfair to the Councillor whose term would be up for re-election at the 2023 election and unduly favour the Councillors who would be up for re-election at the 2025 election. It would also interfere with the right of electors to determine their Council representatives. As a consequence, it would be appropriate for Council to recommend to the LGAB a complete spill of Council positions for the 2023 ordinary Council elections. This has the advantage of ensuring the community is able to vote for their preferred candidate.

Consultation

In accordance with the Act and council's resolution of 25 October 2022, local public notice of the review was given and the discussion paper made available to download from the City's website, and provided to any interested party or collected from the City offices.

The City undertook community consultation from 31 October 2022 to 20 December 2022.

The Review was advertised in the West Australian newspaper on 31 October 2022. It was also advertised on Your Voice, the City's engagement hub from 31 October 2022.

The community were encouraged to complete a submission form and a total of 16 submissions were received.

To understand the reports from Your Voice Nedlands, stakeholders were classified in the following categories:

Aware A visitor to Your Voice is aware when they have made one single visit to the project page.

Informed A visitor who has taken the 'next step' from being aware and clicked on something on the City's Your Voice site.

Engaged A visitor who has contributed to a survey (submission) or asked a question.

- There was a total of 109 visits to the project page.
- There were 16 engaged visitors who completed a submission form.
- 98 visitors became informed.
- 109 visitors became aware.

- 25 downloaded a document.

Strategic Implications

This item relates to the following elements from the City's Strategic Community Plan.

Vision Our city will be an environmentally-sensitive, beautiful and inclusive place.

Values **Great Governance and Civic Leadership**
We value our Council's quality decision-making, effective and innovative leadership, transparency, accountability, equity, integrity and wise stewardship of the community's assets and resources. We have an involved community and collaborate with others, valuing respectful debate and deliberation.

Reflects Identities

We value our precinct character and charm. Our neighbourhoods are family-friendly with a strong sense of place.

Budget/Financial Implications

The proposed reforms may result in a reduction in costs. Based on the 2022/23 Councillor fees and allowances, a reduction in Councillor numbers from 12 to 8 would save the City of Nedlands approximately \$110,000 per annum.

The City will also be required to pay for the Gazettal fees for the publication of the Ward Boundary adjustment in the Government Gazette.

If a complete 'spill' of Council positions occurs at the next ordinary Council elections, the costs associated with the conduct of the election will increase. The City will need to account for the additional costs in the budget process.

Legislative and Policy Implications

s. 2.2. Districts may be divided into wards –

- (1) The Governor, on the recommendation of the Minister, may make an order —
 - (c) changing the boundaries of a ward;
- (4) The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

s. 2.3. Names of districts and wards –

- (3) If a local government proposes under Schedule 2.2 that an order be made changing the name of the district or a ward, the Minister may recommend to the Governor that the order be made, and the Governor may make the order accordingly.
- (4) The Minister can only make a recommendation under subsection (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

s. 2.18. Fixing and changing number of councillors

- (1) When a local government is newly established the Governor, by order made on the recommendation of the Minister, is to —
 - (a) specify the number of offices of councillor on the council of the local government; and
 - (b) if the district is to have a ward system, specify the numbers of offices of councillor for the wards.
- (2) When an order is made under section 2.2 discontinuing a ward system for a district, the number of offices of councillor on the council remains unchanged unless the order specifies otherwise.
- (3) The Governor, on the recommendation of the Minister, may make an order —
 - (a) changing the number of offices of councillor on a council; or
 - (b) specifying or changing the number of offices of councillor for a ward; or
 - (c) as to a combination of those matters.
- (4) The Minister can only make a recommendation under subsection (1) or (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

2.35. Vacancies on restructure of districts, wards or membership

Directions given by order under section 9.62 to give effect to an order under one or more of sections 2.1, 2.2 and 2.18 may direct which offices of members (if any) of a council are to become vacant, and when those offices become vacant.

9.62. Governor may give directions as consequence of making order

- (1) Where under this Act the Governor makes an order, the Governor may, either then or subsequently, by order, give any directions the Governor thinks necessary to give effect to the order.
- (2) Without limiting the operation of subsection (1), directions given under that subsection may modify the operation of this Act.

[Schedule 2.2 Local Government Act 1995](#) – *Provisions about Names, Wards and Representation* (the Act) provides that a local government of a district that is divided into wards may carry out a review as to —

- (a) whether or not the district should be divided into wards; and
- (b) if so —
 - (i) what the ward boundaries should be; and
 - (ii) the number of offices of councillor there should be for each ward,

so that no more than eight years lapse between each review.

The Act further provides that when undertaking a review of wards and representation, any of the following may be considered:

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

Clause 8 of Schedule 2.2 requires a Council to assess options against the following factors:

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

The Local Government Advisory Board (LGAB) assesses reviews of wards and representation undertaken by local governments and makes recommendations to the Minister as to whether or not local governments have taken these factors into account.

The LGAB places particular emphasis on an even ratio of electors per councillor where a local government is divided into wards but considers a deviation of plus or minus 10% between wards to be reasonable.

If satisfied that a review has taken these factors into consideration, the Board then makes a recommendation to the Minister. The Minister may accept or reject the Board's recommendation.

As noted above, the State Government has advised that it intends to amend the Act to reduce the number of councillors in local governments generally.

Any changes will come into effect at the next ordinary elections scheduled for October 2023.

Decision Implications

If Council endorses the officer recommendation, or an alternate recommendation, this will be provided to the LGAB for their consideration. If Council does not adopt an option as a consequence of the review, it is likely that it will forgo the voluntary reform pathway and the City's ward structure may be abolished and the number of Council positions reduced.

Conclusion

The Minister for Local Government has advised that the State intends to amend the Act to reduce the number of Council positions for local governments the size of the City.

The review of the Wards and Representation structure of the City has indicated that at the very least:

1. the City is required to amend its ward boundaries to address the under-representation in the Coastal Ward; and
2. provide a recommendation to the LGAB as to the number of Council positions for the district.

Based on the submissions from the community, Council may choose to decide to have an eight councillor, four ward system (with the statistical area bounded by John XXIII Ave, Mooro Dve, Lantana Ave, Brockway Rd and Alfred Rd moved from the current Coastal to Hollywood Ward to correct the imbalance noted above), which will result in acceptable representation ratios for the district. However, as noted earlier in the report, it is not a long-term solution to the issue of representational disparity between the wards.

The option has the benefit of retaining the four ward system that was favoured by the majority of submissions during the public consultation period, and also accommodates the potential for Council to recommend to the LGAB, for the number of Council positions to be reduced from 13 to 9 Elected Members.

Alternatively, Council could decide to do nothing. If Council chooses this option, and amendments to the Act proceed, it is likely that the number of Councillors for the district will be reduced, and the ward structure abolished, with the potential to reintroduce wards at the next ordinary council elections scheduled for 2025.

On balance, it is considered that the Act will be amended and that council should seek the possible outcome that it considers to be in the best interests of the community.

In this case this appears to be an eight member council elected from four wards of two councillors each.

Further Information

At the Concept Forum held on 7 February 2023, the following questions were raised by Councillors:

Question

Can the area being changed include the residential component and exclude the Graylands Hospital site?

Officer Response

Officers contacted the WAEC to obtain information on voter enrolments for the area. The area bounded by Camelia Avenue to the North, Lantana Avenue to the West, Alfred Road to the South and Brockway Road to the East accounts for approximately 237 electors. On the basis of this information, the ratio deviation would be -8.96% per the two wards. This would come within the acceptable ratio.

Question

Change the name of the Coastal District Ward be changed to Coastal Ward as a part of this process?

Officer Response

The Minister may make a recommendation to the Governor on the naming of wards. The City may request the LGAB to amend the name of the Coastal Districts Ward to the Coastal Ward, in accordance with s. 2.2 and s. 2.3 of the Act. This request has been included in the officer recommendation.

2.3 Names of districts and wards

- (2) An order under section 2.2 establishing a ward system for a district is to include an order naming the wards.

Question

Can the administration prepare an amendment to cease this process if State Government doesn't get the legislation passed?

Officer Response

The report to be provided to the LGAB requires Council to make a recommendation on Wards and Representation that complies with the proposed reforms. The report is required to be sent to the LGAB by 14 February 2023. A failure to recommend an option that is in accordance with the proposed reforms will likely not be supported by the LGAB and may forfeit the City's ability to determine its ward and representation for the district.

An amendment may state – "In the event that the Minister's proposed reforms to the *Local Government Act 1995* to reduce the number of Council positions for local governments with populations between 5,000 to 75,000, to a maximum number of 9 elected members is not passed by State Parliament in time for the October 2023 Ordinary Local Government Elections, the City of Nedlands withdraws its application to the Local Government Advisory Board in respect to recommendations 4 and 5 of the Council resolution dated 13 February

2023, and retains the current representation of 13 elected members with 3 Councillors per each of the 4 wards for the 2023 election.”

Notwithstanding the proposed amendment to the officer recommendation, it is advised that the amendment is likely to be ultra vires and will not be considered by the LGAB as a valid recommendation as it does not comply with the Minister’s direction.

Question

Can the administration prepare an amendment for no spill to occur?

Officer Response

An order be made under s. 2.18(3) to reduce the number of offices of Elected Member from 13 to 9 – comprised of a Mayor and 8 Councillors, at the next ordinary Council election and designates the following number of offices of Councillor for each ward: Melvista (2), Hollywood (2), Dalkeith (2) and Coastal (2).

This means that in 2023 an election would be held in two wards only:

- Coastal Ward – no vacancy
- Dalkeith Ward – one Councillor
- Melvista Ward – one Councillor
- Hollywood Ward – no vacancy.

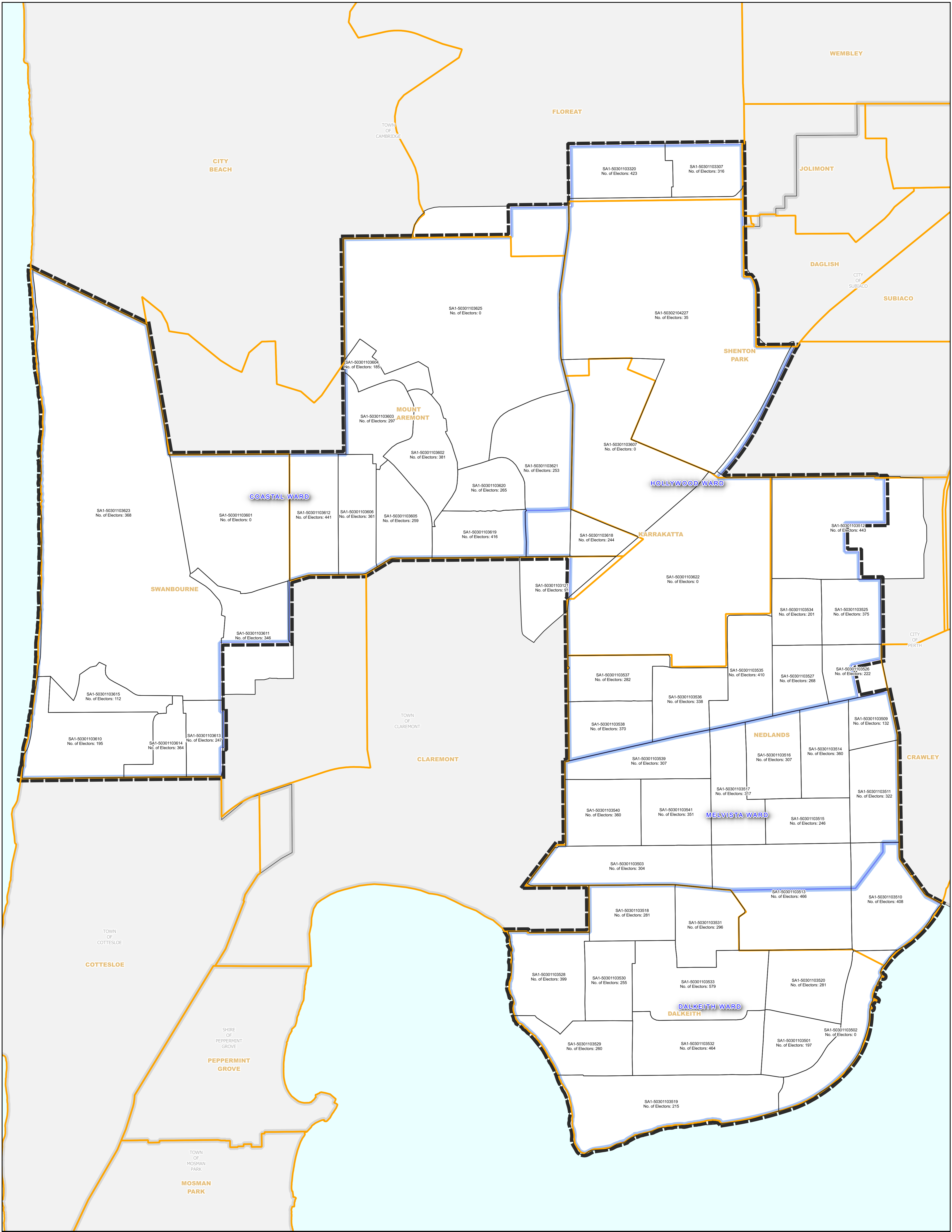
In 2025, a normal cycle would be in place.

Question

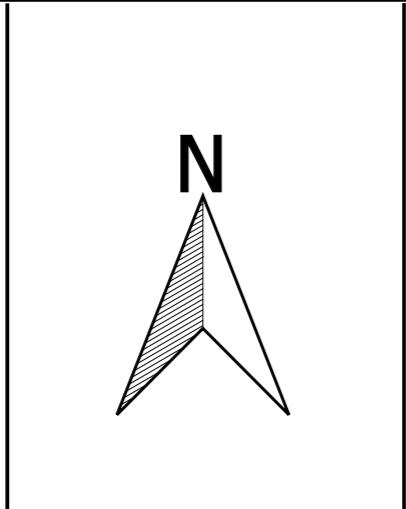
Is the data prepared on a census or elector roll basis?






Officer Response

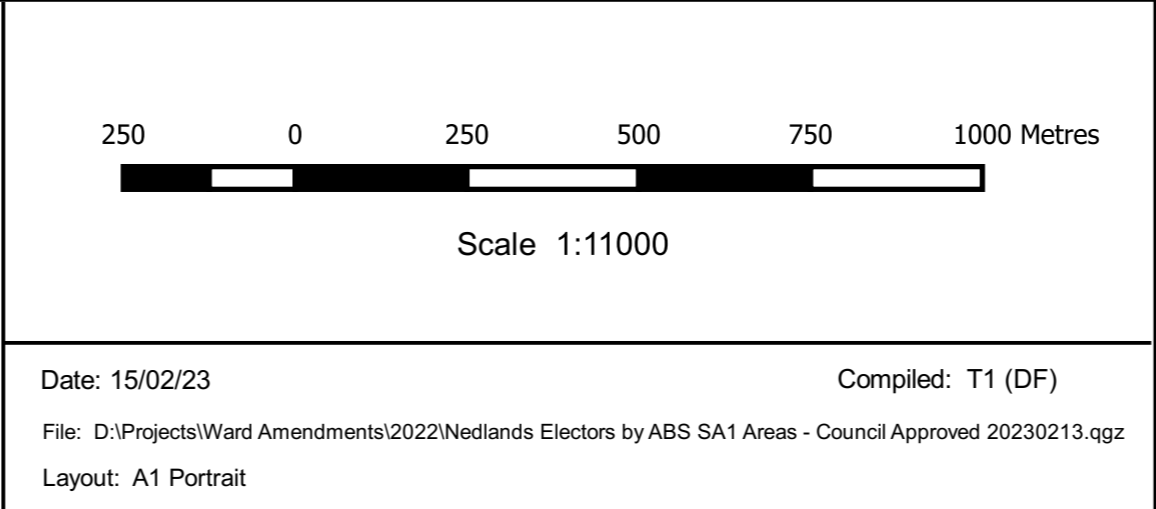
The information is based on the elector roll information from December 2022 organised into census collector districts. The LGAB ratio is concerned with elector numbers not resident numbers.



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- Legend**
-  City of Nedlands Boundary
 -  ABS Statistical Areas (SA1)
 -  Suburbs
 -  Nedlands Ward Boundaries (Council Approved 13/02/23)
 -  LGA Boundaries



**COUNT OF ELECTORS
 BY ABS STATISTICAL AREAS
 WITHIN THE CITY OF NEDLANDS
 SHOWING WARD BOUNDARY AMENDMENT
 APPROVED BY COUNCIL 13 FEBRUARY 2023**

Review of Wards and Representation

October 2022

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Background

On 20 September 2022, Hon John Carey MLA, Minister for Housing, Lands, Homelessness and Local Government sent a memorandum to all local government Chief Executive Officers regarding a proposed series of reforms aimed at strengthening local democracy and increasing community engagement.

In this correspondence, the Minister stated that the proposed reforms may require some local governments to:

1. Reduce the number of elected members on Council in accordance with population thresholds.
2. Change from a Council elected Mayor or President to a directly elected Mayor or President (this reform affects only band 1 and 2 local governments).
3. Abolish wards (for band 3 and 4 local governments with wards).
4. Implement more than one of the above.

The City of Nedlands is a band 2 local government.

The Department of Local Government, Sport and Cultural Industries (DLGSC) has completed an initial review and identified that the City of Nedlands may need to reduce the number of elected members under the proposed reforms.

In response, the City has been asked to consider two options to achieve the reforms:

- a. Voluntary Pathway
- b. Reform Election Pathway

Under the *Voluntary Pathway*, the City can decide to implement these changes on a voluntary basis. If Council wishes to undertake this process, it should, by 28 October 2022:

- a. Advise the DLGSC of its intention to undertake a voluntary process. This advice should include a high-level plan outlining the potential changes to be implemented for the ordinary elections to be held in 2023 (and in 2025, if applicable); and
- b. Initiate a Ward and Representation Review to determine the specific changes to the structure of the Council for the 2023 and 2025 ordinary elections, to be completed by 14 February 2023.

Under the *Reform Election Pathway*, amendments to the *Local Government Act 1995* are expected to be introduced into Parliament in early 2023. This Amendment Act will provide for all the proposed changes to be implemented through the 2023 election process.

This pathway would provide that all of the Council's offices can be declared vacant, all wards can be abolished (if applicable) and the number of Council offices would be set based on the reform proposals. For local governments in band 1 or 2, the newly elected Council would then be able to consider whether to establish new wards through a future ward and representation review.

Item 8 - Attachment 2
Review of wards and representation – City of Nedlands

Given the uncertainty of the *Reform Election Pathway*, Council has decided to pursue the Voluntary Pathway and initiate a ward and representation review.

Legislative framework

Schedule 2.2 of the *Local Government Act 1995* provides that a local government of a district that is divided into wards may carry out a review as to —

- (a) whether or not the district should be divided into wards; and
- (b) if so —
 - (i) what the ward boundaries should be; and
 - (ii) the number of offices of Councillor there should be for each ward,

so that no more than eight years lapse between each review.

The Act further provides that when undertaking a review of wards and representation, any of the following may be considered:

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

Clause 8 of Schedule 2.2 requires a Council to assess options against the following factors:

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

The Local Government Advisory Board (LGAB) assesses reviews of wards and representation undertaken by local governments and makes recommendations to the Minister as to whether or not local governments have taken these factors into account.

Community of interest	Physical and topographic features	Demographic trends	Economic factors	Ratio of Councillors to electors
The term community of interest has a number of elements. These include a sense of community identity and	These may be natural or man-made features that will vary from area to area. Water features such as rivers and catchment	Several measurements of the characteristics of human populations, such as population size, and its	Economic factors can be broadly interpreted to include any factor that reflects the character of economic	The Board considers that the ratio of Councillors to electors is particularly significant - it is expected that each local

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Review of wards and representation – City of Nedlands

Community of interest	Physical and topographic features	Demographic trends	Economic factors	Ratio of Councillors to electors
<p>belonging, similarities in the characteristics of the residents of a community and similarities in the economic activities.</p> <p>It can also include dependence on the shared facilities in an area as reflected in catchment areas of local schools and sporting teams, or the circulation areas of local newspapers.</p> <p>Neighborhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.</p>	<p>boundaries may be relevant considerations.</p> <p>Coastal plain and foothills regions, parks and reserves may be relevant as may other man made features such as railway lines and freeways.</p>	<p>distribution by age, sex, occupation and location provide important demographic information. Current and projected population characteristics will be relevant as well as similarities and differences between areas within the local government.</p>	<p>activities and resources in the area.</p> <p>This may include the industries that occur in a local government area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.</p>	<p>government will have similar ratios of electors to Councillors across its wards.</p> <p>The Board will not support deviations of more than plus or minus 10% of the average ratio of electors to Councillors between wards.</p>

The LGAB places particular emphasis on an even ratio of electors per councillor where a local government is divided into wards but considers a deviation of plus or minus 10% between wards to be reasonable.

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Review of wards and representation – City of Nedlands

If satisfied that a review has taken these factors into consideration, the LGAB then makes a recommendation to the Minister. The Minister may accept or reject the LGAB's recommendation.

It is anticipated that any changes will come into effect at the next ordinary elections scheduled for October 2023.

Current representation and application of criteria

The Council of the City of Nedlands currently comprises 12 Councillors elected from four wards and a Mayor directly elected by the community.

The ratio of Councillors to electors in wards is given particular significance by the LGAB. It expects that each local government will have similar ratios of electors to Councillors across its wards. The Board will not support deviations of more than plus or minus 10% of the average ratio of electors to Councillors between wards.

The City currently has four wards of three Councillors each:

Ward	No of electors	No of Cllrs	Ratio of Cllrs per elector	% ratio deviation
Hollywood	4,018	3	1,339	-2.93%
Dalkeith	3,572	3	1,191	8.50%
Melvista	3,535	3	1,178	9.45%
Coastal	4,490	3	1,497	-15.02%
Totals/ average	15,615	12	1,301	

As indicated above, there is an imbalance in the ratio of electors to Councillors for the Coastal ward.

Potential options for change

There are numerous options that can be considered. Without pre-empting the outcome of any community consultation process, this could include:

- Abolishing wards altogether
- Changing the number and size of wards
- Combining existing wards
- Moving ward boundaries to deal with the imbalance
- Changing the number of Councillors
- A combination of the above factors

How many elected members should the City have?

The community is currently represented by 12 Councillors and a Mayor that is directly elected by the community.

Item 8 - Attachment 2
Review of wards and representation – City of Nedlands

The State Government is proposing to amend the *Local Government Act 1995* to reduce the number of elected members in accordance with population thresholds. Under the proposal, local governments with populations between 5,000 and 75,000 would have between 5 and 9 Councillors (including the Mayor).

The 2021 Census outlines that the Nedlands Local Government Area has a population of 22,132. Under the proposed reforms, the City of Nedlands would have between 5 and 9 Councillors (including the Mayor).

Possible Options

To illustrate the application of the required principles in the Act, the following options have been developed. **Note they are simply to provoke discussion and are not definitive.**

In the options below:

- The number of Councillors shown represent as equal as possible numbers of electors within a deviation of plus or minus 10% of the average as allowed – anything else is highly likely to be rejected; and
- Modelling has been undertaken as at 31 March 2022. It is possible that numbers may change by the time the next scheduled local government elections are held in October 2023.

Option 1 – No wards

Under this option, wards are abolished altogether.

There are approximately 85 local governments in WA that have no wards. Some of the advantages and disadvantages of wards vs no wards are:

Advantages	Disadvantages
<ul style="list-style-type: none">○ Elected members are elected by the whole community○ Knowledge and interest in all areas of the Council's affairs would result in broadening the views beyond the immediate concerns of those in a ward.○ Members of the community who want to approach an elected member can speak to any elected member.○ Removes the need to periodically redefine internal ward boundaries.	<ul style="list-style-type: none">○ Electors may feel that they are not adequately represented if they don't have an affinity with any of the elected members.○ Elected members living in a certain area may have a greater affinity and understanding of the issues specific to that area.○ Elected members may feel overwhelmed by having to represent all electors and may not have the time or opportunity to understand and represent all the issues.

Under this option, the criteria for establishing ward boundaries are not applicable. There is also no requirement to review ward boundaries in future.

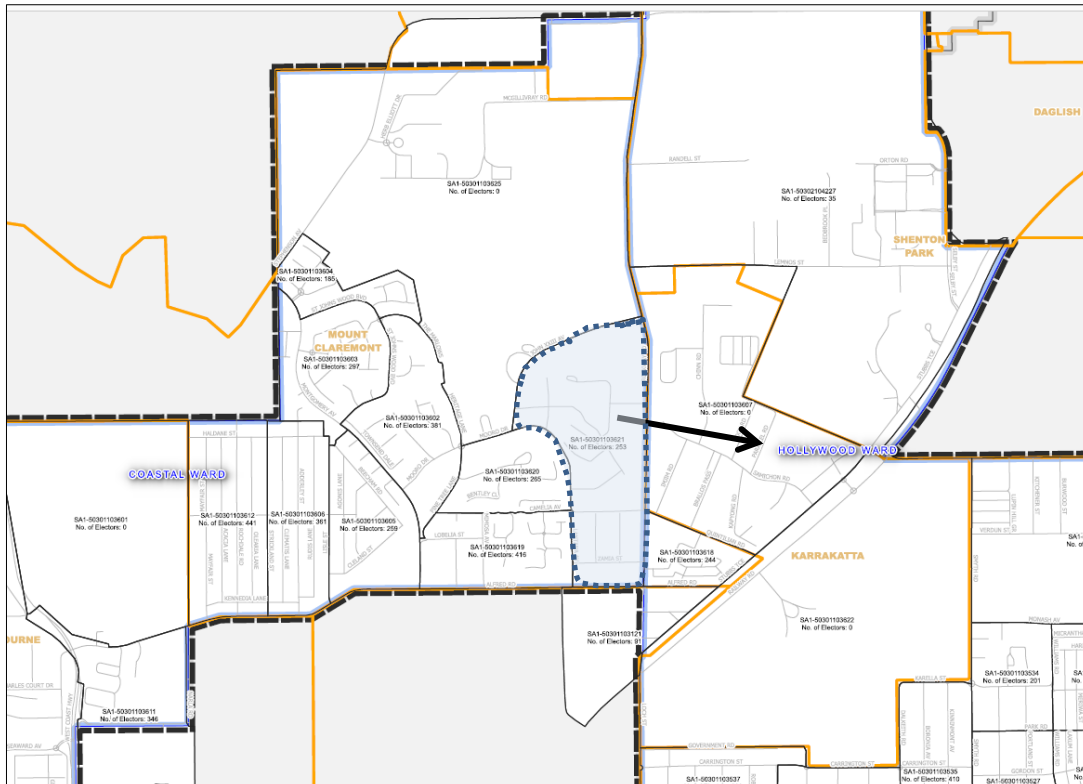
Item 8 - Attachment 2

Review of wards and representation – City of Nedlands

Option 2 – Move electors between existing wards to correct imbalance

Under this option, four wards are retained as close as possible to their current configurations, with a reduced number of two Councillors each.

As an example, and to correct the current imbalance in the ratio of electors per Councillor, the statistical area bounded by John XXIII Avenue, Mooro Drive, Lantana Avenue, Brockway Road and Alfred Road could be moved from Coastal to Hollywood Ward.



This results in the following ratios of electors per Councillor in each ward:

Ward	No of electors	No of Cllrs	Ratio of Cllrs per elector	% Ratio deviation
Hollywood	4,271	2	2,136	-9.41%
Dalkeith	3,572	2	1,786	8.50%
Melvista	3,535	2	1,768	9.45%
Coastal	4,237	2	2,119	-8.54%
Totals/ average	15,615	8	1,952	

Item 8 - Attachment 2

Review of wards and representation – City of Nedlands

In terms of the criteria to be applied under the Act when establishing wards:

Community of interest	Physical and topographic features	Demographic trends	Economic factors	Ratio of Councillors to electors
Communities of interest are grouped together to the extent possible.	The boundary between the Coastal and Hollywood wards is less distinct than at present. Areas of the district with similar features are grouped together to the extent possible.	There is capacity for future growth in the Dalkeith and Melvista wards.	Areas of commercial and industrial development are within the same wards to the extent possible.	Ratios of Councillors to electors are within the limits considered reasonable by the LGAB.

Advantages and disadvantages of this option include:

Advantages	Disadvantages
<ul style="list-style-type: none"> ○ Relatively simple change which affects a minimal number of electors. 	<ul style="list-style-type: none"> ○ Wards are relatively small.
<ul style="list-style-type: none"> ○ Small wards can allow elected members to focus on local issues while still keeping the interests of the whole of the City in mind. 	<ul style="list-style-type: none"> ○ Future changes in population/ electors in small wards may require more frequent reviews and changes.
<ul style="list-style-type: none"> ○ The proposed new ward boundary under this option is particularly distinct. 	

Option 3 – Two wards of four Councillors each

Under this option the existing Coastal/ Hollywood and Dalkeith/ Melvista wards are merged, resulting in two wards of four councillors each:

Ward	No of electors	No of Cllrs	Ratio of Cllrs per elector	% ratio deviation
North ward (former Hollywood and Coastal wards)	8,508	4	2,127	-8.97%

Item 8 - Attachment 2

Review of wards and representation – City of Nedlands

Ward	No of electors	No of Cllrs	Ratio of Cllrs per elector	% ratio deviation
South ward (former Dalkeith and Melvista wards)	7,107	4	1,777	8.97%

In terms of the criteria to be applied under the Act when establishing wards:

Community of interest	Physical and topographic features	Demographic trends	Economic factors	Ratio of Councillors to electors
Communities of interest are grouped together to the extent possible.	Boundaries are relatively simple - Stirling Highway is the only boundary between the possible wards. Areas of the district with similar features are grouped together to the extent possible.	There is capacity for future growth in the Dalkeith and Melvista wards.	Areas of commercial and industrial development are within the same wards to the extent possible.	Ratios of Councillors to electors are within the limits considered reasonable by the LGAB.

Advantages and disadvantages of this option include:

Advantages	Disadvantages
<ul style="list-style-type: none"> ○ This option provides capacity for future growth in areas north and south of Stirling Highway. 	<ul style="list-style-type: none"> ○ Commercial areas north and south of Stirling Highway are in separate wards
<ul style="list-style-type: none"> ○ Four Councillors per ward gives the community a choice regarding who to approach if any issues arise. 	<ul style="list-style-type: none"> ○ Wards are relatively large when compared to other options.
<ul style="list-style-type: none"> ○ There is an even number of Councillors in each ward. 	

Others

Note that the groupings above are an example of how this could be applied – there are many variations on this theme and members of the community may have other options that fit the criteria for wards in the Act.

Suggestions for ward names are also welcome.

Impact of changes

After undertaking community consultation, the City may make a proposal to the LGAB. The effect of proposed changes on existing Councillors will depend on the precise proposal put forward.

How to make a Submission

Members of the community are invited to make a written submission about any aspect of this review.

Submissions must be received by the City by 12 November 2022 and can be made:

- Online via the City's website
- By mail to the CEO, City of Nedlands, PO Box 9 Nedlands WA 6909;
- By delivery to the City offices during normal office hours from Monday to Friday 8:30am to 5:00pm at 71 Stirling Hwy, Nedlands.

9. TS02.02.23 RFT 2022-23.16 Smyth Road Rehabilitation

Meeting & Date	Special Council Meeting – 13 February 2023
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	Peter Gaitskell – Project Manager
Director	Matthew MacPherson – Director Technical Services
Attachments	1. CONFIDENTIAL RFT 2022-23.16 RFT Evaluation and Recommendation Report 2. CONFIDENTIAL RFT 2022-23.16 Appendix A – Tender Evaluation - Qualitative Criteria Panel Consensus Score Sheet

Regulation 11(da) – Council agreed to a minor variation to remove the traffic island as it is considered unnecessary, due to the new roundabout at Monash Ave slowing traffic.

Moved – Councillor Mangano
Seconded – Councillor Combes

That the Recommendation be adopted with the replacement of clause 2 with the following:

2. instructs the CEO to arrange for a Letter of Acceptance and a Contract document, inclusive of provision for a minor variation to remove the traffic island between Monash Avenue and Verdun Street, Karrakatta, be sent to Downer EDI Works Pty LTD T/A DM Roads to be executed; and

**CARRIED 8/4
(Against: Crs. Amiry McManus Smyth & Basson)**

Council Resolution

That Council:

1. approves the award of the contract for Rehabilitation Smyth Road for the day works option, to Downer EDI Works Pty Ltd T/A DM Roads, in accordance with the City's Request for Tender number RFT 2022-23.16 and comprising of that request, the City's Conditions of Contract, the Downer EDI Works Pty Ltd T/A DM Roads tender submissions inclusive of the Schedule of Rates, and all post tender clarifications and negotiations;

2. instructs the CEO to arrange for a Letter of Acceptance and a Contract document, inclusive of provision for a minor variation to remove the traffic island between Monash Avenue and Verdun Street, Karrakatta, be sent to Downer EDI Works Pty LTD T/A DM Roads to be executed; and
3. instructs the CEO to arrange for all other tender respondents to be advised of the tender outcome.

Recommendation

That Council:

1. approves the award of the contract for Rehabilitation Smyth Road for the day works option, to Downer EDI Works Pty Ltd T/A DM Roads, in accordance with the City's Request for Tender number RFT 2022-23.16 and comprising of that request, the City's Conditions of Contract, the Downer EDI Works Pty Ltd T/A DM Roads tender submissions inclusive of the Schedule of Rates, and all post tender clarifications and negotiations;
2. instructs the CEO to arrange for a Letter of Acceptance and a Contract document to be sent to Downer EDI Works Pty Ltd T/A DM Roads to be executed; and
3. instructs the CEO to arrange for all other tender respondents to be advised of the tender outcome.

Purpose

The purpose of the report is for Council to accept the evaluation and recommendation of the Contractor Downer EDI for the Smyth Road Rehabilitation RFT 2022-23.16

Voting Requirement

Simple Majority.

Background

The Rehabilitation Smyth Road project forms part of the approved 2022/23 Capital Works Program.

RFT 2022-23.16 was the second stage of an EOI process where three prequalified tenderers were invited to tender, as approved by Council Resolution item 21.2 – TS29.12.22 (EOI 2022-23.10). The Request for Tender was advertised from 15 December 2022 to 31st January 2023.

The City received a total of 2 submissions from Civcon Civil & Project Management and Downer EDI Works Pty Ltd T/A DM Roads.

Discussion

Subsequent to the closure of the Tender period, the evaluation panel completed the analysis and evaluation of the submissions. At the conclusion of the process Downer EDI Works Pty Ltd T/A DM Roads was nominated as the preferred supplier for this package of works. The submissions were rated against only one criteria, methodology (100%).

The Contractors were asked to submit two prices, one for all dayworks and the other for both day and nightworks. The panel recommends that completing dayworks only will be the best solution for the City and its stakeholders. Dayworks is the most cost-effective solution as well as the least disruptive to the residents on Smyth Road. The combination of day and nightworks was a similar timeframe to dayworks only and was more expensive. The panel did not support prolonged night disruption for no timing benefits.

Downer EDI Works Pty Ltd T/A DM Roads provided a superior response overall. Downer EDI Works Pty Ltd T/A DM Roads demonstrated a good capacity to deliver the proposed works and have a clear understanding of the requirements of the project. A detailed construction methodology was provided that clearly outlined how they intended to complete the works. Downer EDI Works Pty Ltd T/A DM Roads have reviewed potential projects risks and provided mitigation strategies. The Contractors have experienced and qualified personnel, including in house traffic specialists, giving confidence that they can complete the works safely and minimize the impacts to the road users, local community and businesses.

The submission has come in under the allocated budget and no further funding is required to award the contract.

If approved construction works are expected to commence in March and finish in May 2023.

References provided by the City of Kalamunda and the City of Kwinana recommended Downer EDI Works Pty Ltd T/A DM Roads services, and both have engaged this Contractor for similar works.

Following the due diligence processes that have been undertaken, the City is confident that Downer EDI Works Pty Ltd T/A DM Roads is capable of completing the scope of work to the required standards, and that their offer represents value for money to the City within the conditions of the current civil construction market.

The City has an estimated backlog of road rehabilitation works valued at approx. \$18M. The Administration recommends proceeding with this project within this difficult market, as delaying these works will increase number and value of projects that have accumulated, limiting the need for ongoing maintenance work and their proportionally higher costs.

If the City continues to accumulate a backlog of road project works, the accumulation will take longer to complete and this will adversely impact long term maintenance requirements in addition to the road user experience.

The condition of the road warrants intervention in the very short term, to prevent pavement failure and ensure that road user safety is not compromised. Pavement failure would mean that a long term shut down of the road is required until the works can be procured and delivered. If rehabilitation works are not undertaken in the very short term, an increase in reactive maintenance costs will be experienced until the rehabilitation works are undertaken.

Administration recommends undertaking works in the current market conditions to ensure the backlog is being actively reduced, and the City's road network bring brought up to acceptable standards.

Consultation

Consultation is not required as part of these works. Notification will be provided to all affected residents, schools and businesses prior to the works starting.

Strategic Implications

This item relates to the following elements from the City's Strategic Community Plan.

Vision Our city will be an environmentally-sensitive, beautiful and inclusive place.

Values **Healthy and Safe**
Our City has clean, safe neighbourhoods where public health is protected and promoted.

High standard of services
We have local services delivered to a high standard that take the needs of our diverse community into account.

Easy to Get Around
We strive for our City to be easy to get around by preferred mode of travel, whether by car, public transport, cycle or foot.

Priority Area

- Renewal of community infrastructure such as roads, footpaths, community and sports facilities
- Working with neighbouring Councils to achieve the best outcomes for the western suburbs as a whole

Budget/Financial Implications

The Budget allocated for these works is \$2,298,067. The actuals for the project are currently \$84. With the submitted tender of \$1,751,263.96, and an existing design and testing contract valued at \$201,158, there is \$345,561.04 remaining in the budget.

Smyth Road Grant has an allocation of Metropolitan Regional Road Group (MRRG) Funding, valued at \$522,277. If this project is deferred the City may lose this grant allocation. Failure to deliver MRRG funded projects also sees the associated Local Government Authority receive a penalty for future years, but way of a lower funding cap, compromising future grant income potential. As such, the works are required to be completed within the 2022/23 financial year, by 30th June 2023.

Legislative and Policy Implications

The award of this tender is governed by the City of Nedlands [Procurement of Goods and Services Policy](#).

Decision Implications

Road users, pedestrians and homeowners in the area will benefit rehabilitation of Smyth Road, as each project will ensure the City's roads, pathways, driveway aprons and drainage are well maintained and perform to a high standard. By approving the award of this Request for Tender the City will be able to undertake repairs and improvements on Smyth Road.

Delaying the approval of the construction works will increase accumulated project backlog, that will take longer to complete, adversely impact long term maintenance requirements and the road user experience. By not completing the works in this financial year it could affect future grant funding and have negative reputational risks with funding bodies. By not endorsing the report the asset will continue to degrade, risk failure and increase unplanned maintenance costs, presenting safety risks to road users and the community.

The condition of the roads warrants intervention in the very short term, to prevent pavement failure and ensure that road user safety is not compromised.

Pavement failure would mean that a long term shut down of the roadway is required until the works can be procured and delivered. If rehabilitation works are not undertaken in the very short term, an increase in unplanned reactive maintenance costs will be experienced until the rehabilitation works are undertaken.

Conclusion

Downer EDI Works Pty Ltd T/A DM Roads have demonstrated that they have the understanding to complete the required works on Smyth Road. They currently perform similar projects for other local governments and large scale road construction projects on behalf of Main Roads WA.

As such the evaluation Panel advises that Downer EDI Works Pty Ltd T/A DM Roads be awarded the package of works.

Further Information

Nil.

10. Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 7.58pm.