



2015-16

**Council
Representation
Reviews**

Final Report

2015 Ballarat City Council Electoral Representation Review

Wednesday 18 November 2015

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1 Recommendation

The Victorian Electoral Commission (VEC) recommends Ballarat City Council continue to consist of nine councillors elected from three three-councillor wards, with modified ward boundaries. This electoral structure was designated as Option A in the preliminary report.

This recommendation is submitted to the Minister for Local Government as required by the *Local Government Act 1989*.

Please see Appendix 2 for a detailed map of this recommended structure.

2 Executive summary

The *Local Government Act 1989* (the Act) requires the VEC to conduct an electoral representation review of each municipality in Victoria before every third council general election.

The purpose of an electoral representation review is to recommend an electoral structure that provides fair and equitable representation for the persons who are entitled to vote at a general election of the council. The matters considered by a review are:

- the number of councillors
- the electoral structure of the council (whether the council should be unsubdivided or divided into wards and, if subdivided, the details of the wards).

The VEC conducts all reviews on the basis of three main principles:

1. ensuring the number of voters represented by each councillor is within 10 per cent of the average number of voters per councillor for that municipality
2. taking a consistent, State-wide approach to the total number of councillors and
3. ensuring communities of interest are as fairly represented as possible.

Current electoral structure

The last electoral representation review for Ballarat City Council took place in 2007. The review recommended nine councillors elected from three three-councillor wards.

Preliminary submissions

Preliminary submissions opened at the commencement of the current review on Wednesday 29 July 2015. The VEC received eight submissions by the deadline for submissions at 5.00 pm on Wednesday 26 August.

Preliminary report

A preliminary report was released on Wednesday 23 September with the following options for consideration:

- Option A (preferred option)
Ballarat City Council consist of nine councillors elected from three three-councillor wards, with modified ward boundaries.
- Option B (alternative option)
Ballarat City Council consist of nine councillors elected from three three-councillor wards, with modified ward boundaries different to those of Option A.

Response submissions

The VEC received two submissions responding to the preliminary report by the deadline for submissions at 5.00 pm on Wednesday 21 October.

Public hearing

The VEC scheduled a public hearing for those wishing to speak about their response submission at 6.00 pm on Monday 26 October. There were no requests to speak so the hearing was not held.

Recommendation

The VEC recommends Ballarat City Council continue to consist of nine councillors elected from three three-councillor wards, with modified ward boundaries.

The electoral structure was designated as Option A in the preliminary report. Please see Appendix 2 for a detailed map of this recommended structure.

3 Background

3.1 Legislative basis

The Act requires the VEC to conduct an electoral representation review of each municipality in Victoria before every third general council election, or earlier if gazetted by the Minister for Local Government.

The Act specifies that the purpose of a representation review is to recommend the number of councillors and the electoral structure that provides ‘fair and equitable representation for the persons who are entitled to vote at a general election of the Council.’¹

The Act requires the VEC to consider:

- the number of councillors in a municipality and
- whether a municipality should be unsubdivided or subdivided.

If a municipality should be subdivided, the VEC must ensure that the number of voters represented by each councillor is within 10 per cent of the average number of voters per councillor for that municipality.² On this basis, the review must consider the:

- number of wards
- ward boundaries (and ward names)
- number of councillors that should be elected for each ward.

3.2 The VEC’s approach

Deciding on the number of councillors

The Act allows for a municipality to have between five and 12 councillors, but does not specify how to decide the appropriate number.³ In considering the number of councillors for a municipality, the VEC is guided by the Victorian Parliament’s intention for fairness and equity in the local representation of voters under the Act.

The VEC considers that there are three major factors that should be taken into account:

- diversity of the population
- councillors’ workloads and
- profiles of similar municipalities.

¹ Section 219D of the *Local Government Act 1989*.

² *ibid.*

³ Section 5B(1) of the *Local Government Act 1989*.

Generally, those municipalities that have a larger number of voters will have a higher number of councillors. Often large populations are more likely to be diverse, both in the nature and number of their communities of interest and the issues of representation.

However, the VEC considers the particular situation of each municipality in regards to: the nature and complexity of services provided by the Council; geographic size and topography; population growth or decline; and the social diversity of the municipality, including social disadvantage and cultural and age mix.

Deciding the electoral structure

The Act allows for a municipality ward structure to be:

- unsubdivided—with all councillors elected ‘at large’ by all voters or
- subdivided into a number of wards.

If the municipality is subdivided into wards, there are a further three options available:

1. single-councillor wards
2. multi-councillor wards or
3. a combination of single-councillor and multi-councillor wards.

A subdivided municipality must have internal ward boundaries that provide for a fair and equitable division of the municipality, and ensure that the number of voters represented by each councillor remains within 10 per cent of the average number of voters per councillor for the municipality.

In considering which electoral structure is most appropriate, the VEC considers the following matters:

- communities of interest, encompassing people who share a range of common concerns, such as geographic, economic or cultural associations
- the longevity of the structure, with the aim of keeping voter numbers per councillor within the 10 per cent tolerance as long as possible
- geographic factors, such as size and topography
- the number of voters in potential wards, as wards with many voters can have a large number of candidates, which can lead to an increase in the number of informal (invalid) votes and
- clear ward boundaries.

3.3 The VEC's principles

Three main principles underlie all the VEC's work on representation reviews:

- 1. Ensuring the number of voters represented by each councillor is within 10 per cent of the average number of voters per councillor for that municipality.**

Over time, population changes can lead to some wards in subdivided municipalities having larger or smaller numbers of voters. As part of the review, the VEC corrects any imbalances and also takes into account likely population changes to ensure ward boundaries provide equitable representation for as long as possible.

- 2. Taking a consistent, State-wide approach to the total number of councillors.**

The VEC is guided by its comparisons of municipalities of a similar size and category to the council under review. The VEC also considers any special circumstances that may warrant the municipality having more or fewer councillors than similar municipalities.

- 3. Ensuring communities of interest are as fairly represented as possible.**

Each municipality contains a number of communities of interest. Where practicable, the electoral structure should be designed to ensure they are fairly represented, and that geographic communities of interest are not split by ward boundaries. This allows elected councillors to be more effective representatives of the people and interests in their particular municipality or ward.

3.4 The electoral representation review process

Developing recommendations

The VEC bases its recommendations for particular electoral structures on the following information:

- internal research specifically relating to the municipality under review, including Australian Bureau of Statistics and .id (Informed Decisions) Pty Ltd⁴ data; voter statistics from the Victorian electoral roll; and other State and local government data sets
- small area forecasts provided by .id (Informed Decisions) Pty Ltd
- the VEC's experience conducting previous electoral representation reviews of local councils and similar reviews for State elections
- the VEC's expertise in mapping, demography and local government

⁴ .id is a company specialising in population and demographic analysis that builds suburb-level demographic information products in most jurisdictions in Australia and New Zealand.

- careful consideration of all input from the public in written and verbal submissions received during the review and
- advice from consultants with extensive experience in local government.

Public involvement

Public input is accepted by the VEC:

- in preliminary submissions at the start of the review
- in response submissions to the preliminary report and
- in a public hearing that provides an opportunity for people who have made a response submission to expand on this submission.

Public submissions are an important part of the process, but are not the only consideration during a review. The VEC ensures its recommendations are in compliance with the Act and are formed through careful consideration of public submissions, independent research, and analysis of all relevant factors, such as the need to give representation to communities of interest.

4 Ballarat City Council representation review

4.1 Profile of Ballarat City Council

The City of Ballarat is located in the Central Highlands region of Victoria and covers approximately 739 square kilometres. The municipality is bounded by Hepburn Shire in the north, Moorabool Shire in the east, Golden Plains Shire in the south, and Pyrenees Shire in the west. The City of Ballarat is a major tourist destination and a gateway to western Victoria. It is also a major regional centre which provides services beyond the municipality, including education and employment. The City of Ballarat is strategically positioned along significant freight, tourist and commuter transport routes and its economy has transitioned from one reliant on mineral resources and agriculture to the industries of manufacturing, tourism, health and community services, education and retail.

Geographically, the municipality is comprised of a large urban centre, in which the majority of the population reside, with the remainder of the population located in the surrounding semi-rural areas of Mount Helen, Mount Clear, Alfredton, Wendouree, Sebastopol and Delacombe. In 2014, the estimated resident population of the City of Ballarat was 100,283, with 76,304 voters and an average 8,478 voters per councillor. The average annual growth rate up to 2031 for the City of Ballarat is 2 per cent, moderately higher than the rural and regional Victorian average (0.7 per cent). The 2031 forecast population for the City of Ballarat is around 142,000, with the areas of Delacombe (6,709); Cardigan, Lucas and Bunkers Hill (8,060); and Alfredton (4,960) expected to grow the most.

Current electoral structure

The last representation review for Ballarat City Council occurred in 2007. Following the review, the VEC recommended the municipality change to consist of three three-councillor wards. This was a reduction in the number of wards (previously nine single-councillor wards) while maintaining nine councillors.

The VEC considered this ward structure would:

- capture communities of interest appropriately
- not result in unwieldy ballot papers at election, due to high numbers of candidates and
- increase diversity on the council via multi-councillor wards, especially as the municipality was noted to contain a variety of different areas (i.e. a large urban area, several small towns and a rural component).

The VEC also considered retaining nine councillors for Ballarat City Council was appropriate. Retaining nine councillors was also supported in all public submissions, on the basis that nine

councillors worked well, provided a reasonable number of voters per councillor and provided sufficient diversity.

4.2 Public information program

Public involvement is an important part of the representation review process. The Ballarat City Council representation review commenced on Wednesday 29 July and the VEC conducted a public information program to inform the community, including:

- public notices of the review and the release of the preliminary report in local and state-wide papers
- media releases announcing the commencement of the review, the release of the preliminary report and the publication of this final report
- a public information session to outline the review process and respond to questions from the community
- coverage through the municipality's media, e.g. Council website or newsletter
- a helpline and dedicated email address to answer public enquiries
- ongoing information updates and publication of submissions on the VEC website and
- a *Guide for Submissions* to explain the review process and provide background information on the scope of the review.

See Appendix 3 for full details of the public information program.

5 Preliminary report

5.1 Preliminary submissions

The VEC received eight preliminary submissions by the deadline for submissions at 5.00 pm on Wednesday 26 August. A list of people who made a preliminary submission can be found in Appendix 1. Preliminary submitters varied on recommendations for the appropriate number of councillors for Ballarat City Council, with five submitters recommending retaining the current nine councillors, and three submitters recommending an increase to between 10 and 12 councillors.

Number of councillors

A number of arguments were made for retaining nine councillors. One submitter noted that current councillor workloads were manageable and, even with moderate population growth, will continue to provide appropriate representation. Another submitter highlighted a preference for nine councillors on the basis that an odd number of councillors supports the proportional representation counting system—especially where there are an odd number of councillors within all wards.

Two submissions recommended an increase to 10 councillors (with one of these submitters also accepting an increase to 11), on the basis that growth areas in North Ward require extra representation (although the submitters varied on the groups requiring representation). The impact of population growth on councillor workloads was a concern among submitters, with one submitter recommending an increase in councillor numbers to 12, in order to manage the expected population growth in the north-east areas of the municipality.

Electoral structure

The preferred electoral structure among submitters also varied widely, with four submitters recommending retaining the current structure, and three others recommending an increase to four wards (albeit comprised of different configurations).

Of the three submitters requesting a four-ward structure, two recommended introducing a structure of three three-councillor wards one single-councillor ward. One of these submitters argued that a newly-created single-councillor ward should represent the growth areas of Miners Rest, Mitchell Park, Lucas and part of Alfredton. In contrast, a second submitter recommended that the single-councillor ward should include the northern and western rural balance on the basis that the growth areas in the North Ward had resulted in compromised interests for rural voters.

Another submission recommended four three-councillor wards, suggesting that two councillors in each ward would represent ward-based interests, and the third councillor would represent the interests of the municipality as a whole.

5.2 Preliminary report

A preliminary report was released on Wednesday 23 September that included two options for public comment. Overall, the VEC considered that the current electoral structure of nine councillors elected from three three-councillor wards was working well in Ballarat. Electoral statistics indicate that all wards have been well contested in the last two council elections (since the structure was introduced), with the number of candidates in each ward ranging from six to 16. Similarly, the informal voting rate at elections under the current structure has been below 5 per cent. The overall positive feedback from submitters regarding the current structure was considered further evidence that fair and equitable representation was occurring. Consequently, the two options reflected minimum change from the current structure.

Option A

The preferred option (Option A) recommended a number of changes to the current ward boundaries, with the most significant changes including moving the suburb of Redan from South Ward to Central Ward, and moving all of Delacombe into South Ward to contain the expected growth in the suburb within one ward. Changes to ward boundaries in the east of the municipality were also recommended, including bringing the part of Nerrina that is south of the freeway into Central Ward, as well as the areas of Black Hill that had been in North Ward. This model uses clear locality boundaries to the Western Freeway.

Option B

Option B only included changes to ward boundaries in the eastern part of the municipality, leaving Redan in Central Ward together with Sebastopol, and splitting the growth area of Delacombe. Option B was similar to Option A in that all of Black Hill and Nerrina, south of the freeway, was brought into Central Ward, with the additional inclusion of all of Ballarat East and Warrenheip in Central Ward.

Summary

On balance, the VEC considered that both options provided structural longevity by meeting legislative requirements, with the VEC's preferred option (Option A) being slightly more secure than the second option (Option B). The modified ward boundaries in both options were equally viable, and the VEC was interested in public feedback to assist in identifying the most suitable option.

6 Public response

6.1 Response submissions

The VEC accepted submissions responding to the preliminary report from Wednesday 23 September until 5.00 pm on Wednesday 21 October. The VEC received two response submissions. A list of people who made a response submission can be found in Appendix 1.

Buninyong and District Community Association submitted in favour of Option A, indicating a preference for retaining nine councillors. The submission highlighted the efficacy of the current electoral structure in Ballarat City Council, and specifically warned against an unsubdivided structure for a number of reasons, including an unwieldy number of candidates on the ballot paper.

The Proportional Representation Society of Australia also submitted, recommending either option as appropriate for Ballarat City Council, given that both models facilitated the proportional representation system. The Society further argued that both models would not be vulnerable to stalemates overall, or within one or more wards; they would maintain parity between all elected candidates by setting the same quota for the election of each; and ensure that 75 per cent of voters in the entire municipality elect a candidate, increasing the effectiveness of votes. Caution against an unsubdivided structure was also raised, due to the large number of candidates standing in elections in Ballarat.

6.2 Public hearing

The VEC scheduled a public hearing for those wishing to speak about their response submission at 6.00 pm on Monday 26 October in the Trench Room, Town Hall, Sturt Street, Ballarat. There were no requests to speak so the hearing was not held.

7 Findings and recommendation

7.1 The VEC's findings

The VEC considers that the current structure of nine councillors elected from three three-councillor wards is working well. As discussed, election statistics indicate that all wards have been well contested, with the number of candidates per ward ranging between six and 16 and the informal voting rate staying below 5 per cent. Importantly, feedback from submitters indicated that changing from nine single-councillor wards to multi-councillor wards at the last review saw a marked increase in the diversity of candidates running for election (and being elected). This provides further evidence that the current structure is generally accepted by the community and is delivering fair and equitable representation.

Number of councillors

In regard to the appropriate number of councillors for Ballarat, the VEC acknowledges the concern among submitters for an adequate number of councillors, appropriately distributed, to ensure councillor workloads are manageable and voters are adequately represented. Population growth, especially in the west and north-west of the municipality, was a significant concern for submitters. In response, the VEC carefully considered the projected voter numbers until 2024, and conducted a comparison with similar councils. This inquiry revealed that, while the municipality's population is set to increase moderately between now and the next scheduled review (approximately 20,000⁵ people and 12,000⁶ voters), the VEC is confident that the voter-to-councillor ratio under either of its proposed options will continue to provide fair and equitable representation until the next review.

Electoral structure - Minimal change options

The VEC considered two minimal change options for Ballarat City Council. This entailed retaining the current structure, but providing two options in which wards were adjusted in order to meet the legislative requirements regarding voter-to-councillor ratios in both the short- and long-term.

Option A (preferred option): nine councillors elected from three three-councillor wards, with modified ward boundaries

The VEC's preferred option (Option A) made a number of changes to the current ward boundaries. Advantages of the model included bringing the remainder of Delacombe into South Ward, ensuring that the growth suburb of Delacombe is contained within the same ward. The VEC determined that this will provide representation for new communities in the area which are likely to be characterised by young families and first-home buyers. This was seen as one way of

⁵ profile.id, *Population increase between 2016 and 2026*.

⁶ The VEC has projected elector data up to 2024, with elector numbers extrapolated between 2025 and 2028.

addressing the potential needs of residents in the new growth areas in the west of the Shire, without creating a separate single-councillor ward, as was suggested in one preliminary submission.

Option A also recommended a number of changes to ward boundaries in the east of the municipality, including bringing Nerrina (south of the freeway) into Central Ward, along with the remainder of Black Hill. These boundaries now follow locality boundaries and the Western Freeway. Importantly, the projected deviation of voters by ward in Option A is considerably lower than in Option B, offering considerable longevity that is highly likely to last until the next representation review. A limitation of Option A is the need to split Redan and Sebastopol, as Sebastopol has potentially more in common with Redan than Redan has with Central Ballarat. On balance, the VEC considers that this model has a number of advantages, including keeping communities of interest together by bringing suburbs currently split across boundaries into the same ward, longevity of structure, and wards having clear and logical boundaries.

Option B (alternative option): nine councillors elected from three three-councillor wards, with modified ward boundaries different to those of Option A

In contrast to Option A, which moves Redan into Central Ward to help meet legislative requirements, the VEC's alternative option (Option B) makes boundary changes toward the east of the municipality only. In particular, Central Ward's boundaries are extended to the Western Freeway at both the north and south boundaries. As with Option A, the alternative option proposes a new boundary to run along the locality boundary between Ballarat North and Black Hill, bringing the remainder of Black Hill and Ballarat East entirely into Central Ward. In the south-east of Central Ward, the proposed boundary runs along the Ballarat East locality boundary, also bringing the localities of Warrenheip and, as in Option A, Nerrina (areas south of the Western Freeway) into Central Ward.

In Option B, the current boundary around Redan is unchanged, with Redan and the voters in the small area between Latrobe Street and Winter Street remaining in South Ward. Option B has the inverse impact of Option A, with Redan and Sebastopol remaining in the same ward, with the growth area of Delacombe split across both North and South Wards. Overall, Option B keeps major communities of interest together where possible and uses clear boundaries. However, the structure is more vulnerable to population change up until the next scheduled electoral representation review.

Summary

Both proposed options are viable models for Ballarat City Council, as both retain the current three three-councillor ward structure that submitters have been identified as working well. The VEC considers that Option A has an advantage over Option B in that the projected deviation

from the average voter-to-councillor ratio in Option A is expected to remain within five per cent until 2024, and most likely until the next representation review. In Option B, by 2024, one ward will be close to minus nine per cent and one ward will be at positive eight per cent, increasing the model's vulnerability to population change prior to the next scheduled representation review. The VEC also considers that combining the growth area of Delacombe in one ward, as under Option A, will increase representation for the new populations that move into the area, namely young families and first-home buyers. While this splits Redan and Sebastopol, these are well established suburbs and the growth area of Delacombe is likely to have greater needs in the short-term.

7.2 The VEC's recommendation

The VEC recommends Ballarat City Council continue to consist of nine councillors elected from three-three councillor wards, with modified ward boundaries.

Appendix 1: Public involvement

Preliminary submissions

Preliminary submissions were received from:

Peter Berlyn

Buninyong and District Community Association

Buninyong RSL Sub-Branch

City of Ballarat

Gary Fitzgerald

Eileen McGhee

Proportional Representation Society of Australia (Victoria-Tasmania) Inc.

Grant Tillet

Response submissions

Response submissions were received from:

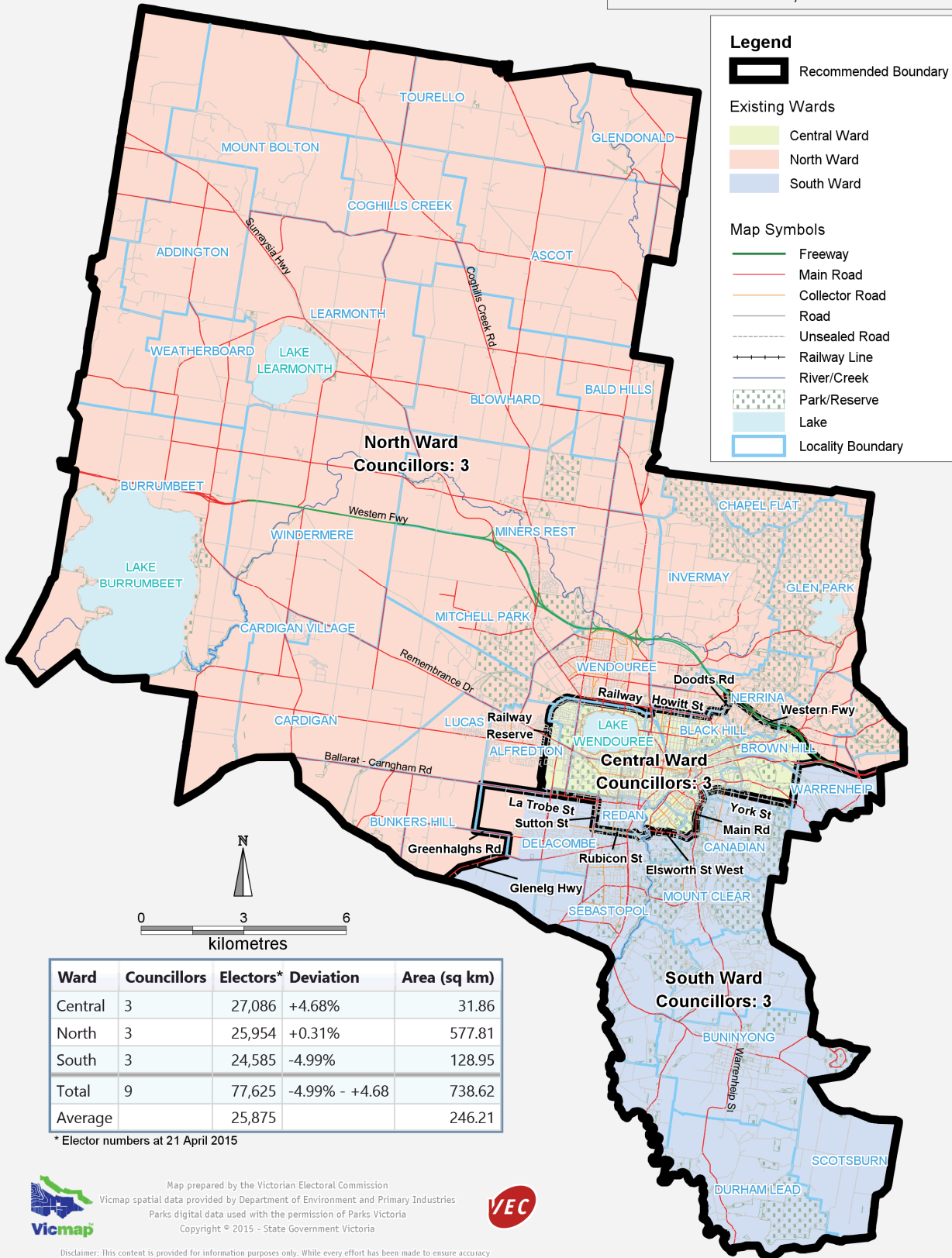
Buninyong and District Community Association

Proportional Representation Society of Australia (Victoria-Tasmania) Inc.

Appendix 2: Map

Ballarat City Council

Map of Recommended Option Nine Councillors, Three Wards



Map prepared by the Victorian Electoral Commission
 Vicmap spatial data provided by Department of Environment and Primary Industries
 Parks digital data used with the permission of Parks Victoria
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Appendix 3: Public information program

Advertising

In accordance with the Act, public notices of the review and the release of the preliminary report were placed in the following newspapers:

| Newspaper | Notice of review | Notice of preliminary report |
|-------------------------|-------------------|------------------------------|
| <i>Herald Sun</i> | Wednesday 15 July | Wednesday 9 September |
| <i>Ballarat Courier</i> | Wednesday 29 July | Wednesday 23 September |

Media releases

A media release was prepared and distributed to local media at the commencement of the review on Wednesday 29 July. A further release was distributed at the publication of the preliminary report on Wednesday 23 September. A final release was circulated on the publication date of this final report.

Public information session

A public information session for people interested in the review process was held on Monday 3 August in the Trench Room, Town Hall, Sturt Street, Ballarat.

Helpline and email address

A telephone helpline and dedicated email address were established to assist members of the public with enquiries about the review process.

VEC website

The VEC website delivered up-to-date information to provide transparency and facilitate public participation during the review process. An online submission tool was made available and all public submissions were posted on the website.

Guide for Submissions

A *Guide for Submissions* was developed and distributed to those interested in making submissions. Copies of the *Guide* were available on the VEC website, in hardcopy on request and also provided to Council.

Council website and newsletter

Information about the review was provided to Council for publication in council media, e.g. website and newsletter.

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