

FINAL REPORT
Electoral Representation Review
for the
Yarra Ranges Shire Council



3 December 2007

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1 Recommendation

The Victorian Electoral Commission (VEC) is required under the legislation for the electoral representation review to make a recommendation to the Minister for Local Government as to the number of councillors and the electoral structure that provides fair and equitable representation for the voters of the Shire of Yarra Ranges (s.219D *Local Government Act 1989*).

The VEC recommends that the Yarra Ranges Shire Council consist of nine councillors to be elected from nine single-councillor wards.

This recommended structure is indicated in the map at the back of this Report. This structure is virtually the same as the current structure (which was also the VEC's preliminary preferred structure) except for one minor adjustment to the Ryrie/O'Shannassy Ward boundary.

2 Background

2.1 Legislative basis

The *Local Government (Democratic Reform) Act 2003*, which amended the *Local Government Act 1989* (the Act), was passed by the Parliament in Spring 2003. The amendments included provisions for independent electoral representation reviews of all Victorian councils. In accordance with this new legislation, the Yarra Ranges Shire Council received notice pursuant to s.219C of the Act from the Minister for Local Government that an electoral representation review was to be conducted for the Shire of Yarra Ranges. The notice appeared in the *Victoria Government Gazette* on 19 March 2007.

Under the legislation, a council is required to appoint an electoral commission to conduct an electoral representation review. The Yarra Ranges Shire Council appointed the VEC to conduct the review.

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. Matters to be considered by the review are:

- a) the number of councillors;
- b) the electoral structure of the municipality (whether the municipality should be unsubdivided or divided into wards; and, if the municipality is to be subdivided, the number of wards and the number of councillors to be elected for each ward); and
- c) if the recommendation is for the municipality to be divided into wards, boundaries for the wards that will:
 - i. provide for a fair and equitable division of the municipality; and
 - ii. ensure equality of representation, through the number of voters represented by each councillor being within 10% of the average number of voters represented by all councillors.

2.2 The VEC and electoral representation reviews

The VEC has ten years' experience in working on municipal ward boundaries, being contracted by councils to prepare options for their consideration. VEC staff have also worked for the Electoral Boundaries Commission in State redivisions. In doing this

work, the VEC has used sophisticated mapping software, conducted field research and has developed expertise in preparing electoral boundaries that both comply with legislative approximate equality requirements and respect communities of interest.

The VEC has engaged Mr Terry Maher to provide expertise in the field of local government. Mr Maher commenced his career in local government in 1963. Mr Maher has extensive municipal experience, having been employed by the Melbourne City Council and the former Ringwood and Essendon Councils. He also held the position of Chief Executive at Knox City Council from 1995-2001, and at Croydon City Council from 1986-1994. Mr Maher was also interim Chief Executive of the Monash City Council at the time of municipal restructure. In 2002, Mr Maher was appointed by the Minister for Local Government to conduct a Commission of Inquiry into Surf Coast Shire Council which was completed in April 2003. He now provides consulting services to the public sector, and more specifically Local Government.

2.3 Municipality profile

The Shire of Yarra Ranges was formed in 1994 following the amalgamation of parts of the former Shires of Healesville, Lilydale, Sherbrooke and Upper Yarra. Yarra Ranges is located 60 kilometres east of Melbourne and covers an area of 2,466 square kilometres, making it the largest metropolitan/rural fringe municipality in terms of area. It is the third largest in this group of municipalities by population with approximately 140,000 residents.

As a metropolitan/rural fringe municipality, Yarra Ranges is composed of a diverse range of communities, ranging from the densely populated urban areas to areas with a rather rural feel. There are over 55 suburbs, townships, small communities and rural areas within the Shire. Approximately 70% of the Shire's population lives in the urban areas close to the Shire's western border, which constitutes approximately 3% of the total area. The balance of the Shire includes substantial areas of national park and State forest, as well as land used for agricultural purposes including horticulture, floriculture and viticulture. The Shire has a thriving tourist industry, with attractions such as the Dandenong Ranges and the wineries of the Yarra Valley, as well as a strong manufacturing sector.

Yarra Ranges has a higher proportion of residents aged between 0 and 17 than most metropolitan municipalities, and Victoria as a whole, though a lower proportion than in most other metropolitan/fringe municipalities. The 2006 Census reveals that the median age in the Shire is 37. It has a low expected population growth rate of 1.04% from 2006 to 2016. The Shire generally has a low degree of ethnic diversity, with the vast majority of the population being fluent in English. The area around Healesville has the highest proportion of Indigenous residents in the Shire.

(Sources: 2006 Australian Bureau of Statistics Census data; Department of Sustainability and Environment *Know Your Area*; Yarra Ranges Shire Council website.)

2.4 Current electoral structure

The Shire of Yarra Ranges is a subdivided municipality with nine councillors elected from nine single-councillor wards.

3 Electoral representation review process

Section 219D of the *Local Government Act 1989* specifies that the purpose of an electoral representation review is to achieve "fair and equitable representation for the persons

who are entitled to vote at a general election of the Council.” To achieve this, the VEC proceeds on the basis of three main principles:

1: to ensure that the number of voters represented by each councillor is within 10% of the average number of voters per councillor for that municipality

Populations are continually changing – they grow in some areas and decline in others. Over time, these changes can lead to some wards having larger or smaller numbers of voters. As part of an electoral representation review, the VEC needs to correct any imbalances that have come about. The VEC also tries to make sure that the boundaries it sets will continue to provide equitable representation until the next review is due in eight years, by taking account of likely future changes.

2: to take a consistent, State-wide approach to the total number of councillors

Regarding the number of councillors, the VEC has adopted as a guide the numbers of councillors in similar-sized municipalities of similar categories within Victoria. In addition, the VEC considers any special circumstances that warrant the municipality having more or fewer councillors than similar municipalities.

3: to ensure that communities of interest are as fairly represented as possible

Every municipality contains a number of communities of interest. The electoral structure should be designed to take these into account where practicable. This is important for assisting the elected councillors to be effective representatives of the people in their particular municipality.

The VEC bases its recommendations on a number of factors, including the following:

- internal research specifically relating to the municipality under review;
- the VEC’s experience from its work with other municipalities and in similar reviews for State elections;
- the VEC’s expertise in mapping, demography and local government; and
- careful consideration of all input from the public in both written and verbal submissions made during the course of the review.

Input from the public is an important part of the process, but it is not the only factor considered. The VEC seeks to ensure fair and equitable representation for all voters of the municipality. This means carefully considering all views expressed in submissions from the public, and also considering other factors, such as the best possible representation for the various communities of interest in the municipality under review.

In considering public submissions, the VEC values the local knowledge and local perspectives that are presented. The VEC believes it important to consider the issues and information presented in submissions, as well as the arguments for particular structural models. In reaching its recommendations, the VEC seeks to combine the information gathered through public submissions with its own research in order to achieve what it considers to be a fair and equitable result until the next review period. The VEC does not make its recommendations based on a “straw poll” of the number of submissions supporting a particular option.

Further details about issues considered by the VEC can be found in Sections 8.1 and 8.2 of this Report and in the Guide for Submissions (Appendix 9.4).

4 Public involvement

4.1 Public information

The VEC informed the community about the electoral representation review through:

- advertising in newspapers;
- conducting information sessions in Upwey on 21 August and in Lilydale on 23 August 2007, to outline the review process and to respond to questions from members of the community;
- communicating with the Shire of Yarra Ranges community through the use of media releases and the VEC website;
- publishing an article in the September 2006 edition of the Council newsletter;
- producing a leaflet for distribution at key places throughout the Shire;
- publishing all preliminary submissions on the VEC website;
- establishing a helpline for responding to community questions;
- distributing a Guide for Submissions;
- releasing a Preliminary Report on 8 October 2007 and making the Report available at the Yarra Ranges Shire Council offices, at the VEC office and on the VEC website;
- publishing all submissions in response to the Preliminary Report on the VEC website; and
- conducting a public hearing in Lilydale on 15 November 2007.

4.2 Advertising

In accordance with s.219F(4) of the Act, the VEC published the following advertisements for the electoral representation review:

- a public notice of the review, detailing the process, appeared in the *Mountain Views Mail*, the *Ranges Trader Mail*, the *Upper Yarra Mail*, the *Leader Free Press*, the *Lilydale Yarra Valley Leader* and the *Yarra Ranges Journal* between 6 and 8 August 2007;
- a general advertisement covering several electoral representation reviews, including the Yarra Ranges Shire Council review, appeared in the *Herald Sun* and *The Age* on 8 August 2007; and
- a notice that the Preliminary Report had been released appeared in the *Mountain Views Mail*, the *Ranges Trader Mail*, the *Upper Yarra Mail*, the *Leader Free Press*, the *Lilydale Yarra Valley Leader* and the *Yarra Ranges Journal* between 8 and 10 October 2007.

See Appendix 9.1.

4.3 Media releases

Media releases designed to supplement the paid advertising were distributed to the *Mountain Views Mail*, the *Ranges Trader Mail*, the *Upper Yarra Mail*, the *Leader Free Press*, the *Lilydale Yarra Valley Leader*, and the *Yarra Ranges Journal* newspapers. See Appendix 9.2.

4.4 Information leaflet

An information leaflet about the review was distributed to service centres, libraries, post offices and community groups within the Shire. See Appendix 9.3.

4.5 VEC website

The VEC used its website to deliver information and to provide transparency in the review process. All preliminary submissions and submissions in response to the Preliminary Report were posted on the website to facilitate public access to this information. The VEC website can be viewed at www.vec.vic.gov.au

4.6 Helpline

The VEC established a helpline to assist with public enquiries concerning the electoral representation review process.

4.7 Guide for Submissions

The VEC developed and distributed its Guide for Submissions to help people interested in making submissions. A copy of the Guide is attached. See Appendix 9.4.

5 Preliminary Report

In accordance with s.219F(6) of the Act, the VEC produced a Preliminary Report containing its preferred and alternative options for the Shire of Yarra Ranges. In developing these options, the VEC considered preliminary submissions made by various people and groups, as well as various other relevant factors.

5.1 Preliminary submissions

The VEC received 19 preliminary submissions by the closing time for submissions (Thursday, 6 September 2007 – 5.00 pm). A variety of electoral structures and councillor numbers was suggested. Of the submissions:

- four supported the current structure of nine single-councillor wards;
- one further submission supported single-councillor wards without specifying the exact number;
- one submission supported a mixture of single and multi-councillor wards;
- twelve submissions supported multi-councillor wards;
 - seven supported a structure of three three-councillor wards
 - three supported an unspecified number of multi-councillor wards
 - one supported a municipality composed of two three-councillor wards and one five-councillor ward
 - one supported a structure of two two-councillor wards and two four-councillor wards
- one submission supported an unsubdivided municipality.

Arguments in favour of maintaining the current number of councillors included that the population growth is too small to justify more councillors and that the various communities of interest in the Shire are well-represented in the current structure.

A number of submissions advocating a greater number of councillors contended that the geographic size of the Shire warranted an increase. Some drew comparisons to

Mornington Peninsula Shire, which was reviewed in 2005 and now has eleven councillors. Mornington Peninsula covers less than a third of the area of Yarra Ranges, but has a significantly larger number of voters (although a very similar resident population). One submission pointed out that Yarra Ranges has a greater number of young people than the State average, and will therefore soon have a larger voting population. As the review will determine the structure for the next eight years, it was suggested that this factor should be taken into account.

In terms of electoral structure, submissions supporting single-councillor wards generally contended that such a structure facilitates more accessible local representation for individual communities, and that the present system is working well. The Council's submission and the submission from the current Mayor reasoned that the current nine-ward structure logically represents communities of interest within the Shire, and that it therefore promotes fair and equitable representation.

The submission promoting a mixture of single and multi-councillor wards made the point that at least the Dandenong Ranges should be grouped into a single multi-councillor ward, due to the common characteristics of the area. This view was supported in many of the submissions arguing for multi-councillor wards; of these, seven expressed a preference for three three-councillor wards, corresponding broadly to the areas of the Dandenong Ranges, the Yarra Valley and the urban area of Chirnside Park, Lilydale, Kilsyth and Mooroolbark. An option based on these suggestions was presented in the Preliminary Report as the second alternative option.

General arguments for multi-councillor wards included that constituents would have a choice of councillors to approach about certain issues, a diverse range of community views can be represented on the Council, and larger communities of interest could be captured more effectively.

Two submissions proposed that Yarra Ranges be totally unsubdivided, contending that such a structure would afford better representation for minority groups, amongst other points. It should be noted that one submission supported an unsubdivided structure as well as a three three-councillor ward option, recognising that the latter was a smaller change and therefore more of a compromise.

Regarding ward names, four submissions supporting a three three-councillor ward structure suggested that Indigenous names should be used, to be determined in consultation with local Indigenous communities.

Appendix 9.5 contains details of those people and groups making preliminary submissions. Copies of the submissions can be downloaded from the VEC website, www.vec.vic.gov.au

5.2 VEC research

In addition to information provided in submissions, the VEC conducted its own research. This included research into the demographics of the municipality, using a number of data sources including the 2001 and 2006 Censuses. The VEC also took into account changes predicted by the Department of Sustainability and Environment and the Department of Infrastructure. Summaries of some of this research were published in the Guide for Submissions, the Preliminary Report and in Section 2.3 of this Report.

Development projections based on information presented by the Council were also taken into consideration. Fieldwork was conducted throughout the municipality by the VEC.

5.3 Recommended options

Having considered the issues outlined in the preliminary submissions and all other relevant factors, the VEC proposed four preliminary options for public comment.

The preferred option was:

- that the Yarra Ranges Shire Council consist of nine councillors, to be elected from nine single-councillor wards.

The first preliminary alternative option was:

- that the Yarra Ranges Shire Council consist of nine councillors, to be elected from two three-councillor wards and three single-councillor wards.

The second preliminary alternative option was:

- that the Yarra Ranges Shire Council consist of nine councillors, to be elected from three three-councillor wards.

The third preliminary alternative option was:

- that the Yarra Ranges Shire Council consist of eleven councillors, to be elected from three three-councillor wards and one two-councillor ward.

6 Response submissions

In accordance with s.219F(7) of the Act, the VEC invited written submissions in response to the Preliminary Report. The VEC received 23 response submissions by the closing time (Wednesday, 31 October 2007 – 5.00 pm).

Of these submissions:

- six supported the preliminary preferred structure of nine single-councillor wards;
- fifteen supported the second preliminary alternative option of three councillors elected from three wards;
- one supported the third preliminary alternative option of eleven councillors elected from five wards; and
- one maintained support for an unsubdivided structure (in the absence of such a preliminary option, however, the submitter expressed support for the second alternative option).

Response submissions supporting the VEC's preferred option generally contended that a single-councillor ward structure enables more accessible local representation, and that the proposed boundaries meaningfully reflect and contain distinct communities of interest. It was pointed out that the Shire has a strong ethic of volunteerism and participation in local community groups as people feel strong connections to their local areas, and this "sense of place" is reflected by the current structure. Some argued that councillors in single-councillor wards are more likely to have an intimate knowledge of the area they represent than councillors in larger multi-councillor wards, and that there are clearer lines of accountability. Concern was raised about the more demanding travel requirements in multi-councillor wards, as well as the potential for various councillors in

a multi-councillor ward to originate from one populous area, leaving other areas and interests in the ward unrepresented.

A number of points were raised in relation to Mt Evelyn; submissions indicated that the VEC's second preliminary alternative option in particular would split the community, placing part of Mt Evelyn in a rural ward when it should be treated as part of the Dandenong Ranges. General comments were also made to the effect that the current representation arrangements are working well and have general community support.

Those submitters supporting the second preliminary alternative option (three three-councillor wards) did so for a variety of reasons. Many were of the view that the Shire falls more naturally into three regions than nine; the Dandenong Ranges, the Yarra Valley and the urban area in the Shire's west, including Mooroolbark, Chirnside Park, Kilsyth and Lilydale. It was argued that this option would unify various communities and would be particularly advantageous in the case of the Dandenongs. It was also argued that various communities in the proposed Yarra Valley Ward also have common interests, and that any potential disadvantages as a result of ward size would be overcome by having three councillors represent the area.

Advantages pertaining to proportional representation and multi-councillor wards in general were also raised. It was argued that multi-councillor wards would assist different communities of interest achieve representation and enable a broader range of views to be represented; that there is a greater chance that matters of concern will be taken up by at least one ward councillor; that residents will have a choice of councillors to approach with matters of concern; that there is a lesser chance of councillors being elected unopposed; and that councillors in each ward can share the workload, responsibilities and ideas.

One submission supported the second preliminary alternative option, but reiterated their preliminary submission suggestion for a slight boundary alteration if it is decided that nine single-councillor wards should remain. The suggestion involves bringing part of the Ryrie/O'Shannassy boundary slightly west, so that some voters currently in Ryrie Ward would be transferred to O'Shannassy Ward, which the submitters argued was more suitable from a community of interest perspective.

One submission supported increasing the number of councillors to eleven (and thus supported the third preliminary alternative option), contending that the size of the municipality as well as the diversity of communities within it warranted an increase in councillors, enabling a greater range of voices to be heard.

One submission reiterated support for a totally unsubdivided structure, though this was not put forward as a preliminary option. The submission commented that single-councillor wards do not provide voters with the option of an alternative voice, and that in an unsubdivided municipality councillors can be held accountable by voters across the Shire. The submission rejected the first and third preliminary alternative options due to the mixture of single and multi-councillor wards, and expressed support for the second alternative option in the absence of an unsubdivided model.

In reference to ward names, one submitter restated a preference for Indigenous names to be used, while another supported the use of geographic names that specifically relate to the area the particular ward covers.

A list of those people and groups who made response submissions is provided in Appendix 9.5. Copies of the submissions can be downloaded from the VEC website, www.vec.vic.gov.au

7 Public hearing

A public hearing was held in Lilydale on 15 November 2007 at 6.30 pm. All people and groups who had made submissions in response to the VEC's Preliminary Report were invited to speak to their submissions, and eight chose to do so. Members of the public were invited to attend, and there was a total audience of thirteen people (including those making presentations). Speakers raised a number of issues in addition to points raised in written submissions.

Three speakers, including the Council and an individual councillor, spoke in support of maintaining the current structure. The Council contended, amongst other things, that the present ward arrangement ensures fair and equitable representation for the various communities of Yarra Ranges; that the Shire's residents are satisfied with their representation; that local councillors have a strong knowledge of the area they represent; and that the number of voters in each ward is within the acceptable deviation as required by legislation and due to small population growth projections will not be threatened in the near future. Concern was expressed that the boundaries in the proposed three-ward structure would divide communities of interest, particularly Macclesfield and Mt Evelyn, and that it would be difficult for councillors to represent the Yarra Valley Ward in this structure due to its substantial geographic area. Council also contended that this ward would group together towns that have few common interests, such as Healesville and Warburton.

Concern about the division of Mt Evelyn was echoed by another speaker, who reasoned that "local stewardship" is particularly important in Yarra Ranges due to unique environmental conditions and distinct communities of interest. The submitter contended that the current ward structure reflects and even defines such communities. It was mentioned that a well-defined "sense of place" is prevalent in the Shire; people are strongly connected to their local area through community groups and independent township groups, and the single-councillor ward structure enhances rather than interferes with this aspect of living in the Shire of Yarra Ranges. Council argued that historical antecedents underpin this strong sense of community, and the continued existence of the many local newspapers within the Shire is evidence of resilient and independent communities.

In response to arguments about the advantages of grouping the Dandenong Ranges into a single ward, submitters asserted that this would create the potential for three councillors to be elected from one "urban-centric" area such as Belgrave. One submitter claimed that there was little in common between Montrose and the Belgrave/Upway region, and that a three-ward structure would necessitate the creation of artificial boundaries. General perceived problems with larger multi-councillors wards were also raised, including potential difficulties in travelling large distances, the possibility of a councillor in a multi-councillor ward "hiding behind" the work of the others, the difficulty for residents to get to know their local councillor, and concern that attention in a ward may be given to the one area while other areas are ignored. It was also contended that the current system is effective and supported.

The other five speakers at the public hearing advocated the three three-councillor ward structure presented by the VEC as the second preliminary alternative option. Arguments in support of the three-ward structure included that:

- such a structure would create the possibilities for sharing and collaboration between councillors, and would encourage councillors to develop a broader knowledge of the Shire;
- the three-ward structure was a logical arrangement which brought together communities of interest;
- towns in the proposed Yarra Valley Ward such as Healesville, Warburton and Seville have common interests such as transport, tourism, agriculture, social infrastructure, retaining the area's young people and other fundamental rural similarities;
- residents in the Dandenongs Ward share common concerns related to environmental issues and the delicate environmental/residential balance and commonalities in the area exist pertaining to tourism and employment; and
- residents in the urban Billanook Ward are concerned about various issues related to urban living which are not broadly shared in other parts of the Shire.

Issues and concerns relating to the present structure were raised. One submitter from Rylie Ward expressed dissatisfaction with the current boundaries, arguing that the submitters' interests lie almost exclusively in O'Shanassy Ward. This submitter proposed an alteration to the ward boundary that is detailed further in Section 8.2. Another submitter contended that in single-councillor wards one councillor "cannot be everything to everyone", which leaves some voters without representation. The submitter was also concerned that if councillors have pecuniary interests in a particular issue they are prevented from voting, thus leaving the ward unrepresented, which may also occur if a single councillor is not a particularly effective representative. It was further contended that single-councillor wards advantage political parties due to the need to secure over 50% of the vote, while the lower quota of votes required under proportional representation for election in multi-councillor wards means that local community members have a greater chance of being elected.

Additional concerns about representation were canvassed, with one submitter stating that there is currently a feeling of under-representation in the Shire. Another speaker commented that the single-councillor wards do not satisfy communities of interest, which should be defined by "macro" issues such as the proximity of services and development levels, rather than "micro" issues such as connections to local sporting clubs. While potential problems surrounding the splitting of Mt Evelyn in a three-ward structure were acknowledged, it was noted that such a structure would at least improve on the current ward boundaries which were also perceived to divide various communities. In response to other criticisms of multi-councillor wards, it was reasoned that it would be improbable for a certain town to dominate a ward and elect all three councillors. While there would of course be differences between towns within the same ward in a three-ward arrangement, it was contended that in general terms such towns would have more similarities than differences.

8 Findings and recommendation

The Act states that the purpose of the electoral representation review is to consider two matters. The first matter is the number of councillors for the municipality and the second matter is the electoral structure of the municipality.

In conducting electoral representation reviews, the VEC follows an extensive process of consideration as required by legislation. At the preliminary stage, the VEC considers preliminary submissions along with a wide variety of other information in order to develop a preferred and (in most circumstances) one or more alternative electoral structure options for the municipality in question. The VEC then makes the options available in its Preliminary Report, to be assessed by the public in response submissions and at the public hearing. Having considered the feedback, the VEC then makes a recommendation.

8.1 Number of councillors

Issues considered by the VEC

The legislation provides that a council must consist of between 5 and 12 councillors (s.5B(1)). It does not, however, prescribe the matters to be considered by the reviewer in recommending the number of councillors for a municipality.

The VEC has therefore been required to identify the appropriate matters to take into account when considering the number of councillors.

In terms of voter numbers, Victorian municipalities vary from approximately 4,000 to over 167,000. The VEC applies the legislative provisions relating to numbers of councillors in a logical way, with those councils that have the largest number of voters having the most councillors, and those councils that have the least number of voters having the fewest councillors.

In most cases, the electoral structure and the number of councillors were established by the Commissioners when local government was restructured between 1993 and 1995. Commissioners did not have the benefit of a State-wide reference when considering the appropriate number of councillors for their respective municipalities. The result was a degree of disparity in councillor numbers for similar types of municipalities. The VEC has produced a table that lists each municipality and the number of councillors. The table differentiates between rural, regional and metropolitan councils in recognition of the different circumstances and needs between these categories of councils. The table has been a valuable reference point in considering the appropriate number of councillors and was made available to the public in the Guide for Submissions. The information has enabled the VEC to compare a council being reviewed to councils with similar voter numbers and areas.

The VEC also considers whether the number of voters in the municipality is anticipated to increase or decline in the period between reviews (approximately eight years). Population forecasts produced by the Australian Bureau of Statistics and the Victorian Department of Sustainability and Environment have been used to assist the VEC in making its assessment.

In addition, the VEC considers any special issues or circumstances that may require a council to have more or fewer councillors than would otherwise be the case. Public submissions provide valuable information regarding any such issues or circumstances.

The VEC's findings

The VEC's preliminary options

Three of the VEC's preliminary options were for nine councillors, while one option was for eleven. While the VEC was of the opinion that nine was the most appropriate number, the eleven-councillor option was included to acknowledge some arguments presented in preliminary submissions that increasing the number of councillors would provide for enhanced representation in the Shire. The option was included so that the community would have the opportunity to present further reasons and evidence to the VEC in support of the need for eleven councillors.

The VEC took into account a variety of factors in forming the view that nine councillors would be most appropriate. The number of voters in Yarra Ranges was compared with voter numbers in other municipalities on the metropolitan/rural fringe. With around 104,000 voters, the VEC considers Yarra Ranges to be in the band of councils with nine councillors, though at the higher end of the range when compared to other like municipalities. However, the VEC expects a low population growth rate expected in Yarra Ranges may result in other faster-growing municipalities equalling or even overtaking Yarra Ranges Shire in terms of the number of voters in the future. In addition, analysis of the *Melbourne 2030* Urban Growth Boundary indicates that much of the broadacre subdivision growth in Yarra Ranges is already complete, resulting in little opportunity for significant upward movement in the population.

Through the public consultation process it was variously stated that Yarra Ranges is a "young" Shire, and as such the number of voters would be likely to increase (even if population growth remained minimal). Data from the 2006 Census indicates that while Yarra Ranges contains a greater proportion of 5 to 17 year-olds than all of the purely metropolitan municipalities, it has a lower proportion of residents in this age bracket than all but two of the metropolitan/rural fringe municipalities with which Yarra Ranges is compared. Thus the VEC did not consider this factor to be so significant as to require more councillors.

The options are tested

The vast majority of the response submissions supported maintaining the number of councillors at nine, with only one submission stating a preference for eleven councillors. This submission contended that the geographic size of the Shire, along with the diverse range of interests present, means that eleven councillors are required to spread the workload. However, the VEC is of the view that these factors do not make so much impact on councillors' workload to justify an increase to eleven councillors. Consequently the VEC sees no reason to change its original finding. The VEC confirms its view that nine councillors are most likely to provide fair and equitable representation to the voters of the Shire of Yarra Ranges for the next eight years.

8.2 Electoral structure

Issues considered by the VEC

Provisions within the Act allow for a municipality to be unsubdivided, with all councillors elected "at large" by all voters, or for a municipality to be subdivided into a number of wards. If wards have only one councillor, councillors are elected using preferential voting. Under an unsubdivided or a multi-councillor ward structure,

councillors are elected through proportional representation. With each system, voters mark their ballot papers the same way.

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

- single-councillor wards;
- multi-councillor wards; and
- a combination of both single-councillor and multi-councillor wards.

Boundaries for wards must:

- provide for a fair and equitable division of the municipality; and
- ensure equality of representation, through the number of voters represented by each councillor being within 10% of the average number of voters per councillor for the municipality.

In addition to the legislative requirements, a number of other factors were considered when evaluating subdivided structures. These factors included:

- communities of interest (communities of interest are groups of people who share a range of common concerns – they may occur where people are linked with each other geographically, economically or through having particular needs);
- spreading developing areas over a number of wards;
- using logical boundaries such as main roads, physical features and existing boundaries for easy identification of wards; and
- taking account of likely population changes.

In developing ward boundaries, the VEC aims to achieve the best possible balance between these criteria.

The VEC's findings

The initial stages of consideration resulted in a preferred and three alternative electoral structures, which were put to the public in the VEC's Preliminary Report. As was stated in the Preliminary Report, although a preferred option was put forward in accordance with the Act, the VEC considered that all of the preliminary options had merit. Thus evidence presented in submissions and at the public hearing was particularly important in enabling the VEC to reach a final recommendation.

Preliminary preferred option: nine single-councillor wards

In response to this option, the VEC heard strong evidence about the number and variety of distinct communities existing in the Shire. Many submitters contended that the boundaries as they currently exist (and in the preliminary preferred option) are well-defined and meaningfully delineate the various communities of interest. They identified the particularly powerful 'sense of place' which is apparent in the Shire and the strong ties many feel to their local area.

It was further identified that each ward has an obvious focal point which is central to the viability of each community. This in turn encourages the continued existence of township groups and progress associations with active participation from the local community.

A concern with this model is that some ward boundaries may be somewhat artificial and the introduction of a multi-councillor ward option has the potential to group some of these "like" wards together. This could have the effect of bringing together

broader communities of interest, and the election of councillors who are more broadly representative of the community. Some submitters highlighted communities of interest that are divided in the current structure, which was of concern to the VEC in its deliberations.

However, as is noted in the discussion on the second preliminary alternative option, ward boundaries in other models would also divide communities of interest. On balance therefore, the evidence presented in response to the VEC's preliminary options suggests that the preliminary preferred option does the best job of capturing communities of interest. Distinctions between the nine wards were highlighted, demonstrating the apparent independence of various communities. It was also argued that local councillors are accessible in this structure and knowledgeable about the particular needs of their area.

One submitter residing in Don Valley presented evidence to the effect that it would be more appropriate from a community of interest perspective if all residents with access off Don Road be included in O'Shannassy Ward, as this community has more interest in O'Shannassy Ward than Rylie Ward. This suggestion involves a transfer of some 18 properties, and the VEC has incorporated this suggestion in its final recommendation.

First preliminary alternative option: nine councillors elected from five wards

This option was included in recognition of the potential advantages of combining some current wards in order to represent communities of interest, particularly the Dandenong Ranges and the urban area around Chirnside Park. The balance of the Shire (the less densely populated area) was divided into three single-councillor wards to acknowledge that these areas may have their own distinct character rather than being homogeneous.

Submissions advocating multi-councillor wards commented on this option stating that commonalities, such as shared interests in tourism, agriculture, social infrastructure and retaining the area's young people, as well as other fundamental rural similarities exist across these areas. No submitters strongly advocated this option, thus little supporting evidence was provided. The VEC therefore did not see merit in recommending it for adoption.

Second preliminary alternative option: three councillors elected from three wards

This option attracted some strong arguments that detailed many advantages of grouping the Shire into three wards. Particularly in the case of the Dandenongs, it was argued that the proposed Dandenongs Wards combined various communities with common interests and concerns, and these communities would be more effectively represented in a single ward represented by three councillors.

The VEC saw merit in many of the presented arguments, but had two primary concerns with this model. The first concern was the splitting of Mt Evelyn and the inclusion of part of it in a predominantly rural ward, while the second concern was the isolation of parts of Kilsyth and Montrose by placing them in the Dandenongs Ward away from their community of interest to the north.

Attempts were made by the VEC to alter ward boundaries in order to place all of the locality of Mt Evelyn within one ward, and all of Kilsyth in an urban ward, but due to legislative requirements pertaining to the equality of voter numbers, this could not be achieved.

The VEC acknowledges arguments presented that under the current arrangement some communities are split, but considers that the separations are more severe in the three-ward structure. In undertaking representation reviews, a prime concern is to keep communities of interest together as much as practicable in order to provide fair and equitable representation. Where a community of interest is split amongst a number of wards, there is a risk of that community becoming a minority group within each ward, and their needs may not be represented. The VEC took this into account in reaching a final recommendation.

Third preliminary alternative option: eleven councillors elected from four wards

This option was included to test the appropriateness of having eleven councillors on the Yarra Ranges Shire Council. However there was insufficient evidence provided to alter the VEC's view that nine councillors would adequately provide fair and equitable representation for the voters of Yarra Ranges.

Conclusion

The arguments and evidence provided in response to the Preliminary Report indicated that the most appropriate options were the present structure of nine single-councillor wards and the second preliminary alternative model of three three-councillor wards.

As can be observed from the discussions of the submissions and the public hearing, both models present advantages and disadvantages, and strong evidence was delivered in both cases. There is no "ideal" representation structure and in most reviews some ward boundaries will contain a degree of artificiality.

In the case of Yarra Ranges, neither model stood out as significantly more or less desirable than the other. On balance, however, the VEC considers that continuing with the nine single-councillor ward structure is the better option to provide fair and equitable representation for the voters of the Shire of Yarra Ranges.

Information provided in submissions, and at the public hearing, identified the nature of the Shire of Yarra Ranges as being comprised of distinct communities with well-established and clearly differentiated identities. This characteristic distinguishes it from some other municipalities with fewer town centres and a greater degree of homogeneity.

In recognition of concerns registered in regard to single-councillor wards, the VEC modelled several combinations of multi-councillor ward options. The boundaries in the second preliminary alternative option were considered the most appropriate to be used if considering a multi-councillor ward structure. However, the VEC acknowledges that due to constraints associated with creating logical and clear boundaries in combination with voter distribution, geographical barriers and the characteristics of communities of interest, some communities are necessarily split in this option, while others are combined.

While multi-councillor wards may assist in a greater diversity of views gaining representation on the Council, the VEC notes that this is not guaranteed, and believes that a structure consisting of nine single-councillor wards can address the special requirements of voters residing in different sections of the municipality.

It is further recommended that the majority of present ward boundary locations remain the same, as the voter population in each ward is comfortably within the tolerance zone. A slight change to the Ryrie/O'Shannassy Ward boundary has been

included in the final recommendation so that all residents with access off Don Road south of the Panton Gap are included in O'Shannassy Ward.

Ward names

With respect to ward names, the VEC considered comments made in submissions suggesting Indigenous names be used, to be determined in consultation with the local Indigenous communities. However, no specific names were suggested, and the VEC believes that using existing ward names coupled with the continuation of the current electoral structure will be less confusing for voters.

8.3 Recommendation

Having taken into account all relevant factors, including the submissions and presentations at the public hearing, the VEC recommends that the Shire of Yarra Ranges consist of nine councillors to be elected from nine single-councillor wards, with the boundaries of those wards the same as the existing structure except for the minor alteration to the O'Shannassy and Ryrie wards detailed above.

Steve Tully

Electoral Commissioner

9.5 List of people and groups making submissions

Preliminary submissions

John and June Anwin
Dandenong Ranges Greens
Samantha Dunn
Carolyn Ebdon
Andrew Gunter
Tim Heenan
Justine Indigo-Rose
Elizabeth and Ken Jacka
Clive Larkman
Jeanette McRae
Mt Evelyn Environment Protection and
Progress Association Inc
Mooroolbark Traders and Community
Group
Proportional Representation Society of
Australia (Victoria-Tasmania) Inc
Jenny Saulwick
Save the Dandenongs League Inc
Ken Smith
Upper Yarra and Dandenong Ranges
Environment Council
Ross Whitford
Yarra Ranges Shire Council

Response submissions

John and June Anwin
Faye Baker
Ellena Biggs
Len Cox
Louis Delacretaz
Carolyn Ebdon
Andrew Gunter
Justine Indigo-Rose
Elizabeth and Ken Jacka
Dianne Kueffer
Wendy Lydall
Betty Marsden
Montrose Environmental Group Inc
Mt Evelyn Environment Protection and
Progress Association Inc
Proportional Representation Society of
Australia (Victoria-Tasmania) Inc
Donna Runner
Jenny Saulwick
Save the Dandenongs League Inc
Ken Smith
Southern Foothills Association
Upper Yarra and Dandenong Ranges
Environment Council
Ross Whitford
Yarra Ranges Shire Council