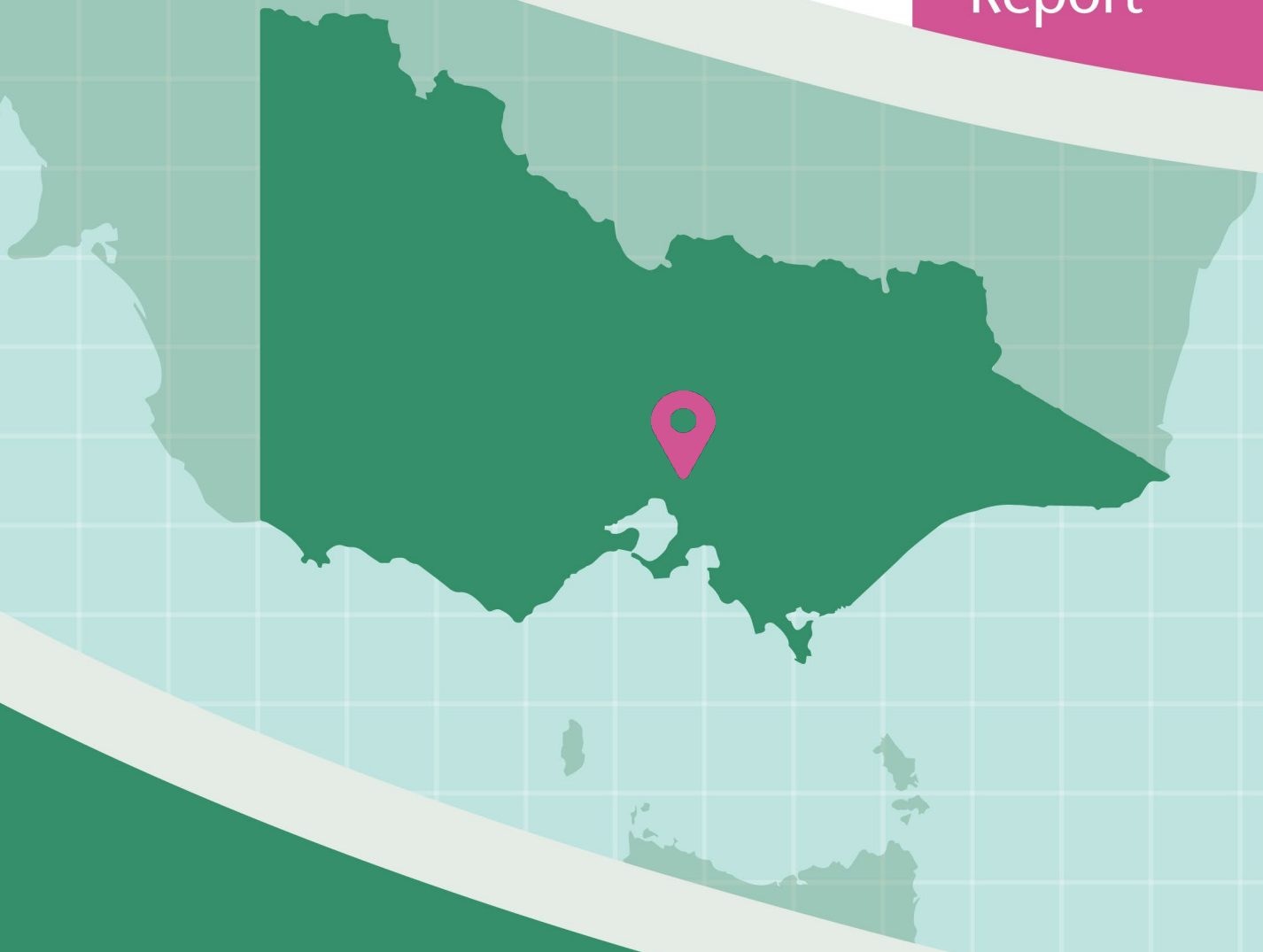
Local Council Representation Review

Preliminary Report



NILLUMBIK SHIRE COUNCIL

April 2019

Victorian Electoral Commission VEC

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Version 1

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Executive summary

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

The purpose of a 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 based on three main principles:

1. taking a consistent, State-wide approach to the total number of councillors
2. if subdivided, ensuring the number of voters represented by each councillor is within plus or-minus 10% of the average number of voters per councillor for that local council
3. ensuring communities of interest are as fairly represented as possible.

2019 electoral representation review

The current representation review for Nillumbik Shire Council commenced on Wednesday 13 February 2019.

Current electoral structure

Nillumbik Shire Council currently comprises seven councillors elected from seven single-councillor wards. Prior to the last representation review in 2008, Nillumbik Shire Council was comprised of nine councillors elected from single-councillor wards.

Visit the VEC website at vec.vic.gov.au to access a copy of the 2008 review final report.

Preliminary submissions

At the close of submissions at 5.00 pm on Wednesday 13 March 2019, the VEC had received 76 submissions for the representation review of Nillumbik Shire Council. These submissions can be viewed from the VEC website at vec.vic.gov.au and a list of those people or organisations who made a submission is available at Appendix 2.

VEC options

The following options are being considered by the VEC:

- Option A (preferred option)
  Nillumbik Shire Council consist of seven councillors elected from one three-councillor ward and two two-councillor wards.
- Option B (alternative option)
  Nillumbik Shire Council consist of seven councillors elected from seven single-councillor wards.

Background

Legislative basis

The Act requires the VEC to conduct a representation review of each local council 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 local council
- whether a local council should be unsubdivided or subdivided.

If a local council should be subdivided, the VEC must ensure that the number of voters represented by each councillor is within plus-or-minus 10% of the average number of voters per councillor for that local council.[1] On this basis, the review must consider the:

- number of wards
- ward boundaries
- number of councillors that should be elected for each ward.

Public engagement

Public information program

The VEC conducts a public information program to inform the community of the representation review, including:

- public notices printed in local and state-wide papers
- public information sessions to outline the review process and respond to questions from the community
- a media release announcing the commencement of the review
- coverage through the local council's media
- advertising on the VEC's social media
- contact with community groups and networks

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

- ongoing information updates and publication of submissions on the VEC website
- a submission guide to explain the review process and provide background information on the scope of the review.

The submission guide is available on the VEC website and includes a profile on Nillumbik Shire Council.

Public consultation

Public input is accepted by the VEC in:

- preliminary submissions at the start of the review
- response submissions to the preliminary report
- 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.

The VEC's principles

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

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

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

2. **If subdivided, ensuring the number of voters represented by each councillor is within plus-or-minus 10% of the average number of voters per councillor for that local council.**

   This is the principle of 'one vote, one value', which is enshrined in the Act. This means that every person's vote counts equally.

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

   Each local council 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 local council or ward.

Developing recommendations

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

- internal research specifically relating to the local council under review, including Australian Bureau of Statistics and .id[2]; voter statistics from the Victorian electoral roll; and other State and local government data sets
- small area forecasts provided by .id
- 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
- careful consideration of all input from the public in written submissions received during the review and
- advice from consultants with extensive experience in local government.

Deciding on the number of councillors

The Act allows for a local council to have between 5 and 12 councillors but does not specify how to decide the appropriate number.[3] In considering the number of councillors for a local council, the VEC is guided by the Victorian Parliament's intention for fairness and equity in the local representation of voters under the Act.

The starting point in deciding the appropriate number of councillors for a local council is comparing the local council under review to other local councils of a similar size and type (Principle 1). Generally, local councils 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 also considers the particular circumstances of each local council which could be cause for more or less councillors, such as:

- the nature and complexity of services provided by the Council
- geographic size and topography
- population growth or decline
- the social diversity of the local council.

[2] .id is a company specialising in population and demographic analysis and prediction information products in most jurisdictions in Australia and New Zealand.
[3] Section 5B(1) of the *Local Government Act 1989.*

Deciding the electoral structure

The Act allows for a local council ward structure to be unsubdivided—with all councillors elected 'at-large' by all voters or subdivided into a number of wards.

If the local council is to be subdivided into wards, there are three options available:

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

A subdivided electoral structure must involve internal ward boundaries that provide for a fair and equitable division of the local council.

The Act allows for wards with different numbers of councillors, as long as the number of voters represented by each councillor is within plus-or-minus 10% of the average number of voters per councillor for that local council (Principle 2). For example, a local council may have one three-councillor ward with 15,000 voters and two single-councillor wards each with 5,000 voters. In this case, the average number of voters per councillor would be 5,000.

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

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

- the VEC's recommendation at the previous representation review and the reasons for that recommendation
- the longevity of the structure, with the aim of keeping voter numbers per councillor within the 10% tolerance for as long as possible (Principle 2)
- communities of interest, consisting of people who share a range of common concerns, such as geographic, economic or cultural associations (Principle 3)
- the number of candidates in previous elections, as outcomes from previous elections indicate, large numbers of candidates can lead to an increase in the number of informal (invalid) votes
- geographic factors, such as size and topography
- clear ward boundaries.

Public submissions (preliminary)

The VEC received 76 preliminary submissions by the deadline for submissions at 5.00 pm on Wednesday 13 March 2019. These included 35 submissions submitted as form letters through a group called 'Nillumbik Residents for Representation' (dated 7 March 2019). There were also other groups and organisations that made submissions to the review, including the Green Wedge Protection Group Inc., Nillumbik Pro Active Landowners, Nillumbik Ratepayers Association, Proportional Representation Society of Australia (Victoria-Tasmania) Inc. (PRSA), and the Warrandyte Community Association. Nillumbik Shire Council itself also made a submission to the review, and submissions were also from a number of individuals across the community, including from a former councillor and candidates from previous Nillumbik Shire Council elections.

The submissions may be viewed on the VEC website at vec.vic.gov.au and a list of those people or organisations that made a submission is available at Appendix 2.

The matrix below provides an overview of preferences in the preliminary submissions. Detailed analysis of the submissions follows.

	Submitter wanted fewer wards	**Submitter wanted ward number to remain unchanged**	**Submitter wanted more wards**	**Submitter did not comment on number of wards**
Submitter wanted fewer councillors	1†			
Submitter wanted councillor number to remain unchanged	12‡	10		
Submitter wanted more councillors	5†			
Submitter did not comment on number of councillors	46*			3

*This number included 35 form letters submitted through Nillumbik Residents for Representation
†One preliminary submission supported six or nine councillors
‡This included one preliminary submission that preferred seven or six councillors and another submission that preferred seven or nine councillors.

Number of councillors

Out of the 27 submissions that mentioned the number of councillors, most submissions (20) supported continuing with seven councillors on Nillumbik Shire Council, commonly noting that the Shire has a smaller-sized population compared to other local council areas at the urban-rural interface. Some of these submissions also noted that Nillumbik Shire has a slower-growing population and does not warrant more councillors.

One submitter (Janice Davies) supported seven councillors but suggested the number could be six, given the size of Nillumbik Shire Council's population in relation to other local council areas at the urban-rural interface in Victoria.

The PRSA supported seven councillors in an unsubdivided electoral structure. The PRSA also supported nine councillors to ensure an equal number of councillors (three) for three multi-councillor wards – should Nillumbik Shire change to multi-councillor wards. According to the PRSA, an electoral structure with wards that have different numbers of councillors is 'intrinsically anti-democratic' as candidates need to reach different quotas to be elected.

Similarly, another two individual submissions wanted to change the number of councillors to accommodate their preferred ward structures. Submitter Richard Davies supported six or nine councillors over three wards, while submitter Frank Taylor supported nine councillors over five wards (three single-councillor urban wards and two three-councillor rural wards).

One submitter (Rex Niven) preferred eight councillors in an unsubdivided electoral structure, reasoning that a 'good size' for council generally consists of seven to nine councillors. Mr Niven acknowledged the general concern about tied votes due to an even number of councillors, but argued that a councillor is often missing during council meetings so an even number of councillors would not be an issue.

Another submitter (Vince Bagusauskas) supported nine councillors without providing details for why he thought there should be more councillors. A submission by a previous Nillumbik election candidate, Linda Laos, suggested 11 councillors to accommodate a possible ward structure of three urban-based wards with three-councillors each, and a rural ward with at least two councillors, which would provide representation to rural voters in the Shire.

In total, there were 49 submissions that did not specify a preferred number of councillors. This number included 14 individual submissions and 35 form-letter submissions.

Electoral structure

Submissions focused on the electoral structure, with most submitters expressing a preference for an unsubdivided electoral structure or multi-councillor wards. A total of 63 submitters (which included 28 individual submissions and the 35 form-letter submissions) wanted Nillumbik Shire Council to change to an unsubdivided electoral structure or multi-councillor wards.

A smaller number of 10 individual submissions, including submissions from Nillumbik Shire Council, Nillumbik Pro Active Landowners and Nillumbik Ratepayers Association, wanted to retain the current single-councillor ward electoral structure.

Of the submissions that expressed a preference for multi-councillor wards, most suggested a structure with three wards. A few submissions suggested a seven-councillor model with two wards and some suggested four or five wards with larger numbers of councillors overall.

Preference for an unsubdivided electoral structure or multi-councillor wards

Nillumbik Shire Council is known as 'the Green Wedge Shire', referring to a significant area in the Shire that has been set aside by the State Government to conserve rural activities, natural features and resources from the growing urban area of Metropolitan Melbourne. The concept of the Green Wedge was introduced over 30 years ago and Green Wedges exist across 17 local council areas in Greater Melbourne.[4] Most of the VEC's submissions commented that the management of the Green Wedge has been a key issue for voters, and that there has been longstanding debate about how to balance the Green Wedge with development priorities. Some submitters noted that it is not 'black and white', with many residents valuing both conservation and development priorities. Most submitters commented that these interests were not tied to whether a person lived in a rural or urban part of the Shire, and they wanted more balance in council decision-making on these core issues.

Given these concerns, the submissions that advocated for an unsubdivided electoral structure or multi-councillor wards did so because they wanted council elections to use the proportional representation system. These submitters commonly argued that the current structure of single councillor wards has contributed to a 'swinging' majority of councillors who are either pro-development or pro-conservation from one election to the next. In single-councillor wards this can leave a significant number of voters who feel they cannot approach their current councillor for representation on these key issues. These submitters also claimed that having most councillors with pro-development or pro-conservation views has not benefited the Shire as a whole. Some submitters mentioned the Green Wedge Management Planning Amendments, C101 and C81, which were withdrawn by the newly-elected Council in 2016 as evidence of the need for more balanced numbers of councillors from both sides of the division in order to provide for more sustainable long-term planning decisions.

It was commonly argued among these submitters that the proportional representation system would lead to a better balance of councillors. An unsubdivided electoral structure or multi-councillor wards were also preferred by these submitters because these electoral structures would give the community a wider choice of councillors to approach on various issues. These

[4] Department of Environment, Land, Water and Planning (Victoria), 'Green Wedges', https://www.planning.vic.gov.au/policy-and-strategy/green-wedges, accessed 27 March 2019.

submitters generally claimed that a better balance of councillors would lead to more negotiation and compromise on controversial matters, less wastage of work developed by earlier Councils and greater stability of Council.

Some of these submissions also claimed that the current electoral structure has been exploited by organised lobby groups who have been able to field a high number of dummy candidates.

An unsubdivided electoral structure

Of the many submissions that supported changing the electoral structure, some submissions preferred an unsubdivided electoral structure over multi-councillor wards. These submissions argued that an unsubdivided structure was preferable because it provided voters with the widest choice of candidates. The submitters also felt that an unsubdivided electoral structure would promote the concept of a council-wide focus among councillors.

These submitters further argued that it is not possible to have equal-sized multi-councillor wards for seven councillors and that wards with different numbers of councillors would lead to some candidates requiring a different quota of votes to be successful compared to other candidates.

Multi-councillor wards

Of the multi-councillor wards commented on in the submissions, most submitters wanted three wards. There were three submissions (from Ian Moore, Marilyn Moore and the Green Wedge Protection Group Inc.) which provided models of seven councillors elected from three wards.

Submitters that preferred multi-councillor wards argued that there remain distinct experiences and interests for people living in the urban parts of Nillumbik Shire compared to those living in rural areas of the Shire, which would be better served by councillors in wards representing broad geographic areas.

These submitters also based their support for multi-councillor wards on the less positive features of an unsubdivided electoral structure. In an unsubdivided electoral structure, these submitters noted that all of the councillors could be elected from the urban areas of the Shire leaving the rural areas unrepresented.

Single-councillor wards

Nillumbik Shire Council's submission stated that the current electoral structure was an accurate grouping of townships in the Shire into distinct geographic communities of interest and that these communities are better served by local councillors who are familiar with local issues.

Other submitters supportive of single councillor wards also commonly expressed concern that other electoral structures would not adequately serve the interests of rural landowners in the Shire. They argued that the single-councillor ward structure ensured a distribution of elected representatives from all parts of the Shire and noted that in an unsubdivided electoral structure

and in multi-councillor wards, the number of councillors from the urban areas could dominate, leaving the rural areas under represented. As it stands, the current 5:2 ratio of 'urban' councillors to 'rural' councillors in the Shire was not as fair as it could be, according to the Nillumbik Pro Active Landowners who argued that maintaining seven single-councillor wards, while not ideal supported 'the best spread of representation' and would ensure that councillors 'remain directly answerable to their respective electorate'.

One submitter (Alexander Collum) claimed that changing the electoral structure would not address the swings in Council, which have occurred for a long time in Nillumbik Shire. Instead, Mr Collum drew attention to the general positive features of the single-councillor ward structure. While recognising significant support for the proportional representation system, Mr Collum stated that in the current structure, a candidate 'must attain over 50% of the two-candidate preferred vote to be elected' – which he considered to be more representative than reaching a quota of votes (for example, 12.5% in an unsubdivided electoral structure with seven councillors).

Nillumbik Shire Council's submission further commented that it has seen six changes in its electoral structure since amalgamation in the 1990s and that 'another change would be detrimental to the Council'. Other submissions supportive of the current structure also wanted to minimise change. Mr Collum also commented on the possible reintroduction of a proposed Local Government Bill in the Victorian Parliament.[5] Mr Collum supported the current structure as his first preference but commented that should the VEC replace the current single-councillor structure, he supported an unsubdivided electoral structure over multi-councillor wards to mitigate the need for any further changes, should a Local Government Bill successfully pass through Parliament.

Out of scope submissions

Three submissions were out of scope. One submission requested an amalgamation of urban and rural areas in the Shire with neighbouring council areas. The other two submissions generally argued that the principle of 'one vote, one value' has not provided fair representation to rural voters, who tend to own more land but comprise a smaller number of voters compared to voting populations in urban areas. In her submission (Narelle Campbell) argued that it would be fairer for rural voters if the Nillumbik Shire Council electoral structure was modelled on the Australian Senate. Ms Campbell and another individual submitter (Janet Holmes) generally requested an investigation into providing fairer representation for rural voters. The VEC notes that this is outside of the scope of its representation review.

[5] The Local Government Bill 2018, introduced to the Victorian Parliament in 2018, sought to introduce a fixed range of possible electoral structures for local councils: all single-councillor wards, equal multi-councillor wards, or wholly unsubdivided electoral structures. It is not yet clear whether a similar bill will be introduced in this term of Parliament nor the form it would take.

The VEC's findings and options

Preliminary report findings

Number of councillors

The VEC considers seven to be the most appropriate number of councillors for Nillumbik Shire Council.

Nillumbik Shire Council covers an area of 435 square kilometres and currently has 48,969 voters represented by seven councillors. The average number of voters per councillor is 6,995. The Council sits at the bottom of comparable urban-rural interface councils and is the only one of these councils with seven councillors. In some cases, special circumstances may exist in a local council area that support a recommendation for more or fewer councillors. While Nillumbik Shire Council has its own characteristics and challenges, the VEC's analysis and information provided in the preliminary submissions did not identify any special circumstances that would justify increasing or decreasing the number of councillors on Nillumbik Shire Council.

Comparable Interface councils to Nillumbik Shire Council

Local council	Population (2016 Census)	Number of voters at last review	Current estimate of voters	Number of councillors	Number of voters per councillor
Casey City*	299,301	165,057	212,291	11	19,299
Mornington Peninsula Shire	154,999	153,332	161,497	11	14,681
Wyndham City	217,122	104,278	151,786	11	13,798
Whittlesea City*	197,491	110,011	148,487	11	13,498
Hume City	197,376	112,157	144,959	11	13,178
Yarra Ranges Shire	149,537	113,596	118,812	9	13,201
Melton City	135,443	85,682	99,690	9	11,076
Cardinia Shire*	94,128	53,794	77,196	9	8,577
Nillumbik Shire	**61,273**	**45,659**	**48,969**	**7**	**6,995**

* The local council is undergoing an electoral representation review by the VEC during 2019–20.

Most of Nillumbik Shire's population live in the urban areas in the southern parts of the Shire, where the population is forecast to grow faster than the rural areas of the Shire. According to .id, new housing opportunities have been identified in the areas of Diamond Creek, Eltham (Central)

and Plenty-Yarrambat, which have been identified as growth areas.[6] Overall, however, Nillumbik Shire Council has a slower growing population for local council areas at the urban-rural interface. According to .id, the Shire's population is forecast to increase by 6,115 persons representing 9.51% growth in the years to 2036.[7] In comparison, the City of Whittlesea, which shares a border with Nillumbik Shire, is forecast to increase by 175,015 persons representing 84.19% growth in the years to 2041.[8]

The VEC notes that Nillumbik Shire Council is one of the least socially disadvantaged local council areas in Victoria. The Shire compares favourably to Greater Melbourne and Victoria, on a range of key indicators such as its medium weekly household income, labour force participation rate and unemployment rate. It also has a higher rate of home ownership and fewer residents in social housing compared to Greater Melbourne.[9]

While the VEC has found no special circumstances to increase the number of councillors, it also recognises that reducing the number of councillors would not be appropriate. Nillumbik Shire Council has the responsibility of managing a Green Wedge for its community and for Victoria. This includes managing the threat of bush fires, which have impacted significantly on communities in the Shire. As the preliminary submissions also indicate, Nillumbik Shire Council is at the urban and rural interface with many active interest groups established on concerns for the environment, housing and property development, as well as different industries that exist across the Shire. For these reasons, the VEC does not recommend reducing the number of councillors.

Electoral structure

In 2008, the VEC recommended that the number of councillors on Nillumbik Shire Council is reduced from nine to seven, while retaining the single-councillor ward structure, with changes to the wards to accommodate the smaller number of councillors. The VEC found Nillumbik Shire's communities were 'place-based' and people strongly identified with their local township and paid close attention to local issues. The main reason for continuing with single-councillor wards was to help maintain representation for the geographic communities of interest in the Shire.

The current single-councillor electoral structure with seven councillors has been in place for the three general elections (in 2008, 2012 and, most recently, 2016).

[6] .id, 'Nillumbik Shire: drivers of population change', https://forecast.id.com.au/nillumbik/drivers-of-population-change?WebId=10, accessed 27 March 2019.
[7] .id, 'Nillumbik Shire: population summary', https://forecast.id.com.au/nillumbik/population-summary?WebId=10, accessed 27 March 2019.
[8] .id, 'City of Whittlesea: population summary', https://forecast.id.com.au/whittlesea/population-summary, accessed 27 March 2019.
[9] See submission guide. See also, .id, 'Nillumbik Shire: housing tenure', https://profile.id.com.au/nillumbik/tenure?WebID=10, accessed 27 March 2019.

Taking into account the many submissions that commented on the issue of a changing council following each election, the VEC considered the election results for Nillumbik Shire Council's last three general elections. It observed that there have been substantial changes in the composition of the Council over the three elections:

- Following the 2016 election, there was only one councillor re-elected from the previous Council and six councillors were new to this Council.
- Following the 2012 election, more than half of the Council's composition changed and there were four new councillors elected.
- Following the 2008 election, there were three councillors elected from the previous Council and there were four councillors new to this Council.[10]

According to this trend, it is not unexpected for new councils to pursue different objectives than their predecessors after a general election, especially when there is significant turnover and a number of newer councillors. Several preliminary submissions to this review noted swings in Nillumbik Shire Council policies, particularly in relation to conservation and development issues within the Shire. Although the VEC recognises policy instability is a concern among submitters, the decision-making prerogative of any local council is entirely its responsibility and policy shifts can occur under any electoral structure. The Act establishes a Local Government Charter[11] in order to steer local government in Victoria towards accountable and effective decision-making, and specifies the primary objective of local councils is to "endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions."[12] A change to a local council's electoral structure will not necessarily impact on this long-term objective.

Nonetheless, the VEC appreciates submitters' views that multi-councillor electoral structures, including unsubdivided electoral structures and multi-councillor wards, are more likely to increase the diversity of representation on the Council which may, in turn, bring broader perspectives to decision-making on issues requiring the attention of the Council. For largely this reason, the VEC included an unsubdivided electoral structure and three multi-councillor wards as options in its preliminary report at the last representation review of Nillumbik Shire Council in 2008. At the current review, the VEC again considers that there are significant advantages of electoral structures promoting a greater diversity of representatives on the Council. One of the positive features of larger multi-councillor wards, is that they also facilitate representation of non-

[10] In 2008, the VEC undertook a representation review of Nillumbik Shire Council, which changed the number of councillors from nine to seven. Therefore, in the 2004 general election there were nine councillors and in the 2008 election there were seven councillor positions.
[11] See Part 1A of the *Local Government Act 1989*
[12] See section 3C(1) of the *Local Government Act 1989*

geographic communities, so that Council is more likely to reflect the diversity of the population and voters are offered a choice of councillors to approach for local issues.

In its analysis of preliminary submissions, the VEC also noted various levels of concern about organised campaigns and 'dummy candidates' at elections under the current single-councillor ward electoral structure. During the course of its review activities, this concern has been raised with the VEC in respect to all types of electoral structure, not just single-councillor wards. The VEC has reported on this concern at successive reviews and while there has been some attention paid to the issue by Victoria's Local Government Inspectorate, there remains no proper definition of, or mechanism for identifying a bona fide candidate at local government elections. Accordingly, it is difficult for the VEC – as the reviewer – to differentiate between candidates with legitimate aspirations of being elected and those people who are nominated to steer preferences towards or away from other candidates. In any case, and as mentioned, this problem is not exclusive to single-councillor wards and cannot be resolved by changes to the electoral structure alone.

The VEC received several preliminary submissions that included suggestions for various electoral structures. Extensive modelling was undertaken to:

- test the viability of these suggestions
- capture geographic communities of interest identified through research
- determine whether these structures would adequately represent the communities within the Shire, while complying with legislative requirements.

The following sections outline the models explored during the development of the two preliminary options for Nillumbik Shire Council.

An unsubdivided electoral structure

The VEC recognises that there are some significant advantages to an unsubdivided electoral structure for Nillumbik Shire Council. It would mean the proportional representation system would be used at elections and ensure that all seven councillors would be subject to the same quota to be elected (12.5%), which increases the community's confidence during elections. The unsubdivided electoral structure would provide voters with the widest choice of candidates at elections, enable both geographic and non-geographic communities of interest to elect a representative based on the proportion of support by the whole community and promote a whole-of-shire focus for councillors in a local council area where urban and rural interests are deeply inter-related due to their shared concerns about balancing environmental and development priorities.

However, the VEC has observed that elections for Nillumbik Shire Council have consistently been highly contested. Election records for the Shire's past three general elections show that there were 69 candidates in 2016, 44 candidates in 2012 and 57 in 2008. A similar observation was also reported during the VEC's last review of Nillumbik Shire Council, so it appears that healthy fields of candidates are a longstanding feature of the Shire's elections, and assuming similar numbers for future elections, an unsubdivided election for Nillumbik Shire Council will result in a lengthy ballot paper with an unwieldy list of candidates. In the VEC's experience, longer ballot papers can be confusing for voters and more difficult to fill out correctly, leading to higher levels of informal voting through voter error thereby effectively disenfranchising these voters.

On balance, the VEC did not favour an unsubdivided electoral structure for Nillumbik Shire Council for the following reasons:

- An unsubdivided electoral structure would result in a much larger ballot paper.
- The preliminary submissions have tended to focus on the division between interest groups with conservation or development priorities in the Green Wedge. However, the VEC has generally heard that there remain differences in experiences and interests between urban and rural voters in the Shire. Unlike an unsubdivided electoral structure, a subdivided structure would ensure there remains recognition of the broad geographic communities of interest in Nillumbik Shire.

For these reasons, the VEC has not included an unsubdivided electoral structure as an option for further consultation.

Three-ward models

In developing its options, the VEC also considered three-ward models that were informed by the preliminary submissions, as well as its last representation review of Nillumbik Shire Council. The VEC found some of these three-ward models were not as favourable in meeting the legislated requirement of keeping voter-to councillor ratio within the plus-or-minus 10% tolerance in each ward and ensuring representation of the communities of interest in the local council area.

A three-ward model, informed by a preliminary submission (Marilyn Moore), was considered by the VEC. This option was not favoured as it would divide a number of the major towns in the Shire. In addition, the proposed 'Diamond Valley Ward' would group urban populations with smaller towns, which may dilute the ability for the smaller towns to elect a local representative. A variation of this model was investigated, but led to two three-councillor urban wards and a single-councillor ward covering the entire rural area in the north. This was not favoured by the VEC due to the numerous interest and community groups involved in the Shire's Green Wedge area. A further risk to this adapted model would be that of creating two urban ward voting blocs and

depending thereafter on the one northern ward councillor to break deadlocks during the Council's decision-making.

In addition, the VEC considered the previous representation review and its three-ward multi-councillor ward option but found that it was no longer viable without boundary changes to one of its wards, which did not meet the legislated requirement of voters-to-councillor ratio. Of the possible three-ward models considered by the VEC, the model put forward as Option A (see below) was found to be the most favourable.

Based on these considerations, the VEC developed the following options:

Option A provides an opportunity for change in Nillumbik Shire from single-councillor to multi-councillor wards. This option addresses the submissions that advocated for increased diversity and greater choice on the Council.

Option B provides a largely 'no change' option of seven single-councillor wards. The option presents a slight variation to existing boundaries, as the VEC had to adjust the boundaries for one of the wards (Swipers Gully Ward) for it to stay within the legislated ratio of voters-to-councillor.

Option A: seven councillors elected from three multi-councillor wards

Option A provides a structure of three multi-councillor wards that consists of a three-councillor ward ('Montsalvat Ward') encompassing Eltham, Eltham North and Research; a two-councillor ward ('Plenty Valley Ward') encompassing the suburbs of Greensborough, Diamond Creek, Plenty and Yarrambat; and another two-councillor ward ('Artisan Hills Ward') including the Green Wedge and the communities that live within it.

This option was informed by two preliminary submitters (Ian Moore and the Green Wedge Protection Group Inc.), as well as the other preliminary submissions that supported three multi-councillor wards in general. Modelling in response to these submissions was conducted to ensure that the numbers of voters in each ward were balanced to stay within the legislated plus-or-minus 10% tolerance in the short- to medium-term. The VEC also needed to ensure that particular geographic communities of interest were not unnecessarily divided by ward boundaries, which would limit the ability for these communities to elect a popular representative.

This option benefits from using the Urban Growth Boundary where possible to divide the two wards in the south from the ward in the north, which encompasses the Green Wedge. The Urban Growth Boundary is recognised by planners and policy-makers, and helped clearly identify the areas ordinarily designated as urban and rural parts of the Shire.

The benefits of Option A are that it:

- allows for representation of non-geographic and geographic communities of interest in the Shire
- ensures that the same counting system will be used in all three wards (i.e. proportional representation)
- addresses some of the concerns of rural voters in the Green Wedge by providing two councillors to represent the predominantly rural part of the Shire
- ensures that existing geographic communities of interest are not divided. While the proposed Artisan Hills Ward is much larger in size, keeping it as a single ward means that the existing suburbs and towns within the Green Wedge are not at risk of being spilt by ward boundaries
- the proposed Montsalvat Ward ensures that most of Eltham, Eltham North and Research are kept within a ward. The VEC notes that this is not the case in the current single-councillor ward electoral structure, where Eltham voters are divided across three wards (Edendale, Wingrove and Swipers Gully Wards).

The potential drawbacks of Option A include:

- the proposed Artisan Hills Ward is much larger in size and could pose a travel burden for the two councillors
- the large numbers of candidates in the past three general elections may mean larger ballot papers, particularly in the two wards located in the urban south of the Shire, although these papers would still be more manageable than a ballot paper for an unsubdivided Nillumbik Shire Council
- the proposed Artisan Hills Ward has both urban and rural populations and, as is the case in any large sized ward, both councillors could be elected from one area to the detriment of other communities in the ward.

The VEC also recognises that there are unequal sized wards in a multi-councillor ward structure in Option A, as the wards vary in population size and the number of councillors. This can lead to the perception of unfairness in the community. Nonetheless, the VEC notes that all wards in Option A are within plus-or-minus 10% of the average number of voters per councillor across the local council. Therefore, all wards in this option meet the legislated equality requirement, ensuring that the principle of ‘one vote, one value’ is upheld.

Acknowledging the large size of the proposed Artisan Hills Ward in Option A, the VEC also modelled a variation of this model by dividing the proposed Artisan Hills Ward into two separate wards, which would result in two single-councillor wards for the Green Wedge. On balance however, Option A was favoured over this alternative, as the division of the Artisan Hills Ward

was considered somewhat arbitrary. This variation would also reduce the choice of candidates for voters in these communities.

On balance, the VEC considered Option A to be a viable option for Nillumbik Shire Council, providing a balance between representing non-geographic and geographic communities of interest in the Shire.

Option B: retaining the current structure of seven single-councillor wards

While recognising that most submissions preferred an unsubdivided electoral structure or multi-councillor wards, the VEC notes that there were some strong arguments in favour of retaining the existing electoral structure. The concerns expressed by some preliminary submitters, particularly those from rural areas of the Shire, involved the loss of dedicated local representation. Further positive features of Option B include:

- The current electoral structure guarantees a distribution of local councillors across the Shire, including the rural parts of the Shire. In this structure, no single town or area would dominate at elections.
- The current single-councillor wards appear to reflect and serve the Shire's geographic communities of interest. Submissions and findings from the VEC's previous representation review of Nillumbik Shire Council suggested that the Shire is characterised by its geographic communities of interest, as people strongly identify with their local suburb or townships.
- Councillors are more likely to be accessible to their constituents and they are encouraged by the current structure to be aware of local issues.
- The size of the ballot paper in each ward is smaller and more accessible for voters compared to ballot papers for multi-councillor wards and in an unsubdivided electoral structure.
- This is a minimal change option and would minimise confusion to voters.

Small area forecasts from .id were used by the VEC in this review of Nillumbik Shire Council's electoral structure. These small area forecasts provide greater accuracy in terms of the location of population growth.

In retaining the existing electoral structure in Option B, it was necessary to revisit current boundaries where the VEC found that one ward (Swipers Gully Ward) required an adjustment to its boundaries to accommodate forecasted growth in the years to 2028 and ensure it remains within the legislated requirement. The boundary change took a small number of voters (776 voters) from the existing Sugarloaf Ward into Swipers Gully Ward to ensure that Swipers Gully Ward would remain within plus-or-minus 10% of the average number of voters per councillor

across the local council. This was a minor adjustment affecting approximately 1.6% of the voting population in the Shire. The boundary change has also meant that voters in the suburb of Research, who had been in Sugarloaf Ward, have been moved into Swipers Gully Ward, which includes a substantial population of Eltham voters. The boundary change is visible in the updated model of the current structure (Option B).

Options

The VEC is required by the Act to include a preferred option and may include one or more alternative options for the electoral structure in the preliminary report. The VEC considers that all the options outlined below offer fair and equitable representation for voters in the local council. Please see Appendix 1 for detailed maps of these options.

Option A (preferred option)

Nillumbik Shire Council consist of seven councillors elected from one three-councillor ward and two two-councillor wards.

Option B (alternative option)

Nillumbik Shire Council consist of seven councillors elected from seven single-councillor wards.

Ward Names

The VEC has suggested ward names to identify the wards in Option A based on its analysis of preliminary submissions and the previous representation review of Nillumbik Shire Council. The VEC invites comments from the community on these ward names as part of submissions responding to the preliminary report.

Next steps

Response submissions

Any person or group, including the council, can make a submission to the VEC in response to the options contained in this report. Response submissions to the preliminary report should address the models proposed by the VEC within this report. Response submissions must be received by the VEC by 5.00 pm on Wednesday 8 May 2019. Late submissions will not be accepted.

Submissions must include the full name, address and contact telephone number of the submitter. Submissions without this information cannot be accepted.

Submission methods

Submissions can be made via:

The online submission form at vec.vic.gov.au

Email at nillumbik.review@vec.vic.gov.au

Post to
Victorian Electoral Commission
Level 11, 530 Collins Street
Melbourne VIC 3000

Public access to submissions

To ensure transparency in the electoral representation review process, all submissions will be available for public inspection at:

- the VEC website at vec.vic.gov.au and
- the VEC office at Level 11, 530 Collins Street, Melbourne.

The VEC will remove personal information such as address, phone number, and signature, if applicable, from all public copies. However, the full name and locality of submitters will be displayed.

Public hearing

There is an opportunity for people or organisations who have made a response submission to speak about their submission at the public hearing. The public hearing is scheduled to be held at 7.30 pm on Monday 13 May 2019 in the Nillumbik Council Chamber, Civic Centre, 14-34 Civic Drive, Greensborough. If you wish to speak at the public hearing, you **must** indicate this on your response submission. If there are no requests to speak at the hearing, it will not be held.

Final report

Following the public hearing, the VEC considers all the evidence it has gathered and publishes a final report for the Minister for Local Government containing a recommended electoral structure. The report is scheduled to be published on Wednesday 5 June 2019. Any changes resulting from the final report will apply at the October 2020 general election.

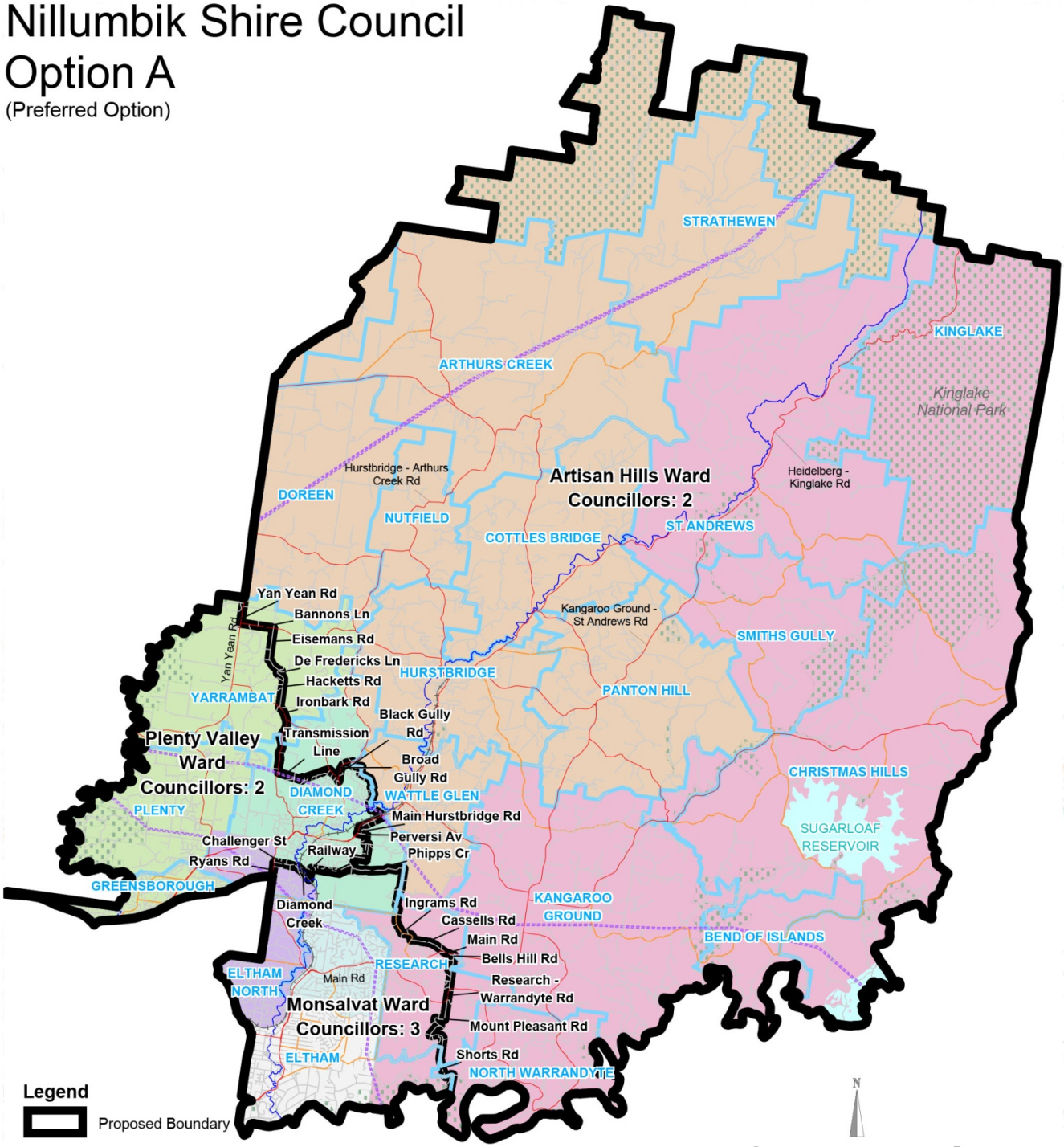
The final report will be available from the VEC by visiting vec.vic.gov.au or calling 131 832 and for inspection at the offices of Nillumbik Shire Council.

Appendix 1: Option maps

The following maps are included in this report:

Map	*Page*
Option A (preferred option)	24
Option B (alternative option)	25

Nillumbik Shire Council
Option A
(Preferred Option)



Ward	Councillors	Electors*	Deviation	Area sq km
Artisan Hills Ward	2	12,921	-7.65%	371.03
Monsalvat Ward	3	20,841	-0.69%	27.5
Plenty Valley Ward	2	15,207	+8.69%	33.45
Total	7	48,969	-7.65% - +8.69	431.98
Average		6,996		143.99

*Elector numbers at 22nd Nov 2018

Map prepared by:
Victorian Electoral Commission

Data use:

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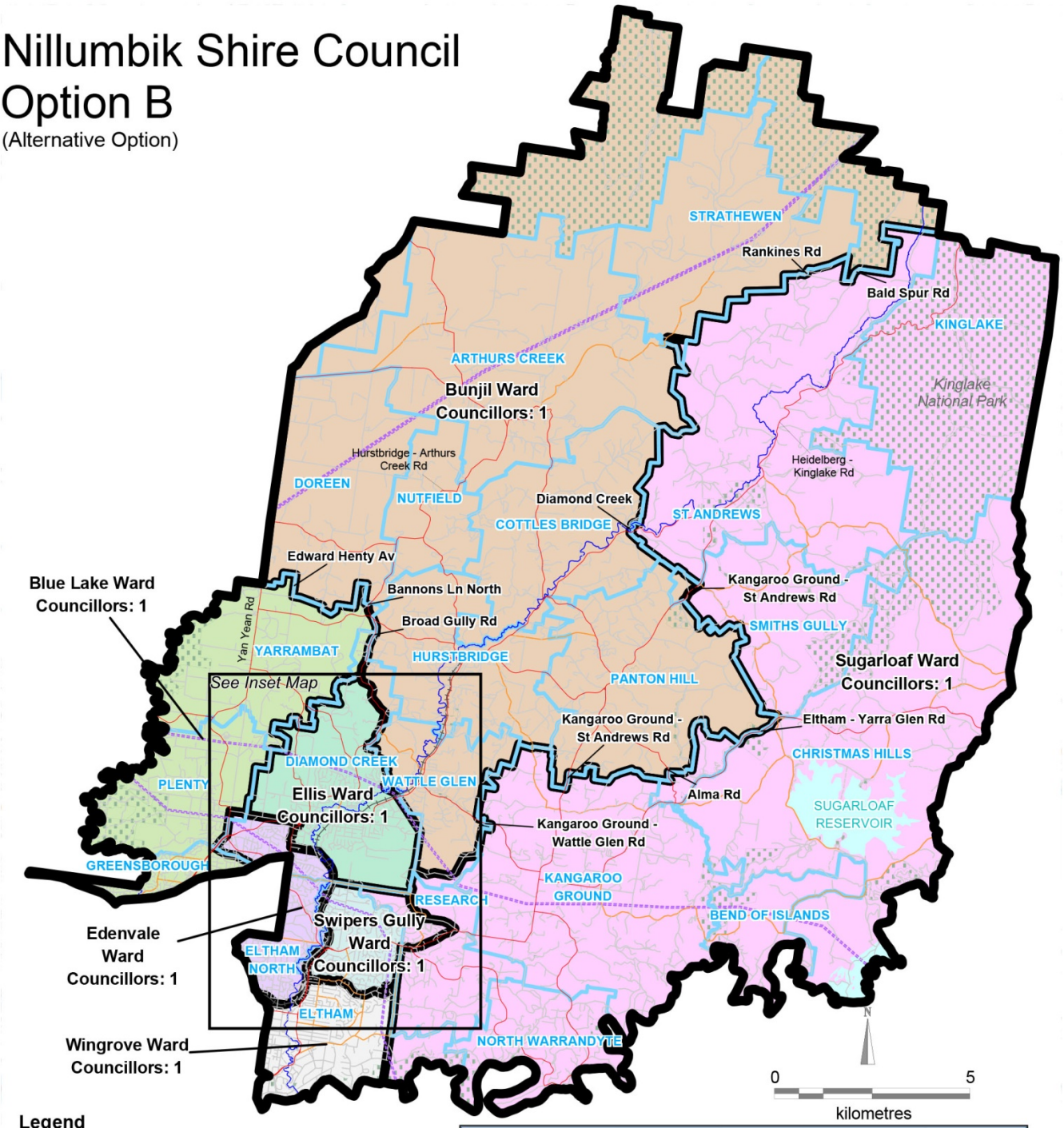
Nillumbik Shire Council
Option B
(Alternative Option)



Legend

Proposed Boundary

Map Symbols
- Freeway
- Main Road
- Collector Road
- Road
- Unsealed Road
- Railway Line
- River/Creek
- Park/Reserve
- Lake
- Locality Boundary
- Transmission Line

Existing Wards
- Swipers Gully
- Blue Lake
- Edendale
- Ellis
- Wingrove
- Bunjil
- Sugarloaf

Ward	Councillors	Electors*	Deviation	Area sq km
Blue Lake Ward	1	7,409	+5.91%	29.36
Bunjil Ward	1	6,658	-4.83%	176.51
Edenvale Ward	1	7,331	+4.79%	6.96
Ellis Ward	1	6,927	-0.98%	13.88
Sugarloaf Ward	1	6,541	-6.50%	190.71
Swipers Gully Ward	1	7,487	+7.02%	6.23
Wingrove Ward	1	6,616	-5.43%	8.32
Total	7	48,969	-6.50% - +7.02	431.97
Average		6,996		61.71

*Elector numbers at 22nd Nov 2018

Map prepared by: Victorian Electoral Commission

Data use:

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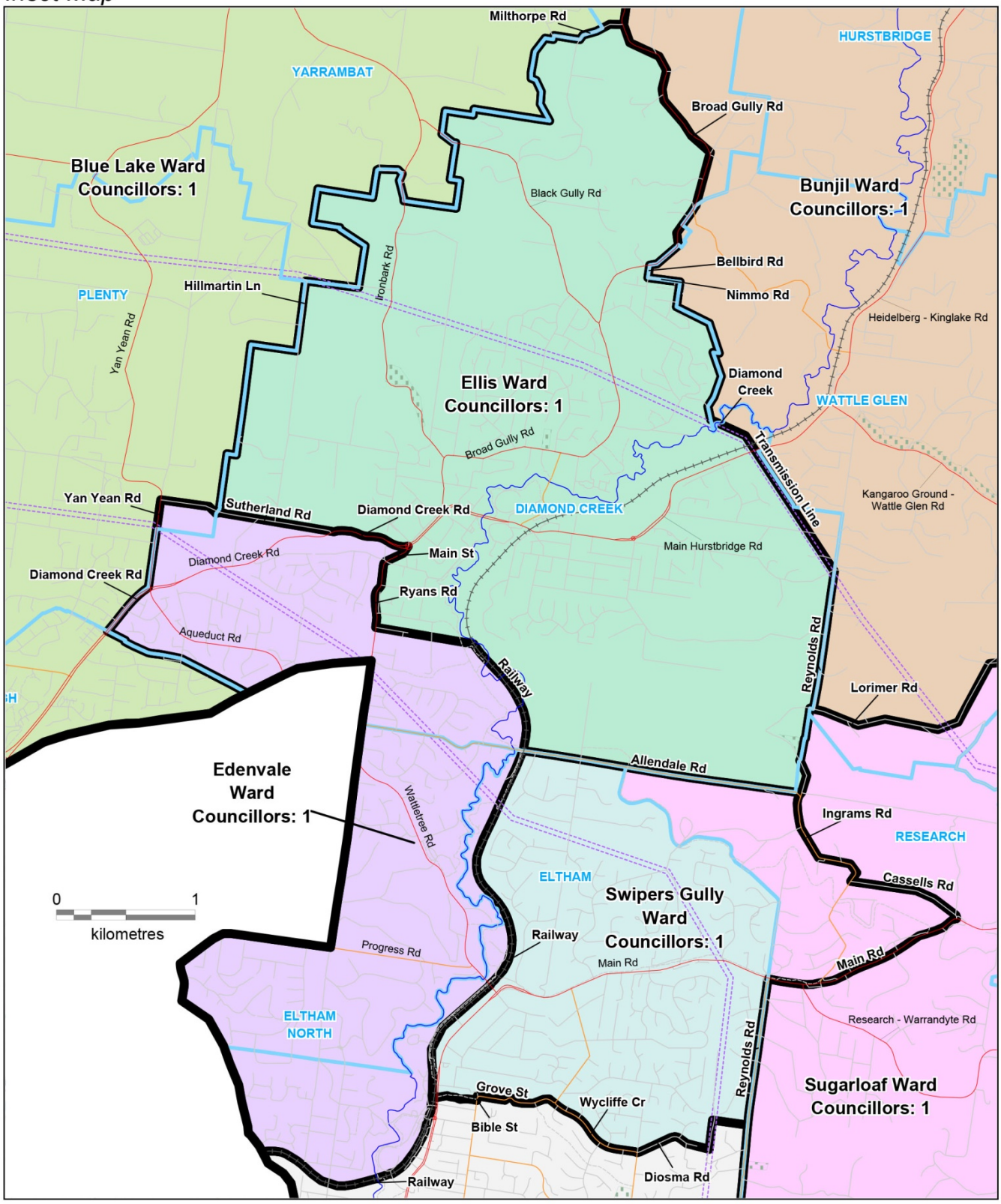
Nillumbik Shire Council
Option B
(Alternative Option)

Inset Map



Map prepared

Victorian Electoral Commission VEC

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Appendix 2: List of preliminary submissions

Seventy-six preliminary submissions were received in total. These were made by:

Bagusauskas, Vince

Bailey, Greg

Campbell, Narelle

Collum, Alexander

Cope, Kim

Crichton, Ingrid

Curtis, Chris

Davies, Janice

Davies, Richard

Elderfield, Barry

Elderfield, Lorraine

Ellis, Mel

Fitzpatrick, Anne

Fox, Megan

Gillson, Peter

Green Wedge Protection Group Inc.

Hackett, Colleen

Holmes, Janet

Honey, Juliet

Johnson, Greg

Laos, Linda

Macrae, Don

McDonald, Mark

Meade, Janet

Moore, Ian

Moore, Marilyn

Nicholls, David

Nillumbik Pro Active Land Owners

Nillumbik Ratepayers Association

*35 submissions under the group ‘Nillumbik Residents for Representation’

Nillumbik Shire Council

Niven, Rex

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

Ramcharan, Ben

Russell, Betty

Shnookal, Liezl

Simeoni, Luke

Sleigh, Neville

Taylor, Frank

Van Hulsen, Anika

Walters, Brian

Warrandyte Community Association

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Victorian Electoral Commission

Level 11, 530 Collins Street Melbourne Victoria 3000
Ph: 03 8620 1100 | Fax: 03 9629 8632
vec.vic.gov.au

2019