



# **ATTACHMENTS**

**Ordinary Council Meeting**

**27 July 2021**

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Version: 1.7.2020
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South Australia

## **South Australian Public Health (General) Regulations 2013**

under the *South Australian Public Health Act 2011*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *South Australian Public Health (General) Regulations 2013*.



South Australian Public Health (General) Regulations 2013—1.7.2020  
Part 1—Preliminary

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### 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

*Act* means the *South Australian Public Health Act 2011*;

*occupier*, in relation to premises, means a person who has, or is entitled to, possession or control of the premises and includes a person who is in charge of the premises;

*public spa pool* means—

- (a) a spa pool that is for the use of persons on payment of an admission or membership fee; or
- (b) a spa pool that is for the use of persons staying at a hotel, motel, guesthouse, camping or caravan ground or similar place where accommodation is provided on a temporary basis; or
- (c) a spa pool that is for the use of persons who attend, or live or work on, the premises where the spa pool is located, but not if it is used in connection with a single private residence and is only available for the use of residents or their guests;

*public swimming pool* means—

- (a) a swimming pool that is for the use of persons on payment of an admission or membership fee or a fee for swimming instruction; or
- (b) a swimming pool that is for the use of persons staying at a hotel, motel, guesthouse, camping or caravan ground or similar place where accommodation is provided on a temporary basis; or
- (c) a swimming pool that is for the use of persons who attend, or live or work on, the premises where the swimming pool is located, but not if it is used in connection with a single private residence and is only available for the use of residents or their guests;

*spa pool* means a pool or other water-retaining structure designed for human use—

- (a) that is capable of holding more than 680 litres of water; and
- (b) that incorporates, or is connected to, equipment that is capable of heating water contained in it and injecting air bubbles or water into it under pressure so as to cause general turbulence in the water;

*swimming pool* includes a waterslide pool, wave pool, hydrotherapy pool or other similar structure designed for human use, other than—

- (a) a spa pool; or
- (b) a tidal pool or other similar structure where water flows in and out according to the operation of natural forces;

*waste* does not include wastewater or sewage the collection and management of which is governed by the *South Australian Public Health (Wastewater) Regulations 2013* or the *Water Industry Act 2012*.

1.7.2020—South Australian Public Health (General) Regulations 2013  
Preliminary—Part 1

- (2) For the purposes of these regulations, a public swimming pool or public spa pool will only be taken to have been closed to the public if—
- (a) a barrier, sign or similar device is erected or displayed in a conspicuous place near the pool indicating that the pool is closed to the public; or
  - (b) public access to the pool is prevented by means of closed and locked doors or gates.

## Part 2—General provisions supporting Act

### 4—State public health plan (section 50 of Act)

For the purposes of section 50(9) of the Act, the State Public Health Plan, or an amendment to the State Public Health Plan, must be published by notice in the Gazette.

### 5—Procedure for making policies (section 54 of Act)

For the purposes of section 54(4) of the Act, a policy, or an amendment to a policy, must be published by notice in the Gazette.

### 5A—Prescribed rate of interest (section 93(5) of Act)

- (1) For the purposes of subsection (5) of section 93 of the Act, the prescribed rate of interest is the cash advance debenture rate for the financial year in which the relevant period under that subsection expires.
- (2) In subregulation (1)—
- cash advance debenture rate* has the same meaning as in the *Local Government Act 1999*.

### 5B—Non-compliance with notices (section 93(6) of Act)

- (1) This regulation prescribes the scheme that applies for the purposes of section 93(6) of the Act.
- (2) For the purposes of the creation of a charge on land under section 93 of the Act, the relevant authority may deliver to the Registrar-General a notice, in a form determined by the Minister on the recommendation or with the approval of the Registrar-General—
- (a) setting out the amount recoverable under section 93; and
  - (b) setting out the land in relation to which the relevant action was taken; and
  - (c) requesting the Registrar-General to make a notation under this regulation in relation to the relevant land.
- (3) On receipt of a notice under subregulation (2), the Registrar-General must, in relation to the land referred to in the notice, enter an appropriate notation in the Register Book or, in the case of land not under the provisions of the *Real Property Act 1886*, against the land in the General Registry Office.
- (4) When an entry is made under subregulation (3), a charge over real property is created.

**South Australian Public Health (General) Regulations 2013—1.7.2020**  
Part 2—General provisions supporting Act

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- (5) The charge—
- (a) in the case of a charge in favour of the Chief Public Health Officer—will correspond to a mortgage in favour of the Crown over the relevant land that ranks ahead of any mortgage, encumbrance or charge registered after the charge is noted under this regulation; and
  - (b) in the case of a charge in favour of the council—will be the same as a charge created under section 177 of the *Local Government Act 1999*.
- (6) In a case where subregulation (5)(a) applies, the Chief Public Health Officer will have the same powers of sale of the relevant land as are given by the *Real Property Act 1886* to a mortgagee under a mortgage in respect of which default has been made in the payment of principal (and a sale by the Chief Public Health Officer is, for the purposes of that Act, to be treated as if it were such a sale by a mortgagee).
- (7) In a case where subregulation (5)(b) applies, the council will be able to recover the amount as if it were a rate constituting a charge on land under section 144(2) of the *Local Government Act 1999*.
- (8) If or when the amount to which the charge relates is paid, the relevant authority must, by further notice to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar-General), cancel the charge.

**6—Public access to codes, standards or other documents (section 109(6)(c) of Act)**

For the purposes of section 109(6)(c) of the Act, copies of codes, standards or other documents referred to or incorporated by these regulations or other regulations under the Act are available for inspection at the principal office of the Department.

**Part 3—Control of waste**

**7—Control of waste**

The owner or occupier of premises must take reasonable steps to ensure that waste on the premises that poses or may pose a risk to public health is—

- (a) while on the premises, kept in a receptacle that is—
  - (i) capable of adequately holding the waste and containing any offensive odours and fluids from the waste; and
  - (ii) inaccessible to pests, vermin and other animals; and
  - (iii) impervious to water; and
  - (iv) in a clean and sound condition; and
- (b) made available for collection by a waste collection service as often as may be appropriate having regard to the nature of the waste.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## Part 4—Public swimming pools and spa pools

### 8—Public swimming pools—obligations of owners, occupiers and managers

- (1) A public swimming pool must, at all times while it is open for use, be operated and maintained in accordance with the following requirements:
  - (a) the pool water must be disinfected by chlorine or by some other method approved in relation to pools of that class by the Standard for the Operation of Swimming Pools and Spa Pools in South Australia prepared by the South Australian Health Commission in December 1991 as in force from time to time;
  - (b) if chlorine is used to disinfect the pool water—
    - (i) the total residual free chlorine concentration in the water must be at least—
      - (A) if the chlorine is not stabilised by the use of cyanuric acid and the water temperature does not exceed 26°C—1 mg/L; and
      - (B) if the chlorine is stabilised by the use of cyanuric acid and the water temperature does not exceed 26°C—2 mg/L; and
      - (C) if the chlorine is not stabilised by the use of cyanuric acid and the water temperature exceeds 26°C—2 mg/L; and
      - (D) if the chlorine is stabilised by the use of cyanuric acid and the water temperature exceeds 26°C—4 mg/L; and
    - (ii) the total chlorine concentration in the water other than residual free chlorine must not exceed 1 mg/L; and
    - (iii) cyanuric acid must not be used to stabilise the chlorine if the pool is located in an enclosed structure; and
    - (iv) if cyanuric acid is used to stabilise the chlorine, the concentration of cyanuric acid in the water must be maintained between 30 mg/L and 50 mg/L;
  - (c) the pH of the water must be maintained between 7.2 and 7.6;
  - (d) the alkalinity of the water (calculated as a measure of the total amount of dissolved alkaline compounds in the water) must be maintained at a concentration of between 60 mg/L and 200 mg/L;
  - (e) if a method other than chlorine is used to disinfect the pool water, the relevant requirements of the Standard for the Operation of Swimming Pools and Spa Pools in South Australia prepared by the South Australian Health Commission in December 1991 as in force from time to time must be complied with, except to the extent of any inconsistency with another provision of these regulations;
  - (f) the pool must be fitted with—
    - (i) a filtration system that—

**South Australian Public Health (General) Regulations 2013—1.7.2020****Part 4—Public swimming pools and spa pools**

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- (A) provides a continuous circulation of water through the filter; and
    - (B) passes all water in the pool through the filter as often as is necessary to ensure that the water in the pool complies with the minimum disinfection levels prescribed by this regulation and in any event—
      - in the case of a waterslide pool—at least once in every hour;
      - in the case of a wading pool or hydrotherapy pool—at least once in every 2 hours;
      - in any other case—at least once in every 6 hours; and
    - (C) maintains the water in a clean, clear condition so that a matt black disc, or a disc that contrasts with the colour of the bottom of the pool, 150 mm in diameter, is (or would be) clearly visible from above the water at the deepest part of the pool; and
  - (ii) automatic equipment that continuously analyses and controls the level of disinfectant in the water and the pH level of the water (at least to the levels referred to in this regulation).
- (2) The following steps must be taken to monitor compliance with subregulation (1) at such intervals as are reasonably necessary having regard to the size of the pool, level of use of the pool, ambient air temperature and any other relevant factor (but, in any event, at least once in every day that the pool is or has been open for use):
- (a) the results of the analysis made by the equipment referred to in subregulation (1)(f)(ii) must be read and recorded; and
  - (b) manual tests must be carried out to verify the accuracy and reliability of the equipment referred to in subregulation (1)(f)(ii) and the results of those tests recorded; and
  - (c) other manual tests in relation to matters not measured by that equipment must be carried out and the results of those tests recorded.
- (3) Records made under subregulation (2) must be kept for a period of 2 years and made available for inspection at any time on request by an authorised officer.
- (4) If, at any time while the pool is open for use, the filtration system ceases to operate or a reading taken under this regulation indicates that the total chlorine concentration in the water exceeds 10 mg/L, the pool must immediately be closed to the public.
- (5) Subregulation (1)(f)(i)(B) does not apply to the swimming pools commonly known as the Naracoorte and Millicent swimming lakes.

**1.7.2020—South Australian Public Health (General) Regulations 2013**  
Public swimming pools and spa pools—Part 4

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- (6) If a requirement under this regulation is not complied with in respect of a public swimming pool, the owner and occupier of the premises on which the pool is located and the person responsible for the care, control and management of the pool are each guilty of an offence.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (7) It is a defence to a charge of an offence against this regulation if the defendant proves that—
- (a) the alleged offence was not committed intentionally; and
  - (b) did not result from a failure on the part of the defendant to take reasonable care to avoid the commission of the offence.
- (8) Without limitation, the matters referred to in subregulation (7)(b) will be proved by the owner or occupier of the premises on which the pool is located if he or she proves that he or she had taken reasonable care to ensure that the person who was responsible for the care, control and management of the pool at the time of the alleged offence was a person with appropriate knowledge and experience in matters relating to the care, control and management of public swimming pools.

**9—Public spa pools—obligations of owners, occupiers and managers**

- (1) A public spa pool must, at all times while it is open for use, be operated and maintained in accordance with the following requirements:
- (a) the pool water must be disinfected by chlorine or by a method specified by the Standard for the Operation of Swimming Pools and Spa Pools in South Australia prepared by the South Australian Health Commission in December 1991 as in force from time to time;
  - (b) if chlorine is used to disinfect the pool water—
    - (i) the total residual free chlorine concentration in the water must be at least 4 mg/L; and
    - (ii) the total chlorine concentration in the water other than residual free chlorine must not exceed 1 mg/L; and
    - (iii) cyanuric acid must not be used to stabilise the chlorine;
  - (c) the pH of the water must be maintained between 7.2 and 7.6;
  - (d) the alkalinity of the water (calculated as a measure of the total amount of dissolved alkaline compounds in the water) must be maintained at a concentration of between 60 mg/L and 200 mg/L;
  - (e) if a method other than chlorine is used to disinfect the pool water, the applicable requirements of the Standard for the Operation of Swimming Pools and Spa Pools in South Australia prepared by the South Australian Health Commission in December 1991 as in force from time to time must be complied with, except to the extent of any inconsistency with another provision of these regulations;
  - (f) the pool must incorporate a weir off-take or skimmer system that continuously takes away surface water while the pool is in use;

**South Australian Public Health (General) Regulations 2013—1.7.2020****Part 4—Public swimming pools and spa pools**

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- (g) the pool must be fitted with—
  - (i) a filtration system that—
    - (A) provides a continuous circulation of water through the filter; and
    - (B) passes all water in the pool through the filter at least once in every 30 minutes; and
    - (C) maintains the water in a clean, clear condition so that a disc measuring 150 millimetres in diameter that is matt black or contrasts with the colour of the bottom of the pool is (or would be) clearly visible at the deepest part of the pool when there is no turbulence; and
  - (ii) automatic equipment that continuously analyses and controls the level of disinfectant in the water and the pH level of the water (at least to the levels referred to in this regulation).
- (2) The following steps must be taken to monitor compliance with subregulation (1) at such intervals as are reasonably necessary having regard to the size of the pool, level of use of the pool, ambient air temperature and any other relevant factor (but, in any event, at least once in every day that the pool is or has been open for use):
  - (a) the results of the analysis made by the equipment referred to in subregulation (1)(g)(ii) must be read and recorded; and
  - (b) manual tests must be carried out to verify the accuracy and reliability of the equipment referred to in subregulation (1)(g)(ii) and the results of those tests recorded; and
  - (c) other manual tests in relation to matters not measured by that equipment must be carried out and the results of those tests recorded.
- (3) Records made under subregulation (2) must be kept for a period of 2 years and made available for inspection at any time on request by an authorised officer.
- (4) The water in a public spa pool must be replaced—
  - (a) at the rate of at least 20% every day during which it is open for use; or
  - (b) at least once in every week by completely draining the pool.
- (5) A public spa pool must be cleaned at least once in every week during which it has, at any time, been open for use.
- (6) If, at any time while a public spa pool is open for use, the filtration system ceases to operate or a reading taken under this regulation indicates that the total chlorine concentration in the water exceeds 10 mg/L, the spa pool must immediately be closed to the public.
- (7) If a requirement under this regulation is not complied with in respect of a public spa pool, the owner and occupier of the premises on which the pool is located and the person responsible for the care, control and management of the pool are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

**1.7.2020—South Australian Public Health (General) Regulations 2013**  
Public swimming pools and spa pools—Part 4

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- (8) It is a defence to a charge of an offence against this regulation if the defendant proves that—
- (a) the alleged offence was not committed intentionally; and
  - (b) did not result from a failure on the part of the defendant to take reasonable care to avoid the commission of the offence.
- (9) Without limitation, the matters referred to in subregulation (8)(b) will be proved by the owner or occupier of the premises on which the pool is located if he or she proves that he or she had taken reasonable care to ensure that the person who was responsible for the care, control and management of the pool at the time of the alleged offence was a person with appropriate knowledge and experience in matters relating to the care, control and management of public spa pools.

### **10—Obligations of public**

The following provisions apply to the use of public swimming pools and spa pools:

- (a) a person must not enter a public swimming pool or public spa pool if—
  - (i) the person is suffering from an open wound or sore; or
  - (ii) the person knows, or has reasonable cause to suspect, that he or she is suffering from a notifiable condition that could be transmitted to others using the pool; or
  - (iii) the person, or any clothing that he or she is wearing, are not reasonably clean;
- (b) a person must not allow a child to enter a public swimming pool or public spa pool if the person knows, or has reasonable cause to suspect, that—
  - (i) the child is suffering from an open wound or sore; or
  - (ii) the child is suffering from a notifiable condition that could be transmitted to others using the pool; or
  - (iii) the child, or any clothing that the child is wearing, are not reasonably clean;
- (c) a person must not, while in a public swimming pool or public spa pool, spit, squirt water or release bodily material (other than any such material released through the ordinary course of being in the water);
- (d) a person who owns or has the care or control of an animal must not allow the animal to enter a public swimming pool or public spa pool.

Maximum penalty: \$1 250.

### **11—Prescribed guidelines**

Pursuant to section 109(2)(o) of the Act, the following guidelines are, on the recommendation of the Chief Public Health Officer, prescribed to assist in the administration or operation of this Part:

- (a) Code of Practice for the Provision of Facilities for Sanitation and Personal Hygiene prepared by the South Australian Health Commission in October 1991 as in force from time to time;



**South Australian Public Health (General) Regulations 2013—1.7.2020****Part 4—Public swimming pools and spa pools**

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- (b) Guideline for the Inspection and Maintenance of Swimming Pools and Spa Pools in South Australia prepared by the South Australian Health Commission in February 1992 as in force from time to time.

**Part 4A—Miscellaneous****11A—Refund and recovery of fees**

- (1) A relevant authority may refund, reduce or remit payment of a prescribed fee if the relevant authority considers that it is appropriate in the circumstances.
- (2) A prescribed fee payable to a relevant authority may be recovered by the relevant authority by action in a court of competent jurisdiction as a debt due to the relevant authority.
- (3) In this regulation—  
*relevant authority* means the relevant authority within the meaning of—  
(a) the *South Australian Public Health (Legionella) Regulations 2013*; or  
(b) the *South Australian Public Health (Wastewater) Regulations 2013*,  
as the case may be.

**Part 5—Transitional provisions****12—Interpretation**

In this Part—

*repealed Act* means the *Public and Environmental Health Act 1987*;

*revoked Legionella regulations* means the *Public and Environmental Health (Legionella) Regulations 2008*;

*revoked Waste Control regulations* means the *Public and Environmental Health (Waste Control) Regulations 2010*.

**13—Notices under repealed Act**

- (1) A notice issued by the authority and in force under Part 3 of the repealed Act immediately before the commencement of this clause will be taken, on that commencement, to be a notice issued by the relevant authority under section 92 of the *South Australian Public Health Act 2011*.
- (2) The notice under the *South Australian Public Health Act 2011* is subject to the same conditions as the notice under the repealed Act.

**14—Notices under revoked regulations**

- (1) A notice issued by the authority and in force under the revoked Legionella regulations (other than a notice issued under regulation 15(2) or 16(1)) immediately before the commencement of this clause will be taken, on that commencement, to be a notice issued by the relevant authority under section 92 of the *South Australian Public Health Act 2011*.
- (2) The notice under the *South Australian Public Health Act 2011* is subject to the same conditions as the notice under the revoked Legionella regulations.

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**1.7.2020—South Australian Public Health (General) Regulations 2013**  
Transitional provisions—Part 5

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- (3) A notice issued by the authority and in force under regulation 19 of the revoked Waste Control regulations immediately before the commencement of this clause will be taken, on that commencement, to be a notice issued by the relevant authority under section 92 of the *South Australian Public Health Act 2011*.
- (4) The notice under the *South Australian Public Health Act 2011* is subject to the same conditions as the notice under the revoked Waste Control regulations.

**South Australian Public Health (General) Regulations 2013—1.7.2020**  
Legislative history

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## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *South Australian Public Health (General) Regulations 2013* revoked the following:

*Public and Environmental Health (General) Regulations 2006*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2013	41	<i>Gazette 23.5.2013 p2007</i>	16.6.2013: r 2
2015	165	<i>Gazette 18.6.2015 p2856</i>	18.6.2015: r 2
<b>2020</b>	<b>167</b>	<b><i>Gazette 4.6.2020 p3020</i></b>	<b>1.7.2020: r 2</b>

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
r 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	18.6.2015
Pt 2		
rr 5A and 5B	inserted by 165/2015 r 4	18.6.2015
<b>Pt 4A</b>	<b>inserted by 167/2020 r 4</b>	<b>1.7.2020</b>
<i>Sch 1</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	18.6.2015

### Historical versions

18.6.2015



GPO Box 2329  
Adelaide SA 5001

Tel (08) 7109 7145  
DPTI.BoundariesCommission@sa.gov.au

Mayor Karen Redman  
Town of Gawler  
PO Box 130  
Gawler SA 5118

## **Town of Gawler Stage 2 Boundary Change General Proposal**

Dear Mayor Redman

Thank you for the Town of Gawler's (the Council) Stage 2 Boundary Change General Proposal submitted on 23 December 2020 for the SA Local Government Boundaries Commission's (the Commission's) consideration.

At its meeting on 3 March 2021, the Commission assessed the Council's Proposal against the requirements of Guideline 3 — Submitting a General Proposal to the Commission.

When discussing a proposal, the Commission gives close consideration to the requirements of Guideline 3 and the principles contained under section 26 of the *Local Government Act 1999* (the Act). These principles are of fundamental importance to boundary change proposals and ultimately form the basis of any recommendation that the Commission may make to the Minister.

In order to consider a General Proposal, the initiating council must address the requirements of Guideline 3 must address as far as it can be reasonably aware of them.

The Commission acknowledges the extensive and significant work that the Council has undertaken to develop this Proposal and to address the requirements of Guideline 3.

As you may have noted, Guideline 3 enables the Commission to seek additional information to assist with its decision whether or not a proposal should be investigated.

Following a detailed examination of the information provided in the Proposal, the Commission seeks further information on three elements of the Proposal to assist its consideration:

### **1. Section 26 principles, 26(c)(iii) –councils' resource base**

Guideline 3 requires councils to 'describe the proposal with reference to the principles set out in section 26 of the Act'. The Commission is seeking further information from the Council on how the Proposal addresses section 26(c)(iii) – that 'a council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently'.



GPO Box 2329  
Adelaide SA 5001

Tel (08) 7109 7145  
DPTI.BoundariesCommission@sa.gov.au

The Commission notes that the Proposal includes attachments that provide a high level financial analysis of the Proposal. However, the Commission requests that the Council also provides further information on the impact of changes to affected councils' resource base along with inclusion of a summary of the financial analyses from Attachments 2 and 6, with reference to section 26(c)(iii).

## **2. Section 26 principles, 26(c)(ix) – community participation**

The Commission is also seeking further information from the Council on how the Proposal addresses section 26(c)(ix) – 'the importance within the scheme of local government to ensure that local communities within large council areas can participate effectively in decisions about local matters'.

The Proposal includes a response to this principle stated within the response to section 26(c)(x) – 'residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided'.

The Commission notes that the Proposal includes a summary of current elector and councillor numbers for the affected and similar councils for each part of the Proposal; however, does not include the Council's view on how the proposed boundary changes could impact elector numbers, and the resultant impact on this ratio.

## **3. Advantages and disadvantages**

The Proposal, read in its entirety, highlights a number of advantages and disadvantages from the proposed boundary changes in the Overview and Summary sections, information on the views held by the community and other affected Councils' views, and in the results of the community consultation work that have been included in the proposal.

However, the Commission invites the Council to provide specific comments on the advantages and disadvantages of the proposed changes, both for the Town of Gawler and all affected councils.

Should you have any further queries about the information required for the Commission to complete its assessment of the Town of Gawler's General Proposal, please contact the Office of Local Government on 7109 7164 or by email at [boundaries.commission@sa.gov.au](mailto:boundaries.commission@sa.gov.au).

Yours sincerely

**Bruce Green**

Chair, SA Local Government Boundaries Commission

26 March 2021

**Perceived Advantages and Disadvantages of Boundary Reform arising from Town of Gawler's General Proposal**

**Advantages for Affected Communities outside existing Town of Gawler Local Government Area  
(all of those people who we believe should be part of Town of Gawler)**

Able to participate and be appropriately represented in decision making within the community that they engage with and participate in. For example, where they participate in things such as sports, education, recreation (swimming pool) and services (library) and where they generally use community infrastructure and facilities.

Town of Gawler provides a more local and accessible service centre for these communities than their current Council's provide.

Ability to provide service delivery efficiencies via economies of scale. This can result in improved service levels and / or reduced cost for existing service levels for ratepayers.

Development adjacent to existing Town of Gawler boundaries requires supporting regional infrastructure to be funded by existing Town of Gawler ratepayers. Achieving the proposed boundary realignment will reduce this burden on existing ratepayers by amortising the cost of delivering such infrastructure across an increased number of rateable properties.

Affected communities are closer to Town of Gawler service centres and community facilities than they are to their current Council's. Implementing the boundary realignment proposal provides these communities with easier access to physical services and facilities used to participate in and engage with local events, activities, programs, and public consultations.

Affected communities within Light Regional and The Barossa Councils are directly connected to Gawler via local transport services. They are not connected to Council services, facilities, and infrastructure within their existing Council areas by such services.

Existing and proposed urban areas within Light Regional and The Barossa Councils identified within Town of Gawler's boundary realignment proposal will be able to contribute to the facilities and infrastructure that they do and will use, allowing for an appropriate level of community infrastructure provision rather than contributing to / subsidising infrastructure in a country town 10-30km away.

Town of Gawler's boundary realignment proposal removes delays and frustrations that can occur when developers are required to deal with two Councils with respect to the one development area.

Affected communities will receive access to concession rates for the use of Town of Gawler facilities (such as the Gawler Civic Centre, Gawler Sport and Community Centre and Gawler Aquatic Centre) that they currently frequent. These rates are only available to community groups, service clubs and residents who are located within the Town of Gawler Local Government Area.

Affected communities will be able to access financial and other benefits that are currently being received by Town of Gawler residents from Council's subsidiaries. For example, NAWMA provides cheaper waste fees, security of service, innovative environmental outcomes and circular economy opportunities.

The Boundary change will provide Council and the newly included communities the opportunity to lobby and advocate for an extension of the State Governments Regional Boundary which denotes the Urban Service Boundary, therefore the community of interest could potentially receive an extension of state government services eg public transport

**Disadvantages for Affected Communities outside Town of Gawler Local Government Area  
(all of those people who we believe should be part of Town of Gawler)**

Transitioning affected communities to Town of Gawler will take time and this transition period may be complex to navigate.

Services may vary between councils. Transitioning affected communities from one service delivery system to another may require a few "steps" for the residents. For example, waste collection services may occur on a different day than was previously the case for affected residents.

Business operators currently within The Barossa Council local government area may lose the ability to leverage "Barossa Valley" branding

Residents from affected communities may currently have a lower residential rate in the dollar than Town of Gawler residents. This will need to be transitioned to parity over time.

**Advantages for Town of Gawler as a Council**

Ability to provide a more coordinated approach to infrastructure planning and delivery for built up and future urban growth areas. E.g. Open Space, Stormwater, Traffic, Roads, Footpaths, etc.
Growth in rates revenue coming to Town of Gawler when boundary realignment occurs.
Growth in infrastructure and assets that come under Town of Gawler ownership when boundary realignment occurs.
Enables a beneficiary pays principal in future infrastructure planning/provision.
Town of Gawler ratepayers will receive better value from Council as supporting community infrastructure and services will be funded from a larger rate base.
Whilst consolidation of assets, management plans, service delivery models, etc. may present initial challenges for Council, over the longer term it will provide for a more rationalised and streamlined service provision.
Ability to fund greater resourcing by virtue of increased rates revenue.
Communication with the true community of Gawler will be simplified as Council will not have to reach across boundaries.
Implementing Town of Gawler's boundary realignment proposal now, while large areas of future urban development within affected communities remain undeveloped, makes financial and economic sense. The burden on ratepayers will be less if changes occur now than once development of these future urban areas occurs.
Town of Gawler is already being financially impacted by neighbouring developments. Implementing Town of Gawler's boundary realignment proposal will provide Council with appropriate levels of income to deliver services to people living and working within the identified communities of interest.
Town of Gawler ratepayers will receive greater community environmental improvements and innovations through economies of scale resulting from a broadened rate base.

**Disadvantages for Town of Gawler as a Council**

Existing strategic infrastructure and asset management plans will need to be comprehensively reviewed to account for infrastructure and assets onboarded within affected communities.
Likely need for additional staff across multiple teams to deliver services to onboarded affected communities.
Increased expenditure associated with maintenance and depreciation resulting from assets onboarded within affected communities.
Inheriting infrastructure within an affected community that may be at end of life and/or in need of major repair without having had the financial benefit of receiving past rates income from these affected communities that funds such works.
Increased resources required to manage increased workload within existing processes such as budgeting, servicing etc.
Some residents within affected communities may feel aggrieved by the change requiring Council to invest resources in dealing with these grievances and any reputational damages that may result.
Council will need to invest in service delivery integration within affected communities, as well as adapting, adjusting, and transitioning the affected community and effectively communicating its processes.
There are unknown risks with respect to infrastructure delivery backlogs in more rural areas (such as Gawler Belt). For example, Council has limited information on the status of stormwater and road infrastructure delivery in such areas until it is able to access the relevant infrastructure and asset management plans.
Council's fee to be a member of the Gawler River Floodplain Management Authority would increase.
Council will need to fund the administrative costs associated with the Stage 3 investigation and then, if the General Proposal is supported and the boundary realignment is enacted, Council will need to fund the cost of transitioning affected communities to Town of Gawler.



**Advantages for The Barossa Council as a Council**

Town of Gawler's boundary realignment proposal seeks to remove a future large scale urban development that will create a satellite township within the existing Barossa Council area from the care and control of The Barossa Council. This benefits The Barossa Council as it will not need to deploy resources away from already established townships and rural areas within The Barossa Council area to service a community that has no relationship or connection with The Barossa Council's communities of interest.

Urban communities generally require higher levels of servicing than rural/regional communities. Removing the future Concordia urban development from The Barossa Council allows The Barossa Council to focus on delivering services to its communities of interest at more consistent and equitable levels than it could if it was required to service such a large urban community at its fringe.

Removing Concordia and other urban growth areas from The Barossa Council as identified within Town of Gawler's boundary realignment proposal means that The Barossa Council will not need to revisit its existing representation.

If the Concordia urban growth development remains within The Barossa Council then this will cause a political imbalance within The Barossa Council as it attempts to service the needs of an urban community as well as its extensive, existing rural communities. Removing Concordia and other urban growth areas from The Barossa Council as identified within Town of Gawler's boundary realignment proposal removes this future political imbalance.

Town of Gawler's boundary realignment proposal serves to strengthen the identity of the Barossa Brand. Having a large-scale urban development within a predominantly rural landscape impacts on the tourism and economic development objectives being championed by Brand Barossa. Removing Concordia and other urban growth areas from The Barossa Council as identified within Town of Gawler's boundary realignment proposal eliminates this issue and reinforces Barossa's brand and identity.

If the Concordia urban growth development remains within The Barossa Council it will have to establish a major service centre (including a remote depot, community centres and libraries) to meet the needs of the densely populated area. Removing Concordia and other urban growth areas from The Barossa Council as identified within Town of Gawler's boundary realignment proposal eliminates this requirement.

Town of Gawler's boundary realignment proposal removes complications in co-managing development areas (for example Springwood). It removes the need for The Barossa Council to engage with these developments and enables one Council (Town of Gawler) to be responsible for infrastructure design, implementation, and funding. It removes delays and frustrations that can occur when developers are required to deal with two Councils with respect to the one development area.

Reduced impact resulting from growth pressures for The Barossa Council as it does not need to adjust and provide for large-scale urban development.

Implementing Town of Gawler's boundary realignment proposal now, while large areas of future urban development within affected communities remain undeveloped, makes financial and economic sense. The burden on The Barossa Council's ratepayers will be less if changes occur now than once development of these future urban areas occurs.

Allow the Barossa Council to remove any land from within their Local Government Boundary which is not within the Environment and Food Production Area, the Character Preservation District or an existing township. Further reinforcing the Barossa Council as a regional council.

Positive change may be triggered for The Barossa Council through a review of the Barossa GI to ensure it captures the actual wine growing areas not built-up, urban areas such as parts of Gawler and the future Concordia development that are currently captured within the GI.

Removes the need for The Barossa Council to artificially create an environment of Communities of Interest by connecting Nurioopta to Concordia instead of this community connecting to Gawler, its actual community of interest.

**Disadvantages for The Barossa Council as a Council**

Loss of a significant future revenue stream resulting from the transfer of urban growth areas to Town of Gawler and a small amount of current rates revenue from existing rateable properties within these areas.

Loss of area within the recognised Barossa GI zone

Loss of the ability for The Barossa Council to directly influence the Concordia development to integrate with the existing Barossa Character Preservation Zone.

The Barossa Council would need to fund any administrative costs that it incurs because of Stage 3 investigation and then, if the General Proposal is supported and the boundary realignment is enacted, The Barossa Council will need to fund the administrative costs that it incurs in transitioning the various affected communities.



**Advantages for Light Regional Council as a Council**

Urban communities generally require higher levels of servicing than rural/regional communities. Removing developed areas such as Hewett and parts of Gawler Belt from Light Regional Council allows Light Regional Council to focus on delivering services to its communities of interest at more consistent and equitable levels than it currently does by having to service these urban communities at its fringe.

Transitioning the communities of interest identified within the General Proposal to Town of Gawler decreases the level of service delivery that Light Regional Council must provide. This results in cost savings for Light Regional Council.

Handing over infrastructure within an affected community that may be at end of life and/or in need of major repair having received the financial benefit of past rates revenue allocated to funding such works without the need to outlay this funding or deliver the works.

Light Regional Council's fee to be a member of the Gawler River Floodplain Management Authority would decrease.

Enables Light Regional Council to strengthen its identity as a "Regional Council" by focussing on servicing their rural communities rather than diverting services to urbanised communities.

Removes the need for Light Regional Council to artificially create an environment of Communities of Interest by connecting Kapunda to Hewett and Gawler Belt instead of these communities connecting to Gawler, their actual community of interest.

**Disadvantages for Light Regional Council as a Council**

Decrease in rates revenue resulting from the transfer of urbanised areas to Town of Gawler.

Reduced service level requirements resulting from the transfer of urbanised areas to Town of Gawler may create a temporary consequence of excessive staff within Light Regional Council's administration. However, this may be balanced out by the Roseworthy development that is underway that will require future servicing. Also, Town of Gawler will require additional staff to service the affected communities of interest, thereby presenting an opportunity for displaced Light Regional Council staff.

Urban rates income may have been subsidising development and administration for more regional towns/areas. The loss of this revenue stream may adversely affect ratepayers in the remaining areas of Light Regional Council.

Town of Gawler's boundary realignment proposal will trigger a representation review for Light Regional Council its current Mudla Wirra Ward would be left with too few residents to be sustainable.

Light Regional Council would need to fund any administrative costs that it incurs because of Stage 3 investigation and then, if the General Proposal is supported and the boundary realignment is enacted, Light Regional Council will need to fund the administrative costs that it incurs in transitioning the various affected communities.

**Advantages for City of Playford as a Council**

Town of Gawler's General Proposal removes part suburbs from within the City of Playford's boundary as well as giving other part suburbs to City of Playford. The Proposal also creates a local government boundary between the two Councils that aligns with a road corridor rather than passing through an arbitrary line. These changes will deliver administrative efficiencies for the City of Playford.

The proposed boundary realignment would have a negligible consequence on the City of Playford due to it being a large Council and the changes result in a net loss of only 5 properties. The advantages in not having to service these properties outweighs the loss in revenue that results.

**Disadvantages for City of Playford as a Council**

Small loss in rates revenue. However likely to be negligible with the proposed land which is to transfer to the City of Playford (net change of approximately 5 properties).

City of Playford would need to fund any administrative costs that it incurs because of Stage 3 investigation and then, if the General Proposal is supported and the boundary realignment is enacted, City of Playford will need to fund the administrative costs that it incurs in transitioning the various affected communities.

## Commisioned Painting



*Dhanduru Yarda Ngadlu Bammadja / 'Build on land for us to come and go. 2021  
Kira and Codi Buckskin / Ngadli Art.*



*Gawler Residents Kira and Codi Buckskin*

## Interpretation of Artwork



Final Colours and Placement TBC

**Kelley Jones**



## **REPRESENTATION REVIEW REPORT**

**July 2021**

Prepared in accordance with section 12(11) of the *Local Government Act 1999*

Prepared by  
**Kelley Jones**

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**Kelley Jones**

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**Kelley Jones****Town of Gawler**

This paper has been prepared for the Town of Gawler (**Council**) for the purposes of section 12(11) of the *Local Government Act 1999* (**Act**) by Kelley Jones Lawyers.

**Disclaimer**

This Representation Review Report has been prepared by Kelley Jones Lawyers for the Council's Representation Review for use by the Council and its constituents. The opinions, estimates and other information contained in this Paper have been made in good faith and, as far as reasonably possible, are based on data or sources believed to be reliable. The contents of this Paper are not to be taken as constituting formal legal advice.

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### 1 INTRODUCTION

Councils in South Australia are required to undertake regular reviews of their elector representation arrangements (**Representation Review**).

The Town of Gawler (**Council**) undertook its last Representation Review during the period October 2012 to October 2013.

#### 1.1 Legislative Requirements

In accordance with section 12(4) of the Act:

*[a] review may relate to specific aspects of the composition of the council, or of the Wards of the council, or may relate to those matters generally, - but a council must ensure that all aspects of the composition of the council, and the issue of division or potential division, or the area of the Council into Wards, are comprehensively reviewed under this section at least once in each relevant period.*

Pursuant to regulation 4 of the *Local Government (General Regulations) 2013*, the relevant period for the Council to undertake this Representation Review was determined by the Minister, by notice in the Government Gazette (**Gazette**) on 9 July 2020 (**Appendix A**).

#### 1.2 Matters to be Considered

In accordance with section 12 of the Act, the Representation Review is required to consider the composition of the Council and the advantages and disadvantages of the options that are available for elector representation under the Act.

The key areas for consideration are:

- election or appointment of the Principal Member (Mayor/Chairperson);
- the number of Councillors;
- how Councillors are elected – from Wards, across the whole of the Council area, or a combination of both;
- whether the Council should have Wards, or no Wards; and
- the name of the Council and the Wards (if any).

The Representation Review Report must also take into account the principles set out in section 26 of the Act, namely:

- that any changes to the Council's representation should benefit ratepayers;
- arrangements should reflect communities of interest, values and aspirations and avoid significant dislocation within the community;
- encourage local community participation in decisions about local matters; and



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- provide effective local governance and foster co-operation with other councils.

The Representation Review Report must also have regard to section 33 of the Act, which lists the matters that must be considered, as far as practicable, if the Council proposes to change the Ward representation of the Council. These include:

- the desirability of reflecting communities of interest of an economic, social, regional or other kind;
- the population of the area, and of each ward affected or envisaged by the proposal;
- the topography of the area, and of each ward affected or envisaged by the proposal;
- the feasibility of communication between electors affected by the proposal and their elected representatives;
- the nature of substantial demographic changes that may occur in the foreseeable future; and
- the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term).

A proposal that relates to the formation or alteration of Wards must observe the principle that the number of electors represented by a Councillor must not, at the relevant date (assuming the proposal was in operation), vary from the ward quota by more than 10%.

### 1.3 Representation Review Process

In undertaking this review, and in accordance with section 12 of the Act, the Council is required to:

- prepare an Options Paper to be adopted by the Council for public consultation purposes;
- undertake a minimum six-week public consultation process on the adopted Options Paper (**the first public consultation**);
- review the submissions received from the first public consultation and prepare a Representation Review Report, representing the Council's preferred Representation option, to be adopted by the Council for public consultation purposes;
- undertake a minimum three-week public consultation on the Representation Review Report (**the second public consultation**);
- review the submissions received during the second public consultation process and, if submissions are received, provide an opportunity for those

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persons to make an oral submission to the Council (or Council Committee) at a public meeting;

- consider and adopt a representation structure having regard to the submissions received during the public consultation processes, and prepare the Final Representation Review Report;
- submit the Final Representation Review Report to the Electoral Commissioner of South Australia (the **ECSA**) to obtain a certificate of compliance; and
- on receipt of a certificate of compliance, publish a notice in the Gazette notifying of the future composition and structure of the Council.

## 2 BACKGROUND

The Council undertook its previous Representation Review during the period October 2012 to October 2013, at which time it determined to retain its no Ward structure, 10 Councillors elected from the whole of the Council area, and a Mayor, also elected from the whole of the Council area.

The Council resolved to engage Kelley Jones Lawyers to assist in its Representation Review in September 2020, and its Representation Review process was commenced in December 2020.

## 3 OPTIONS PAPER

At Agenda item 18.3 at its meeting of 22 September 2020, the Council resolved to appoint Kelley Jones Lawyers, as a 'person' who, in the opinion of the Council was qualified to address the representation and governance issues that may arise with respect to the matters under review, and, in the first instance, to prepare a Representation Options Paper (the **Options Paper**) for the Council's consideration.

A copy of the relevant page of the Minutes for the Council meeting of 22 September 2020 is **Appendix B**.

Pursuant to section 12(5) and (6) of the Act, the Council caused to be prepared an Options Paper, which provided the following options for consideration as to the Council's composition and structure:

- Option 1 – Existing Structure - No Wards – 10 Councillors
- Option 2 – No Wards – 11 Councillors
- Option 3 – Five (5) Wards – 10 Councillors
- Option 4 – Three (3) Wards – Nine (9) Councillors

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At Agenda item 11.2 at its meeting of 23 March 2021, the Council resolved to endorse the four (4) proposed options for the purposes of the public consultation process and endorsed the engagement approach, set out in the Agenda report for the item.

Pursuant to section 12(7) and (8) of the Act, the Council then undertook public consultation in relation to the Options Paper, to seek the views of electors, residents, ratepayers and interested persons on the Council's elected representation structure.

A copy of the relevant page of the Minutes from the Council meeting of 23 March 2021 is **Appendix C**.

A copy of the Agenda report for item 11.2, and the Options Paper, as adopted, is **Appendix D**.

This first round of public consultation, as part of the Council's Representation Review process, commenced on Thursday 8 April 2021, by way of Notice published in the Gazette, and concluded on Thursday 20 May 2021.

Notice of this public consultation was also published in *The Advertiser*, being a local newspaper circulating in the Council area, on Thursday 8 April 2021.

A copy of the public consultation notifications are **Appendix E**.

In addition, to these statutory publication requirements, the public consultation process also included:

- early communication in *The Bunyip*, a local newspaper, on Thursday 1 April 2021 of the process;
- *Your Voice Gawler* consultation platform, including information, online submissions and online questions lodgement;
- video recordings by the Mayor to increase awareness and community participation;
- information at Council's various customer service positions;
- Social Media posts; and
- a direct link on the Council's webpage to the Options Paper, and information regarding the Review.

During the initial consultation period, a copy of the Options Paper was also available to view at the Gawler Administration Centre, located at 43 High Street, Gawler East, and was available for download from the Council's website.

Responses to the Options Paper were invited by electronic submission through the *Your Voice Gawler* function on the Council's website, email or hard copy submitted to the Council.

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### 4 FIRST PUBLIC CONSULTATION – OPTIONS PAPER

#### 4.2 Community Response

The Council received five (5) submissions as part of its public consultation in response to the Options Paper, four (4) of which were received through *Your Voice Gawler* and one (1) was emailed direct to an elected member.

A copy of the submissions received are **Appendix F**.

The preferred option and stated reasons for preferring the nominated option/s are set out below in **Table 1**.

**Table 1:** Summary of submissions received

Name and suburb	Response to Options	Reasons for Preference
Ralph Perry Suburb not stated	Option 2	<p>I see merit in maintaining the existing area representation as it will be consistent with town growth.</p> <p>Whilst no mention is made of time required to carry out the job of Councillor or Mayor, I suspect the position of Mayor requires considerable time and therefore if a leader is selected from the elected Councillors then this position may not be able to be fulfilled to its requirements.</p> <p>Staying with the Mayoral position being elected by the ratepayers gives more flexibility and assurance the position will be filled in the best interests of the town.</p> <p>Increasing the number of Councillors to eleven would avoid a split vote, would be a minor increase in expenditure and remove the concentrated power that exists for the Mayor at present.</p> <p>The leader can still present a strong argument during discussion of a topic and if successful will be reflected in the final vote.</p>
Not provided	Option 1	<p>I think the current system is best for Gawler and the town's residents, businesses and ratepayers, and we should not have a ward system.</p> <p>For me, the benefits for the current system outweigh those for the ward system, and the ward system has significant disadvantages (as outlined in the report).</p> <p>The main disadvantage of the ward system would be that individuals with outlying views and restricted</p>

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		<p>interests are more likely to be elected.</p> <p>The current system is more likely to produce a Council with a cohesive approach, as the councillors are elected to represent us all.</p>
Not provided	<p>Preference for Wards (Option 3)</p> <p>Number of Councillors not specified</p>	<p>I am supportive of a Ward structure. This makes it clear which Councillor to contact in case of concerns and gives councillors an area to represent.</p> <p>If Wards are to be introduced it is important that boundaries not be arbitrary. They need to take into account existing suburbs, communities and infrastructure.</p>
Not provided	Option 3	<p>The current method of appointment of Mayor is adequate and represents the community. The number of Councillors is appropriate for the Gawler population.</p> <p>The Council should have Wards and Councillors elected from the Wards, as this will reflect concerns of each area within Gawler.</p> <p>Where representation in Council is from those living in one area of Gawler the needs of other areas will be of less priority.</p> <p>In the past Councillors were elected from Wards, why not reuse these names for these Wards. If there are several persons from one Ward running that's great, let the population decide who is their preference. Please don't reinvent what has occurred in the past. unless I am misguided Gawler Council always had Wards- let's look to the past to guide the future please</p>
David Schwartz Suburb not stated	<p>Preference for Wards (Option 3)</p> <p>Number of Councillors not specified</p>	<p>I would like to see Wards introduced into the Gawler Council. This then should be sent to every household so we know who is our Council contact as at the moment we do not have a personnel contact.</p> <p>When we lived in Salisbury Council area we had a Ward Councillor and were given their contact details to contact them with any questions. It worked rely well</p> <p>The system that I have is that the Council have their elections for councillors and then when the election is over the Mayor would allocate a councillor to a ward.</p> <p>They will possibly not live in that ward but that would be their responsibility to represent that area.</p>

## 4.2 Analysis of Feedback Responses

Whilst the number of submissions received (five (5) in total) cannot be considered to reflect the attitudes of the whole community, which comprises approximately 18,364 electors<sup>1</sup>, the Council is still required to consider this information in gaining some insight into the views of the community and its preferred composition and structure of the Council's representative body.

The submissions received can be summarised as follows:

- two (2) in support of maintaining the existing no Ward structure, with one of those supporting an increase in the number of Councillors by one (1);
- three (3) supporting the creation of a Ward structure, with the existing number of Councillors<sup>2</sup>.

However, one of these submissions predicated the proposed 'Ward' structure on the basis that the Mayor would 'allocate' Councillors to Wards, rather than candidates nominating for election in a particular Ward at the Local Government General Elections. This is not a 'Ward' system recognised under the Act, but rather, an informal manner in which the Council may wish to allocate 'areas of interest' to Councillors.

Two (2) of the submissions received directly addressed the issue of retaining a Mayor, elected from the Council area as a whole, with a third submitting '*I think the current system is best ...*' and a fourth referencing retention of the Mayor.

Of the feedback received from members, all expressed a preference to retain a Mayor.

Based on the feedback received, there is a strong preference to retaining the Principal Member as a Mayor, elected from the community as a whole, rather than a Chairperson elected from the elected member body.

As to representation, four (4) of the consultation responses received supported maintaining the existing number of Councillors, only one (1) supported an increase in representation.

As reported in the Options Paper (Part 7) with respect to feedback received from the members on this point:

*Only 28% of the responses supported an increase in Councillor numbers, with 72% of Councillors specifying that they considered the current number of 10 Councillors provided adequate and fair representation to the community.*

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<sup>1</sup> ECSA – 28 January 2021

<sup>2</sup> Two (2) of the feedback responses supported the creation of Wards, without otherwise specifying how many Councillors under the proposed composition. It has been assumed the existing number of Councillors was preferred, and hence, these responses have been considered as supportive of Option 3.



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Taken together, this indicates a strong preference to retain the existing number of Councillors in the Council's composition.

As to the option of Wards, or no Wards, the consultation feedback received was split in this respect, with two (2) submissions in support of creating Wards, two (2) in support of the current structure, and one (1) submission proposing a 'quasi' Ward structure whereby the Mayor would allocate members to 'areas of interest'.

It is to be noted the existing structure has the support of the elected member body. As reported in the Options Paper (Part 7) in summarising the responses received from members:

*Responses, were divided with respect to the concept of retaining a no Ward structure, with 43% of responses supporting the retention of the existing, no Ward structure, 43% supporting the creation of Wards and 14% supporting the position that if the Council's Boundary Reform proposal were to be accepted, then it would be appropriate after that time to consider whether a Ward structure was suitable.*

That is, whilst the outcome of the Council's Boundary Reform proposal is yet to be determined, 57% of response from the elected member body support retaining the existing structure.

### 4.3 Key Community Issues

The submissions received did not raise any specific key community issues. However, as noted above, a relevant consideration for the Council as part of this Review, is its concurrent Boundary Reform proposal. If the Council determines to re-introduce a Ward structure now, then in accordance with section 33 of the Act, the structure must incorporate Wards with an equitable distribution of electors in terms of elector numbers and ratios across Wards.

However, in that instance, if its Boundary Reform proposal is subsequently accepted, then this will almost certainly trigger a notification from ECSA under section 12(24) of the Act, requiring the Council to undertake a further Review, to ensure the Ward quotas do not vary from the permissible tolerances under the Act.

The Council abolished Wards in 2000 and the current structure and composition of Councillors being elected from the Council area as a whole, is consistent with the majority of the comparison councils, referred to in the Options Paper.

There is good reason for the Council, as a responsible public authority, charged with the expenditure of finite public funds, to retain its existing structure and composition as part of this Review process.

## 5 REPRESENTATION REVIEW REPORT

Following which, a report was prepared for Agenda item 11.2 for the Council's consideration at its meeting of 25 May 2021. The Report contained a copy of a draft Representation Review Report.

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When the Council reached the item in question, following is consideration of the same, the Council resolved to adopt the Representation Review Report for the purposes of the second public consultation process. The Council also endorsed the Representation Community Engagement Approach, set out in the Agenda report.

A copy of the relevant page of the Minutes for the Council meeting of 25 May 2021 is **Appendix G**.

A copy of the Agenda report for item 11.2, and the Representation Review Report, as adopted for the purposes of the second public consultation process, is **Appendix H**.

In accordance with the Council's resolution, and pursuant to section 12(9) of the Act, the second public consultation on the Representation Review Report commenced on Thursday 3 June 2021, by Notice published in the Gazette dated 3 June 2021, for a period of three (3) weeks, concluding on Thursday 24 June 2021.

Notification of the second public consultation was also published in *The Bunyip Gawler*, being a local newspaper circulating in the Council area on Wednesday 2 June 2021.

A copy of the public consultation notifications are **Appendix I**.

In addition to these statutory publication requirements, the public consultation process included:

- early communication in *The Bunyip*, a local newspaper, on Wednesday 2 June 2021 of the process;
- *Your Voice Gawler* consultation platform, including information, online submissions and online questions lodgement;
- information at Council's various customer service positions;
- Social Media posts; and
- a direct link on the Council's webpage to the Options Paper, and information regarding the Review.

During the second consultation period, a copy of the Options Paper was also available to view at the Gawler Administration Centre, located at 43 High Street, Gawler East, and was available for download from the Council's website.

Responses to the Representation Review Report were invited by electronic submission through the *Your Voice Gawler* function on the Council's website, email or hard copy submitted to the Council.



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### 6. SECOND PUBLIC CONSULTATION – REPRESENTATION REVIEW REPORT

There were **no submissions** received in response to the second public consultation process.

### 7. REPRESENTATION STRUCTURE PROPOSAL

After considering and taking into account sections 12, 26 and 33 of the Act, the proposed Options, the supporting information provided in the Options Paper and Representation Review Report, and the submissions received during the first and second public consultation processes, the Council proposes to **retain its existing structure and composition** in accordance with Option 1, being:

- a Mayor elected by electors from the whole Council area;
- No Wards; and
- 10 Councillors.

Based on the most recent figures provided by ECSA, current as at 28 January 2021, the number of electors in the Council area is 18,364.

This provides for an elector ratio, without the Mayor, of **1:1,836** or 1:1,669 including the Mayor.

### 8. PROPOSAL RATIONALE

#### 8.1 Council Name

The *Municipality of the Town of Gawler* was first proclaimed on 9 July 1857.

The Council name was changed to the *Town of Gawler*, in accordance with section 13 of the Act, by Gazette Notice published on 24 April 2003.

The elected member body has indicated it is not contemplating a change to the name of Council at this time. None of the submissions received suggest that the name of the Council should be reviewed.

As the name of Council has no impact upon the provision of fair and adequate representation, no changes to the name of the Council are proposed as part of this Review.

#### 8.2 Composition

##### 8.2.1 Mayor or Chairperson

The Council has the option of:

- a Mayor elected by electors from the whole of the Council area; or
- a Chairperson appointed by, and from within, the elected member body for a period of no more than four (4) years, with the title of

## Kelley Jones

either Chairperson (as provided for under the Act) or another title determined by the Council (refer section 51(1)(b) of the Act).

The roles and responsibilities of the Principal Member are the same for both a Mayor and Chairperson. The difference between the positions is the manner in which they are elected, or appointed, the terms of office, and voting rights, including:

- a Mayor is elected for a term of four (4) years, whereas a Chairperson has a term decided by the Council which cannot exceed four (4) years (in other words appointment could be for a shorter period);
- if a candidate running for the position of the Mayor is unsuccessful during an election, they cannot also concurrently be considered as a Councillor and their expertise will be lost;
- a Mayor does not have a deliberative vote in a matter being considered by the Council, as governing body, but where a vote is tied, has a casting vote;
- whereas a Chairperson has a deliberative vote, but not a casting vote.

There are advantages and disadvantages to both options. It is a matter of opinion and judgement as to which option is appropriate for the Council.

Whilst one (1) of the submissions did not address, the other four (4) submissions received were in favour of continuing with an elected.

The members consider that having an elected Mayor has served the Council and community well and should continue.

Taking into account the submissions received, as well as the above factors, the Council proposes to continue to have a Mayor, elected from the Council area as a whole.

### 8.2.2 Ward Structure

'Ward' is the name given to an electoral division within a council area in South Australia. Wards exist solely for electoral purposes and are similar in concept to electorates in the Federal and State Parliaments.

The Council has considered three (3) options in relation to Wards:

- continue with No Wards;
- create five (5) Wards; or
- create three (3) Wards.

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The Council's decision in relation to Wards may also impact on the number and manner in which Councillors can be elected, that include:

- from within Wards as Ward Councillors;
- across the whole Council area as Area Councillors; or
- a combination of Ward Councillors and Area Councillors.

There is no difference in the roles and responsibilities of Councillors elected as Ward Councillors and those elected as Area Councillors, save for, Ward Councillors are generally understood to have specific expertise and experience in their particular Ward and are considered to be representative of those electors, residents and ratepayers in that Ward.

However, there is no impediment to a member of the community approaching another Councillor, from outside of their Ward.

The Council proposes to continue with its current structure of No Wards.

In making this decision, the Council has considered the arguments in favour of the options available to it, as set out under the Options Paper, along with the submissions received as part of its public consultation, which, together with the feedback from the elected member body, was supportive of maintaining the existing no Ward structure.

In doing so, the Council was also mindful of its concurrent Boundary Reform proposal.

If the Council re-introduced a Ward structure now, then if the Boundary Reform proposal is accepted, this will almost certainly trigger a notification from ECSA under section 12(24) of the Act, requiring the council to undertake a further Review.

The Council abolished Wards in 2000 and the current structure and composition of Councillors being elected from the Council area as a whole, is consistent with the majority of the comparison councils, referred to in the Options Paper, and at **Table 2** below.

The Council has determined, at this time, to maintain its existing no Ward structure.

### 8.2.3 Area and Ward Councillors

In which instance, there is no need for the Council to undertake a considered analysis as to Ward Councillors.

However, for the avoidance of doubt, in determining to retain a no Ward structure, the Council considered the following factors:

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- it can be more accessible for members of the community to approach and talk to Area Councillors;
- an election across the whole Council area provides electors with greater choice in relation to ideas and skills of individual candidates;
- voters are able to vote for the best, or preferred, candidates, rather than being restricted to candidates within their Ward;
- smaller communities can still have local candidates elected by running a strong campaign;
- Councillors are likely to take a whole of Council approach to matters rather than, arguably, a narrower 'Ward' view. That is, a perception that the Area Councillor is free from localised Ward attitudes and responsibilities;
- postal voting and use of technology in elections makes it easier for people to serve as Councillors to the whole Council area; and
- there is no requirement to maintain a quota of electors to Councillors, as is required with Wards. This is an important consideration for the Council as part of its current Representation Review.

As to the number of Councillors, there are two (2) key factors that the Council must consider in relation to the number of Councillors:

- whether the current number of Councillors (10) has an impact on decision making by the Council; and
- ensuring adequate and fair representation, whilst avoiding overrepresentation in comparison to other councils of a similar size and characteristic.

The Council's proposal is to continue with 10 Councillors, to be elected from the Council area as a whole.

In relation to the consideration of adequate and fair representation, the following **Table 2** represents information regarding other *Urban Fringe Small* councils (Barossa and Alexandrina), as well as neighbouring councils (Light Regional) and those with similar composition and elector ratios (Mount Gambier, Murray Bridge, Prospect and Whyalla).

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**Table 2 - Representation Quotas 2019-2020 Local Government Association of SA prepared by ECSA, as at 28 February 2020.**

Council	Councillors	Principal Member	Electors	Wards	Ratio inc Mayor
Alexandrina Council	11	Mayor	20,830	5	1:1,735
Barossa Council	11	Mayor	17,947	0	1:1,495
<b>Town of Gawler</b>	<b>10</b>	<b>Mayor</b>	<b>17,914</b>	<b>0</b>	<b>1:1,628</b>
Light Regional Council	10	Mayor	10,536	4	1:957
City of Mount Gambier	8	Mayor	19,391	0	1:2,154
Rural City of Murray Bridge	9	Mayor	14,625	0	1:1,462
City of Prospect	8	Mayor	14,825	4	1:1,647
City of Whyalla	9	Mayor	15,369	0	1:1,536

The comparison table indicates, of the comparison councils, that:

- all opt to elect a Mayor, rather than a Chairperson;
- only three (3) out of the eight (8) councils have Wards, that is, 62% of the comparison councils have a no Ward structure;
- the number of Councillors is relatively constant across all councils, ranging range from eight (8) to 11;
- the ratio of electors to Councillors ranges from 1:957 to 1:2,154, with an average of 1:1,576 (including the Mayor).

The Council compares favourably in its elector ratios, sitting almost precisely at the average of elector ratios for all eight (8) councils, placing it mid-range in terms of its current Councillor representation ratio.

The Council's view is that, although this is an even number of Councillors, coupled with the Mayor, who has a casting vote, this number is appropriate and does not hinder the ability of the Council in its decision-making functions.

A copy of the Council's current Supplementary Role is **Appendix J**.

### 9. LEGISLATIVE PRINCIPLES TO BE CONSIDERED

In arriving at the abovementioned position, there are a number of legislative requirements that the Council is also required to take into consideration, including the objectives contained at section 26(1)(c) of the Act, and the considerations provided under section 33 of the Act.

#### 9.1 Section 33 of the Act

In determining to retain its current structure of no Wards, the Council has taken into account the considerations under section 33 of the Act.

## Kelley Jones

Section 33(2) of the Act provides that if a proposal relates to the formation of Wards, the Council must also observe the principle that the number of electors represented by a Councillor must not vary from the Ward quota by 10 per cent.

The Council abolished Wards in 2000 and the current structure and composition of Councillors being elected from the Council area as a whole, is consistent with the majority of the comparison councils (refer **Table 2**).

If the Council determines to re-introduce a Ward structure, then the structure must incorporate Wards with an equitable distribution of electors in terms of elector numbers and ratios across Wards. However, in that instance, if its Boundary Reform proposal is accepted, then this will almost certainly trigger a notification from ECSA under section 12(24) of the Act.

That is, if Wards are to be established as part of this Review process, the Council will be required to consider the quota tolerances provided for at section 33(2) of the Act.

This section provides that the formation of Wards must observe the principle that the number of electors represented by a Councillor must not, at the relevant date (being the date on which the structure is to be implemented) vary from the Ward quota by more than 10 per cent.

The practical effect of this, is that any one Ward Councillor must not have plus or minus more than 10 per cent of electors in their Ward, as compared with other Ward Councillors.

In which case, if the Boundary Reform proposal is subsequently accepted, and additional land (and, hence, electors) are transferred into the Council area, then section 12(24) of the Act states the Electoral Commissioner will notify the Council when the number of electors represented by a Councillor for a Ward is varied from the Ward quota by more than 20 per cent, **requiring the Council to undertake a further review**.

For this reason, the Council's proposed Boundary Reform process is a relevant consideration in determining whether to adopt a Ward structure. Adopting a Ward structure now will almost invariably result in additional cost for the Council in undertaking a further Review process, prior to its next relevant period.

Conversely, if the Council maintains its current no Ward structure, any subsequent fluctuation in elector numbers, following the completion of the Boundary Reform process (if the proposal is accepted), will be automatically absorbed and the elector ratio adjusted accordingly, as specified quota tolerance limits do not apply.

### 9.2 Section 26 of the Act

Section 26(1)(c) of the Act requires that a number of broader principles are to be considered during the Review process, including:



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- the desirability of avoiding significant divisions within the community;
- proposed changes should, wherever practicable, benefit ratepayers;
- a council having a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
- a council should offer its community a reasonable range of services delivered efficiently, flexibly, equitably and on a responsive basis;
- a council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations; and
- ensure that local communities can participate effectively in decisions about local matters;
- residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided.

The proposed adopted composition and structure of the Council's elected representation is considered to comply with these legislative provisions, specifically in:

- ensuring there are a sufficient number of Councillors to undertake their representative roles fairly, effectively and efficiently;
- little to no detrimental impact upon ratepayers and/or existing communities of interest;
- continuing to provide adequate and fair representation to all electors;
- ensuring that communities, through its elected representation, can participate in decision making; and
- compares favourably with the composition, structure and elector ratios of other Councils of a similar size (in terms of elector numbers) and characteristics.

### 9.2.1 Demographic Trends

Demographic trends are a relevant consideration for the Council, being indicative of the potential for an increase in the population of the Council area, and/or of electors to the Council area.

As the Council, currently, is not divided into Wards, there are no issues of Ward quotas that arise for consideration with any population increases.



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The 30 Year Plan for Greater Adelaide (**Plan**), released in February 2010 and most recently updated in 2017, anticipates an additional 74,400 people and 30,500 dwellings in the Barossa Region (which includes the Council area) by the year 2038. In respect of the Council area, the Plan designates most of the land outside built-up areas as 'planned urban lands to 2038'.

The Plan provides for 24% of development occurring in greenfield periphery townships or rural areas. The Council area has approximately 350 hectares of greenfield land zoned as residential and 100 hectares of land zoned deferred urban.

This data suggests there is the potential for a significant increase in elector numbers throughout the Council area in the foreseeable future, as a consequence of new or on-going residential development.

While the extent and timing of such is difficult to determine with any certainty, noting, as above, that an increase in population does not automatically translate to a proportionate increase in elector numbers, this is certainly a relevant consideration to take into account, in maintaining a no Ward structure at this time.

### 9.2.2 Population Data and Projections

To supplement this Census Data, the Department for Infrastructure and Transport (formally the Department for Planning, Transport and Infrastructure), prepared population projections for South Australia, released in December 2019 - *Local Government Area Projections 2011 – 2036*.

The estimated population projections for the Council area are as follows:

- 2021 26,770;
- 2026 30,004 (+3,234);
- 2031 33,583 (+3,579); and
- 2036 37,246 (+3,663).

These estimates project an increase in population for the Council, which will result in an increase in elector numbers and elector ratios overall (although, not necessarily in a proportionate manner).

However, population projections must always be cautiously considered, based on the date when the data was collected, and applying assumptions about future fertility, mortality and migration.

The data should be interpreted having regard to the Council's own knowledge about its area, as well as anticipated population changes.

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### 9.2.3 Communities of Interest

Communities of interest are factors relevant to the physical, economic and social environment, and include consideration and analysis of:

- neighbourhood communities;
- history/heritage of the Council area and communities;
- sporting facilities;
- community support services;
- recreation and leisure services and centres;
- retail and shopping centres;
- industrial and economic development; and
- environmental and geographic areas of interest.

The *ABS 2016 Census of Population and Housing* data confirms that of the 23,034 residents of the Council area (as at that Census), 76.4% identified their birthplace as Australia and 10% identified their birthplace as England.

The most common countries of birth outside of Australia were England (10%), Scotland (0.9%), New Zealand (0.7%) Italy (0.6%) and Germany (0.5%).

This suggests a relatively homogenous population, but also, one in which communities of interest may potentially be overlooked if Councillors are not mindful of the same.

Local knowledge is always the best tool to identify and determine communities of interest, along with development characteristics of the Council area.

### 9.2.4 Topography

The Council is constituted of an area of approximately of 41.1 km<sup>2</sup> and has a population of approximately 23,034 (*ABS 2016 Census of Population and Housing Gawler (T) (LGA42030)*), of which ECSA (28 January 2021) has confirmed 18,364 are counted as electors, for the purposes of the Review process.

It is one of the first country townships established in South Australia, with the first European settlers arriving in February 1839.

The Council is a key regional and cultural centre for communities north of Adelaide, and contains a mix of residential, industrial, commercial and

## Kelley Jones

rural lands, providing residents, ratepayers and electors with the benefits of country living, together with town services and easy access to city facilities.

Topography and size of the Council is not considered to be prohibitive on the ability of Councillors to meet the demands of the community. The size of the population, together with the density, is a relevant factor that has been taken into consideration when determining the future representative composition and structure for the Council.

### 9.2.5 Communication

The Council considers that the retention of the existing level of representation will continue to provide adequate and proven lines of communication between the elected member body of Council and the community.

### 9.2.6 Adequate and Fair Representation

For the reasons set out at Part 4 of this Report, the Council is confident that its proposed representation composition and structure will continue to:

- provide an adequate number of Councillors to manage and meet the demands of its community and give effect to its representative role under the Act;
- provide an appropriate level of elector representation for local areas;
- maintain desired diversity in the skill set, experience and expertise of the elected member body; and
- ensure adequate lines of communication between the community and the Council.

## 10 CONCLUSION

This Report has been prepared to provide information on:

- the process undertaken by the Council in conducting its Representation Review;
- the Council's adopted Option, and the rationale for selecting the adopted composition and structure; and
- setting out the next steps, including providing this Report to ECSA.

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### 10.1 Preferred Composition and Structure

The Council proposes to **continue with its current composition and structure**, depicted in **Option 1**, being:

- the Principal Member of the Council to continue to be a Mayor, elected by the Council area as a whole;
- no Wards; and
- the elected body of the Council to continue to comprise a total of 10 Councillors., elected from the Council area as a whole.

### 10.2 Next Steps

This Report is now to be referred to the ECSA, for review and determination that the requirements in the Act have been satisfied in accordance with section 12(12) of the Act.

If the ECSA is satisfied that the requirements have been met, the Council will be issued with a certificate of compliance. Once a certificate is obtained from ECSA, the Council is required to publish a notice in the Gazette, notifying of the operation of the proposal set out in this Final Review Report.

Any changes as a result of the Review take effect from polling date for the next periodic Council election, to be held in November 2022, although other dates may apply in certain circumstances in accordance with section 12(18) of the Act.

This concludes the Council's Representation Review Process.

**Kelley Jones**

**APPENDIX A**

## APPENDIX A

No. 58 p. 3796

THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

9 July 2020

## LOCAL GOVERNMENT ACT 1999

## NOTICE OF DETERMINATION OF RELEVANT PERIOD

*Review of Council Compositions and Wards*

Pursuant to section 12(4) of the *Local Government Act 1999* and Regulation 4 of the *Local Government (General) Regulations 2013*, I, Stephan Karl Knoll, Minister for Transport, Infrastructure and Local Government in the state of South Australia, hereby revoke the Notice of Determination of Relevant Period published in the *Government Gazette* on 1 August 2019, pages 2883 to 2885 (inclusive) and determine the relevant period for the next review of council compositions and wards, to be the date as contained in the table listed hereunder.

Council	Last Review	Next Review Period
Adelaide	19/11/2013	June 2020–October 2021
Adelaide Plains	26/11/2013	June 2020–October 2021
Alexandrina	26/11/2013	June 2020–October 2021
Burnside	8/01/2013	June 2020–October 2021
Charles Sturt	5/09/2013	June 2020–October 2021
Coorong	18/09/2013	June 2020–October 2021
Flinders Ranges Council	14/05/2013	June 2020–October 2021
Goyder	16/08/2013	June 2020–October 2021
Light	14/11/2013	June 2020–October 2021
Marion	27/11/2013	June 2020–October 2021
Mid Murray	05/11/2013	June 2020–October 2021
Mitcham	12/11/2013	June 2020–October 2021
Mount Remarkable	29/11/2013	June 2020–October 2021
Murray Bridge	8/07/2013	June 2020–October 2021
Robe	18/09/2013	June 2020–October 2021
Unley	19/08/2013	June 2020–October 2021
Elliston	14/11/2013	October 2020–October 2021
Franklin Harbour	9/07/2013	October 2020–October 2021
Gawler	26/11/2013	October 2020–October 2021
Holdfast Bay	5/11/2013	October 2020–October 2021
Mount Barker	26/08/2013	October 2020–October 2021
Port Pirie	05/11/2013	October 2020–October 2021
Prospect	28/11/2013	October 2020–October 2021
Streaky Bay	28/11/2013	October 2020–October 2021
Tatiara	05/11/2013	October 2020–October 2021
Tumby Bay	12/11/2013	October 2020–October 2021
Wakefield Regional	26/11/2013	October 2020–October 2021
Wattle Range	26/08/2013	October 2020–October 2021
West Torrens	06/11/2013	October 2020–October 2021
Wudinna	26/08/2013	October 2020–October 2021
Yorke Peninsula	19/11/2013	October 2020–October 2021
Adelaide Hills	30/11/2017	April 2024–April 2025
Barossa	1/05/2017	April 2024–April 2025
Berri Barmera	29/06/2017	April 2024–April 2025
Campbelltown	1/05/2017	April 2024–April 2025
Clare & Gilbert Valleys	7/07/2017	April 2024–April 2025
Grant	8/05/2017	April 2024–April 2025
Kangaroo Island	14/02/2017	April 2024–April 2025
Kimba	5/06/2017	April 2024–April 2025
Mount Gambier	1/05/2017	April 2024–April 2025
Northern Areas	21/08/2017	April 2024–April 2025
Norwood, Payneham & St Peters	31/08/2017	April 2024–April 2025
Onkaparinga	7/12/2017	April 2024–April 2025
Playford	16/10/2017	April 2024–April 2025
Port Adelaide Enfield	3/07/2017	April 2024–April 2025
Port Lincoln	6/04/2017	April 2024–April 2025
Salisbury	21/11/2017	April 2024–April 2025
Southern Mallee	1/06/2017	April 2024–April 2025
Victor Harbor	27/07/2017	April 2024–April 2025
Yankalilla	27/07/2017	April 2024–April 2025
Barunga West	31/07/2017	October 2024–October 2025
Ceduna	5/10/2017	October 2024–October 2025
Cleve	26/10/2017	October 2024–October 2025
Coober Pedy	21/11/2017	October 2024–October 2025
Copper Coast	3/10/2017	October 2024–October 2025
Karoonda East Murray	6/11/2017	October 2024–October 2025
Kingston	4/09/2017	October 2024–October 2025
Lower Eyre Peninsula	26/10/2017	October 2024–October 2025
Loxton Waikerie	31/07/2017	October 2024–October 2025
Naracoorte Lucindale	4/09/2017	October 2024–October 2025
Orroroo Carrieton	6/11/2017	October 2024–October 2025
Peterborough	15/12/2017	October 2024–October 2025
Port Augusta	3/10/2017	October 2024–October 2025
Renmark Paringa	3/10/2017	October 2024–October 2025
Tea Tree Gully	28/11/2017	October 2024–October 2025
Walkerville	26/10/2017	October 2024–October 2025
Whyalla	21/11/2017	October 2024–October 2025

Dated: 7 July 2020

HON STEPHAN KNOLL MP  
Minister for Transport, Infrastructure and Local Government  
Minister for Planning

**Kelley Jones**

**APPENDIX B**



**RESOLUTION 2020:09:COU379**

Moved: Cr D Fraser

Seconded: Cr K Goldstone

1. Pursuant to Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the:

- The minutes
- The written report
- Attachments to the written report

associated with Item 18.2 Potential to Purchase Property - Corner High Street and Lyndoch Road Gawler, having been considered by the Council in confidence under Section 90(3)(b)(i) be kept confidential and not available for public inspection until settlement, on the basis that the information received, discussed and considered in relation to this agenda item is:

information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.

Specifically, the matter relates to commercial advantage

2. Further that Council delegates the power to revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.
3. All confidential orders will be reviewed at least annually in accordance with the *Local Government Act 1999*.

**CARRIED**

At 9.54pm the confidential session concluded.

**18.3 REPRESENTATION REVIEW****RESOLUTION 2020:09:COU380**

Moved: Cr D Hughes

Seconded: Cr P Little

**18.3 Representation Review**

That:

1. Pursuant to Section 90(3) (k) of the *Local Government Act 1999* (the Act), the Meeting orders that the public be excluded from attendance at this part of the meeting relating to Item 18.3, excepting the following persons:
  - Chief Executive Officer
  - Manager Development, Environment & Regulatory Services
  - Manager Infrastructure & Engineering Services
  - Manager Finance & Corporate Services
  - Manager Business Enterprises & Communications
  - Manager, Library and Community Services
  - Minute Taker

## Ordinary Council Meeting Minutes

22 September 2020

to enable the Meeting to consider Item 18.3 in confidence on the basis that the Meeting considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item 18.3:

- (k) tenders for the supply of goods, the provision of services or the carrying out of works

Specifically, the matter relates to contains commercial in confidence information

2. Accordingly, on this basis, the principle that meetings of the Council Meeting should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

**CARRIED**

At 9.55pm confidential session commenced and there were no members of the public in the gallery

**RESOLUTION 2020:09:COU381**

Moved: Cr B Sambell

Seconded: Cr D Hughes

That Council:-

1. Notes the Electoral Representation Review report.
2. Notes the Electoral Representation Review commencement.
3. Appoints Kelledy Jones Lawyers to undertake the Electoral Representation Review process.

**CARRIED****RESOLUTION 2020:09:COU382**

Moved: Cr K Goldstone

Seconded: Cr P Little

1. Pursuant to Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the:

- The written report
- Attachments to the written report

associated with Item 18.3 Representation Review, having been considered by the Council in confidence under Section 90(3)(k) be kept confidential and not available for public inspection until upon completion of the Representation review process, on the basis that the information received, discussed and considered in relation to this agenda item is:

tenders for the supply of goods, the provision of services or the carrying out of works.

Specifically, the matter relates to contains commercial in confidence information

2. Further that Council delegates the power to revoke, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.
3. All confidential orders will be reviewed at least annually in accordance with the *Local Government Act 1999*.

**CARRIED UNANIMOUSLY**

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Ordinary Council Meeting Minutes

22 September 2020

AT 9.58PM THE CONFIDENTIAL SESSION CONCLUDED.

**19 CLOSE**

The Meeting closed at 9.59pm.

**20 NEXT ORDINARY MEETING**

Tuesday 27 October 2020 commencing at 7:00pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 27 October 2020.

.....  
**CHAIRPERSON**

**Kelley Jones**

**APPENDIX C**

Ordinary Council Meeting Minutes

23 March 2021

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**11.2 REPRESENTATION REVIEW OPTIONS PAPER**

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**RESOLUTION 2021:03:COU090**

Moved: Cr C Davies

Seconded: Cr K Goldstone

That Council:-

1. Notes the Representation Review Options Paper report.
2. Endorses the Representation Options Paper as per Attachment 1 to this Report for the purposes of public consultation.

**CARRIED**

Cr Tooley called a division.

The Mayor declared the vote set aside.

In Favour: Crs C Davies, D Fraser, K Goldstone, D Hughes, P Koch, B Sambell and N ShanksAgainst: Cr I Tooley**CARRIED 7/1**

The Mayor declared the vote CARRIED.

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**FORMAL MOTION - THAT THE QUESTION BE PUT**

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**RESOLUTION 2021:03:COU091**

Moved: Cr D Hughes

Seconded: Cr P Koch

That the Question be put.

**CARRIED**

Cr Tooley called a division.

The Mayor declared the vote set aside.

In Favour: Crs C Davies, D Fraser, K Goldstone, D Hughes, P Koch and B SambellAgainst: Crs N Shanks and I Tooley**CARRIED 6/2**

The Mayor declared the vote CARRIED.

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**MOTION**

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**Kelley Jones**

**APPENDIX D**

**11.2 REPRESENTATION REVIEW OPTIONS PAPER****Record Number:** CC21/46;IC21/108**Author(s):** Kate Leighton, Governance Coordinator**Previous Motions:** Nil**Attachments:** 1. **Town of Gawler - Representation Review Options Paper CR21/22415****OFFICER'S RECOMMENDATION****That Council:-**

1. **Notes the Representation Review Options Paper report.**
- 2 **Endorses the Representation Options Paper as per Attachment 1 to this Report for the purposes of public consultation.**

**SUMMARY**

Following the Council Member workshop held on 1 December 2020, the Town of Gawler's Draft Options Paper has now been drafted for review and feedback.

**BACKGROUND**

Council is required to undertake an Electoral Representation Review every 8 years and the Town of Gawler last conducted an Electoral Representation Review in 2013 with the assistance of a qualified consultant.

Pursuant to Section 12(4) of the Local Government Act 1999 and Local Government (General) Regulations 1999, the Minister must determine the relevant period for each Council to carry out a representation review. As gazetted by the Minister for Local Government, the Town of Gawler must review its composition and wards between October 2020 and October 2021.

The review process is a lengthy, multi-staged undertaking and the Act prescribes opportunities for members of the public to be involved at key times within the review to provide feedback to Council and involves the five stages detailed below.

The first stage of the review is the preparation of the Representation Options Paper. This paper gives councils and their communities the opportunity to review their current structure and composition and prepare alternative composition and structure options available for council to consider. The paper examines the advantages/disadvantages of the options for composition and structure available to the council.

Once approved by the Council community consultation will be undertaken with the public commencing with informing the public of the Representation Options Paper availability. The Representation Options Paper invites persons to make written submissions to the council for a period of six weeks. Consultation will include:

- Newspaper advertisement
- Your Voice Gawler consultation platform (including information, online submissions and online questions lodgement)
- Video recordings by the Mayor to increase awareness and community participation
- Information at Councils various customer service points.
- Social Media posts
- Website page



## Ordinary Council Meeting Agenda

23 March 2021

**COMMENTS/DISCUSSION**

Following the Council Member workshop and having considered the multiple of factors in the deliberations undertaken the consultants engaged have proposed the following four (4) options:

- Option 1 – No Wards – 10 Councillors (existing structure)
- Option 2 – No Wards – 11 Councillors (one (1) additional Councillor)
- Option 3 – Five (5) Wards – 10 Councillor (introduces Wards, with existing number of Councillors)
- Option 4 – Three (3) Wards – Nine (9) Councillors (introduces Wards and reduces Councillors by one (1). This has been included to demonstrate the Council has turned its mind to section 12 and 33 of the *Local Government Act 1999*)

Kelley Jones (the consultants engaged to undertake the review) have met with ESCA regarding the Representation Review processes.

The discussions had with ESCA has raised the desirability (or otherwise) of the Council considering a Ward structure, whilst its Boundary Reform proposal remains unfinalised.

As part of the Representation Review Council will need to turn its mind to whether it is most appropriate to remain an Area Council or if a Wards structure would be more suitable. The advice received is that if the Council were minded to consider Wards as part of this current representation review process, then if its Boundary Reform is accepted, it will almost certainly trigger the requirement for another Review. This is because the additional electors that will be 'brought in' as part of the Boundary Reform will require the Ward quota tolerances to be reviewed.

Before Council commenced with the Representation review process, contact was made with the ESCA to ascertain if Council could postpone the Representation review until the Boundary Reform Process had been completed. Council was advised that the two process could be undertaken simultaneously but that Council could not postpone the Representation Review as a result of potential boundary reform.

As Council is aware Council at its meeting on 15 December 2020 resolved as follows in respect to Council's boundary reform proposal.

RESOLUTION 2020:12:COU001

Moved: Cr D Hughes

Seconded: Cr P Little

*That Council :-*

1. *Notes that the staged approach to Boundary Reform includes a number of hold points requiring Council decisions.*
2. *Approves the submission of the Stage 2 General Proposal as provided as Attachment 1 to the Boundaries Commission for consideration with the Areas to be included in the Town of Gawler being:*
  - a. *Area 1- Concordia Growth Area*
  - b. *Area 2 – Hewett*
  - c. *Area 3 – Portion of Kalbeeba (including portion of Springwood)*
  - d. *Area 4 – Portion of Gawler Belt*
  - e. *Area 5 – Evanston Park*
  - f. *Area 6 – Reid*
  - g. *Area 7 – Hillier*

*and the Areas to be removed from the Town of Gawler being:*

  - h. *Area 8 – Portion of Bibaringa*
  - i. *Area 9 – Portion of Uleybury*
3. *Notes that a further report will be presented to Council when the Commission provides its assessment of Council's Stage 2 General Proposal and that this report will include the indicative costs of proceeding with the Stage 3 Investigation if the Commission determines that Council's Stage 2 Proposal for Boundary Change warrants investigation.*

## Ordinary Council Meeting Agenda

23 March 2021

4. *Notes that Council Staff have previously communicated an indicative \$250,000 for the Stage 3 Investigation however, this cost can only be determined by the Commission and will, if notified by the Boundaries Commission that Council's Stage 2 General Proposal warrants investigation, be further considered by Council as part of Council's 2021/22 Annual Budget deliberations.*

Council's administration has submitted the boundary reform proposal and we await a response accordingly.

**COMMUNICATION (INTERNAL TO COUNCIL)**

Chief Executive Officer  
Executive Team  
Governance Team

**CONSULTATION (EXTERNAL TO COUNCIL)**

Electoral Commission

**POLICY IMPLICATIONS**

Public Consultation Policy  
Procurement Policy

**RISK EVALUATION**

<b>Risk</b>	
Identify	Mitigation
Non-compliance with <i>Local Government Act 1999</i> .	Council will engage a suitable qualified person to undertake the review and ensure compliance with the <i>Local Government Act 1999</i> .
<b>Opportunity</b>	
Identify	Maximising the Opportunity
Ensure the most effective structure and composition of Council.	Undertaking this process allows Council to review the structure and composition of Council to ensure it best meets the needs of the Community.

**STATUTORY REQUIREMENTS**

*Local Government Act 1999* – Section 12 (4)  
*Local Government (General) Regulations 1999* – Section 4A

**FINANCIAL/BUDGET IMPLICATIONS**

\$20,000 was allocated in the current budget for the Periodical Representation Review. This allocation was an estimate based on previous years with a CPI contingency. The works undertaken to date by Kelliedy Jones Lawyers is estimated to total \$9,500 of the total budget not including staff time, advertisements and gazettal notices.

**COMMUNITY PLAN**

- 1.1 Gawler remains unique and distinct from its neighbouring areas
- 5.1 Be recognised as a best practice organisation delivering effective services and collaborating regionally



# **ATTACHMENTS**

**Ordinary Council Meeting**

**23 March 2021**

**Gawler**



## **REPRESENTATION OPTIONS PAPER**

### **Elector Representation Review**

**February 2021**

**Prepared by  
Kellady Jones**

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- 1. INTRODUCTION**
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  - 4.1 Mayor or Chairperson
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- 5. LEGISLATIVE PRINCIPLES AND MATTERS WHICH MUST BE CONSIDERED**
  - 5.1 Demographic Trends
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  - 5.4 Elector Representation and Ward Quotas
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- 6. WARD STRUCTURE OPTIONS**
  - 6.1 Principal Member
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- 7. OPTIONS**
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  - Option 2 – No Wards – 11 Councillors
  - Option 3 – Five (5) Wards – 10 Councillors
  - Option 4 – Three (3) Wards – 9 Councillors
- 8. SUMMARY**

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**APPENDIX A – GAZETTE NOTICE**

**APPENDIX B – TIMELINE FOR UNDERTAKING REPRESENTATION REVIEW**

**APPENDIX C – EXCERPTS FROM THE LOCAL GOVERNMENT ACT 1999**

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**Kelley Jones****Town of Gawler**

This paper has been prepared for the Town of Gawler (**Council**) for the purposes of section 12(5) of the *Local Government Act 1999 (Act)* by Kelley Jones Lawyers.

**Disclaimer**

This Options Paper has been prepared by Kelley Jones Lawyers for the Town of Gawler's Representation Review for use by the Council and its constituents. The opinions, estimates and other information contained in this Paper have been made in good faith and, as far as reasonably possible, are based on data or sources believed to be reliable. The contents of this Paper are not to be taken as constituting formal legal advice.

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### 1 INTRODUCTION

Councils in South Australia are required to undertake regular reviews of their elector representation arrangements (**Representation Review**). The Town of Gawler (**Council**) undertook its last Representation Review during the period October 2012 to October 2013.

In accordance with section 12(4) of the *Local Government Act 1999* (the **Act**):

*[a] review may relate to specific aspects of the composition of the council, or of the Wards of the council, or may relate to those matters generally, - but a council must ensure that all aspects of the composition of the council, and the issue of division or potential division, or the area of the Council into Wards, are comprehensively reviewed under this section at least once in each relevant period.*

Pursuant to regulation 4 of the *Local Government (General Regulations) 2013*, the relevant period for the Council to undertake its Representation Review was determined by the Minister, by notice in the Government Gazette (**Gazette**) on 9 July 2020.

A copy of the Gazette notice is contained in **Appendix A**.

In accordance with the Gazette notice, the relevant period for the Council to undertake its Representation Review is October 2020 to October 2021.

#### 1.1 Review Process

The process for the Representation Review requires the Council to undertake the following steps:

- 1.1.1 initiate the preparation of this, the Representation Options Paper (**Paper**), by a person who, in the opinion of the Council, is qualified to address the representation and governance issues that may arise with respect to the matters under review;
- 1.1.2 conduct the first round of public consultation on the Paper pursuant to section 12(7) of the Act. Consultation must be open for a minimum period of six (6) weeks;
- 1.1.3 consider the submissions made during the first public consultation and prepare a Representation Review Report, detailing the representation arrangements it favours, the reasons why and respond to issues raised during the first consultation;
- 1.1.4 conduct the second round of public consultation, providing an opportunity for people making submissions to be heard personally, or through a representative, on the Representation Review Report, by either the Council or a Committee of the Council. Consultation must be open for a minimum period of three (3) weeks with opportunities for verbal submissions to follow;

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- 1.1.5 adopt a representation structure;
- 1.1.6 prepare the final Representation Review Report;
- 1.1.7 submit the final Representation Review Report to the Electoral Commissioner of South Australia (ECSA) to obtain a certificate of compliance. If the certificate of compliance is not provided, the Council will be required to undertake further actions to meet the ECSA's requirements; and
- 1.1.8 place a notice in the Gazette providing for the operation of any proposal in the final Review Report for which the ECSA has provided a certificate of compliance.

If the Council wishes to change the method of selection of the principal member, to adopt a structure that appoints a Chairperson instead of an Elected Mayor, a poll must be held on that aspect of the Representation Review.

An indicative timeline for the Representation Review is contained in **Appendix B**.

Any changes as a result of the Representation Review take effect at the next Local Government general elections to be held in November 2022, subject to the operation of 12(18) of the Act.

This Paper has been prepared by Kelley Jones Lawyers and follows the framework included in the publication *Undertaking an Elector Representation Review: Guidelines for Councils* dated May 2016, prepared by the Electoral Commission of South Australia (ECSA).

### 1.2 Legislative Requirements

Section 12 of the Act sets out the statutory requirements the Council must follow in conducting its Representation Review.

The Representation Review must also take into account the principles set out in section 26 of the Act, namely:

- that any changes to the Council's representation should benefit ratepayers;
- arrangements should reflect communities of interest, values and aspirations and avoid significant dislocation within the community;
- encourage local community participation in decisions about local matters; and
- provide effective local governance and foster co-operation with other councils.

The Representation Review must also have regard to section 33 of the Act, which lists the matters to be taken into account, as far as practicable, if the Council proposes to change the Ward representation (if any) of the Council. These include:

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- the desirability of reflecting communities of interest of an economic, social, regional or other kind;
- the population of the area, and of each Ward affected or envisaged by the proposal;
- the topography of the area, and of each Ward affected or envisaged by the proposal;
- the feasibility of communication between electors affected by the proposal and their elected representatives;
- the nature of substantial demographic changes that may occur in the foreseeable future;
- the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term).

Any proposal that relates to the formation or alteration of Wards of a council must observe the principle that the number of electors represented by a Councillor must not, as at the relevant date (assuming the proposal was in operation), vary from the Ward quota by more than 10 per cent (subject to the operation of section 33(3) of the Act).

**1.3 Electors**

A person enrolled in the House of Assembly in South Australia is automatically enrolled as an elector in council elections. This roll is maintained by ECSA.

The Chief Executive Officer of a council is also required to maintain a roll for other persons who have enrolled under other eligibility provisions contained in the Local Government (Elections) Act 1999. Generally, these provisions apply to persons and corporations owning or occupying, but not residing in, properties in the Council area.

**1.4 Review Considerations**

In accordance with section 12 of the Act then, the Council's Representation Review is required to consider the composition of the Council and the advantages and disadvantages of the options that are available for elector representation under the Act.

The key areas for consideration are:

- election or appointment of the Principal Member (Mayor or Chairperson);
- the number of Councillors;
- the question as to whether the Council should have Wards or no Wards;

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- how Councillors are elected;
  - (i) from Wards;
  - (ii) across the whole of the Council area; or
  - (iii) a combination of both; and
- the name of the Council and the Wards (if any).

## 2 COUNCIL BACKGROUND AND PROFILE

The Council is located 42 kilometres north of Adelaide, and is identified as *Urban Fringe Small* under the Australian Class of Local Government (refer appendices <http://regional.gov.au/local/publications/reports/> for an explanation of ACLG).

It is one of the first country townships established in South Australia, with the first European settlers arriving in February 1839.

The Council is a key regional and cultural centre for communities north of Adelaide, and contains a mix of residential, industrial, commercial and rural lands, providing residents, ratepayers and electors with the benefits of country living, together with town services and easy access to city facilities.

The Council is constituted of area of approximately of 41.1 km<sup>2</sup> and has a population of approximately 23,034 (ABS 2016 *Census of Population and Housing* Gawler (T) (LGA42030)), of which ECSA (28 January 2021) has confirmed 18,364 are counted as electors, for the purposes of Review process.

As at its last Representation Review process, the Council had 14,683 electors (April 2013), representing an increase of 3,681 electors over the past eight (8) years.

The ABS 2016 Census Data also confirms a population increase in excess of 12% from 2011 (20,356) to the 2016 Census (23,034).

Of course, population increases do not directly translate to a corresponding increase in elector numbers, as not every person is eligible to vote. Accordingly, population projections are not directly representative of the number of electors, but rather, just one relevant consideration to take into account.

## 3 EXISTING COMPOSITION OF COUNCIL

### 3.1 Background and Profile

The *Municipality of the Town of Gawler* was first proclaimed on 9 July 1857.

The Council name was changed to the *Town of Gawler*, in accordance with section 13 of the Act, by Gazette Notice published on 24 April 2003.

The Council is named after Lieutenant Colonel George Gawler, the second

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Governor of South Australia, being the Governor at the time of European settlement in the area in February 1839.

Whilst sections 12(1) and (2) of the Act provide that the Council may consider the alteration of its name as part of its Review process, the current name of the Council is an important part of its history, and has been amended relatively recently, retaining this historical link.

For this reason, supported by the absence of support from Councillors regarding the same, the name of the Council is not proposed to be reviewed as part of this Representation Review.

### 3.2 Principal Member

The Council's Principal Member is a Mayor, elected from the Council area as a whole.

### 3.3 Current Representation Structure

The Council undertook its previous Representation Review during the period October 2012 to October 2013, at which time it was determined to retain the Council's representation structure as at that time, being 10 Area Councillors and a Mayor elected from the Council area as a whole.

The Council's structure has been one without Wards since the year 2000.

Relevant to this Review, between the years 1857 to 2000, the Council area was divided into six (6) Wards, the most recent iteration of which comprised a Mayor and 12 Councillors, being two (2) Councillors per Ward.

A copy of the former map of the Council area, depicting this Ward arrangement, is **Appendix 4**.

## 4 COMPOSITION OF COUNCIL

The role of the Mayor and Councillors of the Council are set out in sections 58 and 59 of the Act.

### *58 Specific roles of principal member*

*(1) The role of the principal member of a council is -*

*(a) to preside at meetings of the council;*

*(b) if requested, to provide advice to the chief executive officer between*

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*council meetings on the implementation of a decision of the council;*

*(c) to act as the principal spokesperson of the council;*

*(d) to exercise other functions of the council as the council determines;*

*(e) to carry out the civic and ceremonial duties of the office of principal member.*

*(2) Subsection (1)(c) does not apply in circumstances where a council has appointed another member to act as its principal spokesperson.*

### 59 Roles of members of councils

*(1) The role of a member of a council is -*

*(a) as a member of the governing body of the council -*

*(i) to participate in the deliberations and civic activities of the council;*

*(ii) to keep the council's objectives and policies under review to ensure that they are appropriate and effective;*

*(iii) to keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review;*

*(iv) to ensure, as far as is practicable, that the principles set out in section 8 are observed;*

*(b) as a person elected to the council—to represent the interests of residents and ratepayers, to provide community leadership and guidance, and to facilitate communication between the community and the council.*

*(2) A member of a council may, with the principal member's authorisation, act in place of, or represent, the principal member.*

*(3) A member of a council has no direct authority over an employee of the council with respect to the way in which the employee performs his or her duties.*

### 4.1 Mayor or Chairperson

In this Representation Review, consideration must be given to the two (2) options for the office of the Principal Member. The Principal Member may be:

- elected by electors from the whole of the Council area as the Mayor; or
- appointed by and from within the Councillors for a period of no more than four

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(4) years, and given the title of either Chairperson (the title under the Act) or another title as determined by the Council (refer section 51(1)(b) of the Act).

The roles and responsibilities of the Mayor and Chairperson are identical in all respects. The difference between the positions are the manner in which they are elected or appointed, as well as the terms of office and voting rights, including:

- a Mayor is elected for a term of four (4) years, whereas a Chairperson has a term decided by the Council, as a governing body, which cannot exceed four (4) years (that is, appointment could be for a shorter period);
- a Mayor does not have a deliberative vote in a matter being considered by the Council, but where a vote is tied, has a casting vote;
- whereas a Chairperson has a deliberative vote, but not a casting vote.

There are advantages and disadvantages to both options.

In the case of an elected Mayor, the predominant advantage is that it could be both reasonably and appropriately considered that this office represents a broader cross section of the community, as they are elected from the community as a whole.

A disadvantage is that if more than one nomination for the office is received, then electing a Mayor requires an election across the whole of the Council area. This is an additional cost to the Council, above that which is required for the election of Councillors. We note that the office of Mayor was uncontested at most recent Local Government general elections in November 2018.

In addition, if a candidate who has nominated for the position of the Mayor is unsuccessful, as they cannot also concurrently nominate as a Councillor, their expertise would be lost to Council.

The advantages to appointing a Chairperson include that the person so appointed represents the majority views of the Councillors, which can assist in the decision-making process. Appointing a Chairperson may also result in cost saving to the Council at election time.

However, the concurrent disadvantage, of course, is that electors may prefer a representative of the community, and not one of the elected Councillors. There is also a perception that the position of Chairperson lacks the status of a Mayor, which may have a detrimental impact on the perception of the Council as a whole.

Which option is most appropriate will be a matter for consideration, and determination, by the Council, taking into account the views of electors.

If the Representation Review Report proposes that the composition of the Council be altered, such that the Council will have a Chairperson rather than a Mayor, then the proposal cannot proceed unless it has been passed by a poll of the electors.

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### 4.2 Area and Ward Councillors

The number of Councillors, and their method of appointment, are also to be considered as part of the Council's Representation Review.

The Council has three (3) options in determining how Councillors are elected:

- from within Wards (Ward Councillors);
- from across the whole of the Council area (Area Councillors); or
- a combination of Wards and Council Area.

Currently, the Council has Area Councillors, and no Wards, as set out at 3.3 above.

There are benefits and disadvantages to both election methods, set out below.

The benefits of electing Councillors from Wards have been described to include:

- electors within local communities are likely to know the candidates within their Ward;
- electors consider that Councillors from a Ward will be more aware of local issues and feel they are better represented;
- it can be more accessible for members of the community to approach and talk to Ward Councillors;
- if the Council has a large geographic area, or a diverse community, the role of an Area Councillor could be unreasonably time consuming;
- less opportunity for special interest groups to 'gain control' of the Council;
- the cost (in both time and resources) for candidates conducting an election campaign for a Ward, rather than the whole Council area, is more economical and can encourage greater levels of candidacy; and
- lower cost to the Council in conducting elections.

Whereas the benefits of electing Councillors from the whole Council area have been described to include:

- an election across the whole Council area provides electors with greater choice in relation to ideas and skills of individual candidates;
- voters are able to vote for the best, or preferred, candidates, rather than being restricted to candidates within their Ward;
- smaller communities can still have local candidates elected by running a strong campaign;

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- Councillors are likely to take a whole of Council approach to matters rather than, arguably, a narrower 'Ward' view. That is, a perception that the Area Councillor is free from localised Ward attitudes and responsibilities;
- postal voting and use of technology in elections makes it easier for people to serve as Councillors to the whole Council area; and
- there is no requirement to maintain a quota of electors to Councillors, as is required with Wards. This is an important consideration for the Council as part of its current Representation Review, and one which we will return to shortly.

### 4.3 Number of Councillors

Section 12(6) specifically provides that:

*[t]he representation options paper must examine the advantages and disadvantages of the various options that are available to the council under subsection (1) (insofar as the various features of the composition and structure of the council are under review) and, in particular (to the extent that may be relevant) -*

*(a) if the council is constituted of more than 12 members - examine the question of whether the number of members should be reduced; and*

*(b) if the area of the council is divided into Wards - examine the question of whether the division of the area into Wards should be abolished,*

*(and may examine such other relevant issues as the council or the person preparing the paper thinks fit)*

As the Council is **not** currently constituted of more than twelve (12) members, and is **not** divided into Wards, section 12(6)(a) and (b) do not require specific detailed consideration.

This would, however, be a relevant consideration to take into account, if the Council does determine to increase the number of Councillors as part of this Review, to more than 11 Councillors, as per its previous composition as at 2000.

We also note that proposed section 11A of the *Statute Amendment (Local Government Review) Bill 2020*, would prevent a council from having more than twelve (12) members, inclusive of the Mayor. However, the reforms have yet to be debated in the House of Assembly, and even if subsequently passed in the current form, this provision will have no effect for the Council until the periodic election in 2026.

The Council is required under section 12(6) to examine the advantages and

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disadvantages of the various options that are available to it under subsection (1) (insofar as the various features of the composition and structure of the Council are under review), including:

- whether the current number of Councillors (10) has an impact on decision making by the Council; and
- the ratio of Councillors to electors as compared to similar councils to ensure adequate and fair representation, and to avoid over representation.

While a comparison of councils is not a precise measure, as no two (2) councils are the same in terms of population, size and composition, a comparison of similar councils, both in size, as well as geographically, can assist in providing guidance on comparable levels of representation for the Council in determining this issue.

The following Table represents information regarding other *Urban Fringe Small* councils (Barossa and Alexandrina), as well as neighbouring councils (Light Regional) and those with similar composition and elector ratios (Mount Gambier, Murray Bridge, Prospect and Whyalla).

These figures derived from *Representation Quotas 2019-2020 Local Government Association of SA* prepared by ECSA, as at 28 February 2020.

Council	Councillors	Principal Member	Electors	Wards	Ratio inc Mayor
Alexandrina Council	11	Mayor	20,830	5	1:1,735
Barossa Council	11	Mayor	17,947	0	1:1,495
<b>Town of Gawler</b>	<b>10</b>	<b>Mayor</b>	<b>17,914</b>	<b>0</b>	<b>1:1,628</b>
Light Regional Council	10	Mayor	10,536	4	1:957
City of Mount Gambier	8	Mayor	19,391	0	1:2,154
Rural City of Murray Bridge	9	Mayor	14,625	0	1:1,462
City of Prospect	8	Mayor	14,825	4	1:1,647
City of Whyalla	9	Mayor	15,369	0	1:1,536

The comparison table indicates, of the councils reviewed, that:

- all opt to elect a Mayor, rather than a Chairperson;
- only three (3) out of the eight (8) councils have Wards;
- the number of Councillors is relatively constant across all councils, ranging range from eight (8) to 11;
- the ratio of electors to Councillors ranges from 1:957 to 1:2,154, with an average of 1:1,576 (including the Mayor).

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The Council compares favourably in its elector ratios, sitting almost precisely at the average of elector ratios for all eight (8) councils, placing it mid-range in terms of its current Councillor representation ratio.

Light Regional Council has a much lower elector ratio, as a result of its lower elector base, but has been included in the comparison as it geographically adjoins the Council area.

The comparison indicates that the current elector ratio and number of Councillors of the Council compares favourably to other councils with similar characteristics.

Of course, the most recent figures provided by ECSA, current as at 28 January 2021, indicate that the number of electors in the Council area is now 18,364. This provides for an elector ratio, without the Mayor, of 1:1,836 or 1:1,669 including the Mayor.

In considering the Councillor numbers, the Council should also consider whether it would like an odd or even number of Councillors. There is no disadvantage to either option. However, an odd number can alleviate the need for the Mayor to use a casting vote, in the event that the Council experiences tight decision-making processes.

### 5 LEGISLATIVE PRINCIPLES AND MATTERS WHICH MUST BE CONSIDERED

The Council is also required to take a number of matters into account under section 33 of the Act, in conducting the Representation Review. We now turn to address these below.

#### 5.1 Demographic Trends

Demographic trends are a relevant consideration for the Council, being indicative of the potential for an increase in the population of the Council area, and/or of electors to the Council area.

As the Council, currently, is not divided into Wards, there are, currently, no issues of Ward quotas that arise for consideration with any population increases.

The 30 Year Plan for Greater Adelaide (**Plan**), released in February 2010 and most recently updated in 2017, anticipates an additional 74,400 people and 30,500 dwellings in the Barossa Region (which includes the Council area) by the year 2038. In respect of the Council area, the Plan designates most of the land outside built-up areas as 'planned urban lands to 2038'.

The Plan provides for 24% of development occurring in greenfield periphery townships or rural areas. The Council area has approximately 350 hectares of greenfield land zoned as residential and 100 hectares of land zoned deferred urban.

This data suggests there is the potential for a significant increase in elector numbers throughout the Council area in the foreseeable future, as a consequence of new or

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on-going residential development. However, the extent and timing of such is difficult to determine with any certainty, noting, as above, that an increase in population does not automatically translate to a proportionate increase in elector numbers.

### 5.2 Population Data and Projections

To supplement this Census Data, the Department for Infrastructure and Transport (DIT) (formally the Department for Planning, Transport and Infrastructure (DPTI)) prepared population projections for South Australia, released in December 2019 - *Local Government Area Projections 2011 – 2036*.

The estimated population projections for the Council area are as follows:

- 2021 26,770;
- 2026 30,004 (+3,234);
- 2031 33,583 (+3,579); and
- 2036 37,246 (+3,663).

These estimates project an increase in population for the Council, which will result in an increase in elector numbers and elector ratios overall (although, not necessarily in a proportionate manner).

However, population projections must always be cautiously considered, based on the date when the data was collected, and applying assumptions about future fertility, mortality and migration.

The data should be interpreted having regard to the Council's own knowledge about its area, as well as anticipated population changes.

### 5.3 Communities of Interest

Communities of interest are factors relevant to the physical, economic and social environment, and include consideration and analysis of:

- neighbourhood communities;
- history/heritage of the Council area and communities;
- sporting facilities;
- community support services;
- recreation and leisure services and centres;
- retail and shopping centres;
- industrial and economic development; and

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- environmental and geographic areas of interest.

The *ABS 2016 Census of Population and Housing* data confirms that of the 23,034 residents of the Council area (as at that Census), 76.4% identified their birthplace as Australia and 10% identified their birthplace as England.

The most common countries of birth were England (10%), Scotland (0.9%), New Zealand (0.7%) Italy (0.6%) and Germany (0.5%).

This suggests a relatively homogenous population, but also, one in which communities of interest may potentially be overlooked if Councillors are not mindful of the same.

Local knowledge is always the best tool to identify and determine communities of interest, along with development characteristics of the Council area.

### 5.4 Elector Representation

The elector ratio is the average of electors represented by a Councillor. The Mayor is included in these calculations.

As detailed in **Table 1** above, the ratio of electors per Councillor sits almost precisely at the average for elector ratios for councils of a similar size, or that are geographically adjacent.

Accordingly, even if the Council were to change the number of Councillors either by increasing or decreasing the number, its representation would still be within the elector ratio range comparable to other similar councils.

### 5.5 Proposed Boundary Reform

A relevant consideration for the Council as part of this Review, is its concurrent Boundary Reform proposal.

At a Council Meeting of 26 November 2019, the Council resolved to proceed with a *Stage 1 Boundary Change Proposal* submission to the South Australian Local Government Boundaries Commission (**Commission**).

The Council's submission was lodged with the Commission in December 2019.

The Stage 1 Proposal proposes that the following areas be considered for inclusion in the Council area:

- Area 1 - Concordia Growth Area

Approximately 984 hectares in size with the capacity to accommodate 9785 lots/dwelling and approximately 20,000 people.

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- Area 2 – Hewett:  
Approximately 144 hectares in size and comprising of 900 homes and 2,500 residents.
- Area 3 – Kalbeeba (including Springwood):  
Approximately 147 properties in the Rural Living Zone with the capacity to accommodate approximately 130 allotments in the Springwood development.
- Area 4 - Gawler Belt:  
Approximately 1000 hectares in size with a population of 942 people.
- Area 5 - Evanston Park:  
The potential boundary change will impact 24 properties.
- Area 6 – Reid:  
The proposed boundary change will impact one (1) property.
- Area 7 – Hillier:  
The proposed boundary change will impact 24 properties.

It is also proposed that the following areas be removed from the Council area:

- Area 8 – Bibaringa:  
The potential boundary change will impact four (4) properties.
- Area 9 – Uleybury:  
The potential boundary change will impact 23 properties.

In January 2020, the Commission reviewed the Council's Stage 1 Proposal and provided approval to proceed with the development and submission of a Stage 2 Proposal.

Between August and October 2020, the Council undertook public consultation with regards to the Boundary Reform proposal, and at its meeting of 15 December 2020, resolved to approve the *Stage 2 General Proposal for Boundary Change* for submission to the Commission.

While there is no statutory timeframe within which this process must be completed, the Council predicts that its reform proposal will be completed within the next two (2) years.

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Importantly, if the Council's Boundary Reform proposal is accepted by the Commission, this will immediately increase the population, and hence, number of electors in the Council area, as well as the Council's area size, and potential for further development.

All of which is a relevant consideration when examining Ward structure options as part of this Review.

### 6 WARD STRUCTURE OPTIONS AND QUOTAS

While the Council does not, currently, have a Ward structure, as part of its Review process, it is required to consider alternative Ward structure options, with the view to identifying a structure that may:

- exhibit a reduction in Councillors;
- provide a more even balance of electors; and/or
- allow for further fluctuations in elector numbers as a consequence of anticipated future residential development.

If, on the basis of the other considerations taken into account by the Council in its Representation Review, it considers that a change to a Ward structure is desirable, then the matters in section 33(1) of the Act, become relevant considerations.

The purpose of this Paper is to identify options in relation to which the Council can consult with its community. To this end, the Council is required to consider, and consult with the community, in relation to the following:

#### 6.1 Principal Member

- That the Council continue with a directly elected Mayor; or
- that the Council change to a Chairperson elected by and from the Councillors.

#### 6.2 Ward Structure

It is a requirement of the Representation Review that the Council consider whether, or not, it should have Wards and it is section 12(1)(b) of the Act that provides for Council areas to be divided into Wards, or for existing Ward structures to be abolished.

Section 33(2) of the Act provides that if a proposal relates to the formation of Wards, the Council must also observe the principle that the number of electors represented by a councillor must not vary from the Ward quota by 10 per cent.

The Council abolished Wards in 2000 and the current structure and composition of Area Councillors being elected from the Council area as a whole, is consistent with

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the majority of the comparison councils (refer **Table 1**).

If the Council determines to re-introduce a Ward structure, then the structure must incorporate Wards with an equitable distribution of electors in terms of elector numbers and ratios across Wards. However, in that instance, if its Boundary Reform proposal is accepted, then this will almost certainly trigger a notification from ECSA under section 12(24) of the Act.

That is, if Wards are to be established as part of this Review process, the Council will be required to consider the quota tolerances provided for at section 33(2) of the Act.

This section provides that the formation of Wards must observe the principle that the number of electors represented by a Councillor must not, at the relevant date (being the date on which the structure is to be implemented) vary from the Ward quota by more than 10 per cent.

The practical effect of this, is that any one Ward Councillor must not have plus or minus more than 10 per cent of electors in their Ward, as compared with other Ward Councillors.

In which case, if the Boundary Reform proposal is subsequently accepted, and additional land (and, hence, electors) are transferred into the Council area, then section 12(24) of the Act states that the Electoral Commissioner will notify the Council when the number of electors represented by a Councillor for Ward is varied from the Ward quota by more than 20 per cent, **requiring the Council to undertake a further review**.

For this reason, the Council's proposed Boundary Reform process is a relevant consideration to take into account, in determining whether to amend its Ward structure. Adopting a Ward structure now will almost invariably result in additional cost for the Council in undertaking a further review process, prior to its next relevant period.

Conversely, if the Council maintains its current no Ward structure, any subsequent fluctuation in elector numbers, following the completion of the Boundary Reform process (if the proposal is accepted), will be automatically absorbed and the elector ratio adjusted accordingly, as specified quota tolerance limits do not apply.

Against this background we set out the primary arguments in support of a Ward structure, as well as the disadvantages, to adopting the same.

### 6.2.1 No Wards

In addition to the as yet, incomplete, Boundary Reform process, the primary arguments in **support** of retaining a **no Ward** structure include:

- Councillors can be challenged to find the right balance between

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corporate governance duties and their representative role, with the desire to make decisions in the best interests of their Ward sometimes outweighing the requirements to make decisions in the interests of the community as a whole;

- potential reduction in electoral accountability – periodic elections are required for all Wards of a Council area, with the result that sitting members in some Wards are returned unopposed;
- electors have the opportunity to vote for any candidate in the election and judge the performance of all candidates (not just the candidates in their Ward);
- less likely that a candidate will get elected standing on a single local issue;
- the lines of communication between the Council and the community may be enhanced, given that members of the community can consult with all members of the Council, rather than feel obliged to consult with specific Ward Councillors;
- automatically absorbs any fluctuations in elector numbers and adjusts the elector ratio accordingly. That is, specified quota tolerance limits do not apply, and the Council will not be required to adjust Ward boundaries as part of any subsequent Review. This includes if the Council's Boundary Reform proposal is accepted, or otherwise, if it experiences a rapid fluctuation in population growth in localised areas, rather than across the Council area as a whole; and
- the Council can carry a single casual vacancy and avoid the cost of a supplementary election in certain circumstances.

### 6.2.2 Wards

The primary arguments **supporting** dividing the Council area into Wards are:

- small, or often overlooked communities, and communities of interest in a localised area, may not be able to obtain direct representation under a no Ward structure;
- concern that 'at large' elections do not guarantee that Councillors will have any empathy for, or affiliation with, all communities within the Council area, or be a representative of the same, although, in this regard, we note the largely homogenous birthplace demographics of the Council area, with 86.4% of residents identifying their birthplace as Australia or England;

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- the expense of contesting an election across the entire Council area could be prohibitive (in time and resources), and may deter candidates; and
- under a no Ward structure more prominent or popular Councillors, or those perceived to have more 'power' or 'control', may be called upon more frequently by community members, leading to an inequity in demands on time and resources.

**6.2.1 Number of Councillors and Ward Representation**

As part of this Review, the Council is also required to consider whether it:

- retains the existing number of 10 Councillors;
- decreases the number of Councillors; or
- increases the number of Councillors.

Having an odd or even number of Councillors is a consideration, as an even number of Councillors could increase the probability that the Mayor may be required to exercise a casting vote on a decision (assuming all Councillors are present at meetings).

There are also a number of options to consider regarding the appropriate number of Ward Councillors for each Ward.

*Single Councillor*

Wards represented by one (1) Councillor are generally smaller in size and Councillors can focus more on specific local matters.

However, smaller Wards make the Ward quotas more challenging to achieve, particularly in sustaining any growth or change within the Ward.

Absenteeism by a single Ward Councillor, or a casual vacancy, also has the potential to leave the Ward without representation.

Additionally, if there is a specific Ward matter that becomes complex or involved, the workload of one Councillor could become unbalanced, as compared to his or her counterparts.

*Two (2) Councillors*

Two (2) Councillors representing a Ward is the most common representation structure observed across councils with Wards.

It allows workload to be shared and there is representative cover in the event of absenteeism or a vacancy of a Councillor.

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### *Multiple Councillors*

Multiple Councillors can often be beneficial for larger Wards, which can sustain growth/change, whilst still remaining within the Ward quotas.

Larger Wards can also retain communities of interests within the Ward and absenteeism can also be managed with the workload being shared. However, workloads may not be shared equally, with a number of members available to assist across the Ward in such a structure.

### *Varying the number of Councillors*

Varying Ward representation, can have the benefit of keeping communities of interest together. However, it may also create inequality and/or imbalance with the perception that a larger Ward would have more influence on decision-making in the Chamber than smaller Wards.

## 7 OPTIONS

In this section, we consider a number of representation options which give effect to the Council's statutory obligations as part of its Representation Review. In doing so, we note that the individual responses received from Councillors as part of this process have been in favour of a directly elected Mayor, rather than a Chairperson elected from within.

The office of Mayor has served the Council well for many years and there appears to be few advantages to be gained at this time by adopting the position of Chairperson for the Council. For this reason, an option with a Chairperson **has not** been included for consideration.

Responses, likewise, have not supported the concept of a mix of Ward Councillors and Area Councillors, so these options have not been included. This type of composition consists of the area of Council being divided into Wards, with Ward Councillors, whilst also having a number of Councillors separately elected to represent the Council area as a whole. The only council in South Australia that has adopted this structure is the City of Adelaide.

Responses, were divided with respect to the concept of retaining a no Ward structure, with 43% of responses supporting the retention of the existing, no Ward structure, 43% supporting the creation of Wards and 14% supporting the position that if the Council's Boundary Reform proposal were to be accepted, then it would be appropriate after that time to consider whether a Ward structure was suitable.

Only 28% of the responses supported an increase in Councillor numbers, with 72% of Councillors specifying that they considered the current number of 10 Councillors provided adequate and fair representation to the community.

Based on these variables, the following options have been identified for the Councils consideration by way of first round of public consultation for the Representation Review.

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**Kelley Jones****OPTION 1****Existing Structure – No Wards – 10 Area Councillors**

The Council is currently without Wards and consists of 10 Councillors and a Mayor.

With the current number of electors at 18,364, the ratio of electors per Councillor (including the Mayor) under this option would remain at 1:1,669 electors per Councillor, or 1:1,836 without the Mayor. (refer to **Table 1**).

The current number of Councillors is comparable with other councils of similar size and location. The advantage of continuing with the same number of Councillors is as follows:

- this structure provides a level of continuity for the community;
- the Council understands the costs associated with the current level of representation;
- individual Councillors understand their roles and responsibilities;
- there is an appropriate level of elector representation;
- the workload for each Councillor is appropriate;
- there will be a perception of stability within the Council area, given that the current arrangement was introduced in 1999;
- there will be less division across the local community into Wards based solely on the distribution of elector numbers; and
- this structure and composition will automatically absorb any fluctuations in elector numbers and adjusts the elector ratio accordingly. That is, specified quota tolerance limits do not apply, and the Council will not be required to adjust Ward boundaries, including if the Council's Boundary Reform proposal is accepted, or otherwise, if it experiences a rapid fluctuation in population growth in localised areas, rather than across the Council area (and, hence, Wards) as a whole.

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**Kelley Jones****OPTION 2****No Wards – 11 Area Councillors**

If the number of Councillors were to increase to 11, the number of electors per Councillor would reduce to 1:1,530 electors per Councillor, including the Mayor, or 1:1,669 without the Mayor. This remains comparable with other councils of similar size and location.

The advantages of retaining a no Ward structure, but increasing the number of Councillors by one (1) includes:

- there has been an increase in population in the Council area from 20,356 in 2011 to 23,034 in 2016, with projected further increases of 3,234 people over the next five (5) years;
- this, together with further greenfield development, is likely to increase the number of electors in the Council area;
- if the Council's Boundary Reform proposal is accepted, this will result in an increase in residents and ratepayers as well as electors (although, not necessarily proportionally);
- an odd number of Councillors could remove instances of tied voting;
- the workload associated with attendance at community events and dealing with resident, ratepayer and elector issues is shared between more Councillors reducing individual Councillor workload; and
- residents and ratepayers have more choice in relation to which Councillor to raise issues with;
- this structure provides a level of continuity for the community, in so far as Wards are not to be created;
- there is an appropriate level of elector representation, increasing Councillor numbers by one (1) remains comparable with councils of a similar size and locale;
- this structure and composition will automatically absorb any fluctuations in elector numbers and adjusts the elector ratio accordingly.

The disadvantage is the additional cost for the Council in relation to allowance, expense reimbursements and support for a further Councillor.

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**Kelley Jones****OPTION 3****Five (5) Wards and 10 Ward Councillors**

This structure represents a change for the community, as the Council abolished its Ward structure in 2000, however the number of Councillors remains consistent.

Feedback received from Councillors is conceptually in favour of a Ward structure, on the basis that it provides the best opportunity to represent electors.

Experience suggests that the communities generally prefer no change to an existing structure, however, if change is necessary, they are more likely to accept a new structure which has some logical basis and ward boundaries which are easily identifiable.

With the current number of electors at 18,364, the ratio of electors per Councillor (including the Mayor) under this option would remain at 1:1,669 electors per Councillor, including the Mayor, or 1:1,836 without the Mayor. (refer to **Table 1**).

The advantages of this Option include:

- the current number of Councillors is comparable with other councils of similar size;
- the Council understands the costs associated with the current level of representation;
- the existing workload for each Councillor is appropriate;
- given the largely homogenous birthplace demographics of the Council area, any smaller, or overlooked communities, and communities of interest will be able to obtain direct representation under a Ward structure;
- Councillors will have an affiliation with the communities within their Ward, and be a representative of the same;
- Removes the expense of contesting an election across the entire Council area, and may lead to an increase in candidates at election time; and
- under a no ward structure more prominent or popular Councillors, or those perceived to have more 'power' or 'control', may be called upon more frequently by community members, leading to an inequity in demands on time and resources.

The major disadvantage to such a proposal is that such a structure will be unable to absorb any fluctuation in elector numbers and adjust the elector ratios automatically. If the Council's Boundary Reform proposal is accepted, or otherwise, if the Council experiences a rapid fluctuation in population growth in localised areas, adopting this structure will likely trigger a requirement for the Council to undertake a further Review, prior to its next relevant period.

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**Kelley Jones****OPTION 4****Three (3) Wards and 9 Ward Councillors**

If the number of Councillors were to decrease to nine (9), the number of electors per Councillor would increase to 1:1,836 electors per Councillor, including the Mayor, or 1:2,040 without the Mayor.

Based on the feedback received, changing to a structure with wards and, at the same time, decreasing the number of Councillors, is likely to cause challenges for both Councillors, as well as for the Council's community.

Some advantages of this composition and structure include:

- an odd number of Councillors could remove instances of tied voting;
- adopting a Ward structure may assist in any smaller, or potentially overlooked communities, and communities of interest being able to obtain direct representation;
- Councillors will have an affiliation with the communities within their Ward, and be a representative of the same; and
- removes the expense of contesting an election across the entire Council area, and may lead to an increase in candidates at election time.

However, the disadvantages of such a proposal include, whilst reducing the number of Councillors, to nine (9), will, initially, result in lower costs for the Council in allowance, expense reimbursements and support, the number of electors per Councillor would increase to 1:2,040 without the Mayor.

This is not comparable with other councils of similar size, and does not take into account any further projected increases in population in the Council area, or the increase in electors which will result if the Council's Boundary Reform proposal is accepted.

Each Councillor would have a proportionally higher number of electors to represent than they currently do, which may lead to a loss of representation for electors, or delays in receiving timely responses.

Further, if the Council's Boundary Reform proposal is accepted, or if the Council experiences a rapid fluctuation in population growth in localised areas, adopting this structure, by way of introducing Wards, will likely trigger a requirement for the Council to undertake a further Review, prior to its next relevant period.

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**Kelley Jones****8 SUMMARY**

Taking the above into account, the purpose of this stage of the review process is to disseminate information regarding the Representation Review process, setting out the key issues for Councillors and the community to consider by way of proposed structure.

The Act specifies that the Council must avoid over-representation in comparison to other councils of a similar size and locale. However, by reference to the matters set out above, there is no evidence of any issues of concern in this regard, particularly as compared to other councils by comparison.

Indeed, based on the population and development data that has been reviewed, there is good reason to consider whether the Council's composition may benefit from an increased in Councillor numbers, by one (1).

While some support has been shown for a consideration of re-introducing a Ward structure, this needs to be tempered with a consideration of the, as yet determined, Boundary Reform proposal. If accepted, and if the Council were to be divided into Wards, then the Boundary Reform will likely trigger a requirement for the Council to undertake a further Review, prior to its next relevant period.

In doing so, we note that even if the proposed section 11A of the *Statute Amendment (Local Government Review) Bill 2020*, were to be passed in its current form, such a composition would not offend against the proposal preventing a council from having more than twelve (12) members, inclusive of the Mayor.

The office of Mayor has served the Council well for many years and there appears to be few advantages to adopting the position of Chairperson for the Council at this time. For this reason, it has not been proposed to amend the position that the Mayor is elected from the community as a whole.

Accordingly, following endorsement of this Paper submissions will be invited in respect of the options, being:

- Option 1 – No Wards – 10 Councillors
- Option 2 – No Wards – 11 Councillors
- Option 3 – Five (5) Wards – 10 Councillors
- Option 4 – Three (3) Wards – Nine (9) Councillors

Public consultation is proposed to run from approximately [DATE], for a minimum period of six (6) weeks. Notice of the consultation will be published in the Gazette, as well as a newspaper published locally in the area.

A copy of this Paper will be available for inspection at the principal office of the Council and on the Council's website.

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Submissions may propose other options in relation to Council representation, including the number of Wards (if these are to be created), proposed Ward boundaries and the number of Councillors.

Feedback from the public consultation will be considered by the Council, which will determine its preferred representation structure for inclusion in a draft Representation Report.

The preferred structure will then be subject to a second round of public consultation before the Council makes its final decision, and submission to ECSA for certification.

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## APPENDIX A

No. 58 p. 3796

THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

9 July 2020

## LOCAL GOVERNMENT ACT 1999

## NOTICE OF DETERMINATION OF RELEVANT PERIOD

## Review of Council Compositions and Wards

Pursuant to section 12(4) of the *Local Government Act 1999* and Regulation 4 of the *Local Government (General) Regulations 2013*, I, Stephan Karl Knoll, Minister for Transport, Infrastructure and Local Government in the state of South Australia, hereby revoke the Notice of Determination of Relevant Period published in the *Government Gazette* on 1 August 2019, pages 2883 to 2885 (inclusive) and determine the relevant period for the next review of council compositions and wards, to be the date as contained in the table listed hereunder.

Council	Last Review	Next Review Period
Adelaide	19/11/2013	June 2020–October 2021
Adelaide Plains	26/11/2013	June 2020–October 2021
Alexandrina	26/11/2013	June 2020–October 2021
Burnside	8/01/2013	June 2020–October 2021
Charles Sturt	5/09/2013	June 2020–October 2021
Coorong	18/09/2013	June 2020–October 2021
Flinders Ranges Council	14/05/2013	June 2020–October 2021
Goyder	16/08/2013	June 2020–October 2021
Light	14/11/2013	June 2020–October 2021
Marion	27/11/2013	June 2020–October 2021
Mid Murray	05/11/2013	June 2020–October 2021
Mitcham	12/11/2013	June 2020–October 2021
Mount Remarkable	29/11/2013	June 2020–October 2021
Murray Bridge	8/07/2013	June 2020–October 2021
Robe	18/09/2013	June 2020–October 2021
Unley	19/08/2013	June 2020–October 2021
Elliston	14/11/2013	October 2020–October 2021
Franklin Harbour	9/07/2013	October 2020–October 2021
Gawler	26/11/2013	October 2020–October 2021
Holdfast Bay	5/11/2013	October 2020–October 2021
Mount Barker	26/08/2013	October 2020–October 2021
Port Pirie	05/11/2013	October 2020–October 2021
Prospect	28/11/2013	October 2020–October 2021
Streaky Bay	28/11/2013	October 2020–October 2021
Tatiana	05/11/2013	October 2020–October 2021
Tumby Bay	12/11/2013	October 2020–October 2021
Wakefield Regional	26/11/2013	October 2020–October 2021
Wattle Range	26/08/2013	October 2020–October 2021
West Torrens	06/11/2013	October 2020–October 2021
Wudinna	26/08/2013	October 2020–October 2021
Yorke Peninsula	19/11/2013	October 2020–October 2021
Adelaide Hills	30/11/2017	April 2024–April 2025
Baroosa	1/05/2017	April 2024–April 2025
Berramunga	29/06/2017	April 2024–April 2025
Campbelltown	1/05/2017	April 2024–April 2025
Clare & Gilbert Valleys	7/07/2017	April 2024–April 2025
Grant	8/05/2017	April 2024–April 2025
Kangaroo Island	14/05/2017	April 2024–April 2025
Kimba	5/06/2017	April 2024–April 2025
Mount Gambier	1/05/2017	April 2024–April 2025
Northern Areas	21/08/2017	April 2024–April 2025
Norwood, Payneham & St Peters	31/08/2017	April 2024–April 2025
Onkaparinga	7/12/2017	April 2024–April 2025
Playford	18/10/2017	April 2024–April 2025
Port Adelaide Enfield	14/07/2017	April 2024–April 2025
Port Lincoln	6/04/2017	April 2024–April 2025
Salisbury	21/11/2017	April 2024–April 2025
Southern Mallee	1/06/2017	April 2024–April 2025
Victor Harbor	27/07/2017	April 2024–April 2025
Yankalilla	27/07/2017	April 2024–April 2025
Banunga West	31/07/2017	October 2024–October 2025
Ceduna	5/10/2017	October 2024–October 2025
Cleve	26/10/2017	October 2024–October 2025
Cooper Pedy	21/11/2017	October 2024–October 2025
Copper Coast	3/10/2017	October 2024–October 2025
Karoonda East Murray	6/11/2017	October 2024–October 2025
Kingston	4/09/2017	October 2024–October 2025
Lower Eyre Peninsula	26/10/2017	October 2024–October 2025
Loxton Waikerie	31/07/2017	October 2024–October 2025
Naracoorte Lucindale	4/09/2017	October 2024–October 2025
Orroroo Carrieton	6/11/2017	October 2024–October 2025
Peterborough	15/12/2017	October 2024–October 2025
Port Augusta	3/10/2017	October 2024–October 2025
Renmark Paranga	3/10/2017	October 2024–October 2025
Tea Tree Gully	28/11/2017	October 2024–October 2025
Walkerville	26/10/2017	October 2024–October 2025
Whyalla	21/11/2017	October 2024–October 2025

Dated: 7 July 2020

HON STEPHAN KNOLL MP  
Minister for Transport, Infrastructure and Local Government  
Minister for Planning



**APPENDIX B**  
**TOWN OF GAWLER**  
**Schedule for Representation Review**  
**October 2020 – October 2021**

	Action	Timeline
Step 1	Initiate Representation Review by resolution of the Council	Resolution of the Council on 22 September 2020: <i>That Council:-</i> 1. <i>Notes the Electoral Representation Review report.</i> 2. <i>Notes the Electoral Representation Review commencement.</i> 3. <i>Appoints Kelliedy Jones Lawyers to undertake the Electoral Representation Review process.</i> (2020:09:COU381)
Step 2	Consider current arrangements and future options	Elected Member briefing / workshop  1 December 2020
Step 3	Prepare Representation Options Paper  Presented to the Council for endorsement and approval for consultation	Council meeting of 23 March 2021
Step 4	First public consultation	To be Gazetted – Notice #1 Commencing Thursday 1 April 2021 to run for six (6) weeks – to Thursday 13 May 2021
Step 5	Consider submissions from consultation and prepare draft Representation Review Report. Present to Council for endorsement and approval of second public consultation	Report to 25 May 2021 Council meeting
Step 6	Second public notification	To be Gazetted – Notice #2 Commencing Thursday 3 June 2021 to run for three (3) weeks concluding on Thursday 15 July 2021.
Step 7	Hearing of submissions (public hearing to be held by the Council or Council committee)	Prepare report of submissions and public to be heard at Council meeting of 27 July 2021.

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Step 8**	Conduct a poll (if changes to the method of selection of the principal member) (8-10 weeks)	If required – August 2021
Step 9***	Finalise Representation Review Report  Presented to Council for endorsement and approval to submit to Electoral Commissioner	Council meeting of 24 August 2021
Step 10***	Submit final Representation Review Report to the Electoral Commissioner for certification	After Council meeting of 24 August 2021  Minimum one (1) month for certification
Step 11**	Technical description of boundaries (only if amendments occur to internal ward boundaries pursuant to Section 12(23))	September 2021 (if required)
Step 12 **	Repeat of Step 7 if changes which are not minor are required by the Electoral Commissioner	September 2021 (if required)
Step 13***	Gazettal of Representation Review outcome	To be Gazetted – Notice #3  October 2021
Step 14***	Council to implement changes to representative structure	Council to modify Council voters roll data base before roll closure preceding the next periodic election  Inform community of changes to representation structure to come into effect as at next elections
	Completed	October 2021



## APPENDIX C

Excerpts from the *Local Government Act 1999*

## Chapter 3 - Constitution of councils

## Part 1 - Creation, structuring and restructuring of councils

## Division 2 - Powers of councils and representation reviews

## 12 - Composition and wards

- (1) A council may, by notice in the Gazette after complying with the requirements of this section—
  - (a) alter the composition of the council;
  - (b) divide, or redivide, the area of the council into wards, alter the division of the area of the council into wards, or abolish the division of the area of a council into wards.
- (2) A notice under this section may also—
  - (a) change the council from a municipal council to a district council, or change the council from a district council to a municipal council;
  - (b) alter the name of—
    - (i) the council;
    - (ii) the area of the council;
  - (c) give a name to, or alter the name of, a ward,
 

(without the need to comply with section 13).
- (3) A council must, before it publishes a notice, conduct and complete a review under this section for the purpose of determining whether its community would benefit from an alteration to its composition or ward structure.
- (4) A review may relate to a specific aspect of the composition of the council, or of the wards of the council, or may relate to those matters generally—but a council must ensure that all aspects of the composition of the council, and the issue of the division, or potential division, of the area of the council into wards, are comprehensively reviewed under this section at least once in each relevant period that is prescribed by the regulations.
- (5) A council must, in order to commence a review, initiate the preparation of a paper (a *representation options paper*) by a person who, in the opinion of the council, is qualified to address the representation and governance issues that may arise with respect to the matters under review.
- (6) The representation options paper must examine the advantages and disadvantages of the various options that are available to the council under subsection (1) (insofar as the various features of the composition and structure of the council are under review) and, in particular (to the extent that may be relevant)—
  - (a) if the council is constituted of more than 12 members—examine the question of whether the number of members should be reduced; and

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- (b) if the area of the council is divided into wards—examine the question of whether the division of the area into wards should be abolished,

(and may examine such other relevant issues as the council or the person preparing the paper thinks fit).
- (7) The council must—
  - (a) by public notice—
    - (i) inform the public of the preparation of the representation options paper; and
    - (ii) invite interested persons to make written submissions to the council on the subject of the review within a period specified by the council (being a period of at least 6 weeks); and
  - (b) publish a copy of the notice in a newspaper circulating within its area.
- (8) The council must ensure that copies of the representation options paper are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council during the period that applies under subsection (7)(a)(ii).
- (8a) The council must, at the conclusion of the public consultation undertaken under subsection (7)(a), prepare a report that—
  - (a) provides information on the public consultation and the council's response to the issues arising from the submissions made as part of that process; and
  - (b) sets out—
    - (i) any proposal that the council considers should be carried into effect under this section; and
    - (ii) in respect of any such proposal—an analysis of how the proposal relates to the principles under section 26(1)(c) and the matters referred to in section 33 (to the extent that may be relevant); and
  - (c) insofar as a decision of the council is not to adopt any change under consideration as part of the representation options paper or the public consultation process—sets out the reasons for the council's decision.
- (9) The council must—
  - (a) make copies of its report available for public inspection at the principal office of the council; and
  - (b) by public notice—
    - (i) inform the public of the preparation of the report and its availability; and
    - (ii) invite interested persons to make written submissions to the council on the report within a period specified by the council (being a period of at least 3 weeks); and
  - (c) publish a copy of the notice in a newspaper circulating within its area.
- (10) The council must give any person who makes written submissions in response to an invitation under subsection (9) an opportunity to appear personally or by representative before the council or a council committee and to be heard on those submissions.

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- (11) The council must then finalise its report (including in its report recommendations with respect to such related or ancillary matters as it thinks fit).
- (11a) If the report proposes that the composition of the council be altered so that—
- (a) the council will have a chairperson rather than a mayor; or
  - (b) the council will have a mayor rather than a chairperson,
- then the proposal cannot proceed unless or until a poll has been conducted on the matter and the requirements of subsection (11c) have been satisfied.
- (11b) The council may, with respect to a proposal within the ambit of subsection (11a)—
- (a) insofar as may be relevant in the particular circumstances, separate the proposal (and any related proposal) from any other proposal contained in the report (and then it will be taken that the council is reporting separately on this proposal (and any related proposal));
  - (b) determine to conduct the relevant poll—
    - (i) in conjunction with the next general election for the council (so that the proposal (and any related proposal) will then, if approved at the poll, take effect from polling day for the following general election); or
    - (ii) at some other time (so that the proposal (and any related proposal) will then, if approved at the poll, take effect in the manner contemplated by subsection (18)).
- (11c) The following provisions apply to a poll required under subsection (11a):
- (a) the *Local Government (Elections) Act 1999* will apply to the poll subject to modifications, exclusions or additions prescribed by regulation;
  - (b) the council must—
    - (i) prepare a summary of the issues surrounding the proposal to assist persons who may vote at the poll; and
    - (ii) obtain a certificate from the Electoral Commissioner that he or she is satisfied that the council has taken reasonable steps to ensure that the summary presents the arguments for and against the proposal in a fair and comprehensive manner; and
    - (iii) after obtaining the certificate of the Electoral Commissioner, ensure that copies of the summary are made available for public inspection at the principal office of the council, are available for inspection on a website determined by the chief executive officer, and are published or distributed in any other way that the Electoral Commissioner may direct;
  - (c) the proposal cannot proceed unless—
    - (i) the number of persons who return ballot papers at the poll is at least equal to the prescribed level of voter participation; and
    - (ii) the majority of those persons who validly cast a vote at the poll vote in favour of the proposal.

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- (11d) For the purposes of subsection (11c)(c), the *prescribed level of voter participation* is a number represented by multiplying the total number of persons entitled to cast a vote at the poll by half of the turnout percentage for the council, where the *turnout percentage* is—
- (a) the number of persons who returned ballot papers in the contested elections for the council held at the last periodic elections, expressed as a percentage of the total number of persons entitled to vote at those elections (viewing all elections for the council as being the one election for the purposes of this provision), as determined by the Electoral Commissioner and published in such manner as the Electoral Commissioner thinks fit; or
  - (b) if no contested elections for the council were held at the last periodic elections, a percentage determined by the Electoral Commissioner for the purposes of the application of this section to the relevant council, after taking into account the turnout percentages of other councils of a similar size and type, as published in such manner as the Electoral Commissioner thinks fit.
- (12) The council must then, taking into account the operation of the preceding subsection, refer the report to the Electoral Commissioner.
- (12a) The report must be accompanied by copies of any written submissions received under subsection (9) that relate to the subject-matter of the proposal.
- (13) On receipt of a report, the Electoral Commissioner must determine whether the requirements of this section have been satisfied and then—
- (a) if of the opinion that the requirements have been satisfied—give an appropriate certificate; or
  - (b) if of the opinion that the requirements have not been satisfied—refer the matter back to the council together with a written explanation of the reasons for not giving a certificate under this subsection.
- (14) The validity of a determination of the Electoral Commissioner under subsection (13) cannot be called into question.
- (15) If a certificate is given by the Electoral Commissioner under subsection (13)(a)—
- (a) the Electoral Commissioner must specify in the certificate a day by which an appropriate notice (or notices) for the purposes of this section must be published by the council in the Gazette; and
  - (b) the council may then, by notice (or notices) in the Gazette, provide for the operation of any proposal under this section that it has recommended in its report.
- (16) If the matter is referred back to the council under subsection (13)(b), the council—
- (a) must take such action as is appropriate in the circumstances (and may, as it thinks fit, alter its report); and
  - (b) may then refer the report back to the Electoral Commissioner.
- (17) However, a council must, if it makes an alteration to its report under subsection (16)(a), comply with the requirements of subsections (9) and (10) (as if the report (as altered) constituted a new report), unless the council determines that the alteration is of a minor nature only.

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- (18) A proposal under this section takes effect as follows:
- (a) if the day of publication of the relevant notice under subsection (15) occurs before 1 January of the year in which a periodic election is next due to be held then, unless paragraph (c) applies, the proposal will take effect as from polling day for that periodic election;
  - (b) if the day of publication of the relevant notice under subsection (15) occurs on or after 1 January of a year in which a periodic election is due to be held (and before polling day for that periodic election) then, unless paragraph (c) applies, the proposal will take effect as from polling day for the periodic election next following the periodic election held in the year of publication;
  - (c) if a general election (not being a periodic election) is held after the expiration of 7 months from the day of publication of the relevant notice under subsection (15) (and before polling day for the next periodic election after publication) then the proposal will take effect from polling day for that general election.
- (18a) Subsection (18) has effect subject to the operation of subsection (11b)(b)(i).
- (19) If a council—
- (a) subject to subsection (22), fails to undertake a review in accordance with the requirements of this section; or
  - (b) fails to take appropriate action if a matter is referred back to the council by the Electoral Commissioner under subsection (13)(b); or
  - (c) fails to publish an appropriate notice in the Gazette by the day specified by the Electoral Commissioner in a certificate under this section,
- the chief executive officer must refer the matter to the Electoral Commissioner.
- Maximum penalty: \$2 500.
- (20) On the referral of a matter under subsection (19), the Electoral Commissioner may take such action as, in the circumstances of the particular case, appears appropriate to the Electoral Commissioner and may then, by notice in the Gazette, give effect to a proposal that could have been carried into effect by the council under this section.
- (21) The Electoral Commissioner may recover from councils costs reasonably incurred by the Electoral Commissioner in performing his or her functions under this section.
- (22) The Minister may exempt a council from the requirement to hold a review under this section on the basis that relevant issues have already been addressed by a proposal under this Chapter.
- (23) An exemption under subsection (22) may be granted on conditions determined by the Minister, including a condition that the council carry out a review under this section by a date specified by the Minister.
- (24) If—
- (a) the area of a council is divided into wards; and
  - (b) the Electoral Commissioner notifies the council in writing that the number of electors represented by a councillor for a ward varies from the ward quota by more than 20 per cent,
- then the council must undertake a review under this section within a period specified by the Electoral Commissioner.

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(25) For the purposes of subsection (24)—

- (a) if two or more councillors represent a ward, the number of electors represented by each councillor will be taken to be the number of electors for the ward (as at a date determined by the Electoral Commissioner) divided by the number of councillors who represent the ward (ignoring any fractions resulting from the division); and
- (b) the ward quota is the number of electors for the area (as at a date determined by the Electoral Commissioner) divided by the number of councillors for the area of the council who represent wards (ignoring any fractions resulting from the division).

## Part 2 - Reform proposals

### Division 3 - Principles

#### 26 - Principles

- (1) The Commission should, in arriving at recommendations for the purposes of this Chapter (but taking into account the nature of the proposal under consideration), have regard to—
  - (a) the objects of this Act; and
  - (b) the roles, functions and objectives of councils under this Act; and
  - (c) the following principles:
    - (i) the resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community;
    - (ii) proposed changes should, wherever practicable, benefit ratepayers;
    - (iii) a council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
    - (iv) a council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;
    - (v) a council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;
    - (vi) a council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes;
    - (vii) a council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations;
    - (viii) a council area should incorporate or promote an accessible centre (or centres) for local administration and services;
    - (ix) the importance within the scheme of local government to ensure that local communities within large council areas can participate effectively in decisions about local matters;

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- (xi) residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term);
  - (xii) a scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change; and
  - (d) the extent and frequency of previous changes affecting the council or councils under this Chapter or the repealed Act.
- (2) The Commission should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.

### Part 3 - General provisions

#### 33 - Ward quotas

- (1) In addition to the other requirements of this Chapter, the following matters must be taken into account, as far as practicable, in the formulation of a proposal that relates to the boundaries of a ward or wards:
- (a) the desirability of reflecting communities of interest of an economic, social, regional or other kind;
  - (b) the population of the area, and of each ward affected or envisaged by the proposal;
  - (c) the topography of the area, and of each ward affected or envisaged by the proposal;
  - (d) the feasibility of communication between electors affected by the proposal and their elected representatives;
  - (e) the nature of substantial demographic changes that may occur in the foreseeable future;
  - (f) the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term).
- (2) A proposal that relates to the formation or alteration of wards of a council must also observe the principle that the number of electors represented by a councillor must not, as at the relevant date (assuming that the proposal were in operation), vary from the ward quota by more than 10 per cent.
- (2a) For the purposes of subsection (2)—
- (a) if it is proposed that two or more councillors represent a particular ward, the number of electors represented by each councillor will be taken to be the number of electors for the ward (as at the relevant date) divided by the number of proposed councillors for the ward (ignoring any fractions resulting from the division); and

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- (b) the ward quota will be taken to be the number of electors for the area (as at the relevant date) divided by the number of councillors for the area who represent wards (assuming that the proposal were in operation and ignoring any fractions resulting from the division); and
  - (c) the relevant date, in relation to a proposal that relates to the formation or alteration of wards of the council, will be taken to be the date on which the proposal is finalised for the purposes of this Chapter.
- (3) The 10 per cent tolerance referred to in subsection (2) may be exceeded if, on the basis of demographic changes predicted by a Commonwealth or State government agency, it appears that the ward quota will not, as at the next periodic elections, be exceeded by more than 10 per cent (the relevant date in this case being the date of the next periodic elections).
- (4) If under the repealed Act a proposal relating to the formation or alteration of wards did not comply with the corresponding provisions to subsections (2) and (3) and the relevant proposal proceeded (either in its original or an amended form) then, unless otherwise determined by proclamation, the relevant council (or each relevant council) must conduct (and complete) a review of its composition and wards under Part 1 so as to enable appropriate changes in the composition and wards of the council to take effect on or before the date of the second general election of the council after the proposal took effect or, if an earlier date has been fixed by proclamation, on or before that date.

Prepared by Kellidy Jones Lawyers

**Kelley Jones**

**APPENDIX E**

No. 21 p. 1160

THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

8 April 2021

## LOCAL GOVERNMENT INSTRUMENTS

### CITY OF WEST TORRENS

#### *Representation Review*

Notice is hereby given that the City of West Torrens is undertaking a review to determine whether a change of arrangements is required in respect to the Council's elector representation. The purpose of the review is to ensure that electors of the Council area are being adequately and fairly represented.

Pursuant to section 12(7) of the *Local Government Act 1999*, notice is hereby given that the Council has prepared a Representation Options Paper that examines the advantages and disadvantages of the various options available regarding the composition and structure of the Council and the division of the Council into wards.

Copies of the Representation Options Paper are available on the Council's website at [westtorrens.sa.gov.au](http://westtorrens.sa.gov.au) and for inspection and/or purchase at:

- 165 Sir Donald Bradman Drive, Hilton, SA 5033

Written submissions are invited from interested persons from 9 April 2021 and must be received by close of business on 21 May 2021. Written submissions should be addressed to:

Representation Review

City of West Torrens

Via mail to: Representation Review, 165 Sir Donald Bradman Drive, Hilton SA 5033

Via email to: [csu@wtcc.sa.gov.au](mailto:csu@wtcc.sa.gov.au)

In person: 165 Sir Donald Bradman Drive, Hilton SA 5033

Information regarding the Representation Review can be obtained by contacting the Team Leader Governance on (08) 8416 6359 or email [governancemailbox@wtcc.sa.gov.au](mailto:governancemailbox@wtcc.sa.gov.au).

Dated: 8 April 2021

TERRY BUSS PSM  
Chief Executive

### TOWN OF GAWLER

#### *Representation Review*

Notice is hereby given that the Town of Gawler is undertaking a review to determine whether a change of arrangements is required in respect to the Council's elector representation. The purpose of the review is to ensure that electors of the Council area are being adequately and fairly represented.

Pursuant to section 12(7) of the *Local Government Act 1999*, notice is hereby given that the Council has prepared a Representation Options Paper that examines the advantages and disadvantages of the various options available regarding the composition and structure of the Council and the division of the Council into wards.

Copies of the Representation Options Paper are available on the Council's website at [www.gawler.sa.gov.au](http://www.gawler.sa.gov.au) and for inspection and/or purchase at:

- 43 High Street Gawler East SA 5118

Written submissions are invited from interested persons from Thursday, 8 April 2021 and must be received by close of business on Thursday, 20 May 2021. Written submissions should be addressed to:

Representation Review

Town of Gawler

Via mail to: PO Box 130, Gawler SA 5118

Via email to: [council@gawler.sa.gov.au](mailto:council@gawler.sa.gov.au)

In person: 43 High Street, Gawler East SA 5118

Information regarding the Representation Review can be obtained by contacting Kate Leighton on (08) 8522 0105 or email [Kate.Leighton@gawler.sa.gov.au](mailto:Kate.Leighton@gawler.sa.gov.au).

Dated: 8 April 2021

HENRY INAT  
Chief Executive

### CORPORATION OF THE TOWN OF WALKERVILLE

#### DEVELOPMENT ACT 1993

#### *Local Heritage Development Plan Amendment—Public Consultation*

Notice is hereby given that the Corporation of the Town of Walkerville, pursuant to Sections 24 and 25 of the *Development Act 1993*, has prepared a Development Plan Amendment (DPA) Report to amend its Development Plan.

The DPA seeks to elevate 54 Contributory Items from Council's list of 545 Contributory Items to become Local Heritage Places.

Local Heritage Places are buildings or structures that are significant to the heritage of the Town of Walkerville. They provide us with a physical connection to the past and reflect the practices, attitudes, architecture, design and values that have shaped the environment. Local Heritage Place listings will help to ensure ongoing heritage protection for future generations to appreciate.

Public consultation will occur between 9am on Thursday, 8 April 2021 and 5pm on Thursday, 3 June 2021.



**PATRICK KEAM**

SOUTH Australia's next Kookaburra or Hockeyroo could be uncovered this week when the state's rising talents play in the under-15 and under-18 national championships.

Boys' and girls' sides in both age groups will take part in the events, which will be live streamed on News Corp' mastheads - including The Advertiser - following an agreement between News Corp and Hockey Australia.

More than 70 matches from the under-18 competition, from April 8-16 in Launceston, and the under-15 tournament, from April 9-15 in Bathurst, will be streamed across the country.

Seadiff's Coeli Williams is excited to be lining up with brother Ruhn in the under-15 boys' side, which he said had the talent to make an impact at the tournament.

"We've been working hard together for two months and the team is really starting to bond," Coeli, 15, said.

Under-15 girls midfielder and leadership team member Molly Dwyer said the squad was raring to go after a long wait for the championships.

The 2020 event was cancelled due to the coronavirus pandemic.

"I'm feeling nervous but really excited to play," the Adelaide Hockey Club midfielder said.

The Advertiser's live stream schedule of SA teams, listed below, will include 10 under-18 pool games and six under-15 matches.

Playoffs and finals take place from April 14-16.

**SUBSCRIBER EXCLUSIVE** [advertiser.com.au](http://advertiser.com.au)

**10% OFF SUBSCRIPTIONS** Watch SA's best young players represent the state with pride in our live streams of the national under-15 and under-18 championships [from today](http://fromtoday.com)

## TOWN OF GAWLER - Public Consultation

### Review of Elector Representation

NOTICE is hereby given that Town of Gawler is undertaking a review to determine whether a change of arrangements is required in respect to the Council's elector representation.

**Options Paper**

Council has prepared a Representation Review Options Paper that examines the advantages and disadvantages of the various options available regarding the composition and structure of the Council and the division of the Council into wards. Copies of this report are available for inspection and/or collection at the Gawler Administration Centre, 43 High Street, Gawler East, SA 5118.

**Written Submissions**

Interested persons are invited to make a written submission to:

The Chief Executive Officer,  
PO Box 130,  
Gawler SA 5118.

**by close of business on Thursday 20 May 2021.**

Information regarding the representation review can be obtained by contacting Kate Leighton, Governance Coordinator on telephone (08) 8522 0105 or email: [council@gawler.sa.gov.au](mailto:council@gawler.sa.gov.au)

H. INAT,  
Chief Executive Officer

**Gawler** | [www.gawler.sa.gov.au](http://www.gawler.sa.gov.au)

V1 - NOV2020104

**0256054X**



**Ozito 18V Reciprocating Saw Skin**  
Includes timber cutting blade. Battery & charger sold separately. 6290473

**\$55**



**Ozito 18V 2-in-1 Nail & Staple Gun Skin**  
Includes skin, nails & staples. Battery & charger sold separately. 0306000

**\$109**



**Ozito 18V Detail Sander Skin**  
Battery & charger sold separately. 6290475

**\$3990**



**13 Pce Drill Bit Set**  
Drill bits ranging from 1.5 - 6.5mm, 135 degree split point tip. 6560211

**\$998**



**Ozito 18V Multi-Function Tool Skin**  
Ideal for cutting through wood, metal & plastic. Battery & charger sold separately. 6290473

**\$69**



**Ozito 18V Hand Vacuum Skin**  
Battery & charger sold separately. 6290467

**\$4990**



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**WE'LL BEAT IT BY 10%**

This excludes trade quotes, special negotiations and commercial quantities.

**RYN. TEAM MEMBER**

**Kelley Jones**

**APPENDIX F**



**Tracy Riddle**

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**From:** Tracy Riddle  
**Sent:** Friday, 30 April 2021 10:51 AM  
**To:** Tracy Riddle  
**Subject:** FW: Review of Elector Representation

**Saved:** 0

-----Original Message-----

From: Ralph Perry <ralphperry01@gmail.com>  
Sent: Friday, 23 April 2021 2:54 PM  
To: Council (E-mail) <council@gawler.sa.gov.au>  
Subject: Review of Elector Representation

To Mr. H Inate,

Having read the review and recommendations for and against I see merit in maintaining the existing area representation as it will be consistent with town growth. Whilst no mention is made of time required to carry out the job of Councillor or Mayor, I suspect the position of Mayor requires considerable time and therefore if a leader is selected from the elected Councillors then this position may not be able to be fulfilled to its requirements. Staying with the Mayoral position being elected by the ratepayers gives more flexibility and assurance the position will be filled in the best interests of the town. Increasing the number of Councillors to eleven would avoid a split vote, would be a minor increase in expenditure and remove the concentrated power that exists for the Mayor at present. The leader can still present a strong argument during discussion of a topic and if successful will be reflected in the final vote.

In conclusion my vote goes to Option 2 with 11 Councillors and an elected Mayor.

Ralph Perry

0412397261

[<https://www.gawler.sa.gov.au/?a=886159>]<<https://survey.alchemer.com/s3/6015042/Youth-Survey-2021>>  
[<https://www.gawler.sa.gov.au/?a=886154>]<<https://www.surveymonkey.com/r/H63ZW5X>>

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