



## **REPRESENTATION REVIEW**

### **Representation Review Report**

**May 2021**

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## **TABLE OF CONTENTS**

- 1. INTRODUCTION**
- 2. PUBLIC CONSULTATION**
  - 2.1 Consultation Process
  - 2.2 Community Response
  - 2.3 Analysis of Feedback Responses
  - 2.4 Key Community Issues
- 3. REPRESENTATION STRUCTURE PROPOSAL**
- 4. PROPOSAL RATIONALE**
  - 4.1 Council Name
  - 4.2 Mayor or Chairperson
  - 4.3 Ward Structure
  - 4.4 Area and Ward Councillors
- 5. LEGISLATIVE PRINCIPLES TO BE CONSIDERED**
  - 5.1 Section 33 of the Act
  - 5.2 Demographic Trends
  - 5.3 Population Data and Projections
  - 5.4 Communities of Interest
  - 5.5 Topography
  - 5.6 Communication
  - 5.7 Adequate and Fair Representation
  - 5.82 Section 26 of the Act
- 6. SUMMARY**
  - 6.1 Conclusion
  - 6.2 Preferred Composition and Structure
  - 6.3 Public Consultation on this Representation Review Report
  - 6.4 Next Steps

**APPENDIX A – EXTRACT OF MINUTES FROM COUNCIL MEETING 23 MARCH 2021**

**APPENDIX B – AGENDA REPORT WITH COMMUNITY ENGAGEMENT APPROACH**

**APPENDIX C – PUBLIC CONSULTATION NOTICES**

## Town of Gawler

This paper has been prepared for the Town of Gawler (**Council**) for the purposes of section 12(8a) 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.

## **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 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.

This Representation Review commenced in December 2020.

Pursuant to section 12(5) and (6) of the Act the Council caused to be prepared, and adopted, a Representation Options Paper (the **Options Paper**).

The Options Paper 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

Following the Council's consideration of the draft Options Paper at Agenda item 11.2 at its meeting of 23 March 2021 (**Appendix A**), 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 as in the Agenda report for the item (**Appendix B**).

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

This first round of public consultation as part of the Council's Representation Review process commenced on Thursday 8 April 2021, concluding on Thursday 20 May 2021.

Having now considered the proposed Options and submissions received, as well as all other relevant factors, the Council now proposes to **retain** its existing composition and structure, as set out in Option 1, comprising:

- a Mayor, elected from the Council area as a whole;
- No Wards;
- 10 Councillors.

This Representation Review Report (**Report**) has now been prepared by Kelley Jones Lawyers in accordance with section 12(8a) of the Act, and the framework included in the publication *Undertaking a Representation Review: Guidelines for Councils* dated January 2020, as prepared by the Electoral Commission of South Australia (**ECSA**).

This Report sets out, amongst other things:

- a summary and analysis of the submissions received during the first public consultation process;
- detailed discussion and rationale in relation to the Council's proposed endorsed Option;
- consideration of how the proposal relates to the principles set out under the legislative requirements in sections 33 and 26(1)(c) of the Act (including further detailed analysis of Ward quotas and population projections); and
- provides details of the Council's next phase of its Representation Review, including its additional public consultation requirements.

## 2 PUBLIC CONSULTATION

### 2.1 Consultation Process

In accordance with the Council's resolution, made at its meeting of 23 March 2021, and pursuant to section 12(7) of the Act, consultation on the Options Paper was commenced on Thursday 8 April 2021, concluding on Thursday 20 May 2021. A copy of the Gazette Notice is contained in **Appendix C**.

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 this notice is contained in **Appendix C**.

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.

## 2.2 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.

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 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>



## **2.3 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 to take into account 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.

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.

## **2.4 Key Community Issues**

The submissions received did not raise any specific key community issues. However, 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.

### **3 REPRESENTATION STRUCTURE PROPOSAL**

The Council has now reached the stage of its Representation Review where it must identify what changes (if any) it proposes to make to its current composition and structure.

In doing so, the Council is required to make 'in principle' decisions in respect to all of the matters set out at Part 4 of this Report. The Council must then present its proposed Option to the community for consideration through this Report, for comment during a second public consultation process.

After considering and taking into account sections 26 and 33 of the Act, the proposed Options and supporting information provided in the Options Paper, and the submissions received during the initial public consultation, the Council proposes to **retain** its existing electoral 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 number of electors in the Council area, being 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.

Further details regarding elector ratios are contained in Parts 4 and 5 of this Report.

### **4 PROPOSAL RATIONALE**

#### **4.1 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.

#### **4.2 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 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 and the above factors, the Council proposes to continue to have a Mayor, elected from the Council area as a whole.

## **4.3 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.

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 also took into account 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.

#### **4.4 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 took into account the following factors:

- 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).

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

<b>Council</b>	<b>Councillors</b>	<b>Principal Member</b>	<b>Electors</b>	<b>Wards</b>	<b>Ratio inc Mayor</b>
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, 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.

## **5 LEGISLATIVE PRINCIPLES TO BE CONSIDERED**

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

### **5.1 Section 33 of the Act**

As set out above, in determining to retain its current structure of no Wards, the Council has taken into account the considerations under section 33 of the Act.

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 to take into account, 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.

## 5.2 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.

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.

### 5.3 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.

## **5.4 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.

## **5.5 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 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.

## **5.6 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.

## **5.7 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.

## **5.8 Section 26 of the Act**

Section 26(1)(c) of the Act requires that a number of broader principles are taken into account during the Review process, including:

- 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.

## 6 SUMMARY

### 6.1 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.

### 6.2 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.

## 6.3 Public Consultation on this Representation Review Report

The public consultation on this Representation Review Report will be conducted in accordance with section 12(9) of the Act and will comprise, at a minimum:

- a three (3) week public consultation period scheduled to commence on 3 June 2021;
- the consultation period will be notified by:
  - public notice in the Gazette;
  - public notice in The Bunyip, being a newspaper generally circulating in the Council area;
  - publication on the Council's website; and
  - posts on the Council's Facebook pages.

Written submissions are invited in relation to the Council's proposed representative composition and structure.

Any person who makes a submission during the period of public consultation will also be given the opportunity to address the Council, or a Council Committee, either in person or by a representative as part of this process.

Submissions may be made through the Council's Website, in writing or by email 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

and will be accepted until 5pm on 24 June 2021.

Further information regarding the Representation Review may 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).

## 6.4 Next Steps

After the close of submissions on this Report the Council, will hear verbal presentations from those people who made a submission, who indicated they wished to be heard.

A decision will then be made and a Final Representation Review Report will be drafted and submitted to the Electoral Commissioner, seeking a certificate of

compliance.

Once a certificate is obtained, the Council is required to place a notice in the Gazette providing for the operation of the proposal in the 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, though other dates may apply in certain circumstances in accordance with section 12(18) of the Act.

**APPENDIX A**

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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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**APPENDIX B**

**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**

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**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

**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.*

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

Risk	
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> .
Opportunity	
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

**APPENDIX C**

## 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 week will 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's 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.

Seacliff'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)  
**JUNIOR HOCKEY** 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**

## 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)

0256054X



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

**\$55**



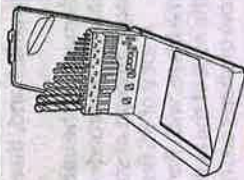
**Ozito**  
**18V**  
**2-in-1**  
**Nail & Staple Gun Skin**  
Includes skin, nails & staples. Battery & charger sold separately. 0136008

**\$109**



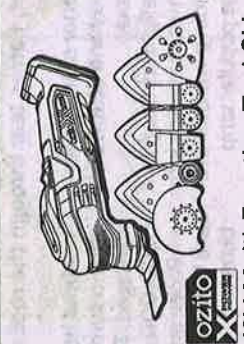
**Ozito**  
**18V**  
**Detail**  
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Battery & charger sold separately. 6290475

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**13 Pce Drill Bit Set**  
Drill bits ranging from 1.5 - 6.5mm. 135 degree split point tip. 6360211

**\$998**



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**18V**  
**Multi-Function Tool Skin**  
Ideal for cutting through wood, metal & plastic. Battery & charger sold separately. 6290613

**\$69**



**Ozito**  
**18V**  
**Hand Vacuum Skin**  
Battery & charger sold separately. 6290567

**\$4990**



KYM, TEAM MEMBER

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