



REPRESENTATION REVIEW

Representation Review Report

February 2021

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TABLE OF CONTENTS

- 1 INTRODUCTION**
- 2 PUBLIC CONSULTATION**
 - 2.1** Consultation Process
 - 2.2** Community Response
 - 2.2.1** Online Submissions
 - 2.2.2** Email Submissions
 - 2.3** Analysis of Community Response
 - 2.4** Key Community Issues
- 3 REPRESENTATION STRUCTURE PROPOSAL**
- 4 PROPOSAL RATIONALE**
 - 4.1** Council Name
 - 4.2** Composition
 - 4.2.1** Mayor or Chairperson
 - 4.2.2** Number of Area or Ward Councillors
 - 4.3** Ward Structure
 - 4.3.1** Wards or No Wards
 - 4.3.2** Ward Representation and Quotas
 - 4.3.3** Boundary Realignment
- 5 LEGISLATIVE PRINCIPLES TO BE CONSIDERED**
 - 5.1** Section 33 of the *Local Government Act 1999*
 - 5.1.1** Population and Projections
 - 5.1.2** Demographics and Development Trends
 - 5.1.3** Communities of Interest
 - 5.1.4** Topography
 - 5.1.5** Communication
 - 5.1.6** Adequate and Fair Representation
 - 5.2** Section 26 of the *Local Government Act 1999*

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 – EXCERPT OF MINUTES FROM COUNCIL MEETING 12 OCTOBER 2020

APPENDIX B – COMMUNITY ENGAGEMENT APPROACH

APPENDIX C – PUBLIC CONSULTATION NOTICES

City of Charles Sturt

This paper has been prepared for the City of Charles Sturt (**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 City of Charles Sturt's Representation Review for use by the Council and its constituents. The opinions, estimates and other information contained in this Report 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 Report 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 City of Charles Sturt (**Council**) undertook its last Representation Review during the period April 2012 to April 2013.

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

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 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 (the **Gazette**) on 9 July 2020, being the period from June 2020 to October 2021.

This Representation Review commenced in June 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 eight (8) Wards with two (2) Councillors in each Ward with a Mayor
- Option 2 No Wards – 16 Councillors with a Mayor
- Option 3 No Wards – 12 Councillors with a Mayor
- Option 4 Six (6) Wards with two (2) Councillors in each Ward with a Mayor
- Option 5 Four (4) Wards with three (3) Councillors in each Ward with a Mayor

Following the Council's consideration of the draft Options Paper at Agenda item 6.96 at its meeting of 12 October 2020 (**Annexure A**), the Council resolved to endorse the five (5) proposed options for the purposes of the public consultation process and endorsed the Representation Community Engagement Approach, set out as an appendix to the Agenda report (**Annexure B**).

Pursuant to section 12(7) and (8) of the Act, the Council then undertook public consultation in relation to the Options Paper, in accordance with the endorsed Community Engagement Approach. The purpose of this initial public 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 Representation Review process commenced on Thursday 15 October 2020, concluding on Thursday 26 November 2020.

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** comprising:

- a Mayor, elected from the Council area as a whole;
- eight (8) Wards, subject to a boundary realignment to the existing Ward boundaries for the Semaphore Park and Grange Wards (dealt with below at 4.3.3); and
- 16 Ward Councillors (two (2) elected from each Ward).

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 this initial 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 12 October 2020, and pursuant to section 12(7) of the Act, consultation on the Options Paper was commenced on Thursday 15 October 2020, by way of notice published in the Gazette dated 15 October 2020. A copy of the notice is contained in **Appendix C**.

Notice of the initial public consultation was also published in the Advertiser, being a local newspaper circulating in the Council area, on 15 October 2020. A copy of this notice is contained in **Appendix C**.

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

- notice on the Council's website under 'Latest News', with link to *YourSay* (the

Council's online community hub), inclusive of a link to the Options Paper;

- two (2) posts made to the Council's Facebook page on 14 October 2020 and 24 November 2020, notifying of the Representations Review process and inviting interested persons to make a submission;
- two (2) posts on the Council's Twitter account on 15 October 2020 and 25 November 2020, notifying of the same; and
- one (1) post made to the Council's LinkedIn page, notifying the same.

A digital post report is contained in **Appendix C**.

During the initial consultation period, a copy of the Options Paper was also available to view at the Council's Civic Centre located at 72 Woodville Road, Woodville and was available for download from the Council's website.

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

2.2 Community Response

The Council received 22 submissions as part of its public consultation in response to the Options Paper, of which:

- 16 submissions were received through *YourSay*;
- four (4) posts were left in the comments section on the Council's website; and
- two (2) submissions were received by email.

2.2.1 Online Submissions

Online submissions, which included those submitted through *YourSay* and comments left on the Council's website, were received from across the Council area from the following suburbs:

- Allenby Gardens
- Bowden
- Brompton
- Cheltenham
- Flinders Park
- Grange
- Henley Beach
- Henley Beach South
- Kidman Park
- Kilkenny
- St Clair
- West Lakes
- Woodville West

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

Table 1: Summary of online submissions received through *YourSay*

Name and Suburb	Response to Options	Reasons for Preference/s	Other comments
<p>L Hollamby Henley Beach</p>	<p>Option 1: Strongly Support Option 2 and 3: Strongly Don't Support Option 4 and 5: Support</p>	<p>A councillor needs local area knowledge to be educated and hopefully passionate about issues that are very specific to a given ward. The risk of spreading councillors thinly across wards they know little to nothing about is pointless and risks residents not being adequately represented. It also risks councillors political party alliances bring prioritised above what's best for the ward and residents.</p>	<p>Councillors need to [be] held to account to their commitment. There are too many councillors rotting the system and turning up to the minimum amount of council meetings. If they only turn up to 50% they should only be paid 50%. It feels like some councillors have taken this on as on-the-side pocket money. Not good enough for ward residents and ratepayers. Have the right number of councillors who care, are accountable, and do their job.</p>
<p>A Johansen Bowden</p>	<p>Option 1: Strongly Support Option 2, 3, 4 and 5: Strongly Don't Support</p>	<p>We need people (councillors) in each smaller are[a] to be able to keep their ear to [t]he ground, know what is going on, are seen by the residents. If wards are too large or councillors not based in the area that they are representing, their ability to really understand the issues and things of importance to residents is severely hindered. It is not enough to visit a[n] area and do street corner consults or have a cuppa.</p> <p>Having no wards and just general councillors increases the likelihood that different areas may fall under the radar and miss out on equal representation.</p>	

<p>J Holbrook Henley Beach South</p>	<p>Option 1: Support Option 2: Neutral Option 3, 4 and 5: Don't Support</p>	<p>I don't think that we should reduce the number of councillors. The number of ratepayers represented per councillor is not particularly small, and the cost saving is minimal.</p> <p>I prefer the current ward system as it allows for representation of each area. Having said that, I can see the benefit of elections across the whole council (though there are downsides such as having no idea who the candidates are). The ward system does have the downside of becoming very insular at times, but on the whole I think it still has merit.</p>	<p>I also feel that a directly elected mayor has benefits over a chairperson elected from the council. This provides the opportunity for an independent voice as Mayor (the current team approach in City of Adelaide has me concerned about councils becoming too collegiate).</p> <p>I also feel that candidates for council should have to declare their membership of political parties. While I don't want our councils to become party political as they are in other states, I think that any partisanship needs to be out in the open.</p>
<p>D Bradford Grange</p>	<p>Option 1: Strongly Support Option 2 and 3: Strongly don't support Option 4 and 5: Don't Support</p>	<p>I feel better represented with the existing structure.</p>	
<p>C Gordon Woodville West</p>	<p>Option 1: Strongly Support Option 2 and 3: Strongly Don't Support Option 4: Neutral Option 5: Don't Support</p>	<p>The higher number of wards ensures we have representation across the whole council area, within our council we have a number of different demographics</p> <p>I think having wards ensures all our councillors don't all come from one area within the council. It means we have councillors who representing our residents from the whole council area.</p>	

<p>S Maddock Flinders Park</p>	<p>Option 1 and 4: Support Option 2 and 3: Don't Support Option 5: Neutral</p>	<p>No reasons given</p>	
<p>P Laris Henley Beach</p>	<p>Option 1: Don't Support Option 2 and 3: Strongly Don't Support Option 4: Support Option 5: Strongly Support</p>	<p>Current arrangement does not work well. Council meetings frequently demonstrate lack of proper preparation or consideration of issues by many Councillors. More focus on politics (often personal grudges) than on policy. Abolition of wards risks loss of direct representation and dominance by factional groups. Option 4 is ok, but a having 3 Councillors per ward may encourage more consultation at ward level and more carefully considered positions going into meetings and committees.</p>	
<p>N Messenger Allenby Gardens</p>	<p>Option 1: Strongly Support Option 2, 3, 4 and 5: Strongly Don't Support</p>	<p>Best representation by having 8 wards. Residence know who they can talk to and be heard No wards too unwieldy. Less wards, more difficult for Councillors.</p>	<p>I strongly disagree with the current election method of the Mayor in that if nominating for Mayor cannot nominate for Ward. The City lose valuable people when they nominate for Mayor and lose, and cannot be elected for a Ward.</p>
<p>M Kretchmer St Clair</p>	<p>Option 1 and 2: Strongly Don't Support Option 3: Strongly Support Option 4: Neutral Option 5: Support</p>	<p>16 Councillors is too many. The current ward structure is pointless, as you do not need to live in the ward to stand for election in that ward.</p>	

		<p>The Council should be making decisions in the best interest of the whole Council area – not just their patch.</p> <p>Strongly support a move to 12 Councillors – no wards would be best, but a reduced ward structure would be the second-best option.</p>	
<p>R Wilson Brompton</p>	<p>Option 1: Neutral</p> <p>Option 2 and 3: Don't Support</p> <p>Option 4: Strongly Support</p> <p>Option 5: Support</p>	<p>If Council needs to cut back then reducing the number of councillors is a good start.</p>	
<p>D Reid West Lakes</p>	<p>Option 1, 3, 4 and 5: Strongly Don't Support</p> <p>Option 2: Strongly Support</p>	<p>Option two allows for greater diversity.</p>	
<p>C Faulkner Cheltenham</p>	<p>Option 1: Strongly Support</p> <p>Option 2, 3, 4 and 5: Strongly Don't Support</p>	<p>I strongly support the retention of wards because it is the only way for individuals to be sure they will have true LOCAL representation by someone who lives in the same area and is familiar with issues that need attention within that area. I strongly support the retention of 16 Councillors and a Mayor to enable adequate representation over Charles Sturt Council's high population, vast area and many varied suburbs. I strongly assert that to uphold democracy, the Mayor needs to be elected by the public and not by the Councillors.</p>	

<p>J Jenner Grange</p>	<p>Option 1: Support Option 2 and 3: Strongly Don't Support Option 4: Strongly Support Option 5: Neutral</p>	<p>I believe wards offer representation within the immediate community whereas 'no wards' may lend itself to a lack of representation in some areas and over representation in others. Keen supporter of the Mayor's role too.</p>	
<p>S Johnson Kilkenny</p>	<p>Option 1: Strongly Support Option 2, 3, 4 and 5: Strongly Don't Support</p>	<p>Existing- better local knowledge by councillors of the area.</p>	
<p>G Wheal Kilkenny</p>	<p>Option 1: Strongly Support Option 2, 3, 4 and 5: Strongly Don't Support</p>	<p>Reducing the number of wards or removing wards makes it easier for political parties to stack the council. It's bad enough as it is.</p>	
<p>T Davis Kilkenny</p>	<p>Option 1, 4 and 5: Neutral Option 2 and 3: Strongly Support</p>	<p>I support the following concept: To satisfy local needs in a 'no ward' structure, Councillors could be allocated responsibilities for geographic areas, portfolios and/or other communities of interest under such an arrangement. I feel this would provide opportunities to have ward councillors who have portfolios of interest of specialisation where people could run who are experts in fields such as culture and the arts, sports, the environment, business, community engagement. This would facilitate a broad understanding of a specific area across the entirety of council and</p>	

		<p>would have to help develop or protect these areas.</p> <p>Silos often occur in specific area or particular departments. Having someone across the whole council would have to bring conversations and people together.</p> <p>I do like our councillors and their work within our community. Over time I think however that un-intentionally relationships occur that may get in the way of impartiality. Disruption can be a great tool if used wisely and I think this re-figuring of council would benefit the City of Charles Sturt. I feel excited about the possibilities for this kind of change.</p> <p>Thank you for the opportunity to have a say.</p>	
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In addition to the submissions received through *YourSay*, four (4) comments were left on the comments page of the Council's website.

The details of these posts, including preferred options and comments regarding the Council's composition and structure are provided in **Table 2**.

Table 2: Summary of comments left on the Council's website

Suburb	Date of Comment	Preferred Option	Comments
Grange	15 October 2020	Option 1	Nil
Henley Beach	22 October 2020	Not stated	Concerned re the number of flats and units no green space, no solar [o]r water tanks or water recycling or tiny streets with no parking provided. No ambulances or fire truck can get through when cars parked on road. [B]adly planned and no foresight into future for [W]estlakes. Parks and lots of mature trees removed.
Kidman Park	7 November 2020	Option 1	Prefer to retain the current structure
Cheltenham	22 November 2020	No stated	Mayor's provide a symbolic representation which is a strong presence when undertaking community functions and activities.

2.2.2 Email Submissions

The Council also received two (2) email submissions in response to the public consultation, set out below in **Table 3**.

Table 3: Summary of emailed Submissions

Name	Option Preference	Comments
D Crabb on behalf of: The Electoral Reform Society of South Australia	Option 2 or Option 3 If Wards are proposed Option 5	<ul style="list-style-type: none"> Proportional representation works better; Society's preference for a single Council-wide electorate; while residents within each local council need to decide how many councillors should be in their council, either all councillors should be elected at large, or there should be wards of sufficient size (minimum of three-members so that more voters find their votes electing a councillor. analyses of past elections have consistently shown that voters get more choice this way, as well as fewer votes being wasted; preference for Option 2 as this allows maximum number of voters to find their votes electing the candidates of their choice; Option 3 is also a good possibility;

		<ul style="list-style-type: none"> • If the council is divided into wards, Option 5 is preferable to Option 1 and Option 2; • analysis of the results of the 2018 election shows that of those who voted in the ward elections, 21% found that their votes did not elect a councillor. This ranged from 28% in the West Woodville Ward to 16% in the Semaphore Ward; • this does not ensure fair and equitable representation, and definitely does not encourage more residents to vote in council elections; and • opportunity to make improvements in representation and we hope that the councillors will consider this.
L Tramontin Ratepayer	Option 1	The current system is more personalised as part time representatives have smaller areas to manage.

2.3 Analysis of Community Response

The submissions demonstrate a **clear and strong preference** to retain the existing composition and structure of the Council, comprising eight (8) Wards, 16 Councillors, with two (2) each elected from each Ward, and a Mayor, elected from the community as a whole, being **Option 1**.

This preference is underpinned by an expressed community desire to ensure that the Council retains local representation by members who know their local area.

Whilst the number of submissions received (22 in total) cannot be considered to reflect the attitudes of the whole community, which comprises approximately 87,296¹ electors, the Council can, and is entitled to, take into account this information in gaining insight into the views of the community and its preferred composition and structure of the Council's representative body.

Not all of the submissions addressed the issue of retaining a Mayor, elected from the Council area as a whole. However, of the submissions received that did address this point, three (3) indicated a 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. One (1) submission indicated a preference for the Principal Member to be a Chairperson, on the basis that a person nominating for Mayor, if not elected, could not correspondingly be elected as a Councillor, in which case, their skills are lost.

There was a clear and strong preference towards retaining the current structure of the Council, both in terms of the number of Wards and Councillors with over half (14) of the submissions received either strongly supporting or supporting Option 1.

Option 4 and Option 5, each of which proposed a reduction in the number of Wards, as

¹ Elector enrolment from House of Assembly and Council Voter's Roll at December 2020 published by the Electoral Commission of South Australia.
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well as Councillors, to 12, were the second preferred options with five (5) submissions indicating strong support or support for each of these Options.

The comments made in respect of retaining the current structure and composition and/or a Ward structure generally can be summarised as follows:

- more Wards provides for better representation of areas, being a relatively large Council area with varied demographics;
- Councillors have local knowledge of their Ward area, and a smaller area to manage with regards to representation;
- no Wards could result in a lack of representation in some areas, or otherwise, over representation in others; and
- retaining Wards ensures Councillors do not all come from one area and reduces the risk of dominance by factional groups or 'stacking' of the Council.

However, as above, some submissions did indicate the number of Wards and Councillors could be reduced, with five (5) submissions supporting a reduced number of Wards and Councillors (Options 4 or 5).

Three (3) of the submissions indicated strong support for Option 2, which proposed a removal of Wards, but retention of the current number of Councillors.

Two (2) submissions were received in support of Option 3, which also proposed no Wards, but a reduction in the number of Councillors to 12.

The comments made in respect of abolishing Wards, and electing Area Councillors, can be summarised as follows:

- abolishing Wards and having Councillors elected from the whole of the Council area, allows voters to vote for their preferred candidate; and
- Area Councillors would make decisions for the whole of the Council area, and not just a specific Ward area.

The responses received to Options 2 and 3 generally suggest that the community has a preference to retain a representative structure comprising Wards.

Table 4 provides a summary of the 22 submissions received, and preference in respect to each of the Options:

Table 4: Consultation response to Options

Option Preference ²	Number of Respondents	Percentage ³
OPTION 1: Existing Structure – 8 Wards with 2 Councillors each Ward (16 in total)		
Strongly Support	11	50%
Support	3	14%
Neutral	2	9%
Don't Support	1	4%
Strongly Don't Support	2	9%
Not specified	3	14%
Total	22	100%
OPTION 2: No Wards and 16 Councillors		
Strongly Support	3	14%
Support	-	-
Neutral	1	4%
Don't Support	2	9%
Strongly Don't Support	11	50%
Not specified	5	23%
Total	22	100%
OPTION 3: No Wards and 12 Councillors		
Strongly Support	-	-
Support	2	9%
Neutral	-	-
Don't Support	4	18%
Strongly Don't Support	11	50%
Not specified	5	23%
Total	22	100%
OPTION 4: 6 Wards with 2 Councillors from each Ward (12 in total)		
Strongly Support	2	9%
Support	3	14%
Neutral	3	14%
Don't Support	2	9%
Strongly Don't Support	6	27%
Not specified	6	27%
Total	22	100%

² The preferences from the emailed submissions, online submissions and the comments left on the Council's website have been incorporated in Table 4. The nominated option in the emailed submission and comments on the Council's website are included in Table 4 as 'strongly support'. If the submission only included one option preference responses to the other Options were included as 'not specified'. In respect of the response from D Crabb, Option 2 was included in the Table as 'strongly support', Option 3 was included in the Table as 'support' and Option 5 was included in the Table as 'support'.

³ Percentages have been rounded up or down closest to 0.5%.

OPTION 5: 4 Wards with 3 Councillors from each Ward (12 in total)		
Strongly Support	1	4%
Support	4	18%
Neutral	3	14%
Don't Support	3	14%
Strongly Don't Support	6	27%
Not specified	5	23%
Total	22	100%

2.4 Key Community Issues

The submissions received did not raise any specific key community issues. However, a number of submissions commented on the relatively large area of the Council, its varied suburbs and demographics, and the need for all areas and demographics to have appropriate representation through the Council's elected body.

In summary, the submissions indicate a preference to retaining the existing composition and structure and, more generally, a composition and structure comprising Wards, with Councillors elected from within Wards. A minority of submissions received indicated a preference for reducing the number of Wards and Councillors.

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 the 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;
- eight (8) Wards; and
- 16 Ward Councillors, two (2) elected from each Ward.

However, in doing so, the Council must also examine a proposed realignment of Ward boundaries, specifically for the Semaphore Park and Grange Wards, to ensure that the Ward quotas remain within the statutory tolerance. We will return to this issue shortly.

Based on the current number of electors in the Council area, being 87,296⁴, the elector representation ratios under the Council's proposal (not including the Mayor) will be 5,456 electors per Councillor, or 5,135 electors per Councillor (including the Mayor).

The average Ward quota will be 1:5,456.

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

4 PROPOSAL RATIONALE

4.1 Council Name

The name of the Council has been retained since the proclamation of the City on 1 January 1997.

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 Composition

4.2.1 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 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;

⁴ Elector enrolment from House of Assembly and Council Voter's Roll at December 2020 published by the Electoral Commission of South Australia.

- 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.

The arguments in favour of each option, and the views expressed in the submissions received, were considered by the Council.

Whilst not all submissions addressed this point, of those that did, three (3) were in favour of continuing with an elected Mayor and one (1) favoured a Chairperson appointed by and from within the elected member body.

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

Retaining the structure of a Mayor whose appointment is seen to represent the broader electorate means that the person occupying the position is likely to be seen to represent the majority views of the community. This is an important factor for a large council, such as the Council, where Councillors are elected from within Wards, rather than from the whole of the community.

Other advantages of continuing to have a Mayor, is that all electors are able to vote for their preferred candidate for that office.

The individual feedback received from Councillors has favoured retaining a Mayor, elected from the Council area as a whole, rather than a Chairperson elected from within.

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.

4.2.2 Number of Area or Ward 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 (16) 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 16 Councillors, to be elected from within Wards as Ward Councillors.

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.

In relation to the consideration of adequate and fair representation, the Options Paper included a comparison of the Council against other councils of a similar size, characteristic and elector number.

A Table demonstrating the comparison, with the updated figures as of January 2021, is contained below at **Table 5**.

Table 5: Comparison of elector ratios with other councils

Council	Electors 2021	Members (including Mayor)	Ward Quota 2021 (including Mayor)	Ward Quota 2021 (excluding Mayor)
Charles Sturt	87454	17	5144	5465
Adelaide	27841	12	2320	2531
Marion	66296	13	4099	5524
Onkaparinga	127748	13	9826	10645
Playford	64177	16	4011	4278
Port Adelaide Enfield	86409	18	4800	5082
Salisbury	96099	15	6406	6864
Tea Tree Gully	73590	13	5660	6132
West Torrens	41961	15	2797	2997

In arriving at the decision to retain 16 Councillors, the Council took into consideration its own experiences as a representative governance body, the submissions received during public consultation and comparison with other similar councils.

The Council's own experiences demonstrate that as an elected body:

- it has been able to make informed, transparent and accountable decisions effectively for the community;
- it provides appropriate, proportionate, representation for various interest groups/areas in the Council, having particular regard to the physical size of the Council; and
- each Councillor feels that their workload is appropriate and manageable.

The submissions received during the public consultation also supported the position that the number of Councillors is appropriate to provide representation for the community.

The rationale for continuing with 16 Councillors:

- the Council has found 16 Councillors to be an appropriate number to provide:
 - appropriate elector representation for the different areas of the Council, taking into account the specific characteristics and demographics of the population of the Council area;
 - it provides for a diversity of skills, knowledge and life experiences amongst the elected member body; and
 - provides for different views points on matters to be raised and debated, to ensure all relevant considerations are taken into account in representing the interests of the community;
- this is a sufficient number to share the workload in giving effect to the Council's governance functions, as well as the individual roles and responsibilities of Councillors; and
- the number is favourable when compared against similar councils in South Australia. That is, it could not be said that the electors in the Council area are under, or over, represented, when compared to other councils of a similar size and composition. (refer **Table 5**).

The feedback from the Council, the community and an analysis of the data, demonstrates that 16 Councillors, with a total elected member group of 17 (including the Mayor), is both a reasonable and suitable number to ensure that each member can carry out their role in accordance with section 59 of the Act, including that members:

represent the interests of residents and ratepayers, to provide community leadership and guidance and to facilitate communication between the community and the council.

4.3 Ward Structure

4.3.1 Wards or No Wards

'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 Australian and South Australian Parliaments.

The Council has considered four (4) options in relation to Wards:

- continue with eight (8) Wards;
- abolish Wards entirely;
- reduce the number of Wards to six (6); or
- reduce the number of Wards to four (4).

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 eight (8) Wards, with two (2) Ward Councillors to be elected from within each Ward (refer part 4.2.2 above).

In making this decision, the Council has considered the arguments in favour of the options available to it, along with the submissions received as part of its public consultation, which was overwhelmingly in support of continuing with a representative structure comprising Wards and continuing with (8) Wards.

The Council acknowledges the factors that support a reduction in and/or abolition of Wards, including:

- the five (5) submissions that were supportive of reducing the number of Wards and/or abolishing Wards;
- it affords electors the opportunity to elect more than two (2) nominal representatives from within a Ward, being the current number of candidates that can be elected from each Ward);
- it gives electors the opportunity to vote for any candidate at an election, and judge the performance of all candidates (not just the candidates in their Ward);
- Councillors can be challenged to find the right balance between corporate governance duties and their representative role, with the desire to make decisions in the best interests of their Ward sometimes seen to outweigh the requirements to make decisions in the interests of the community as a whole;
- potential reduction in electoral accountability, where periodic elections are required for all Wards of a Council area, with the result that sometime, incumbent members in some Wards are returned unopposed;
- 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;

- such a structure 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 is not required to adjust its Ward boundaries as part of any subsequent Representation Review; and
- the Council can carry a casual vacancy and avoid the cost of a Supplementary Election in certain circumstances.

However, the Council's preference is to continue with its current structure of eight (8) Wards, and in so determining, is persuaded by:

- Ward Councillors provide an enhanced representation for specific Council areas, particularly having regard to the size of the Council and its demographics, which including smaller communities, communities of interest and those communities that may need additional assistance. Each of which in a localised area may have difficulty in obtaining direct representation under a no Ward structure;
- Councillors have better local knowledge of their Ward area and understanding of local issues;
- reduces concerns 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;
- more prominent or popular Councillors, or those perceived to have more 'power' or 'control', are not disproportionately called upon more frequently by community members, ensuring equity in demands on time and resources;
- Councillors having a smaller area to manage and appropriate workload;
- ensures better representation of all areas across the Council and reduces the risk of lack of representation in some areas and over representation in others;
- ensures Councillors do not all come from one area and reduces the risk of dominance by factional groups or 'stacking' of the Council;
- keeps costs of campaigning for candidates lower, as they only need to campaign within their Ward area and not the whole of the Council area. This is particularly relevant given the geographical and population size of the Council;
- face to face communication between Councillors and electors, residents and ratepayers can be facilitated more easily; and
- the cost of Supplementary elections is lower for a Ward than across the whole Council area.

For these reasons, continuing with the current structure of eight (8) Wards in accordance with Option 1 is the preferred option for the Council at this time.

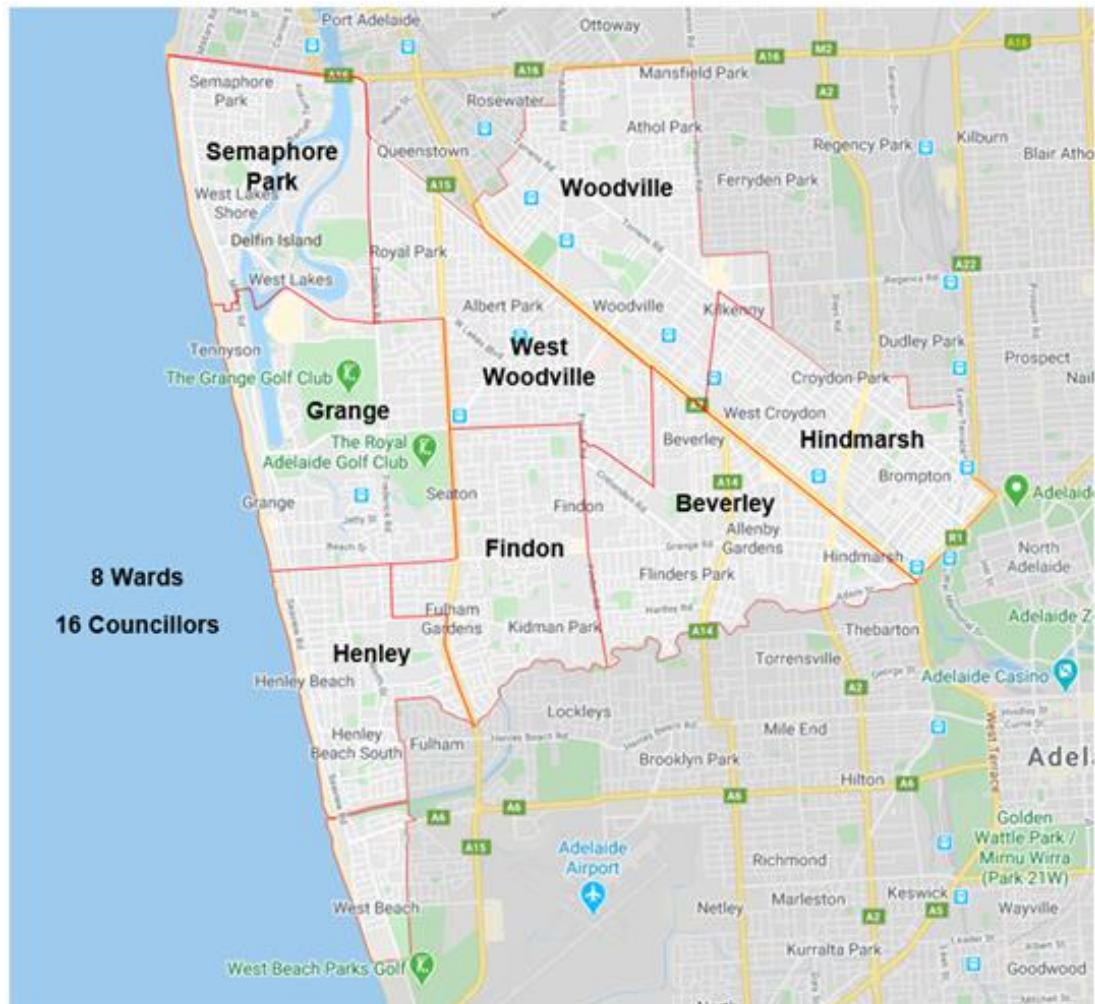
However, in doing so, notes it will be required to implement a re-alignment of certain Ward boundaries, specifically for the Semaphore Park and Grange Wards.

4.3.2 Ward Representation and Quotas

The elector ratio is the average number of electors represented by each Councillor, who represent Wards. The Mayor is not included in these calculations.

In accordance with section 33(2) of the Act, where a Council is proposing Wards as part of its representation structure, the number of electors represented by each Councillor must not vary from the Ward quota by more than 10%.

A copy of the existing Ward map, representing Option 1, is depicted below:



When the Council commenced its Review process in June 2020, the figures, as a February 2020 were current. These are represented in **Table 6**, demonstrating that the number of electors represented by each Councillor did not vary from the Ward quota by more than 10% at that time.

Table 6: Ward Representation and Quota on Enrolment February 2020

Ward	Ward Councillors	Electors	Ward Quota	Variation
Beverley	2	10,080	5,087	-6.37
Findon	2	11,258	5,719	4.57
Grange	2	10,594	5,337	-1.60
Henley	2	10,747	5,414	-0.19
Hindmarsh	2	11,082	5,593	2.94
Semaphore Park	2	9,757	4,896	-9.38
West Woodville	2	10,989	5,589	2.06
Woodville	2	11,632	5,918	8.04
			Total Ward Quota 2020	
Total	16	86,139	5,383	

Following which, figures in August 2020 were released. These figures demonstrated the number of electors represented by each Councillor did not vary from the Ward quota by more than 10%, **with the exception of** the Semaphore Park Ward, which had decreased further, to a variation of -10.07%.

Table 7: Ward Representation and Quota on Enrolment August 2020

Ward	Ward Councillors	Electors	Ward Quota	Variation
Beverley	2	10,174	5,087	-6.56%
Findon	2	11,438	5,719	5.05%
Grange	2	10,675	5,337	-1.97%
Henley	2	10,828	5,414	-0.55%
Hindmarsh	2	11,186	5,593	2.74%
Semaphore Park	2	9,792	4,896	-10.07%
West Woodville	2	11,178	5,589	2.66%
Woodville	2	11,836	5,918	8.71%
			Ward Quota	
Total	16	87,107	5,444	

The figures released in December 2020 again demonstrated the number of electors represented by each Councillor did not vary from the Ward quota by more than 10%, **with the exception of** the Semaphore Park Ward. While the Semaphore Park Ward had increased slightly in this period, it still had a variation of -10.06%.

Table 8: Ward Representation and Quota on Enrolment December 2020

Ward	Ward Councillors	Electors	Ward Quota	Variation
Beverley	2	10,142	5,071	-7.06%
Findon	2	11,426	5,713	4.71%
Grange	2	10,708	5,354	-1.87%
Henley	2	10,827	5,413	-0.79%
Hindmarsh	2	11,258	5,629	3.17%
Semaphore Park	2	9,814	4,907	-10.06%
West Woodville	2	11,236	5,618	2.97%
Woodville	2	11,885	5,942	8.91%
			Ward Quota	
Total	16	87,296	5,456	

Accordingly, Ward quotas are required to be considered as part of this Review, having regard to population projections and anticipated demographic trends in the Council area.

While an analysis of population projection and demographic trends indicates that the Semaphore Park Ward quota would be under the 10% tolerance by the next periodic election, and the presently under quota Ward of Semaphore Park will benefit with population growth during the next two (2) years given the Football Park redevelopment, such development is, of course, required to equate to eligible electors.

These calculations also rely on the assumption that no other changes will occur in the Council area, to ensure the Ward quotas remain in tolerance.

For this purpose, the Council now proposes as part of this Review to realign the boundaries of the Semaphore Park and Grange Wards, to ensure that all Wards remain well with the 10% tolerance for the next Local Government periodic elections.

4.3.3 Boundary Realignment

The proposed changes to the Ward boundaries are as follows:

- that portion of the Grange Ward, bordered by Brebner Drive, Turner Drive and the West Lakes Canal, is to be incorporated into the Semaphore Park Ward.

This arrangement is depicted as follows, with the crosshatched section to be incorporated into the Semaphore Park Ward as part of this Review.

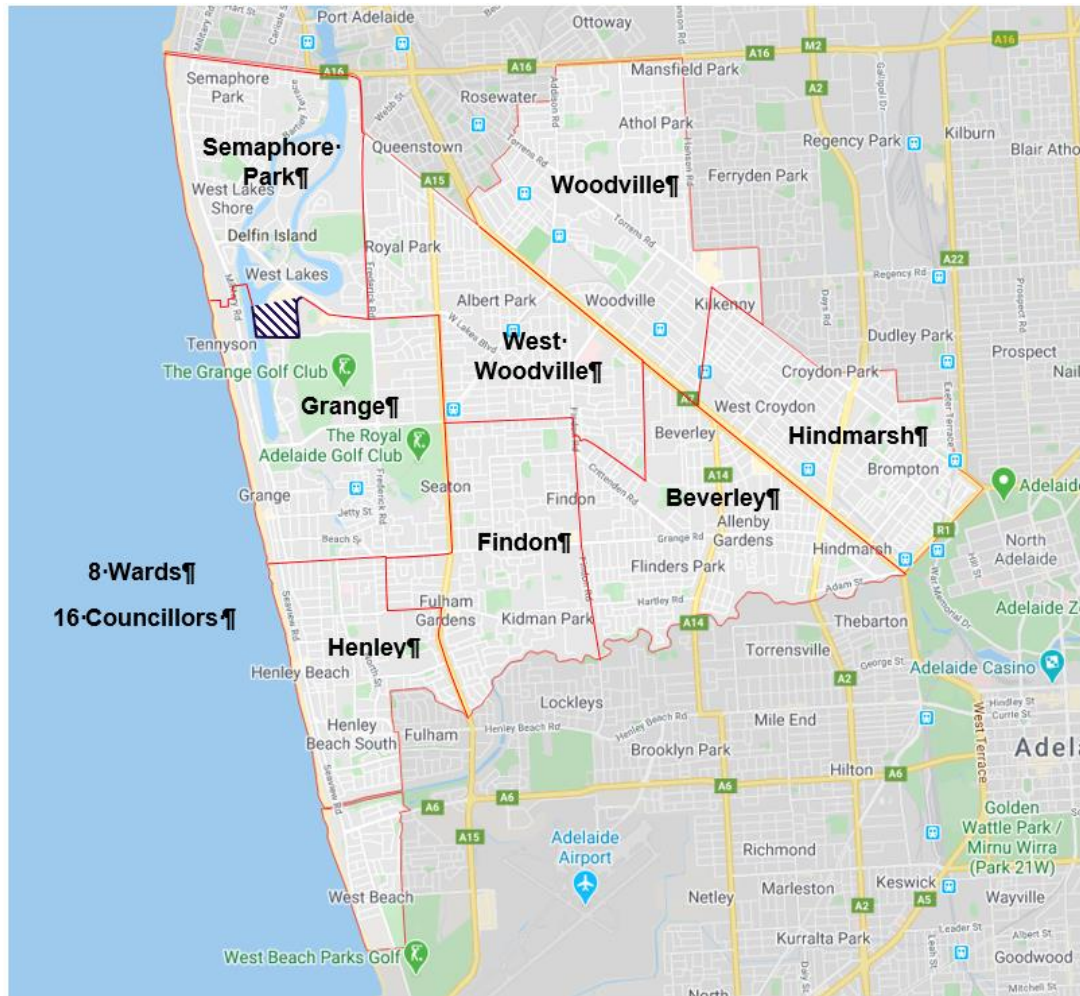


Table 9 reflects the amended Ward quotas under this proposal, based on the updated elector figures for **January 2021**.

Table 9: Ward Representation and Quotas under the proposed Ward Boundary Amendment

Ward	Ward Councillors	Electors	Ward Quota	Variation from ward quota
Beverley	2	10,156	5,078	-7.08%
Findon	2	11,416	5,708	4.45%
Grange	2	10,307	5,153 (-431)	-5.71%
Henley	2	10,838	5,419	-0.84%
Hindmarsh	2	11,317	5,658	3.53%
Semaphore Park	2	10,247	5,123 (+431)	-6.26%
West Woodville	2	11,279	5,639	3.18%
Woodville	2	11,894	5,947	8.82%
			Ward Quota	
Total	16	87,454	5,465	

The outcomes of the consultation process overwhelmingly supported retaining the Council's existing structure and composition. Accordingly, whilst there are a number of boundary realignments that could achieve the same outcome, in bringing the currently under tolerance Semaphore Park back within tolerance, it is considered the above proposal impacts the least number of electors.

Hence, the above proposal, to realign a portion of the Semaphore Park and Grange Ward boundaries, as part of **Option 1**, gives effect to the submissions received by the Council as part of its consultation on the Options Paper, in maintaining stability in the existing structure and composition.

If the proposed amendments to the Ward boundaries are adopted as part of this Review, as part of **Option 1**, all eight (8) Wards will be well within the 10% quota variance by the next Local Government periodic election to be held in 2022.

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, when determining the Council's composition as part of its Review, 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 eight (8) Wards, the Council has taken into account the considerations under section 33(2) of the Act, which provide that a proposal that relates to the formation or alteration of Wards must also observe the principle that the number of electors represented by a Councillor must not vary from the Ward quota by more than 10 per cent.

Further, for the purposes of section 33(2), if two (2) or more Councillors represent a particular Ward, the number of electors represented by each will be taken to be the number of electors for the Ward, divided by the number of Councillors for the Ward.

The Ward quota will be taken to be the number of electors for the area, divided by the number of Councillors for the area who represent Wards.

The following factors have been taken into account in considering the number of electors in the Council area and Ward quotas.

5.1.1 Population and Projections

The Department for Infrastructure and Transport (**DIT**) (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 - 121,110;
- 2026 - 126,777 (+5,337);
- 2031 - 131,947 (+5,500); and
- 2036 - 138,292 (+6,435).

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

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

5.1.2 Demographic and Development Trends

As part of this Review demographic trends were considered, together with the potential for these trends to impact on the population of the Council area, particularly as they relate to Ward areas, and quotas.

The Council has seen a steady increase in the number of new dwellings throughout the Council area.

In the 2019/2020 financial year 1,917 new dwellings were proposed in the Council area. Between 1 July 2020 to 17 January 2021 the number of dwellings proposed in the Council area were 722, which is projected to increase in the second half of the 2020/21 financial year.

In addition to this existing development, significant ongoing infill development is occurring at the following sites, and as part of the following projects:

- Bowden – 'Life More Interesting';
- 'West' at West Lakes; and
- 'The Square' at Woodville West.

Table 10 sets out the number of dwellings **proposed** by Ward for the 2019/20 financial year and the 2020/21 financial year (to 17 January 2021).

Table 10: Dwelling Numbers per Ward

Ward	Number of dwelling applications received 2019/20 FY per Ward	Number of dwelling applications received 1 July 2020 to 17 January 2021	Total dwelling applications
Beverley	202	85	287
Findon	193	78	271
Grange	74	109	183
Henley	110	104	214
Hindmarsh	964	61	1025
Semaphore Park	67	45	112
West Woodville	160	138	298
Woodville	147	102	549
Total	1917	722	2639

The number of dwellings that were completed and suitable for occupation in the 2019/20 financial year and the 2020/21 financial year (up to 17 January 2021) have also been considered.

Table 11: Dwellings completed per Ward 2019/20 and 2020/21 (up to 17 January 2021)

Ward	Number of dwellings completed 2019/20 FY per Ward	Number of dwellings completed 1 July 2020 to 17 January 2021	Total dwellings completed
Beverley	1	30	31
Findon	4	38	42
Grange	-	5	5
Henley	3	3	6
Hindmarsh	1	8	9
Semaphore Park	2	10	12
West Woodville	7	37	44
Woodville	3	22	25
Total	21	153	174

These tables indicate the residential development undertaken throughout the Council area, which will contribute to an increase in population and, in turn, elector numbers.

Development trends in the Council, particularly for sub-divisions and higher density infill development in Bowden, Westlakes and Woodville West, are likely to result in population increases in the near future, with the highest number of new dwellings are proposed in these areas.

However, it must be noted that the number of new dwelling application is not an accurate reflection of the number of dwellings that exist, or will exist, in the Council area.

An application only signals an intention to carry out development, with no obligation to construct the development. Construction of approved development may also be delayed for a period of time and this may include delay of construction and occupation until after the 2022 periodic elections. Even when a development is completed it may remain vacant or unoccupied.

For these reasons, development data is required to be considered with caution, particularly with regards to any application of these figures to elector numbers in the Council area.

5.1.3 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.

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

5.1.4 Topography

The Council area is comprised of 56 square kilometres and is bordered by the coast to the west, the Torrens River to the South, the City of Adelaide to the East and generally, Torrens Road, Hansen Road and Grand Junction Road to the East and North.

The Council includes the suburbs of Albert Park, Allenby Gardens, Athol Park, Beverley, Bowden, Brompton, Cheltenham, Croydon, Devon Park (part), Findon, Flinders Park, Fulham Gardens, Grange, Hendon, Henley Beach, Henley Beach South, Hindmarsh, Kidman Park, Kilkeny, Ovingham (part), Pennington, Renown Park, Ridleyton, Royal Park, Seaton, Semaphore Park, St Clair, Tennyson, Welland, West Beach (part), West Croydon, West Hindmarsh, West Lakes, West Lakes Shore, Woodville, Woodville North, Woodville Park, Woodville South and Woodville West.

The primary land uses in the Council area are Residential, Commercial and Industrial. By comparison to other councils of a similar size and demographic, such as the City of Port Adelaide Enfield and the City of Marion, the Council has a relatively high population density.⁵ This is likely due to recent development trends, the Council's close proximity to the Adelaide CBD and other features, such as being situated on the coast.

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 Data obtained from the Adelaide Primary Health Network Community Profile at <https://profile.id.com.au/aphn/about?WebID=130>.

5.1.5 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.

5.1.6 Adequate and Fair Representation

For the reasons set out in parts 4.2.2 and 4.3 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 the 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.

5.2 Section 26 of the *Local Government Act 1999*

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 (at least in the longer term).

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 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 Council continue to be a Mayor, elected by the Council area as a whole;
- eight (8) Wards, subject to amendment to the Ward boundaries for the Semaphore Park and the Grange Wards as described at 4.3.3; and
- the elected body of the Council to continue to comprise a total of 16 Ward Councillors, with two (2) elected from each Ward;

6.3 Public Consultation on this Representation Review Report

The public consultation plan 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 Thursday 11 March 2021;
- the consultation period will be notified by:
 - public notice in the Gazette;

- public notice in The Advertiser, being a newspaper generally circulating in the Council area;
- publication on the Council's website; and
- posts on the Council's Facebook, Twitter and LinkedIn 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 Mary Del Giglio – Acting Team Leader Governance & Business Support mdelgiglio@charlessturt.sa.gov.au and will be accepted until 5pm on Friday 1 April 2021.

Further information regarding the Representation Review may be obtained by contacting Kerrie Jackson – Manager Governance & Operational Support on 8408 1115 or kjackson@charlessturt.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 also 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 from ECSA, 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.