



# **FINAL REPRESENTATION REVIEW REPORT**

**December 2024**

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

Prepared by  
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## **City of Onkaparinga**

This Representation Review Report has been prepared for the City of Onkaparinga (the **Council**) for the purposes of section 12 of the *Local Government Act 1999* (the **Act**) by Kelledy Jones Lawyers.

### **Disclaimer**

This Report has been prepared by Kelledy Jones Lawyers for the City of Onkaparinga'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 (the **Representation Review**).

The City of Onkaparinga (the **Council**) undertook its last Representation Review during the period April 2016 to April 2017.

This Report sets out the Council's proposed elector representation and the process it has undertaken to reach its proposed adopted composition and structure.

### 1.1 Legislative Requirements

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 that is prescribed by the regulations.*

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 April 2024 to April 2025 (**Appendix 1**).

The Council commenced its Representation Review in April 2024.

### 1.2 Matters to be Considered

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

The key areas for consideration are:

- the number of Councillors;
- whether the Council should have Wards or no Wards (and if it has Wards, the name of the Wards);
- how Councillors are elected, from Wards; across the whole of the Council area; or a combination of both;
- the name of the Council.

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

- the resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community;
- a council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;

- a council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;
- a council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;
- a council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes;
- 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;
- a council area should incorporate or promote an accessible centre (or centres) for local administration and services;
- the importance within the scheme of local government to ensure that local communities within large council areas can participate effectively in decisions about local matters;
- 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 Representation Review Report must also have regard to section 33 of the Act, which lists the matters to be considered, as far as practicable, if the Council proposes to change the Ward representation of the Council. These include:

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

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

### 1.3 Representation Review Process

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

- prepare a draft Representation Review Report, representing the Council's preferred Representation option, to be adopted by the Council for public consultation purposes;
- undertake a minimum three-week public consultation on the draft Representation Review Report (the **public consultation**) in addition to any requirements under the Council's *Public Consultation Procedure*;
- review the submissions received during the public consultation process;
- having regard to the submissions received during the public consultation process, consider and adopt the proposed representation structure, as set out in the Final Representation Review Report;
- adopt the Final Representation Review Report and submit the Final Report to the Electoral Commissioner of South Australia (the **ECSA**) to obtain a certificate of compliance; and
- on receipt of a certificate of compliance, publish a notice in the Gazette notifying of the future composition and structure of the Council, to come into effect on polling day for the November 2026 Local Government periodic elections.

## 2 BACKGROUND

The last 'relevant period' for the Council in undertaking a Representation Review was April 2016 to April 2017, at which time it determined to change from its five (5) Ward structure, each with four (4) Ward Councillors and a Mayor, to its current six (6) Ward structure, each with two (2) Ward Councillors and a Mayor (elected from the Council area as a whole).

The existing names of the six (6) Wards in the Council area are:

- South Coast;
- Mid Coast;
- Knox;
- Pimpala;
- Thalassa; and
- Southern Vales.

The Council commenced its current Representation Review process in April 2024.

### 3 REPRESENTATION PROPOSAL

At Agenda item 9.15 at its meeting of 19 March 2024, the Council resolved to appoint Kelledy Jones Lawyers, as a 'person' who, in the opinion of the Council was qualified to address the representation and governance issues that may arise with respect to the matters under review, and, in the first instance, to prepare a draft Representation Review Report (the **Review Report**) for the Council's consideration.

A copy of the relevant page of the Minutes from the Council meeting of 19 March 2024 is **Appendix 2**.

Two (2) workshops, in the nature of information and briefing sessions for the purposes of section 90A of the Act were held with the Elected Members on:

- 30 April 2024, at which time Members received information regarding the Representation Review Process, noting a number of new Members had not been through such a process prior; and
- 2 July 2024, at which time Members discussed certain boundary proposal options, particularly noting the Mid Coast Ward had exceeded the Ward 'tolerances' for the purposes of section 33 of the Act, and the Mid Coast Ward was close.

At a Special Council Meeting held on 10 September 2024, Members considered several options in relation to the proposal to amended Ward boundaries, together with representation modelling for the purpose of ensuring the proposals met the section 33 tolerances.

Following which, the Council resolved as follows as to the proposal it wished to progress as part of this Review:

*MOVED Cr Fisher.*

1. *That Council note the draft Representation Review Report provided as attachment 3 to the agenda report, prepared by Kelledy Jones.*
2. *That Council recommend the following models for inclusion in the draft Representation Review Report:*
  - *Option 1*
3. *That Council note the revised representation review timetable as provided at attachment 4 to the agenda report.*

*Seconded by Cr Eaton.*

**CARRIED**

A copy of the Agenda Report for item 2.1 with the Administration Report and Maps considered by the Council, as well as an extract of the Minutes of the Special Council Meeting of 10 September 2024 are **Appendix 3**.

A copy of the complete Agenda report for item 2.1 can be accessed at this link:

[file:///H:/Downloads/Agenda-Special-Council-meeting-10-September-2024%20\(2\).pdf](file:///H:/Downloads/Agenda-Special-Council-meeting-10-September-2024%20(2).pdf)

#### 4 ADOPTION OF DRAFT REPRESENTATION REVIEW REPORT

Following feedback received from Members at the workshops and its Special Council Meeting of 10 September 2024, the draft Representation Review Report was finalised for the Council's consideration.

Pursuant to sections 12 (6) and (7) of the Act, at Agenda item 9.1 at its meeting of 17 September 2024, when the Council reached the item in question, and after considering the same, the Council resolved to adopt the proposal set out in this Representation Review Report for the purposes of the public consultation process.

A copy of the Agenda report for item 9.1 and extract of the Minutes for the Meeting of 17 September 2024 is **Appendix 4**.

As a result of recent amendments to the Representation Review process under section 12 of the Act, the Council is only required to undertake public consultation for the purposes of section 12(7) of the Act, in accordance with section 50 of the Act (in addition to any further discretionary consultation, or other matters set out under the Council's *Public Consultation Procedure*).

There are no additional requirements under the Council's *Public Consultation Procedure* (**Appendix 5**).

In accordance then with the Council's resolution and pursuant to section 12(7) of the Act, the public consultation on the Representation Review Report commenced on Thursday 3 October 2024 and concluded on Thursday 24 October 2024.

The Council chose to notify the consultation by notice published in the Government Gazette on 3 October 2024, as well as the Advertiser, being a local newspaper circulating in the Council area.

The consultation on the Report was also included on the Council's website at the following link

<https://yoursay.onkaparinga.sa.gov.au/>

'YourSay' inadvertently went 'live' for 24 hours on 28 September 2024, prior to 3 October 2024 (the notified date of consultation), during which three (3) submissions were received.

For the avoidance of doubt, it is confirmed those 'early' submissions have been received and considered as part of this Review.

An invitation to attend the December Council meeting to provide in person submissions was also included as part of the YourSay feedback form.

This, necessarily, was an invitation to persons who made a submission that related '*to the subject matter of the proposal*' for the purposes of section 12(12a) of the Act.

Those eligible participants who provided their contact details were emailed on 15 November 2024 to confirm the invitation. A copy of the invitation is **Appendix 8**.

No persons who made a relevant submission and who were invited to make an oral submission to the Council, chose to take up this invitation.

In ensuring a broad 'reach' on the consultation process, the following marketing initiatives were also undertaken as part of the Council's community engagement approach:

- roadside banners at four (4) locations across the Council area;
- as part of the 'On Hold' recording for the Customer Service Centre;
- A3 and A4 Flyers distributed to all Council offices, together with copies of the Representation Review Report;
- two (2) Facebook posts made to the Council's Facebook page, notifying of the availability of the Review Report and inviting interested persons to make a submission; and
- a copy of the Representation Review Report was also available to view at the Council's Civic Centre located at Noarlunga Centre and available for download from the Council's YourSay website.

A copy of the consultation notifications are **Appendix 6**.

## 5 CONSULTATION OUTCOMES

33 participants provided feedback as part of the consultation on the Representation Review Report, setting out the Council's proposed composition and structure for this next period, including the proposed Ward boundary amendments.

32 of the submissions were received via the YourSay Onkaparinga platform and one (1) participant sent a submission via email to [mail@onkaparinga.sa.gov.au](mailto:mail@onkaparinga.sa.gov.au)

During the consultation period, the YourSay Onkaparinga platform had 282 visitors, resulting in 32 contributions and two (2) project followers. A 'project follower' was a person subscribing to the outcome.

As part of the survey, participants were asked to describe their connection to the Council:

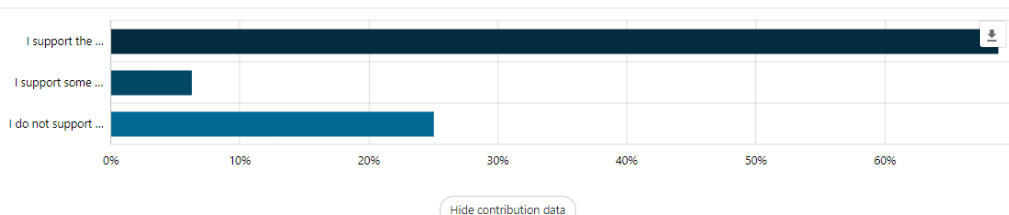
- 92.86% of participants responding that they live in the City of Onkaparinga area;
- 7.4% described their connection as *other*.

The online survey tool asked participants if they supported the proposed structure and composition as detailed in the Representation Review Report and a section was included for feedback on the proposal.

Only sixteen participants completed all eight (8) questions and chose to provide feedback with the following responses received:

5 Do you support the proposed structure and composition? Required

Multi Choice | Skipped: 0 | Answered: 16 (100%)



Answer Choices	Percent	Count
I support the structure and composition as proposed	68.75%	11
I support some elements within the structure and composition however I would like to propose changes	6.25%	1
I do not support this proposed structure and composition	25.00%	4
Total	100.00%	16

Eleven of the sixteen submissions supported the structure and composition as proposed.

The one (1) participant who chose to propose changes provided the following comment:

1. *Include O'Halloran Hill in Pimpala Ward. I'm thinking that including Reynella East in Knox Ward, which it adjoins, could address the voter quota issue more logically.*

Of the four (4) participants, who did not support the proposed structure and composition, the following comments were provided:

1. *Why I don't support 6 x 2 member wards. Some disadvantages of wards are. People find they don't have anyone they want to vote for in their ward and want to support Councillors in different wards. Councilors ignore anything that's even slightly outside their ward. We have to deal with a redistribution and consultation about it every so often and some people may not be able to vote for their favourite councillors or elected members may be pushed into a different ward. Without wards voters aren't restricted on supporting their most preferred councilor just because of where they live.*

*If we are to continue having wards, Voting analysts will say when having multiple members elected in a ward, 2 vacancies is actually the worst number, almost worse than having single member wards. Not that we have an entrenched 2 party system in council, but it would lead 1 member from 1 party and 1 member from the other party and our elected composition would be 6 left, 6 right and a mayor that is constantly dealing with a gridlocked council.*

*With the lower amount of councillors, now 12 not 20, there is much less presence at events by elected members [sic], whether or not they need an elected member to function, if we want to be an inclusive council that represents working people, young people, single parents, then we need to spread the council workload so these large parts of our community are able to be enfranchised, participate and be represented and be the faces on council."*

2. *Lumping Aldinga, Port Willunga and Maslins in with Hallet [sic] Cove etc would be a disastrous move.*
3. *Why move a small part of Pimpala ward into Thalassa? The proposal states to increase the numbers in Thalassa ward however with that move, the ward appears*

*disjointed. Concerns that Darlington and O'Halloran Hill will be 'forgotten' because it is on the outer edge of Pimpala and not joined to Thalassa ward.*

- 4. The land detailed in this proposition appears to be first nation land suffering under genocidal occupation of the foreign English crown.*

*If you or others are subject to any unwanted physical force by any Australian parliament employee while not being arrested for a crime for any other reason anywhere on the island of Australia your right to self defence in these matters has been held for you.*

*You are authorised to use any level of force you feel you require against these lethally armed attackers, up to and including lethal force.*

*In front of court claim you are a civilian defending against an armed and hostile force but have had no time to create a formal militia.*

*No liability is accepted for any harm or damage or loss of property or life that befall their foreign king or his parliament or their employees while they remain on first nation land.*

*These authorities are also held by [REDACTED]. Also, with [REDACTED] of SAPOL prosecution and the related correspondence of [REDACTED] SAPOL reference number [REDACTED] or by calling as witness [REDACTED] or [REDACTED] for all documents they hold regarding George Dickson of Bundjalung Nation vs SAPOL 2023.*

*In Victoria subpoena Vic Inspectorate [REDACTED].*

*In South Australia use [REDACTED].*

*In NSW your right to self defence was lodged directly with the Premier on the 18/6/2021. As well it is available with every Australian Federal court where it was lodged from [REDACTED] on 6 Aug 2024.*

*Demand the matter be treated as self defence against a foreign military force of the English crown, and not as a criminal action."*

It is noted the last submission **does not** relate to the Review process, but has been included for transparency. It has been redacted to remove the names of persons and reference numbers not otherwise connected with the proposal.

Seven (7) participants provided additional comments in response to the *please share any other feedback* question:

- 1. I would like to see an election with no wards and see how candidates and voters behave. I would strongly recommend increasing the number of councillors and the number of vacancies per ward. I would suggest reducing the number of wards. If political parties continue to run candidates and participate in local council election I would strongly recommend an odd number of vacancies per ward. I will suggest 4 Wards with 5 Members each. returning the the [sic] 20 councillors we previously had. I think 4 wards will cover our council well, 1 northern ward covering the old Happey [sic] Valley council area and Adelaide Hills peri urban surrounds, there would be a southern ward based on the old Willunga council area, but mainly populated with Seaford, Adlinga [sic]*

*and surrounds. The last two wards will cover everything inbetween [sic], one being more Noarlunga centred and the other Woodcroft and Reynella based*

2. *This looks a sensible realignment of ward boundaries. I think 6 wards and 2 EMs per ward has worked well.*
3. *The proposed inclusion of O'Halloran Hill in Thalassa Ward surprises me as it appears to be completely surrounded by Pimpala Ward, i.e. not physically linked to Thalassa in any meaningful way. Such a disconnection is surely likely to cause difficulties, particularly for the Councillors representing the Ward and potentially in service provision. It seems impractical and unnecessary.*
4. *The incorporation of Aberfoyle Park and Flagstaff Hill into Thallasa [sic] makes sense as that connects Hills districts with its service areas. We would note though that development applications should also be appraised in that light as well go even that apart from greater density the Hills have similar planning needs yet often get worse services and more hurdles to jump for planning applications.*
5. *As the population density of the wards in developing areas increase (Souther [sic] Vales Ward as an example), a consideration to the geographic boundary and serviceability of this by 2 councillors needs to be reviewed to ensure achievable expectations are set and maintained.*
6. [the submission at 4 above was repeated and has been omitted in this section]
7. *As the suburbs grow it is essential to change boundaries to represent fairky [sic]*

Participants were also provided the option to leave a brief response, rather than feedback.

This is a newly developed feedback tool that the Council offers in response to evaluation feedback on consultation processes, based on information received that residents are time poor, or don't like leaving feedback, but still want to be included in decision making.

When participants provided a response at this portion of the survey, if they select the option '*I don't like the composition...*' they were prompted with the following message:

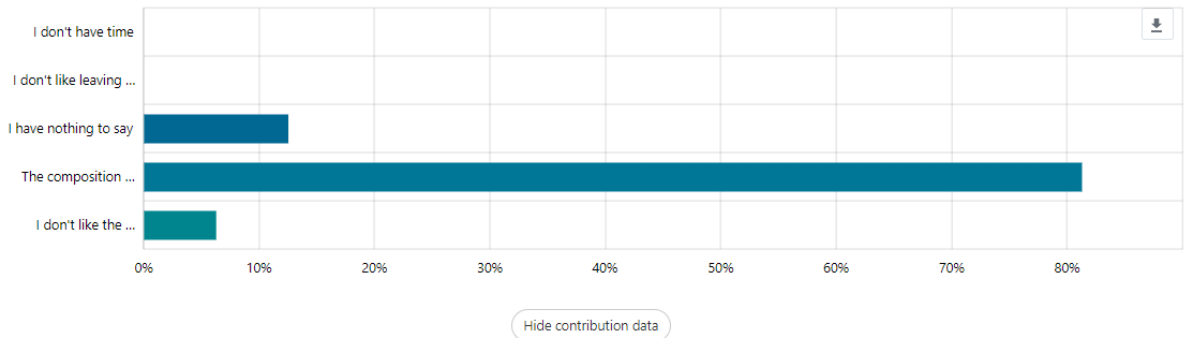
*Thanks for letting us know you dislike the composition. However, without your comments we won't know how we can improve it. Please consider completing the 'Have your say' survey to provide comments on where you think we could do better.*

Of the sixteen contributors who answered all the questions and indicated they did not wish to leave feedback, the below graph indicates 81.25% were in favour of the proposed composition and structure set out in the Report. Only one (1) person indicated they did not like the composition.

1

**Don't want to leave feedback, we'd love to hear why**

Multi Choice | Skipped: 0 | Answered: 16 (100%)



Answer Choices	Percent	Count
I don't have time	0%	0
I don't like leaving feedback	0%	0
I have nothing to say	12.50%	2
The composition looks ok, no need to leave feedback	81.25%	13
I don't like the composition, but I don't want to leave feedback	6.25%	1
Total	100.00%	16

Only one (1) participant provided feedback by email to [mail@onkapinga.sa.gov.au](mailto:mail@onkapinga.sa.gov.au), submitting as follows:

To ensure transparency in electoral representation, I propose that:

1. Before their election all prospective representatives to Onkapinga Council be required to clearly and publicly declare any current allegiance and membership of any faction or union or commerce-association affiliated with any political party or politically-interested stakeholder group that may or will influence their vote on any matter during their service to Council;
2. That elected councillors annually conduct children's focus groups with children from all wards to assist policy representation of all electorate residents and not simply voters over 18 years of age: eg. should Aldinga Beach have a dedicated car-free zone in summer where children can play safely without cars and 4wds endangering them?

There were no hard copies surveys received.

The consultation resulted in 33 participants, with sixteen completing all questions in the survey.

However, it is important to note that during the engagement period the YourSay Onkapinga platform had 4,973 visitors who made 420 contributions to the open feedback tools hosted on other project pages.

That is, 4,973 visitors to the platform were aware of the Representation Review and were offered the opportunity to provide feedback.

Accordingly, it is submitted the engagement met the Council' statutory obligations to provide an opportunity for interested persons to provide feedback on the proposed composition and structure of the Council. It was well promoted, through a variety of channels and medium and the YourSay Onkapinga platform captured the majority of contributions.

Hard copy forms were made available at all Council offices, together with copies of the Representation Review Report for viewing however, no written submissions were received from those forms and only one (1) emailed submission was received.

Participation in the engagement included:

- 282 visitors to the YourSay Onkaparinga Representation Review project page;
- 32 people provided feedback via YourSay and 1 via email;
- 18 downloads of the Representation Review Report;
- 16 downloads of the proposed Ward boundary realignment map V1;
- 11 downloads of the Current Ward Boundary Map.

Visitors to the YourSay Onkaparinga page were additionally asked if they could spare an extra minute to provide feedback on the engagement process.

Ten respondents continued through the survey to answer questions relating to the engagement process.

Participants were asked:

*Thinking about the information on the Your Say page, how much do you agree with the following statements?*

- ***How did you hear about this engagement?***

100% of the respondents said they heard about the review via an email from Your Say Onkaparinga.

- ***How easy was it to provide feedback?***

90% of the respondents said it was easy to provide feedback.

- ***It was easy to find what I was looking for***

86% of the respondents agreed and 14% neither agreed or disagreed.

- ***Information was clear and easy to understand***

86% of the respondents agreed and 14% neither agreed or disagreed.

- ***I understood what I could and could not influence about the project***

45% of the respondents agreed, 28.5% neither agreed or disagreed and 28.5% disagreed

- ***I knew how to contact the Your Say Onkaparinga team if required***

71% of the respondents agreed and 29% neither agreed or disagreed.

- ***There was enough time to find out more and provide feedback***

100% of the respondents agreed.

Copies of the original consultation outcomes are at **Appendix 7**.

## **6 ADOPTED REPRESENTATION AND COMPOSITION PROPOSAL**

Based on the consultation outcomes, the Council now proposes to **retain its existing structure and composition** being:

- a Mayor elected by electors from the whole Council area;
- six (6) Wards, without amendment to the Ward names; and
- 12 Ward Councillors, two (2) elected from each Ward.

As above, the Council has been required to examine a proposed realignment of Ward boundaries, involving the movement of several suburbs, to ensure Ward quotas remain within the statutory tolerance of 10% variance from the Ward Quota as part of this Review.

Based on the current number of electors in the Council area, being 134,051<sup>1</sup>, the elector representation ratios under the Council's proposal will be 11,170 electors per Ward Councillor.

## **7 PROPOSAL RATIONALE**

### **7.1 Council Name**

The 'City of Onkaparinga' has been the name of the Council since 1997, and comes from the traditional Aboriginal place name Ngankiparinga, meaning *women's river place*.

Whilst sections 12(2) of the Act provides that the Council may consider the alteration of its name as part of the Review process, the current name of the Council is an important part of its commitment to Reconciliation and acknowledgement of the Traditional Owners and custodians of the land comprising the Council's area.

For this reason, and noting submissions received, the Council does not propose to change its name as part of Representation Review.

### **7.2 Composition**

#### **7.2.1 Number of Area or Ward Councillors**

There are two (2) key areas the Council must consider in relation to the number of Councillors:

- whether the current number of Councillors (12) 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.

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<sup>1</sup> Statistics for Elector Representation Review Monday 4 November 2024 ECSA

The Council's proposal is to continue with 12 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 Representation Review Report included a comparison of the Council against other councils of a similar size, characteristic and elector number, being the cohort of councils considered to be the largest in the State.

**Table 1:** Comparison of elector ratios with other councils<sup>2</sup>

<b>Council</b>	<b>Electors 2024</b>	<b>Members (including Mayor)</b>	<b>Ward Quota 2024 (excluding Mayor)</b>
Charles Sturt	90,887	17	5,680
Marion	68,512	13	5,709
Onkaparinga	134,051	13	11,170
Playford	72,785	16	4,852
Port Adelaide Enfield	90,467	18	5,321
Salisbury	98,584	15	7,041
Tea Tree Gully	74,776	13	6,231
West Torrens	43,277	15	3,091

In arriving at the decision to reduce its composition to 12 Councillors plus a Mayor at its last Review, the Council took into consideration the incoming obligations under section 11A of the Act that now require a council must not be composed of more than 13 Members, including the Mayor, unless it is otherwise granted an exemption certificate under section 12(11b) of the Act by the ECSA.

In doing so, the Council now has the highest Ward quota of all councils in South Australia. There is no suggestion that a further reduction could, or would, be appropriate for consideration as part of this Review, in ensuring adequate representation.

The Council's own experiences since its last review have demonstrate that as an elected body:

- it has been able to make informed, transparent and accountable decisions effectively for the community; and

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<sup>2</sup> Statistics for Electors Representation Review, 4 November 2024, ECSA

- it can provide appropriate, proportionate, representation for various interest groups/areas in the Council, having particular regard to the physical size of the Council.

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 12 Councillors:

- the Council has found 12 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
- whilst the Council's elector ratios far exceed the other councils modelled above (indeed, any other council in the State), this is as a result of the Council determining as part of its previous Review process to reduce its number to 12 Councillors, plus a Mayor, to meet the 'member cap' for the purposes of section 11A of the Act.

## **7.3 Ward Structure**

### **7.3.1 Wards or No Wards**

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

The Council has considered a number of options in relation to redrawing its existing, current six (6) Ward composition, to ensure its composition does not exceed the tolerances under section 33 of the Act.

As part of its Review process, the Council was also required to consider whether it retained its existing Ward Structure (and if so, how many Wards) or whether it abolished Wards.

The issue of whether a council is divided into Wards will also impact on the number and manner in which Councillors can be elected, including:

- whether elected 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 statutory difference in the roles and responsibilities of Councillors elected as Ward Councillors and those elected as Area Councillors under the Act. However, 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. Nevertheless, 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 six (6) Wards**, with two (2) Ward Councillors to be elected from within each Ward.

In making this decision, the Council has considered the arguments in relation to the options available to it.

The Council acknowledges the factors that support abolishing a Ward structure, include:

- affording 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);
- that is, 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);
- 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 sometimes, incumbent members in Wards are returned unopposed;
- 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 process; and
- in some circumstances, the Council can carry a casual vacancy and avoid the cost of a Supplementary Election.

However, the Council's preference is to continue with its current structure of six (6) 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 area and its demographics, which including smaller communities, communities of interest, communities with specific geographical interests, and those communities that may need additional assistance. Each of which in a localised area may have difficulty obtaining direct representation under a no Ward structure;
- Councillors are motivated to have an enhanced local knowledge of their Ward area and understanding of local issues;
- reduces concerns that 'at large' elections will not result in an outcome that sees Councillors having 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 an appropriate workload;
- 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. 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
- in the event of a vacancy, the cost of a Supplementary election is lower for an individual Ward than across the whole Council area.

For these reasons, continuing with the current structure of six (6) Wards is the preferred option for the Council at this time.

However, in doing so, the Council notes **it will be required to implement a re-alignment of certain Ward boundaries**, specifically for the Pimpala, Thalassa and Southern Vales Wards.

### **7.3.2 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 the 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%.



The Table below demonstrates that for most Wards in the Council Area, the number of electors represented by each Councillor does not vary from the Ward quota by more than 10% at that time, **with the exception** of the Mid Coast Ward, which exhibits a variation of 13.38% above the Ward Quota.

**Table 2 - Elector Statistics<sup>3</sup>**

### Statistics for Elector Representation Review



#### 005 City of Onkaparinga

Mayor/Chairperson: M

Area Councillors: 0

Ward Code	Ward Name	HA Electors	Council Voters Roll	Total	No. of Rep	Quota	% Difference
1	South Coast	23487	44	23531	2	11765	5.33%
2	Mid Coast	25318	12	25330	2	12665	13.38%
3	Knox	21235	15	21250	2	10625	-4.88%
4	Pimpala	21359	4	21363	2	10681	-4.38%
5	Thalassa	20436	3	20439	2	10219	-8.51%
6	Southern Vales	22123	15	22138	2	11069	-0.90%
<b>Total:</b>		<b>133958</b>	<b>93</b>	<b>134051</b>	<b>12</b>	<b>Average: 11170</b>	

Last Review: 12-12-2017

Next Review: 01-04-2024

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.

These calculations also rely on the assumption that no significant changes will occur in the Council area, between now and the next 'relevant period' when the Council considers its composition again, (being approximately eight (8) years) 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 Wards, to ensure that all Wards remain well with the 10% tolerances for the purposes of Section 33 of the Act.

### 7.3.3 Boundary Realignment

The changes to the Ward boundaries proposed as part of this Review process are as follows, noting the desirability not to 'split' suburbs across Wards:

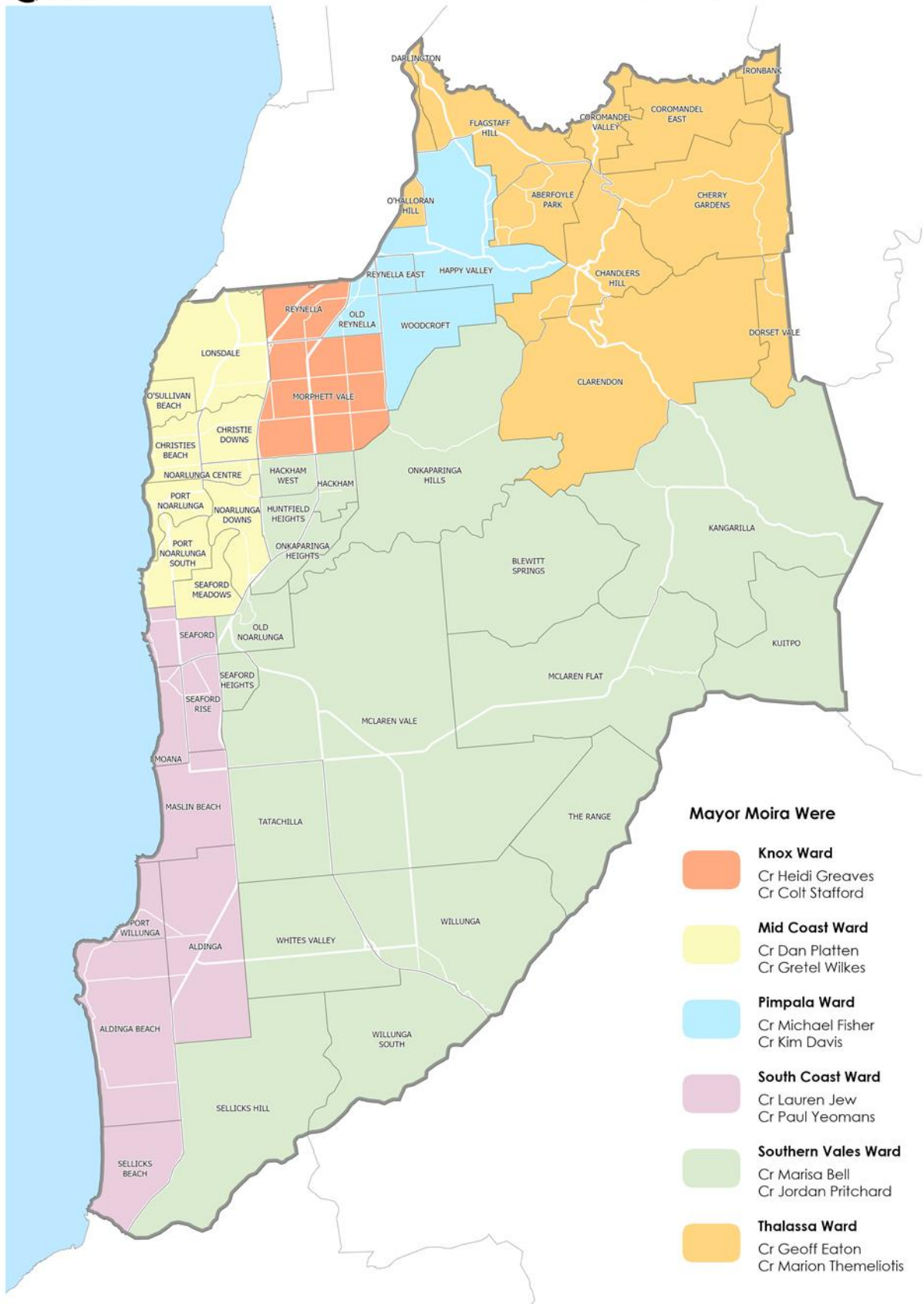
- **Aldinga**, currently split across South Coast and Southern Vales under the existing structure, is to be included, in full, in the South Coast Ward;
- **O'Halloran Hill** and **Darlington**, each for which are in Pimpala Ward under the existing structure, are to be included in Thalassa Ward;
- **Reynella**, currently in the Mid Coast Ward in the existing structure, is to be moved to Knox Ward; and
- **Old Reynella**, currently in Knox Ward, will be moved to Pimpala Ward.

<sup>3</sup> Statistics for Elector Representation Review, Monday 4 November 2024, ECSA

This proposed amended Ward boundaries are depicted in the below Map:



Proposed Ward Boundary Realignments Version 1



**Mayor Moira Were**

- Knox Ward**  
Cr Heidi Greaves  
Cr Colt Stafford
- Mid Coast Ward**  
Cr Dan Platten  
Cr Grefel Wilkes
- Pimpala Ward**  
Cr Michael Fisher  
Cr Kim Davis
- South Coast Ward**  
Cr Lauren Jew  
Cr Paul Yeomans
- Southern Vales Ward**  
Cr Marisa Bell  
Cr Jordan Pritchard
- Thalassa Ward**  
Cr Geoff Eaton  
Cr Marion Themeliotis

The following Table depicts the amended Ward quotas under the proposal, based on the elector figures at June 2024.

**Table 3:** Ward Representation and Quotas under the proposed Ward Boundary Amendment

Ward	Ward Councillors	Electors	Ward Quota	Variation
South Coast	2	23,352	11,676	4.76%
Mid Coast	2	21,665	10,833	-2.80%
Knox	2	22,249	11,125	-0.18%
Pimpala	2	21,837	10,919	-2.03%
Thalassa	2	22,644	11,322	1.59%
Southern Vales	2	21,994	10,997	-1.33%
			<b>Ward Quota</b>	
Total	12	133,741	11,145	

Taking into account feedback on the Report, the Council, as a governing body, supports retaining the Council's existing structure and composition and is now proposing to realign its Ward boundaries to ensure all Wards are brought back within tolerance as part of this Review.

If the proposed amendments to the Ward boundaries adopted as part of this Review are accepted by the ECSA, all six (6) Wards remain well with the tolerances under section 33 of the Act

## 8 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 under section 33 of the Act.

### 8.1 Section 33 of the Act

As set out above, in determining to retain its current structure of six (6) 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.

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.

### **8.1.1 Population and Projections**

The Department for Infrastructure and Transport (formally the Department for Planning, Transport and Infrastructure) prepare population projections for South Australia, released in December 2019 - *Local Government Area Projections 2011 – 2036*<sup>4</sup>. The estimated population projections for the Council area are as follows:

- 2026 – 181,242;
- 2031 – 186,321 (+5,079); and
- 2036 – 191,162 (+4,841).

The Council's experience is that the area is certainly seeing population growth, which is expected to continue, given the areas desirability with respect to access to tourism regions and the coast.

As always, population projections must be cautiously considered, based on the date the data was collected and applying assumptions about future fertility, mortality and migration. It should also be interpreted having regard to the Council's own knowledge about its area, as well as anticipated population changes.

### **8.1.2 Demographic and Development Trends**

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 period between 2017-2020, the Council saw an average of 900 applications lodged for new dwellings per year, this figure dropped slightly to 700 new applications per year in the post-COVID period between 2021-2023, in line with material and trade supply issues and delays within the general construction industry .

However, in addition to this existing development, significant ongoing infill development is occurring at Aldinga, with an 800-home sustainable development plan proposed in 2019 and construction scheduled to begin in 2025.

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<sup>4</sup> Local Government Area Projections 2011 – 2036

**Table 4:** Proposed New Dwellings per Ward to 2032, being the next the next ‘relevant period’ for the council.

<b>Ward</b>	<b>Additional Dwellings</b>	<b>Additional Population</b>	<b>Total Dwellings 2032</b>	<b>Total Population 2032</b>
Knox Ward	662	1,589	13,408	32,180
Mid Coast	2,472	5,934	17,974	43,137
Pimpala	123	295	11,715	28,118
South Coast	1,383	3,319	14,432	34,637
Southern Vales	1,697	4,074	13,491	32,377
Thalassa	1,045	2,509	16,651	39,961
<b>Total</b>	<b>5,152</b>	<b>17,270</b>	<b>82,601</b>	<b>199,240</b>

It is to be recalled the number of previous, and new, dwelling applications 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 November 2026 periodic elections. Even when a development is completed it may remain vacant or unoccupied.

For these reasons, development data is to be considered with caution, particularly with regards to any application of these figures to elector numbers (noting, of course, not every ‘resident’ is an ‘elector’ for the purposes of a Representation Review process).

### **8.1.3 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.

Ensuring the Council's varied communities of interest, including on geographical grounds, remain appropriately represented is one of the reasons it has determined to maintain its Ward structure.

#### **8.1.4 Topography**

The City of Onkaparinga is approximately 518km<sup>2</sup> in area and exhibits varying topographic and geographic areas and features. The Council area incorporates thirty-one kilometres of coastline, large rural areas to the east and south, watercourses, areas of hilly terrain and considerable urban development comprising residential, industrial and commercial land uses. In addition, the Council area exhibits a long established and extensive road network and is dissected by the Adelaide - Seaford railway line.

Despite the above, the topography of the City should have little or no impact upon Council's proposal, given the proposed Ward structure has been developed with the view to maintaining communities of interest (and suburbs) within the bounds of the proposed Wards.

#### **8.1.5 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 and that maintaining its Ward structure assist with this.

#### **8.1.6 Adequate and Fair Representation**

For the reasons set out above, 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.

### **8.2 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;
- ensure that local communities can participate effectively in decisions about local matters; and
- 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 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 most favourably with the composition and elector ratios of other Councils of a similar size (in terms of elector numbers) and characteristics.

## **9 CONCLUSION**

A Final Representation Review Report was prepared to:

- provide information to the ECSA on the process undertaken by the Council in conducting its Representation Review;
- set out the rationale for selecting the proposed composition and structure;
- set out the feedback received from interested persons as part of the public consultation process; and
- to submit to the ECSA for certification.

## 9.1 Preferred Composition Structure

At its meeting of 10 December 2024, the Council adopted the structure and composition set out in this Representation Review Report, proposing as follows with respect to composition and structure on this Review:

- the name of the Council remains unchanged;
- six (6) Wards, subject to the required boundary re-alignment to ensure elector representation is within quota tolerances;
- each of the six (6) Wards to retain current names;
- the elected body of the Council to continue to comprise a total of 12 Ward Councillors, with two (2) elected from each Ward; and
- a Mayor elected from the Council area as a whole<sup>5</sup>.

A copy of the Agenda report and relevant page of the Minutes from the Council Meeting of 10 December 2024 are **Appendix 9**.

## 9.2 Referral

This Report is now referred to the ECSA under section 12(11) and (12) of the Act for certification.

KELLEDY JONES LAWYERS

20 December 2024

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<sup>5</sup> Noting this is now a legislative requirement for the purpose of section 51 of the Act in any event.

# APPENDICES