



City of
Mount Gambier

Representation Review Report

Prepared in accordance with
Section 12(8a) of the Local Government Act 1999

November 2016

Prepared for the City of Mt Gambier by C L Rowe and Associates Pty Ltd, November 2016 (Version 1)

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1. Introduction

Section 12(4) of the Local Government Act 1999 (the Act) requires each Council to undertake a review of all aspects of its composition and the division (or potential division) of the Council area into wards, as prescribed by the Minister from time to time by a notice published in the Government Gazette.

The City of Mount Gambier last completed an "elector representation review" in November 2009 and is now required to undertake and complete another review by April 2017, in accordance with the provisions of the Local Government (General) Regulations 1999, so as to ensure fair and equitable representation of all electors prior to the 2018 Local Government elections.

This report has been prepared in accordance with the requirements of Section 12 (8a) of the Act. It:

- provides information on the initial public consultation undertaken by Council and Council's response to the issues raised within the submissions received;
- sets out the proposal that Council considers should be carried into effect; and
- presents an analysis of how Council's proposal relates to the relevant provisions and principles of the Act.

The key issues that need to be addressed during the review include:

- the principal member of Council, more specifically whether it should be a mayor elected by the community or a chairperson selected by (and from amongst) the elected members;
- the composition of Council, including the number of elected members required to provide fair and adequate representation to the community and the need for area councillors in addition to ward councillors (where the Council area is to be divided into wards);
- the division of the Council area into wards or the retention of the existing "no wards" structure; and
- if wards are to be introduced, the level of ward representation within, and the names of, any future proposed wards.

2. Background

The Council area is currently not divided into wards and Council comprises an elected mayor and ten area councillors. This structure initially came into effect at the Local Government elections in 2003 and was retained by Council at the completion of the last review which was undertaken in 2008/2009.

At the time of preparing this paper, the total number of persons eligible to vote in Local Government elections in the Council area was determined to be 19,279, this comprising 19,167 enrolments on the House of Assembly Roll (as maintained by Electoral Commission South Australia) and 112 enrolments on the Supplementary Voters Roll, as maintained by Council pursuant to the provisions of Section 15 of the Local Government (Elections) Act 1999.

Council commenced its elector representation review in April 2016 and completed the initial six (6) week public consultation period on Friday 2nd September 2016. One submission was received.

At its meeting on the 15th November 2016, Council considered all matters relevant to the review, including the public submission received, and resolved to agree, in principle, to make no changes to its composition and/or structure other than to reduce the number of councillors to eight.

3. Initial Public Consultation

Public consultation commenced on Thursday 21st July 2016 with the publishing of a public notice in the "Border Watch" newspaper and the Government Gazette. A second notice was published in the "Border Watch" newspaper on Friday 22nd July 2016. In addition, the public consultation process included the display of information and the relevant review documents on Council's website; a dedicated news item on the Council website which directed attention to the "Have Your Say Mount Gambier" web page and the related documents attached thereto; and the provision of the Representation Options Paper and associated documents at the Council offices.

At the expiration of the public consultation period (i.e. close of business on Friday 2nd September, 2016) Council had received one electronic submission (via the "Have Your Say Mount Gambier" page on the Council website). Notwithstanding this, records indicate that the "Have Your Say Mount Gambier" web page attracted eighty-three (83) visits, from which forty-two (42) downloaded documents. It should be noted that the Project Report indicates the receipt of two submissions, however one was a test conducted by Council staff.

No other enquiries or submissions were received during the course of the initial public consultation.

The receipt of only one anonymous electronic submission is a disappointing response given that three submissions were received at this stage of the previous elector representation review in 2008/2009 and that there are nearly 19,000 eligible electors in the Council area. Obviously the opinions expressed in the submission cannot be considered to represent the attitudes of the community as a whole.

In summary the submission received favoured the retention of an elected mayor; the retention of the existing "no ward" structure; and a reduction in the number of area councillors from ten to eight.

Council's comments regarding the key issues of the review and the submission received are provided hereinafter.

4. Proposal

Having duly considered all relevant provisions of the Local Government Act 1999, the information and alternatives contained within the Representation Options Paper and the matters raised in the written submissions, Council proposes the following in respect to its future composition and structure.

- The Principal Member of Council continues to be a Mayor, elected by the community.
- The Council area not be divided into wards (i.e. the existing "no ward" structure be retained).
- The future elected body of Council comprise a total of eight (8) area councillors (excluding the Mayor).

The reasons for Council's decision are provided hereinafter under key issue headings. Analysis of further relevant provisions and requirements of the Local Government Act 1999 also follow.

5. Proposal Rationale

5.1 Principal Member

The principal member of Council has always been a mayor elected by the community; and the submission received during the initial public consultation supported the retention of an elected mayor.

Council believes that:

- a mayor elected by the community is in accord with a fundamental principle of democracy – choice;
- the election of a mayor affords all eligible members of the community the opportunity to express faith in a candidate, should they choose to do so, and provides Council with an identifiable principal member who is directly accountable to the community;
- the office of mayor has served the City of Mount Gambier well over the years;
- little practical benefit will likely be achieved by changing to a chairperson at this time;
- the retention of an elected mayor as the principal member is consistent with the structure of the majority of councils within the state;
- an elected mayor brings stability and continuity to the Council, given the four year term of office; and
- the retention of an elected mayor is consistent with the attitude expressed by all of the respondents during the initial public consultation.

Whilst there was no sentiment expressed by the community for change, it is considered that, on balance, the introduction of a chairperson would provide only a few benefits, including a likely reduction in the number of elected members (with associated cost savings); flexibility in the tenure of the principal member; the opportunity for a number of elected members to gain experience as the principal member during the four year term of the Council (and to bring their particular skill set and opinions to the position); and avoidance of the potential loss of high calibre candidates through the mayoral election process. On the downside, a chairperson is chosen by the elected members, thereby depriving all of the electors the opportunity to vote for the principal member of Council.

Finally, Council is aware that any proposal to have a chairperson rather than an elected mayor cannot proceed unless, or until, a poll of the community has been conducted in accordance with the requirements of Section 12 (11a-d) of the Local Government Act 1999 and the result of the poll clearly supports the proposed change.

Given that the City of Mount Gambier has traditionally had an elected mayor as its principal member; nothing extraordinary has occurred that warrants a change to the way that the principal member is determined; and a mayor is democratically elected by the community as its principal representative (and is therefore accountable to the community), it is considered that there is no need for change at this time.

5.2 Wards/No Wards

The City of Mount Gambier is not currently divided into wards and the submission received favoured the retention of the existing "no wards" structure.

Council acknowledges that wards provide for direct representation of all areas and communities within the Council area; ensure local interests and/or issues are not overlooked in favour of the bigger "council-wide" picture; and provide recognizable lines of communication with Council through the ward councillors. It is also considered that ward councillors should have some empathy for, and an affiliation with, all of the communities within their ward.

Notwithstanding the above, the argument in favour of wards is seemingly weakened by the fact that ward councillors are not required to reside in the ward that they represent. As such, ward councillors may (potentially) have little or no relationship with the ward or constituents that they represent.

Council believes that the current "no wards" structure exhibits considerable merit and to be particularly well suited to the circumstances of the City of Mount Gambier.

The Council area is relatively small (34 km²) and primarily exhibits urban/township land uses with some open (yet to be developed) rural land uses at the periphery. The diversity in land use creates varying densities in elector numbers across the Council area which, in turn, makes the development of a ward structure (with an equitable distribution of electors and a rational basis) a difficult exercise.

The arguments in favour of the current "no ward" structure include the following.

- Electors are afforded the opportunity to vote for all vacant positions (i.e. mayor and area councillors) on Council.
- The most favoured candidates from across the Council area will likely be elected, rather than candidates who may be favoured by the peculiarities of a ward based system (e.g. elected unopposed candidates or having attracted fewer votes than defeated candidates in another ward).
- The elected members do not have parochial ward attitudes.
- The "no wards" structure is not affected by fluctuations in elector numbers; the on-going need to review elector distribution and ward boundaries; and/or the constraints of complying with quota tolerance limits.
- A Council area which is not divided into wards can be perceived as a strong and united entity with a focus on the community as a whole.
- Existing "communities of interest" are not affected or divided by arbitrary ward boundaries.
- In the event that an area councillor leaves Council, the casual vacancy can be carried by Council, thereby avoiding the need for, and cost of, a supplementary election.
- The lines of communication between a council and its community should be enhanced, given that members of the community are able to consult with any and/or all members of council, rather than be obliged to consult with their specific ward councillors.

- The “no wards” structure still afford opportunities for the small communities to be directly represented on council, provided they are able to muster sufficient support for a preferred candidate.
- The introduction of postal voting has facilitated the dissemination of campaign literature throughout the council area, thereby reducing the difficulty and cost of contesting a council-wide election campaign.

In addition, Council is aware of the changing circumstances within Local Government regarding ward structures and the fact that, at present, thirty-two regional councils and two metropolitan councils (i.e. the Towns of Walkerville and Gawler) seemingly operate successfully without wards.

Council is of the opinion that the aforementioned collectively presents a sound argument in favour of the retention of the existing “no wards” structure.

5.3 Area Councillors (in addition to ward councillors)

Given that Council proposes to retain the existing “no wards” structure, the issue of area councillors (in addition to ward councillors) is not applicable.

5.4 Ward Names

Given that Council proposes to retain the existing “no wards” structure, the issue of ward names is no longer applicable.

5.5 Number of Councillors

The only submission received by Council favoured the reduction in the number of elected members to eight (8) area councillors.

Council is aware that the provisions of Sections 26 and 33 of the Local Government Act 1999 stipulate 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).

Table 1 presents for comparison purposes only, information pertaining to the composition, size and elector ratio of a number of councils which are generally similar in size (in terms of elector numbers) to the City of Mount Gambier. Whilst the City of Port Lincoln is not necessarily similar to any of the cited councils in respect to size, character, population, topography and/or communities of interest, the data does indicate that there is no significant disparity in respect to the current level of representation and/or the elector ratio exhibited of Council.

Table 1: Elector data, representation and areas (Councils with similar elector numbers)

Council	Councillors	Electors	Ratio
The Barossa Council (912 km ²)	11	17,287	1:1,571
Town of Gawler (41.1 km ²)	10	16,843	1:1,684
Alexandrina Council (1827 km ²)	11	19,789	1:1,799
City of Mt Gambier (34 km²)	10	19,279	1:1,927
Norwood Payneham St Peters (15.1 km ²)	13	25,380	1:1,952
DC Mt Barker (595 km ²)	10	23,412	1:2,341

Source: Electoral Commission SA (26th October 2016)

Notwithstanding the data presented in Table 1, Council is aware that there are councils within South Australia and throughout the nation which are of a similar size (in terms of elector numbers) to the City of Mount Gambier but seemingly operate successfully with fewer elected members (and therefore higher elector ratios). The proposed reduction to eight area councillors will result in an elector ratio (i.e. the average number of electors represented by a councillor) increasing to approximately 1:2,410. This elector ratio is similar to the elector ratios exhibited by the District Council of Mount Barker (as indicated in table 1) and the Adelaide Hills Council, which covers an area of approximately 795 km², comprises twelve councillors and exhibits an elector ratio of 1:2,454.

When determining the appropriate number of councillors to provide fair and adequate representation, Council was mindful that:

- sufficient elected members must be available to manage the affairs of Council;
- the elected member's workloads should not become excessive;
- there is an appropriate level of elector representation;
- a diversity in member's skill sets, experience, expertise, opinions and backgrounds should be maintained to ensure robust discussion amongst the elected members; and
- adequate lines of communication must exist between the community and Council.

Council is aware that a reduction in the number of elected members to eight will result in some cost savings (e.g. elected member's allowances alone are \$15,900 per councillor per annum), with the resulting savings being available for redirection to community projects and/or programs.

In addition, it is considered that the proposed reduction in the number of elected members may serve to expedite the decision making process in Council, given the potential for fewer participants in discussions. Council does not believe that two less elected members will detrimentally impact upon the decision making processes and/or opinions expressed during discussions undertaken in Chamber, but may simply reduce the incidence of similar opinions being expressed.

Further, Council believes that the roles and responsibilities of the elected members have changed over the years.

Section 59 requires a person elected to the Council to represent the interests of residents and ratepayers, to provide community leadership and guidance, and to facilitate communication between the community and the Council. In addition, Section 59 specifies that the role of an elected member is:

- to participate in the deliberation and activities of Council;
- to keep Council's objectives and policies under review to ensure that they are appropriate and effective; and
- to keep Council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review.

The days of "hands on" participation by elected members in the day to day operation and management of, and issues before, Council have passed, and involvement today is more in the form of decision and policy makers, and communication conduits between Council and the community. In addition, enhanced communication and information technology has also served to reduce any difficulties previously experienced by elected members in respect to their day to day tasks and communication with both Council and the community.

Whilst Council believes that it is important to maintain the quality of representation that has long been experienced and expected by the local community, it is confident that a more efficient and effective elected body will enable eight area councillors to adapt to, and continue to meet the demands and needs of, the community with some resultant financial benefits to the community.

6. Legislative Requirements

The provisions of Sections 26(1)(c) and 33(1) of the Local Government Act 1999 require Council take into account, as far as practicable, the following when developing a proposal that relates to its composition and structure.

6.1 Quota

Given that Council proposes to retain the existing "no wards" structure, the provisions of Section 33(2) of the Local Government Act 1999 which relate to ward quota tolerance limits do not apply.

6.2 Communities of Interest and Population

The Act speaks of the desirability of reflecting communities of interest of an economic, social, regional or other kind.

"Communities of interest" have previously been defined "as aspects of the physical, economic and social systems which are central to the interactions of communities in their living environment", and are generally identified by considering factors relevant thereto, including neighbourhood communities; history and heritage communities; sporting facilities; community support services; recreation and leisure communities; retail and shopping centres; work communities; industrial and economic development clusters; and environmental and geographic interests.

The Council area only covers approximately 34 km² and, as such, is considered to comprise a single entity or community of interest. In addition, the current distribution pattern of electors throughout the Council area makes it particularly difficult to divide the Council area into wards on a rational and/or equitable basis without dissecting some existing communities.

The retention of the "no wards" structure avoids potential impacts upon, and the division of, existing communities of interest, and should serve to further foster a sense of community given that the Council area will not be divided into arbitrary wards.

6.3 Topography

The City of Mount Gambier is only 34 km² in area and generally comprises flat to undulating land which has long been developed for urban (township) use. As such, there are parts of the Council area which exhibit varying characteristics and visual amenity; and there is a long established local road network.

Council believes that:

- the size and topography of the Council area have little impact upon the elected members' ability to attend to the requirements and/or demands of the community; and
- its proposal to retain the existing "no wards" structure avoids the need to identify appropriate ward boundaries which would serve to delineate an equitable distribution of elector numbers and also have to take into account the general topography and the physical features within the Council area.

It should be noted that the issue of topography was not a primary factor in the decision to retain the existing "no wards" structure.

6.4 Feasibility of Communication

Council believes that the proposed level of representation (i.e. eight area councillors) will provide adequate lines of communication between the elected members of Council and the community, taking into account the ever improving communication and information technology and the fact that Council has operated effectively over recent times with only nine councillors.

6.5 Demographic Trends

Council is aware that there is the potential for a significant increase in elector numbers throughout the Council area in the foreseeable future, primarily as a consequence of new and/or on-going residential development. However, the extent and timing of such is difficult to determine with any certainty.

During the process of identifying its preferred future composition and structure, Council took into account the following information.

6.5.1 Elector Numbers

According to the House of Assembly Rolls maintained by Electoral Commission SA, the number of enrolled electors within the Council area:

- increased by 1,132 or 8.8% (i.e. 15,777 to 16,909) during the seven year period February 2001 - February 2008; and
- increased by a further 1,623 or 9.4% (i.e. 17,262 to 18,885) during the period February 2010 to February 2016.

6.5.2 Residential Development

The residential development opportunities detailed hereinafter have the potential to increase population (and therefore elector numbers) in the foreseeable future, however, the extent and timing of any of this future development (and resultant increase in elector numbers) is difficult to quantify at this time.

- The creation (in stages) of approximately 200 allotments in the north-western part of the city (O'Leary Road, Wireless Road West and Spring View Drive).
- The future extension of Matthew Flinders Way (approximately 50 allotments).
- A further 50 or more allotments adjacent the golf course (Attamurra Road).
- An additional 70 allotments within "The Meadows" estate (corner of Wireless Road East and Kennedy Avenue).
- Perhaps 20 allotments south of "The Meadows" estate (i.e. south of Wireless Road East).
- A community-titled development containing 45 allotments (O'Leary Road).

- The creation of approximately 50 allotments in the southern part of the city (McCormick Road and Lakes Park Drive).

The aforementioned indicates that the majority of the anticipated future residential development is to occur in the northern parts of the Council area.

6.5.3 Population Projections

Population projections provided by the Department of Planning, Transport and Infrastructure (DPTI), as at February 2016, indicate that the population of the City of Mount Gambier is expected to:

- increase by 1,790 (i.e. 25,773 to 27,563) or 6.95% during the ten year period 2011 - 2021 (which will likely be several years before the next scheduled elector representation review); and
- increase by a further 1,294 (i.e. 26,614 to 28,857) or 8.43% during the period 2021 – 2031.

6.5.4 Census Data

According to data provided by the Australian Bureau of Statistics (2001, 2006 and 2011 Census Community Profiles – Mount Gambier (C) Local Government Area), the estimated total population of the Council area:

- increased by 838 (3.7%) over the period 2001 – 2006;
- increased by a further 1,753 (or 7.46%) during the period 2006 – 2011; and
- overall increased by 2,591 or 11.44% over the period 2001 – 2011.

6.6 Adequate and Fair Representation

For the reasons espoused earlier, Council is confident that its proposed future composition will provide the optimum number of elected members required to manage the affairs of Council; provide an appropriate level of elector representation; maintain an appropriate diversity in the skill set, experience and expertise of the elected members; and present adequate lines of communication between the community and Council.

6.7 Section 26, Local Government Act 1999

Section 26(1) of the Act requires that a number of broader Principles also be taken into account during the review process. These are similar in nature to those presented under Section 33, and include:

- 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 reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations; 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 structure being proposed by Council is considered to comply with the cited legislative provisions, in that it will:

- incorporate sufficient elected members to undertake the various roles and responsibilities of Council;
- have little if any detrimental impact upon the ratepayers and/or existing communities of interest;
- continue to provide adequate and fair representation to all electors; and
- compare favourably with the composition and elector ratios of other regional councils that are of a similar size (in terms of elector numbers) and type.

7. Current Public Consultation

In accordance with Section 12(9) of the Local Government Act 1999, interested persons are invited to make a written submission to Council in respect to this report, and more specifically the composition and structure that Council proposes to retain at (and beyond) the date of the Local Government elections in 2018. Any person who makes a written submission at this time will be afforded the opportunity to address Council or a committee thereof, either in person or by a representative, in support of their submission.

Interested members of the community are invited to make a written submission expressing their views on the future composition and structure of Council. Submissions will be accepted until 5.00pm on Friday 16th December 2016 and should be addressed to the Chief Executive Officer, PO Box 56, Mount Gambier 5290.

Further information regarding the elector representation review can be obtained by contacting Michael McCarthy, Manager - Governance and Property, on telephone 8721 2555 or emailing city@mountgambier.sa.gov.au.