



City of **West Torrens**  
Between the **City and the Sea**

**February 2025**

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

Prepared by  
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## **City of West Torrens**

This paper has been prepared for the City of West Torrens (the **Council**) for the purposes of section 12 of the *Local Government Act 1999* (the **Act**) by Kelledy Jones Lawyers.

### **Disclaimer**

This Representation Review Report has been prepared by Kelledy Jones Lawyers for the City of West Torrens' 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

Section 12 (4) of the *Local Government Act 1999* (the **Act**) requires councils 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 every eight (8) years (the **relevant period**) by a notice published in the Government Gazette (the **Representation Review**).

A Representation Review must be conducted in accordance with sections 12, 26(1)(c) and 33 of the Act. The City of West Torrens (the **Council**) undertook its last Representation Review during the period October 2020 to October 2021 (**Appendix 1**).

### 1.1 Legislative Requirements

However, changes to the Act have resulted in the requirement for all councils to have an elected Mayor as the Principal Member, and a limit to the number of Elected Members a council may be comprised of.

Councils that do not currently comply with these new requirements, and are not in the 2024-2025 scheduled review period, must initiate a review to address these matters.

These councils must complete reviews under the transitional arrangements and publish the outcome prior to 1 January of the year of the next periodic election for any changes to take effect as at polling day of that election.

The Council is one such council.

It is section 11A of the Act that necessitates the Council to now undertake a Representation Review, outside of its relevant period.

Section 11A provides, in part, as follows:

- (1) *Despite any other provision of this Chapter, a council must not be comprised of more than 13 members, unless the council is granted an exemption certificate under section 12(11b) in connection with its most recent representation review.*

Reference to '13 Members' in this regard includes the Mayor (the Principal Member being defined as a 'member' for the purposes of section 4 of the Act).

The Council is constituted of a Mayor and 14 Ward Councillors (i.e. 15 Members).

The Council area is divided into seven (7) Wards, with two (2) Ward Councillors in each Ward.

Section 12 (11a) provides that:

*If - ...*

- (b) *the council is constituted of a number of members that exceeds the member cap and the report does not propose an alteration in the composition of the council so that it is constituted of a number of members equal to or less than the member cap,*

the report must be referred to the Electoral Commissioner of South Australia (**ECSA**).

The ECSA, on receipt and assessment of the Representation Review Report, may give the Council a certificate authorising the referral of the Report under subsection (12) (an **exemption certificate**), unless he considers that *exceptional circumstances* exist that justify a refusal to give an exemption certificate to the council.

Exceptional circumstances justifying a refusal are defined under section 12(11b) of the Act where the report does not:

- examine the advantages and disadvantages of the various structure and composition options available, including whether the number of members should be reduced, and whether wards should be abolished; or
- set out the reasons for the Council being comprised of more members than the member cap.

Therefore, councils seeking to exceed the member cap must ensure their report addresses both of the above criteria.

The Council wishes to make application for an exemption certificate as part of its Representation Review. In doing so, it understands it must undertake a 'full' Representation Review, addressing the matters set out at sections 12, 26(1)(c) and 33 of the Act.

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

## **1.2 Matters to be Considered**

In accordance with section 12(4) of 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, of the area of the Council into Wards, are comprehensively reviewed under this section at least once in each relevant period that is prescribed by the regulations.*

As above, section 11A of the Act now limits the number of Elected Members to 13 (the **Member cap**). This includes the elected Mayor.

Councils must not be comprised of more members than the Member cap, unless an exemption certificate is granted as part of this out-of-cycle Representation Review.

The Council commenced its Representation Review process in April 2024, resolving at its meeting of 16 April 2024 to appoint Kelledy Jones Lawyers to assist it with the same (**Appendix 2**).

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, noting the Member cap introduced by section 11A of the Act;
- 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 new 'member cap' limitations established under section 11A of the Act, in particular:

- this section imposes a limit on councils to only be comprised of 13 members (inclusive of the Mayor), unless granted an exemption certificate from Electoral Commissioner of South Australia (the **ECSA**) pursuant to section 12(11b) in connection with its most recent representation review;
- section 12(11b) sets out that the ECSA must give the Council a certificate exempting the Council from the member cap, unless the ECSA considers that '*exceptional circumstances*' exist that justify a refusal to give an exemption;
- pursuant to section 12(11c), '*exceptional circumstances*' mean circumstances where the review report does not:
  - examine the matters referred to in section 12(6)(a); or
  - set out the reasons for the Council being constituted in a manner referred to in section 12(11a)(a) or (b).

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 that must be taken into account, 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 Representation Review Report, representing the Council's preferred Representation option, to be adopted by the Council for public

consultation purposes;

- undertake a minimum three-week public consultation on the Representation Review Report (the **public consultation**);
- review the submissions received during the public consultation process and, if submissions are received, include those submissions in the Representation Review Report;
- consider and adopt a representation structure, having regard to the submissions received during the public consultation processes;
- have prepared, and adopt, the Final Representation Review Report;
- submit the Final Representation Review Report to the ECSA, requesting an exemption certificate, and 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 October 2020 to October 2021, at which time it determined to retain its seven (7) Ward structure, each with two (2) Ward Councillors and a Mayor, elected from the Council area as a whole.

The existing names of the seven (7) Wards are:

- Keswick
- Hilton
- Plympton
- Lockleys
- Airport
- Morphett
- Thebarton

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

## **3 REPRESENTATION AND COMPOSITION PROPOSAL**

A workshop, in the nature of information and briefing sessions for the purposes of section 90A of the Act was held with the Elected Members on Monday 25 March 2024, at which time Members received information regarding the Representation Review Process.

At Agenda item 16.4 at its meeting of 16 April 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 this 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 16 April 2024 is **Appendix 2**.

Following feedback received from Members, including at the workshop, this Review Report has now been prepared for the Council's consideration.

Pursuant to sections 12(6) and (7) of the Act, at its meeting of 21 January 2025, when the Council reached the item in question, following is consideration of the same the Council resolved to adopt the proposal set out in this Review Report for the purposes of the public consultation process.

A copy of the Agenda report and relevant page of the Minutes from the Council meeting of 21 January 2025 are **Appendix 3**.

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 matters set out under the Council's Public Consultation Policy).

In accordance with the Council's resolution and pursuant to section 12(7) of the Act, the public consultation on the Representation Review Report is now to be commenced on Thursday 13 February 2025 concluding on Friday 7 March 2025.

The consultation has been notified by notice published in the Government Gazette on Thursday 13 February 2025, as well as the Advertiser, being a local newspaper circulating in the Council area; and on the Council's website [www.westtorrens.sa.gov.au](http://www.westtorrens.sa.gov.au) (inclusive of a link to the Review Report).

A copy of the public consultation notifications are **Appendix 4**.

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

- posts made to the Council's Facebook page, notifying of the availability of the Review Report and inviting interested persons to make a submission;
- uploading the Review Report to the Council's *YourSay* webpage, with a link to survey form; and
- a copy of the Review Report is also available to view at the Council's Civic Centre located at 165 Sir Donald Bradman Drive, Hilton and is available for download from the Council's website.

Responses to the Review Report are invited by electronic submission through the *YourSay* function on the Council's website, email or hard copy submitted to the Council.

The Council proposes to **retain its existing structure and composition** being:

- a Mayor elected by electors from the whole Council area;
- seven (7) Wards; and
- 14 Ward Councillors, two (2) elected from each Ward.

As above, the Council examined its Ward boundaries as part of this process to ensure Ward quotas remain within the statutory tolerance of 10% variance from the Ward Quota.

Based on the current number of electors in the Council area, being 43,277<sup>1</sup>, the elector representation ratios (i.e. the average Ward quota) under the Council's proposal will be 3,091 electors per Councillor.

## **4 PROPOSAL RATIONALE**

### **4.1 Council Name**

The District Council of West Torrens was proclaimed on 7 July 1853, and was one of the first councils to be formed in South Australia.

Over the years, there have been a number of changes to the Council boundaries, and on 1 March 1997, the Council and the Corporation of Thebarton were joined, and briefly named the City of West Torrens Thebarton, before reverting to City of West Torrens shortly thereafter.

Whilst section 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 history.

For this reason, supported by the absence of any submission from Councillors, the name of the Council is not proposed to be changed as part of this Representation Review.

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 Number of Area or Ward Councillors**

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

- whether the current number of Councillors (14) has an impact on decision making by the Council; and

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<sup>1</sup> *Statistics for Elector Representation Review 4 November 2024 ECSA.*  
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- ensuring adequate and fair representation, whilst avoiding overrepresentation in comparison to other councils of a similar size and characteristic.

These factors are also to be considered in light of sections 11A and 12(11a)-(11c) of the Act, which require the Council to justify its request for an exemption certificate, as its proposal includes more Members than the member cap.

The Council's proposal is to continue with 14 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, a table demonstrating a comparison of the Council against other *Metropolitan Councils*, with the updated ECSA elector figures as of November 2024, is contained below at **Table 1**.

**Table 1:** Comparison of Elector Ratios with other Councils\*

Council	Area	Councillors	Electors	Ward Quota
Walkerville	1.34 km <sup>2</sup>	8	5,820	727
Prospect	7.81 km <sup>2</sup>	8	15,254	1,906
Norwood, Payneham and St Peters	15.1 km <sup>2</sup>	13	26,064	2,004
Gawler	41.1 km <sup>2</sup>	10	20,344	2,034
Unley	14.29 km <sup>2</sup>	12	28,002	2,333
Holdfast Bay	13.72 km <sup>2</sup>	12	28,679	2,389
Burnside	27.53 km <sup>2</sup>	12	32,324	2,693
<b>West Torrens</b>	<b>37.07 km<sup>2</sup></b>	<b>14</b>	<b>43,198</b>	<b>3,085</b>
Adelaide	15.57 km <sup>2</sup>	9	30,445	3,382
Campbelltown	24.35 km <sup>2</sup>	10	37,148	3,714
Mitcham	75.55 km <sup>2</sup>	12	49,608	4,134
Port Adelaide Enfield	97 km <sup>2</sup>	17	90,246	5,308
Charles Sturt	52.14 km <sup>2</sup>	16	90,687	5,667
Marion	55.5 km <sup>2</sup>	12	68,346	5,695
Tea Tree Gully	95.2 km <sup>2</sup>	12	74,774	6,231
Salisbury	158.1 km <sup>2</sup>	14	98,637	7,045

\* the above Council comprise those similarly classified as Metropolitan Councils for the purposes of and in accordance with the Australian Classification of Local Government (ACLG) framework

This table demonstrates that the Council's Ward quotas **are not** disproportionately low, indeed, the Council sits 'mid-range' with respect to quotas, even with a proposed retention of 14 Members.

In arriving at the decision to retain 14 Councillors plus a Mayor at its last Review, the Council took into consideration its own experiences as a representative governance body and comparisons with other similar councils

#### **4.2.2 City of Onkaparinga**

The Council's Ward Quotas have been assessed against *Metropolitan Councils* in accordance with the Australian Classification of Local Government framework.

However, the Council does note the City of Onkaparinga has the highest Ward Quota in the State, currently at 1:11,170<sup>2</sup>, and has taken this into consideration as part of its Review process.

The Ward quotas for the City of Onkaparinga were not included at **Table 2**, as it is classified as *Metropolitan Fringe*, together with:

- Adelaide Hills Council
- Alexandrina Council
- The Barossa Council
- City of Onkaparinga
- City of Playford

However, it is submitted the experiences of the City of Onkaparinga as part of its last Representation Review, can be distinguished from the Council's process in a material manner.

The City of Onkaparinga's last review concluded in December 2017, at which time it determined to reduce its composition from 20 Ward Councillors and a Mayor, to 12 Ward Councillors and a Mayor. This decision was made in an environment whereby there was very strong community sentiment and support for such a reduction.

At that time, the Member cap under the Act had been foreshadowed, and that council had been through a period of media attention with respect to alleged expenditure excess. Whilst there was some anomalies in the consultation outcomes, the Council ultimately received and considered:

- 197 submissions at the conclusion of the first six (6) week consultation period;
- 850 submission at the conclusion of a supplementary three (3) week consultation period ; and
- 692 accepted submissions at the conclusion of the second consultation period.

These submissions indicated very strong support for a reduction in the number of Ward Councillors.

Conversely, on the Council's last Representation Review process, concluded in November 2021, the Council received 38 submissions, on a proposal to maintain its existing composition and structure, save for a boundary realignment to ensure quota 'tolerances' were maintained.

The submissions demonstrated a clear and strong preference to retain the existing composition and structure of the Council, comprising seven (7) Wards, 14 Councillors, with two (2) each elected from each Ward, and a Mayor, elected from the community as a whole.

It is also submitted that the fact that the Council did not receive the extraordinary number of consultation outcomes, as experienced by the City of Onkaparinga as part of its process, demonstrated broader community support for maintaining the '*status quo*'.

That is, there was, demonstrably, **an expressed community desire** to ensure that the Council retained local representation by the number of Ward Councillors who know their local area.

Of course, as part of this Review, the Council is to have regard to the obligations under section 11A of the Act to examine the advantages and disadvantages of the various structure and composition options available, including whether the number of Members should be reduced, and set out its reasons for the Council being comprised of more Members than the Member Cap.

Whilst these matters are addressed in further detail later in this Report, the Council's own experiences, and as supplemented by the consultation outcomes set out above from its last review, demonstrate that as an elected body:

- it has been able to make informed, transparent and accountable decisions effectively and in a timely manner 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 area; and
- each Councillor feels that their workload is appropriate and manageable.

The rationale for continuing with 14 Councillors:

- the Council has found 14 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 view 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 1**).

An analysis of the data, demonstrates that 14 Councillors, and 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 a number of options in relation to redrawing its existing, current seven (7) Ward composition, to ensure the composition does not exceed the tolerances under section 33 of the Act.

Of course, 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 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 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, for assistance.

The Council proposes **to continue with its current structure of seven (7) Wards**, with two (2) Ward Councillors to be elected from within each Ward.

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

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

- 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 sometimes, incumbent members in some 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; 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 seven (7) 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, including smaller communities, communities of interest significant cultural diversity 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 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;
- 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;
- 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 Supplementary elections is lower for a Ward than across the whole Council area.

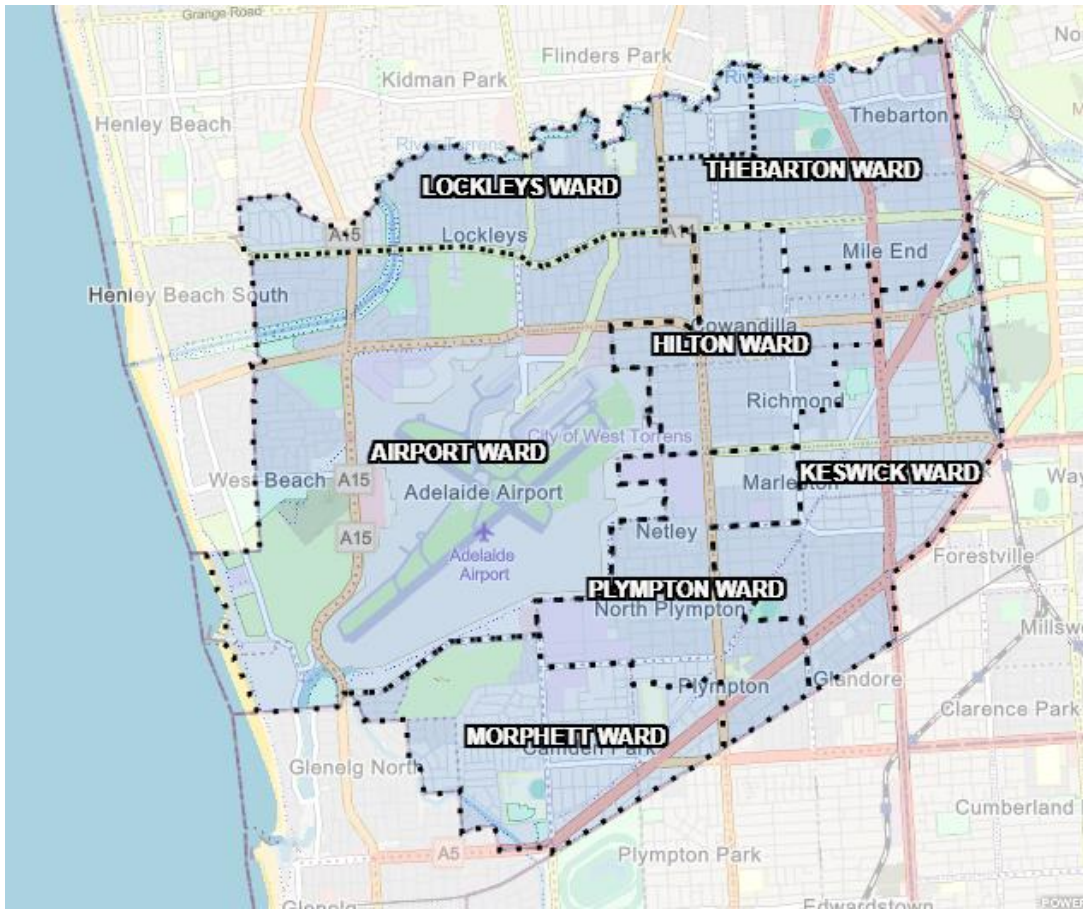
For these reasons, continuing with the current structure of seven (7) Wards is the preferred option for the Council at this time.

#### **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 is depicted below:



The following Table demonstrates the number of electors represented by each Councillor across the Wards does not vary from the Ward quota by more than 10% (+/-), meeting the requirements of section 33 of the Act.

**Table 2:** Elector Statistics November 2024<sup>3</sup>

### Statistics for Elector Representation Review



**023 City of West Torrens**

Mayor/Chairperson: M

Area Councillors: 0

Ward Code	Ward Name	HA Electors	Council Voters Roll	Total	No. of Rep	Quota	% Difference
1	Keswick	6259	344	6603	2	3301	7.00%
2	Hilton	6233	20	6253	2	3126	1.33%
3	Plympton	5662	139	5801	2	2900	-6.00%
4	Lockleys	6022	3	6025	2	3012	-2.37%
5	Airport	6116	23	6139	2	3069	-0.52%
6	Morphett	6123	23	6146	2	3073	-0.39%
7	Thebarton	6218	13	6231	2	3115	0.97%
<b>Total:</b>		<b>42633</b>	<b>565</b>	<b>43198</b>	<b>14</b>	<b>Average: 3085</b>	

Last Review: 18-11-2021

Next Review: 01-01-2024

<sup>3</sup> ECSA Statistics for Elector Representation Review – 4 November 2024  
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Accordingly, Ward quotas do not need to be considered further as part of this Review, each Ward being within the accepted tolerances.

#### **4.3.3 Boundary Realignment**

As all of the Wards are within with the 10% tolerance for the purposes of Section 33 of the Act, the Council does not propose any realignments to the Ward boundaries as part of this Representation Review.

### **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 Member cap under section 11A of the Act, the objectives contained at section 26(1)(c) of the Act and the considerations provided under section 33 of the Act.

#### **5.1 Section 11A of the Act**

As addressed prior in this Review Report, Section 11A of the Act has introduced a Member cap for councils.

In determining to retain its current structure of 14 Councillors and a Mayor, the Council's proposal exceeds the Member cap, by two (2) Members, and must refer this Review Report to the ECSA requesting an exemption certificate.

Accordingly, this Representation Review is required to address the matters of section 12(6)(a) of the Act, namely, whether the number of members should be reduced and whether the Council's area should continue to be divided into Wards or not.

The Council has determined that the current structure, including both its member composition and Ward structure is not only sufficient, but necessary in effectively meeting the demands of its diverse and growing community.

In order to satisfy the Member cap, the governing body of the Council would need to be reduced by two (2) Councillors. The effect of this would result in the Ward Quota increasing from the current **3,091** electors per Councillor, to **3,599** electors per Councillor.

Together with the future population and demographic data outlined in the following section to this Report, the Council considers that any reduction to its Member composition would have a significant and detrimental impact on the Council's ability to meet its future community obligations.

It is also important to consider the impact, including the potential for an increased level of stress and anxiety, that may be placed on Councillors if there was to be a reduction in Members, as well as a concurrent increase in support required from Administration in order to assist a reduced number of Members.

Indeed, it has also been determined that from an administrative perspective, for every reduction in one (1) Ward Councillor, there would be a corresponding increase in costs for Council Administration of \$30,000 to assist the Elected Member body, This has been calculated on the following basis:

- in the 2023 calendar year, there were 611 Elected Member requests received by Administration, namely, approximately 40 per Member;
- these figures pertain only to those requests that required further referral / response from the operational 'arm' of the Council, and not the 'day to day' administration type requests dealt with, largely, by Governance, such as training, requests for information and documentation and processing Elected Member reports;
- each one of those 611 requests had an average completion time of 14 days, from receipt to actioning;
- on average, it was estimated each such request took at least one (1) hour to complete (being a conservative estimate);
- the estimated cost to the organisation to deal with these 'workloads' is \$30,000 per Member.

in which case, absent the 'capacity' of the broader Council group, as governing body to receive and manage such requests, there will likely be an associated increase for Administration in dealing with such matters in assisting the remaining Members.

Many Members already consider the current composition places an unreasonable burden on the ability of Members to represent and advocate for their constituents, whilst also maintaining full-time work and family commitments.

This is particularly noting a number of large scale and major projects the Council is currently progressing, including the progression of certain works to enable the Adelaide Crows to apply for a lease to occupy Kings Reserve, following substantial works to that reserve, as well as the River Torrens to Darlington road project being the final section of the North-South Corridor, and the redevelopment of the former West End Brewery Site at Thebarton to name a few.

Given the projected increasing population, as well as residential development within the Council area, the Council considers it would be unreasonable to reduce the number of Members, detrimentally impacting the ability of Members to appropriately represent residents, ratepayers and electors.

That is, if the number of Ward Councillors in the Council area were to be reduced, there would be an associated reduction in representation of electors.

In addition, any reduction in Member number would have a substantial impact on the Council's Ward composition, requiring extensive boundary realignments. It is considered this would also be a complex and confusing process for members of the community.

The Council is of the strong view that the current Ward structure also appropriately represents the diverse communities within the Council area. The Council's diversity is not only limited to its community members, but also extends throughout its topography, which ranges from the inner city to the coast.

It is important that these various communities and local areas are fairly represented and heard on issues and needs. Consequently, the Council considers it essential to retain its current composition of 14 councillors divided equally across its seven (7) Wards.

In this respect, the requirements of the Council and its community must not be considered solely at the present date, but also in respect of the future.

The position of the Council, having regard for the demographic and development data is further examined in the following section of this Report.

## **5.2 Section 33 of the Act**

As set out above, in determining to retain its current structure of seven (7) 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.

### **5.2.1 Population and Projections**

The Department for Trade and Investment have prepared population projections for South Australia for 2021 to 2041<sup>4</sup>. The estimated population projections for the Council area for 2021-2041 is 72,614, or an additional 8,095 residents.

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.

### **5.2.2 Demographic Trends**

Demographic trends have also been considered, on the basis of communities of interest, together with the potential for these trends to impact on the population of

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<sup>4</sup> [https://dit.sa.gov.au/\\_\\_data/assets/pdf\\_file/0011/1344971/Local-Area-SA2-and-LGA-Population-Projections-for-South-Australia,-2021-to-2041.pdf](https://dit.sa.gov.au/__data/assets/pdf_file/0011/1344971/Local-Area-SA2-and-LGA-Population-Projections-for-South-Australia,-2021-to-2041.pdf)  
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the Council area, particularly as they relate to Ward areas and quotas.

Data from the Australian Bureau of Statistics (ABS) demonstrates the Council is experiencing, and expected to continue experiencing, significant increases in both the size and diversity of its population.

The below Table sets out the pattern of international migration within the Council population over the past five (5) years, demonstrating consistent annual net increase in overseas migrants settling into the Council area, with a more significant increase in the past 12 months.

Indeed, ABS data from the 2021 Census records that 19,545 of the Council's 64,519 residents were born overseas, representing **31.7%** of the population of the area, an increase from the 2016 Census<sup>5</sup>.

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<sup>5</sup> <https://dbr.abs.gov.au/region.html?lyr=lga&rgn=48410> – ABS Region summary: West Torrens  
wtcc0001\_240047\_028.docx

**Table 3:** – Overseas born population - Census

### Overseas born population - Census

Description	2016	2021
Born in Oceania and Antarctica (excluding Australia) (%)	0.9	0.8
Born in North-West Europe (%)	4.9	4.6
Born in Southern and Eastern Europe (%)	6.5	5.6
Born in North Africa and the Middle East (%)	1.5	1.4
Born in South-East Asia (%)	3.6	3.7
Born in North-East Asia (%)	4.4	3.4
Born in Southern and Central Asia (%)	6.7	9.4
Born in Americas (%)	1	1.4
Born in Sub-Saharan Africa (%)	1.1	1.3
Total born overseas (no.)	17 709	19 545
Total born overseas (%)	30.6	31.7

**Table 4:** Overseas Migration Figures<sup>6</sup>

Description	2018	2019	2020	2021	2022	2023
Overseas arrivals	1,878	2,081	2,154	446	1,630	2,699
Overseas departures	797	798	879	632	543	596
<b>Net overseas migration</b>	1,081	1,283	1,275	-186	1,087	2,103

Accordingly, the Council is comprised of a substantially diverse and multicultural population, being 31.7% of the total population of the Council area, with varied needs. In which case, it is important that a wide range of cultural considerations for members of the community, often complex and multi-faceted in nature, can be received and addressed by Ward Councillors.

### 5.2.3 Development Trends

The Council has also identified and projected approximate dwelling numbers to be increased through Strategic Infill rezoning at numerous sites, including around 1,200 dwellings at the former West End Brewery Site and approximately 360 dwellings at Pierson Street.

A general infill potential assessment was also undertaken by the Council in September 2023 (Point Data Consulting) which investigated Neighbourhood Zones and identified a high viable stock scenario of 3,268 dwellings over the next 15 years.

The general infill potential assessment does not address infill potential within mixed use zones (Urban Corridor Zones, Urban Renewal Zones).

Early investigations have also identified a theoretical capacity in select locations of the Urban Corridor Zone of 1,593 – 2,700 dwellings. Importantly, this was not an exhaustive review of all mixed-use zones and does not calculate market driven development potential.

As these projects commence, particularly sub-divisions and higher density infill developments, there is expected to be a significant increase in both the number of dwellings proposed in the Council area, as well as residents (and hence, electors).

The below Table below sets out data demonstrating over the next 15 years, there are opportunities for approximately 4,628 market driven strategic and general infill dwellings as well as considerable capacity for dwellings within Council's mixed use zones.

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<sup>6</sup> Data by region Australian Bureau of Statistics (abs.gov.au) Oct 2024  
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**Table 5: Market Driven Gain in Dwellings per 5-year Period**

		Market driven gain in dwellings per 5 year period											
		Total gain in dwellings		Historical uptake rate	Low viable stock scenario				High viable stock scenario				
Suburb	SA2	Maximum theoretical gain in dwellings	Total viable stock (gain in dwellings, high scenario)	5 year total (based on rolling average from 2013-2022)	Year 1-5	Year 6-10	Year 11-15	Total	Year 1-5	Year 6-10	Year 11-15	Total	
<b>By suburb</b>	Ashford	Plympton	114	22	24	19	0	0	19	20	0	0	20
	Brooklyn Park	Lockleys	845	581	48	67	67	67	202	68	68	68	203
	Camden Park	Plympton	593	458	46	76	76	76	229	77	77	77	232
	Cowandilla	Richmond	218	52	13	16	16	6	38	16	16	16	47
	Fulham	Fulham	642	541	46	58	58	58	175	58	58	58	175
	Glandore	Plympton	5	0	6	5	6	6	16	5	6	6	17
	Glennelg North	Plympton	6	3	8	8	8	8	23	8	8	9	25
	Hilton	Richmond	126	11	8	8	3	0	11	8	3	0	11
	Keswick	Plympton	401	89	13	12	12	12	37	13	13	13	39
	Kurralta Park	Plympton	730	380	120	137	137	63	337	139	139	102	380
	Lockleys	Lockleys	615	399	67	84	84	84	252	85	85	85	254
	Marleston	Plympton	247	151	45	57	57	12	126	60	60	32	151
	Mile End	Richmond	712	28	52	25	3	0	28	25	3	0	28
	Netley	Plympton	437	401	24	39	39	39	118	39	39	39	118
	North Plympton	Plympton	625	494	112	144	144	127	415	149	149	149	448
	Novar Gardens	Plympton	172	102	9	26	26	28	80	26	26	29	80
	Plympton	Plympton	1920	1156	138	163	163	163	488	167	167	167	501
	Richmond	Richmond	581	410	69	85	85	85	255	85	85	85	255
	Thebarton	Richmond	179	10	10	0	0	0	0	0	0	0	0
	Torrensville	Richmond	691	81	39	62	15	1	78	63	17	1	81
Underdale	Lockleys	511	187	26	30	30	30	91	31	31	31	92	
West Beach	West Beach	55	49	11	12	12	13	37	12	12	13	38	
West Richmond	Richmond	231	208	23	24	24	24	72	24	24	24	72	
<b>Total</b>		<b>10656</b>	<b>5813</b>	<b>951</b>	<b>1156</b>	<b>1066</b>	<b>903</b>	<b>3125</b>	<b>1177</b>	<b>1087</b>	<b>1004</b>	<b>3268</b>	
<b>By SA2</b>	Fulham		642	541	46	58	58	58	175	58	58	58	175
	Lockleys		1971	1167	141	182	182	182	545	183	183	183	550
	Plympton		5250	3256	542	685	667	534	1887	703	685	623	2011
	Richmond		2738	800	212	220	146	116	482	221	148	126	495
	West Beach		55	49	11	12	12	13	37	12	12	13	38
<b>Total</b>		<b>10656</b>	<b>5813</b>	<b>951</b>	<b>1156</b>	<b>1066</b>	<b>903</b>	<b>3125</b>	<b>1177</b>	<b>1087</b>	<b>1004</b>	<b>3268</b>	

#### 5.2.4 Greater Adelaide Regional Plan Data and Projections

The State Planning Commission has recently released its draft plan for the Greater Adelaide Region (September 2024), which identifies some key future demographic and development data relevant to the Council and its proposed representation structure.

The Plan identifies State-significant infill and urban renewal type developments within the Council's area, including, notably, and as set out above, the former West End Brewery site at Thebarton.

In collaboration with Renewal SA, the Council is projecting approximately 1,200 new homes and various other retail and open space areas to be built at the site.

The Plan also investigated and identified local infill areas within the Council area, including 'regeneration areas' at Plympton and Camden Park. These areas, currently, predominantly consist of ageing housing stock that provide opportunities for new, higher density housing developments, presenting favourable planning policies positions for uplift and renewal.

The significant development opportunities identified and projected for the Council, demonstrates there will be a need for sufficient Elected Member representation to ensure responsible and attentive consideration is given to the needs of each community within the Council, as well as the Council as a whole.

This necessitates the need for adequate representation, which the Council considers can be achieved through its expositing composition of 14 Ward Councillors and a Mayor, to ensure the needs of its diverse and growing community are met.

As part of the Plan's investigation into development projections, the Council is incorporated within the Adelaide West Region, together with the City of Port Adelaide Enfield and the City of Charles Sturt.

Adelaide West Region's population is projected to increase between approximately 1,468 - 2,902 persons (medium projection of 2,168) per annum over the next 20 years. The Plan also establishes housing targets for each of the three (3) identified councils.

**It is not an insignificant fact to recognise that each of the three (3) identified councils in the Region are constituted by a number of Members above the Member Cap.**

Over the next decade, being between 2021-31, the Council's housing target has been identified at 2,100 dwellings. This figure increases to 2,500 for the following two (2) decades (2031- 2051).

For the Council, these developments are likely to come from the identified opportunities and projects at Thebarton, Camden Park, Plympton and Ashford.

The Plan highlights the need for the Council to retain its existing composition, in not only decision making for these strategic developments, but also to ensure appropriate and responsive representation for the increased population.

### 5.2.5 Communities of Interest

Communities of interest are also 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.

### 5.2.6 Topography

The Council is located to the west of the Adelaide central business district, bordered by the City of Charles Sturt to the north, Adelaide City Council to the east and the City of Unley, City of Marion and City of Holdfast Bay to the south.

It is comprised of 24 suburbs being Adelaide Airport, Brooklyn Park, Camden Park, Cowandilla, Fulham, Glandore, Glenelg North, Hilton, Keswick, Kurralta Park, Lockleys, Marleston, Mile End, Mile End South, Netley, North Plympton, Novar Gardens, Plympton, Richmond, Thebarton, Torrensville, Underdale, West Beach and West Richmond.

The Council has an estimated population of approximately 64,519 in an area of 37km<sup>2</sup> and (*Australian Bureau of Statistics, Estimated Resident Population at 2024*), making it 'mid-range' in size as compared with the comparison councils (**Table 1**).

However, the Council area is relatively flat, and, hence, accessible. Topography and size of the Council is not considered to be prohibitive on the ability of Councillors to meet the demands of the community.

Much of the Council area remains residential, with pockets of industrial and commercial land. It also has some highly valued heritage areas, for example, at Torrensville, Mile End and Thebarton, with a prominent feature being Adelaide's domestic and international airport, occupying the central portion of the district.

The size of the population, together with the density and multicultural communities of interest, are the relevant factors that have been taken into consideration when determining the future representative composition and structure for the Council.

### **5.2.7 Communication**

The Council considers 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.

### **5.2.8 Adequate and Fair Representation**

For the reasons set out in 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.

## **5.3 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 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 CONCLUSION

This Review Report has been prepared to:

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

### 6.1 Preferred Composition Structure

The Council proposes as follows with respect to composition and structure on this Review:

- the name of the Council remains unchanged;
- the Principal Member of Council continue to be a Mayor, elected by the Council area as a whole;
- seven (7) Wards, each retaining their current name; and
- the elected body of the Council to continue to comprise a total of 14 Ward Councillors, with two (2) elected from each Ward.

### 6.2 Next Steps

This Report is now to be the subject of a public consultation process.

Following which, the Council will receive and take into account the outcomes of the consultation, in determining its proposed representation and composition, for submission to the ECSA, requesting an exemption certificate.

Submissions can be made via:

- completing the feedback form online at <https://yoursay.westtorrens.sa.gov.au/>; or
- in writing addressed to the Chief Executive Officer, 165 Sir Donald Bradman, Hilton SA 5033; or
- emailed to [info@wtcc.sa.gov.au](mailto:info@wtcc.sa.gov.au); or

- delivering a hard copy to the Customer Service office located at 165 Sir Donald Bradman Drive, Hilton SA 5033.

Submissions will be accepted until 5.00pm on **Friday 7 March 2025**.

Further information regarding the elector representation review can be obtained by emailing [info@wtcc.sa.gov.au](mailto:info@wtcc.sa.gov.au).

# APPENDICES

**APPENDIX 1**

LOCAL GOVERNMENT ACT 1999  
NOTICE OF DETERMINATION OF RELEVANT PERIOD  
*Review of Council Compositions and Wards*

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

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

Dated: 7 July 2020

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

**APPENDIX 2**

**RESOLUTION**

Moved: Cr Zoi Papafilopoulos

Seconded: Cr Anne McKay

That the recommendation be adopted.

**8.10pm** Cr Daniel Huggett returned to the meeting.

**CARRIED**

**16.3 Public Consultation - Renaming of Ross Street, Torrensville to Ross Smith Road, Torrensville**

This report presented the outcome of the public consultation undertaken with regard to the proposal to rename Ross Street, Torrensville, to Ross Smith Road, Torrensville.

**RECOMMENDATION**

It is recommended to Council that:

1. The feedback from public consultation on the proposal to rename Ross Street, Torrensville, to Ross Smith Road, Torrensville, be received.
2. Having considered the responses to the public consultation, the proposed renaming of Ross Street, Torrensville, to Ross Smith Road, Torrensville, not be supported.
3. The Chief Executive Officer be authorised to proceed with any actions required to give effect to this resolution.

**RESOLUTION**

Moved: Cr Cindy O'Rielley

Seconded: Cr Kym McKay

That the recommendation be adopted.

**CARRIED**

**16.4 Representation Review 2024**

This report sought to formally commence Council's 2024 Representation Review.

**RECOMMENDATION**

It is recommended to Council that:

1. Its 2024 Representation Review Process commence in accordance with the *Local Government Act 1999*;
2. The Representation Review Timeline be approved, noting that the document is subject to change at any time through the review process; and
3. It appoints Kelledy Jones Lawyers to prepare Council's *Representation Report* recognising that they are suitably qualified to do so.

**RESOLUTION**

Moved: Cr George Demetriou

Seconded: Cr Kym McKay

That the recommendation be adopted.

**CARRIED**

**16.5 QR codes on Council assets**

This report provided information on a proposed six (6) month trial of the use of QR codes on Council assets within Mellor Park, for the reporting of graffiti, damaged assets, overflowing bins and illegal dumping.

**RECOMMENDATION**

It is recommended to Council that this report be noted and that a six (6) month trial be conducted at Mellor Park of using QR Codes on Council assets for the reporting of graffiti, damaged assets, overflowing bins and illegal dumping.

**RESOLUTION**

Moved: Cr Daniel Huggett

Seconded: Cr George Demetriou

That the recommendation be adopted.

**CARRIED**

**16.6 Review of Council By-laws 2024**

This report detailed proposed changes to the current Council By-laws numbered 1 - 5 which will expire on 1 January 2025 and detailed the process required to establish new By-laws prior to this date.

**RECOMMENDATION**

It is recommended to Council that:

1. The proposed By-laws numbered 1-5 that are attached to the Council report and marked as Attachment 1 be endorsed for public consultation and referral to the relevant State Government bodies.
2. The Chief Executive Officer be authorised to make amendments of a formatting and/or minor technical nature to ensure the currency of the above By-laws.

**RESOLUTION**

Moved: Cr George Demetriou

Seconded: Cr Jassmine Wood

That the recommendation be adopted.

**8.21pm** Cr Jassmine Wood left the meeting.

**CARRIED**

**APPENDIX 3**

## Representation Review Report

### Brief

This report presents the draft 2025 Representation Review Report.

### RECOMMENDATION

It is recommended to Council that:

1. The Representation Review Report enclosed as Attachment 1 of the agenda report be adopted for the purposes of undertaking mandatory public consultation.
2. The Chief Executive Officer be authorised to make editorial amendments or formatting changes of a minor nature (including the addition or amendment of annexures) to the Representation Review Report in preparation for public consultation.
3. The feedback received be presented to Council at the conclusion of the public consultation process.

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### Introduction

Section 12 of the *Local Government Act 1999* (Act) requires councils to review all aspects of its composition and the division (or potential division) of the relevant council area into wards, as prescribed by the Minister from time to time by a notice published in the Government Gazette. This review is colloquially known as a Representation Review (Review).

Regulation 4 of the *Local Government (General) Regulations 2013* (Regulations) states that for the purposes of s12(4), the 'relevant period' is the period determined by the Minister from time to time by a notice published in the Government Gazette. The City of West Torrens (CWT) completed its last representation review in 2021. In the usual course, it would not be required to examine its composition and structure for another eight (8) years.

However, the *Statutes Amendment (Local Government Review) Act 2021* (Reform Act) contains the most significant reform to the local government system since the Act was proclaimed in 1999. As a result of the reforms, section 11A has been included, prescribing that a council may not be comprised of more than 13 members (which includes the Mayor) unless the council is granted an exemption certificate from the Electoral Commissioner (the member cap).

The member cap applies to all councils from polling day for the next periodic election due to be held after 30 June 2022, i.e., the second Saturday of November in 2026 (s11A(2)(b)).

The effect of these legislative amendments, and as canvassed as part of its last review, is that the City of West Torrens is required to undertake a 'Transitional Review', the outcomes for which are to be published before 1 January of the year of the next periodic elections, to take effect for polling day for the next periodic elections (i.e. to be published by 1 January 2026).

Section 12(5) requires that the Council appoint a person/company that it considers to be 'qualified to address the representation and governance issues that may arise with respect to the matter under review'. CWT has appointed Kelleedy Jones Lawyers to assist it undertake the Review.

### Discussion

A Review is a mechanism for examining the existing composition and electoral structure(s), assessing the advantages and disadvantages of various options for the composition of the elected Council and ensuring structures are in place to support the effective and efficient governance of the City.

In addition, a Review provides the community an opportunity to have input into determining the ideal number of elected representatives on Council and the ward structure which will best serve its interests.

The Act requires that a Representation Review Report (Report) is prepared as part of this process, which must:

- examine the advantages and disadvantages of various options that are available to Council (insofar as the various features of the composition and structure of Council are under review) and, in particular (to the extent that may be relevant)—
  - examine the question of whether the number of members should be reduced; and
  - if the area of the Council is divided into wards, examine the question of whether the division of the area into wards should be abolished; and
- set out any proposal that Council considers should be carried into effect; and
- in respect of any such proposal—include an analysis of how the proposal relates to the principles of reform (section 26 of the Act) and the matters referred to in section 33 (to the extent that may be relevant) which relate to ward quotas; and
- examine such other relevant issues as the Council or the person preparing the report thinks fit.

The Report (**Attachment 1**) sets out a proposal to retain the current structure being, 7 (seven) wards, no change to boundaries, 2 (two) Councillors per ward and a Mayor, being a total of 15 'members', namely, 2 (two) more than the member cap.

#### *Next Stage of the Review*

Pursuant to the Act, the next stage in the Review process requires the Council to consult with the local community. While the conduct of the Review is a legislative requirement, the Review provides a positive opportunity for reform and meaningful community engagement and participation.

It is anticipated that following the council's adoption of the Report to be subjected to public consultation, the consultation period will run from February 2025 until March 2025.

Following this round of consultation, a further Report will be presented to Council containing the feedback from the public consultation, a response on the issues arising from the consultation and a proposal that will satisfy the requirements of section 12 of the Act as outlined above.

#### **Climate Impact Considerations**

*(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)*

There is no direct climate impact as a result of this report.

#### **Conclusion**

This report presents the draft Representation Review Report for endorsement to proceed to public consultation.

#### **Attachments**

##### **1. Draft Representation Review Report**

**16 REPORTS OF THE CHIEF EXECUTIVE OFFICER****16.1 Thebarton Oval Development - Progress Update**

The purpose of this report was to provide a progress update regarding the Thebarton Oval Development.

**RECOMMENDATION**

It is recommended to Council that the report be noted.

**RESOLUTION**

Moved: Cr George Demetriou

Seconded: Cr Graham Nitschke

That the recommendation be adopted.

**CARRIED**

**16.2 Representation Review Report**

This report presented the draft 2025 Representation Review Report.

**RECOMMENDATION**

It is recommended to Council that:

1. The Representation Review Report enclosed as **Attachment 1** of the Agenda report be adopted for the purposes of undertaking mandatory public consultation.
2. The Chief Executive Officer be authorised to make editorial amendments or formatting changes of a minor nature (including the addition or amendment of annexures) to the Representation Review Report in preparation for public consultation.
3. The feedback received be presented to Council at the conclusion of the public consultation process.

**RESOLUTION**

Moved: Cr Kym McKay

Seconded: Cr Sara Comrie

That the recommendation be adopted.

**CARRIED**

**APPENDIX 4**

# City of West Torrens

## Representation Review

The City of West Torrens is inviting submissions from interested persons in relation to its draft Representation Review Report.

The draft Representation Review report has been prepared as a part of the Representation Review that Council is undertaking in line with requirements of Section 12 of the *Local Government Act 1999*.

### Have Your Say

The draft Representation Review Report is available for viewing at <https://yoursay.westtorrens.sa.gov.au/> or in hard copy at the Customer Service office located at 165 Sir Donald Bradman Drive, Hilton.

Submissions should be lodged by **5pm on Friday 7 March 2025**:

Online at <https://yoursay.westtorrens.sa.gov.au/>; or

In writing and returned via:

- email to [info@wtcc.sa.gov.au](mailto:info@wtcc.sa.gov.au); or
- post to the Chief Executive Officer, 165 Sir Donald Bradman, Hilton SA 5033; or
- in person at the Customer Service office located at 165 Sir Donald Bradman Drive, Hilton.

Further questions on the Council Representation Review can be directed to [info@wtcc.sa.gov.au](mailto:info@wtcc.sa.gov.au)

*Angelo Catinari, Chief Executive Officer*

## CITY OF WEST TORRENS

### Review of Elector Representation

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

Pursuant to the provisions of Section 12(7) of the *Local Government Act 1999*, notice is hereby given that Council has prepared a Representation Review Report that:

- examines the advantages and disadvantages of the various arrangements available to the Council in regard to its future composition and structure; and
- sets out the proposal that the Council considers should be carried into effect from polling day of the next Local Government Periodic Elections, proposed to be held in November in 2026.

A copy of the Representation Review Report is available on the Council's website ([www.westtorrens.sa.gov.au](http://www.westtorrens.sa.gov.au)) or a copy can be inspected or obtained at the Council's Principal Office at 165 Sir Donald Bradman Drive, Hilton.

Written submissions are invited from interested persons and should be directed to the Chief Executive Officer, 165 Sir Donald Bradman Drive, Hilton, South Australia 5033, or emailed to [info@wtcc.sa.gov.au](mailto:info@wtcc.sa.gov.au), to be received by 5:00pm on Friday 7 March 2025.

Further information regarding the Elector Representation Review can be obtained by email at [info@wtcc.sa.gov.au](mailto:info@wtcc.sa.gov.au)

Dated 13 February 2025

Angelo Catinari

Chief Executive Officer