

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
Goyder	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
Berri 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 Paranga	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

5.2 Minutes of the Special Council Meeting - 13 March 2024

OC822024 Moved: Cr Marilyn Henderson
 Seconded: Cr Brayden Mann

That the minutes of the Special Council Meeting held 13 March 2024 be confirmed as true and accurate.

CARRIED

6. DEPUTATIONS

6.1 South Coast Choral and Arts Society – Julie Kelly & John Williams

6.2 Biodiversity Victor Harbor – Mark Richard, Loretto Cameron & Peter Sharley

7. QUESTIONS FROM THE GALLERY

Nil

8. PETITIONS

Nil

9. OFFICE OF CHIEF EXECUTIVE OFFICER

9.1 Outstanding Resolutions - March 2024

OC832024 Moved: Cr Marilyn Henderson
 Seconded: Cr Nick Mckenzie

That Council receive and note the Outstanding Resolutions - March 2024 report.

CARRIED

9.2 Representation Review

OC842024 Moved: Cr Carlos Quaremba
 Seconded: Cr Carol Schofield

That the Representation Review process be commenced and a budget commitment of \$30,000 is provided for in the 2024/25 budget.

CARRIED

APPENDIX 3

9.6. 2024/25 - Representation Review

OC2662024

Moved: Cr Marilyn Henderson

Seconded: Cr Carol Schofield

That Council:

1. receives and notes this report;
2. determines to continue with its existing composition of a 'no ward' structure, for inclusion in the draft Representation Review report for its further consideration

LOST

OC2672024

Moved: Cr Angela Schiller

Seconded: Cr David Kemp

That Council:

- a. receives and notes this report;
- b. determines to undertake an initial three (3) week public consultation process on the issue as to whether residents, ratepayers and electors would like the Council to consider introducing a ward structure as part of the composition of the Council, the outcomes of which will be further considered by the Council, in determining the proposal to be set out under the draft Representations Review report for its further consideration

CARRIED UNANIMOUSLY

10. COMMUNITY AND DEVELOPMENT

10.1. Deed to Amend Land Management Agreement - Lot 202 Armstrong Road

OC2682024

Moved: Cr Marilyn Henderson

Seconded: Cr Carol Schofield

9.6. 2024/25 - Representation Review

Committee: Ordinary Council Meeting

Meeting Date: 26 August 2024

Report Author: Kyla Walker

RECOMMENDATION

1. That Council:
 - a. receives and notes this report;
 - b. determines to undertake an initial three (3) week public consultation process on the issue as to whether residents, ratepayers and electors would like the Council to consider introducing a ward structure as part of the composition of the Council, the outcomes of which will be further considered by the Council, in determining the proposal to be set out under the draft Representations Review report for its further consideration

Or

2. That Council:
 - a. receives and notes this report;
 - b. determines to continue with its existing composition of a 'no ward' structure, for inclusion in the draft Representation Review report for its further consideration.

Or

3. That Council:
 - a. receives and notes this report;
 - b. determines to introduce wards as part of its composition, for inclusion in the draft Representation Review report for its further consideration.

PURPOSE

The purpose of this report is for the council to determine the manner in which it wishes to progress the preparation of the draft Representation Review Report.

BACKGROUND

In accordance with section 12 of the *Local Government Act 1999* (the Act), councils must undertake a Representation Review at least once every eight (8) years, in accordance with

legislative provisions and the Minister's schedule of dates, last published in the SA Government Gazette on 9 July 2020.

Undertaking a Representation Review has traditionally been a lengthy process, with the Council required to carry out a number of legislative steps in order to comply with section 12 of the Act.

However, more recently, as part of the broader local government reform process, significant amendments made to section 12 of the Act have provided for a more 'streamlined' process.

A Representation Review process now involves the following steps:

- Step 1 - Initiate Representation Review process
- Step 2 - Council to consider current arrangements and proposed composition
- Step 3 - Based on that consideration, cause to have a draft Representation Review Report prepared
- Step 4 - Adoption of the draft Representation Review report for public consultation
- Step 5 - Undertake public consultation, and after taking into account outcomes, finalise the Representation Review Report, to be adopted by Council
- Step 6 - Submit final Representation Review Report to the Electoral Commissioner for certification.
- Step 7 - Gazettal of the Review
- Step 8 - Implement changes to representative structure, to take effect from polling day of the periodic elections to be held in November 2026.

COMMENTARY

As part of the legislatively required Representation Review process, under section 12 of the *Local Government Act 1999* (the **Act**) the Council will be required to consider:

- all aspects of the composition of the Council, including Member numbers; and
- the potential division of the Council area into wards (or retain its existing no ward structure); and
- whether it wishes to change the name of the Council.

Members received a briefing on the Representations Review process on Monday 12 August 2024. At that session, the outcomes of the questionnaire distributed to Members to determine the issues for consideration were discussed.

At the briefing, it was clear there were varying views amongst Members, particularly with respect to the issue as to whether the Council ought to consider retaining its existing, no

ward, and Area Councillor composition, or whether to introduce wards, and hence, Ward Councillors, as part of this review process.

For that purpose, this report has been prepared for the consideration of Members as to the proposed content of the draft Representation Review report, to be prepared for its consideration.

Next Steps

The City of Victor Harbor is required, as part of its 'relevant period' to complete a Representation Review between April 2024 and April 2025.

The Council is currently constituted as follows:

- the Mayor elected by electors for the area;
- nine (9) Councillors elected by the electors of the area, as a representative of the area as a whole.

As above, the Act prescribes the process and requirements of the Representation Review that focuses on all aspects of the composition of the Council including:

- the number of Members;
- whether the Council is to be comprised of wards, or not; and
- the number of voters represented by each elected Council Member.

In doing so, all reviews must take into account the principles specified under the Act into account so that:

- any changes made are to the benefit of electors;
- arrangements should reflect communities of interest and should avoid separations of such communities; and
- electors should be afforded effective participation in decisions on local matters.

As above, the predominant issue of discussion at the workshop held on Monday 12 August 2024, was whether the Council ought to retain its existing, no ward structure, or to introduce wards (and ward Councillors) as part of this review.

For that purpose, this report has been prepared so, in giving effect to its obligations under section 12 of the Act, the draft Representation Review Report may be prepared for the Council's consideration, and adoption, and then be subject to the statutory public consultation process required under section 12(7) of the Act.

Proposed Cost

To assist in its determination of this issue, the following costings have been obtained.

The indicative cost of any proposed 'initial', discretionary, public consultation process, including administrative time to set up, collate and prepare consultation outcomes for the Council's consideration in 'testing' the communities preface for composition is approximately \$2,700.

Members also requested, in making its determination on this issue, any additional fees associated with the periodic elections, if it were to consider adopting a ward structure.

The Electoral Commission of South Australia has been requested to provide information on fees if the Council were to consider a two (2) or three (3) ward structure.

This information has been requested to be received by the date of the Council meeting, so that the CEO may speak to the same.

Recommendation

Accordingly, the Council is now required to determine the manner in which it wishes to progress the preparation of the draft Representation Review Report for its consideration, which includes the following options:

1. That Council:
 - a. receives and notes this report;
 - b. determines to undertake an initial three (3) week public consultation process on the issue as to whether residents, ratepayers and electors would like the Council to consider introducing a ward structure as part of the composition of the Council, the outcomes of which will be further considered by the Council, in determining the proposal to be set out under the draft Representations Review report for its further consideration.

Or

2. That Council:
 - a. receives and notes this report;
 - b. determines to continue with its existing composition of a 'no ward' structure, for inclusion in the draft Representation Review report for its further consideration.

Or

3. That Council:
 - a. receives and notes this report;
 - b. determines to introduce wards as part of its composition, for inclusion in the draft Representation Review report for its further consideration.

Community Consultation

If the Council decides to conduct a three-week public consultation process, it will be guided by Council's Public Consultation Policy and Community Engagement Plan, as detailed in Attachment 1.

RISK ASSESSMENT

The following risks have been assessed in line with Council's Risk Management Framework and Policy:

Legal and Compliance - The council must conduct a representation review as per Section 12 of the *Local Government Act 1999*. By taking the initial steps to prepare a draft review report, the council will comply with all legal requirements. This risk is assessed as **low**.

Reputation - By undertaking initial consultation with the community, the Council will gain insight into the community's views on key issues such as whether to have wards or not and the composition of the council members. This will ensure that the Council is acting in a transparent and accountable manner, and members can be assured that decisions are being informed by the community. This risk is assessed as **low**.

REFERENCES

City of Victor Harbor Community Plan 2030

Aspiration 6 - We are a financially sustainable and well-governed organisation

Other references used:

Local Government Act 1999

- Section 12 - Composition and wards

BUDGET IMPLICATIONS

There are sufficient funds in Project #100037 (Consultant Expenses) to undertake an initial, discretionary, public consultation process to determine the matter in which Councils wants to progress the preparation of the draft Review Report at an estimated cost of \$2,700.

No additional funds are required.

CONSULTATION

Chief Executive Officer - Victoria MacKirdy

Kelley Jones Lawyers - Tracy Riddle (Lawyer)

ATTACHMENTS

Attachment 1 - 2024/25 Community Engagement Plan

Attachment 1 - Community Engagement Plan - Representative Review

Community Engagement Plan - Representative Review.docx

city of
Victor Harbor



Community Engagement Plan

Date – August 2024



2024/25 Representative Review – Public Consultation – Communication and Engagement Plan

Introduction

Councils in South Australia are required to undertake regular reviews of their elector representation arrangements (the Representation Review). The City of Victor Harbor undertook its last Representation Review during the period April 2016 to April 2017.

In accordance with section 12 of the *Local Government Act 1999* (the Act), councils must undertake a Representation Review at least once every eight (8) years, in accordance with legislative provisions and the Minister's schedule of dates, last published in the SA Government Gazette on 9 July 2020.

Undertaking a Representation Review has traditionally been a lengthy process, with the Council required to carry out a number of legislative steps in order to comply with section 12 of the Act.

However, more recently, as part of the broader local government reform process, significant amendments made to section 12 of the Act have provided for a more 'streamlined' process.

A Representation Review process now involves the following steps:

- Step 1 - Initiate Representation Review process
- Step 2 - Council to consider current arrangements and proposed composition
- Step 3 - Based on that consideration, cause to have a draft Representation Review Report prepared
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- Step 5 - Undertake public consultation, and after taking into account outcomes, finalise the Representation Review Report, to be adopted by Council
- Step 6 - Submit final Representation Review Report to the Electoral Commissioner for certification.
- Step 7 - Gazettal of the Review
- Step 8 - Implement changes to representative structure, to take effect from polling day of the periodic elections to be held in November 2026.

As part of the legislatively required Representation Review process, under section 12 of the *Local Government Act 1999* (the Act) the Council will be required to consider:

- all aspects of the composition of the Council, including Member numbers; and
- the potential division of the Council area into wards (or retain its existing no ward structure); and
- whether it wishes to change the name of the Council.



Purpose of Community Engagement

The aim of this community and engagement plan is to encourage community participation and feedback on whether Council should consider introducing a ward structure as part of the composition of the Council.

Engagement Principles

The City of Victor Harbor has a set of five principles which guide our approach to engagement.

1. **Community Participation** – We are committed to including, informing and involving our community in local decision making from project planning through to delivery.
2. **Open and Accountable** – We will provide clear and easy to understand information that will inform our community and encourage meaningful engagement.
3. **Accessibility** – Our community will be able to access information in a variety of ways.
4. **Careful Planning and Evaluation** – We will carefully plan community engagement activities and evaluate all feedback to meet the needs of our community.
5. **Closing the Loop** – We will inform our community of our decisions

Consultation methodology

Consultation with the community will enable the Council to gain insight into the community's view on whether they wish to introduce a ward structure as part of the composition of the Council. The consultation is planned to be undertaken between Tuesday, 3 September 2024, and Tuesday, 17 September 2024.

The City of Victor Harbor will collect the ideas and views of the community through:

- **Online Survey** – available on Your Say website
- **Hard copy survey** – available from the Civic Centre
- **Written Submissions**

To ensure everyone has the opportunity to provide their feedback, the community consultation will be promoted in the following ways:

- Social media
- Victor Viewpoint
- Public Notice
- Council Websites (victor.sa.gov.au and yoursay.victor.sa.gov.au)
- Listening Posts
- Media release
- Radio



Key Messages

- The City of Victor Harbor must comprehensively examine all aspects of the composition of the Council.
- The benefits of having wards or no wards
- To learn more, visit www.yoursay.victor.sa.gov.au or drop into the Civic Centre at 1 Bay Road, Victor Harbor.
- Have your say before Tuesday, 17 September 2024

Key Stakeholders

- Council Members
- Council staff
- Residents
- Ratepayers
- Volunteers
- Community groups
- Businesses
- Organisations
- Local media

Community Engagement Deliverables

By the end of this project, the following actions will have been delivered:

- Notified the community of the consultation and opportunities to participate
- Provided information and related material for community reference
- Community consultation undertaken
- Summary of engagement findings delivered to Council to inform decision-making.

Key Dates / Timeline

Date	Action / Milestone
12 August 2024	Workshop #1 – Introduction to the Representation Review and the process that will be following (noting legislation changes), discussion of options and associated consultation approach.
26 August 2024	Report to Council meeting seeking the appetite of the members to undertake an initial consultation with the community to enable the Council to gain insight into the views of the community in regard to key issues such as wards / no wards.
3 September 2024	Community Consultation commences at 9am
24 September 2024	Community Consultation concludes at 5pm
25 – 27 September 2024	Feedback collated



30 September 2024	Workshop #2 – Consider current arrangements and proposed options to help inform the draft Review Report, including feedback received.
14 October 2024	Workshop #3 – Draft Representation Review Report presented for feedback and discussion of engagement approach.
28 October 2024	Report to Council meeting seeking endorsement of the draft Representation Review Report for consultation with the community.
4 – 29 November 2024	Community Consultation
December / January	Collation and review of submissions
13 January 2025	Workshop #4 – Consultation results and direction for the final representation report
28 January 2025	Report to Council meeting seeking endorsement of the final representation report to be submitted to the Electoral Commission and subsequently gazetted
February 2025	Submission to Electoral Commission
March / April 2025	Gazettal and Finalisation of the review

Measurement and Evaluation

The success of this communications and engagement plan can be measured in the following ways:

- Number of hard copy and online feedback forms completed
- Social media reach including likes and comments
- Visits to Your Say Victor Harbor website
- Number of Information Sheets downloaded or collected.

APPENDIX 4



2024/25 Representation Review

The City of Victor Harbor is conducting a 3-week initial community consultation to gather feedback from residents, ratepayers, and electors regarding their preference for retaining the current no-ward structure or implementing a ward structure within the Council. This consultation will also provide the community with an opportunity to gain an understanding of the pros and cons associated with maintaining the current no-ward structure or introducing a ward structure.

Council Members will consider the community feedback to help guide the draft Representation Review Report.

Have Your Say

Visit yoursay.victor.sa.gov.au to learn more about this project. You can provide feedback in the following ways:

- complete a survey online at yoursay.victor.sa.gov.au
- post a submission to PO Box 11, Victor Harbor SA 5211
- email localgov@victor.sa.gov.au
- drop your written feedback into the Civic Centre (1 Bay Road, Victor Harbor).

All feedback must be received by 5pm on Thursday, 26 September 2024.

For more information, please contact the City of Victor Harbor on 8551 0500 or localgov@victor.sa.gov.au.

Victoria MacKirdy, Chief Executive Officer

2024/25 Representation Review

Background

Approximately every eight (8) years, South Australian councils are required to undertake a Representation Review to determine whether the community would benefit from an alteration to the council's composition or ward structure.

The City of Victor Harbor undertook its last Representation Review over 2016/2017, with the outcome of that Review taking effect at the periodic Local Government Elections in 2018.

The City of Victor Harbor is currently comprised of the Mayor and nine (9) Council Members, each of which are elected by the electors of the area as a whole.

Any changes to the Council's structure and composition arising from this Representation Review process will take effect from the November 2026 periodic Local Government Elections.

Ward Structure

The City of Victor Harbor is not currently divided into Wards. However, the Council may choose as part of this Review process to divide the area of the Council into wards, if it considers the Council would benefit from an alteration to its ward structure to meet future requirements.

At its August 2024 Council meeting, the Council determined to undertake an initial 3-week community consultation process, to seek the views of the residents, ratepayers and electors regarding whether they would like the Council to consider introducing a ward structure, or to retain its existing, no ward structure.

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.

To assist the community, the below sets out the commonly raised positions in support of dividing a council area into wards, or having a no ward structure.

The factors that support no wards include (but is not limited to):

- affords electors the opportunity to elect more than two (2) or three (3) nominal representatives from within a 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);
- 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, 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.

The factors that support dividing the area of the Council into wards include (but is not limited to):

- Ward Councillors provide an enhanced representation for specific Council areas, including smaller communities, communities of interest and those communities that may need additional assistance. Each of which in a localised area may have difficulty in obtaining direct representation under a no Ward structure;

- Councillors have better local knowledge of their Ward area and understanding of local issues;
- reduces concerns that 'at large' elections do not guarantee that Councillors will have any empathy for, or affiliation with, all communities within the Council area, or be a representative of the same;
- more prominent or popular Councillors, or those perceived to have more 'power' or 'control', are not disproportionately called upon more frequently by community members;
- 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
- the cost of any supplementary election is lower for a Ward than across the whole Council area.



Next Steps

Following the public consultation period, a briefing session will be held with Council Members on Monday, 30 September 2024 to consider the current arrangements, proposed options, community feedback to help inform the draft Representation review.

More Information

Got a question about this consultation? Contact the Council at localgov@victor.sa.gov.au or 8551 0500, alternatively, if you would like to know more about the Council boundaries, please visit the Electoral Commission South Australia at www.ecsa.sa.gov.au

Have Your Say

Community members are encouraged to share feedback on whether Council should have wards or a no ward structure.

You can provide feedback in the following ways:

- complete a survey at yoursay.victor.sa.gov.au
- post a submission to PO Box 11, Victor Harbor SA 5211
- email localgov@victor.sa.gov.au
- drop your written feedback into the Civic Centre (1 Bay Road, Victor Harbor)

All feedback must be received by 5pm on Thursday, 26 September 2024.



2024/25 Representation Review

Frequently Asked Questions

What is a Representation Review?

A representation review is a process for determining whether Council would benefit from altering its current composition or ward structure to meet future requirements.

When did Council last undertake a Representation Review?

The City of Victor Harbor undertook its last Representation review during 2016/2017, with the outcome of that review taking effect from the Local Government elections in 2018.

Councils in South Australia are required to undertake a review of their elector representation arrangements under the *Local Government Act 1999* approximately every eight (8) years.

What is the existing composition of Council?

Council is currently comprised of the Mayor, elected by electors for the area as a whole, and nine (9) Council Members, elected by the electors of the area as a whole.

What process does the review need to follow?

The process for a Representation Review requires Council to undertake the following steps:

1. Initiate Representation Review process and Council to consider current arrangements and proposed composition
2. Prepare draft Representation Review Report for adoption and public consultation

3. Finalise Representation Review Report based on public feedback from consultation for Council adoption
4. Submit final Representation Review Report to Electoral Commissioner of South Australia for certification
5. Publish final composition and structure in the Government Gazette
6. Implement changes from the November 2026 Local Government elections.

What principles need to be considered?

The Council will be required to consider:

- All aspects of the composition of the Council, including member numbers; and
- The potential division of the Council area into wards (or to retain its existing no-ward structure); and
- Whether it wishes to change the name of the Council.

What matters are taken into account in the Representation Review?

Council is required to take the following matters into account in conducting the Representation Review:

- Demographic trends;
- Population data and projections
- Communities of interest; and
- Elector representation and ward quotas

Further information on Representation Reviews generally can be obtained from the ECSA website at www.ecsa.sa.gov.au

For more information visit www.victor.sa.gov.au or call 8551 0500.

FEEDBACK FORM

2024/25 Representation Review

Wards or No Wards



Your Details

First Name:		Surname:	
Residential Address:			
Residential Suburb:		Postcode:	
Email Address:			
Add my email address to the Victor Viewpoint mailing list, Council's monthly e-newsletter?			☐ Yes

Please note: Feedback received during this consultation period will be made publicly available.

What best describes you?

- | | |
|---|---|
| ☐ Resident in the City of Victor Harbor area | ☐ Ratepayer in the City of Victor Harbor area |
| ☐ Business in the City of Victor Harbor area | ☐ Resident or ratepayer in neighbouring Council area |
| ☐ Visitor | ☐ Other (please specify: _____) |

Council Voters Roll:

Are you enrolled on Council Voters Roll or Council Supplementary Roll

- ☐ Yes ☐ No ☐ Unsure

Did you vote in the 2022 Local Government Elections?

- ☐ Yes ☐ No ☐ Unsure

Wards or No Wards:

The City of Victor Harbor is not currently divided into Wards.

Should the Council retain the current structure (e.g. no wards) or introduce wards?

- ☐ No Wards ☐ Wards ☐ Unsure

What are the reasons for your view?

Do you have any further feedback?

If you require more space, please use the other side of this form or attach further pages.

Submissions should be returned before 5pm on Thursday, 26 September 2024 by post to PO Box 11, Victor Harbor SA 5211; by email localgov@victor.sa.gov.au; or, in person at 1 Bay Road, Victor Harbor.

WARDS OR NO WARDS

MICHAEL SIMMONS

Surrounding councils, Albury, Albury, City of Okeana and Yarrakalla all have Wards and now it is time for City of Victor Harbor ratepayers to have a say if they want them too.

At the Monday council meeting on August 26, elected members voted to undertake an initial three week public consultation process on the issue.

At the end of the consultation period council will consider the results and the possibility of introducing a Ward structure as part of the council.

Wards or no wards

Councillor Marilyn Henderson moved for the composition of council to stay the same and not undertake consultation, but all other elected members, including Mayor Moya Jenkins, believed it should go to the community.

"The Ward structure does not make sense. I am a rural dweller, but interested in all our residents," Councillor Henderson said.

Councillor Carol Schibler said surrounding council areas have hamlets and need wards.

"We don't. There is a road to having Wards and you do not have to live in the ward to represent it."

There are flaws, but we do need to go to the community," Councillor Schibler said.

Councillor Burns said council should go out to consultation and let the community decide, which was echoed by councillor Quaremba Kemp, Schiller and McKenney.

"I am happy to hear what the community prefer," Councillor McKenney said.

Councils must undertake a representation review at least once every eight years as per Section 12 of the Local Government Act 1999 and the cost of any proposed public consultation process is approximately \$27,000.



City of Victor Harbor councillor Nick McKenney was in favour of council going to the community on the Ward system for local government.

APPENDIX 5

3. APOLOGIES AND LEAVE OF ABSENCE

Cr Brayden Mann

4. BUSINESS

4.1. 2024/25 Representation Review - Initial Consultation Results and Future Direction

SC462024

Moved: Cr Stewart Burns

Seconded: Cr Carol Schofield

That Council receive and note the 2024/25 Representation Review - Initial Consultation Engagement Summary as provided at Attachment 1.

CARRIED

SC472024

Moved: Cr Carol Schofield

Seconded: Cr Michael Quinton

That Council support the following 'in-principle' directions to inform the preparation of the draft Representation Review Report for consultation with the community:

- i. That the name of the Council be retained;
- ii. That the Council's composition on one (1) Mayor and nine (9) Councillors be retained;
- iii. That the Council retains its existing 'no Ward' structure with nine (9) Area Councillors;

CARRIED

5.53pm

A division was called

The Mayor declared the vote be set aside

FOR: Cr McKenzie, Cr Schiller, Cr Quinton, Cr Schofield, Cr Henderson

AGAINST: Cr Burns, Cr Quaremba, Cr Kemp

THE MAYOR DECLARED THE VOTE CARRIED

4. BUSINESS

4.1. 2024/25 Representation Review - Initial Consultation Results and Future Direction

Committee: Special Council Meeting

Meeting Date: Monday, 14 October 2024

Report Author: Michelle James

RECOMMENDATION

1. That Council receive and note the 2024/25 Representation Review - Initial Consultation Engagement Summary as provided at Attachment 1.
2. That Council support the following 'in-principle' directions to inform the preparation of the draft Representation Review Report for consultation with the community:
 - i. That the name of the Council be retained;
 - ii. That the Council's composition on one (1) Mayor and nine (9) Councillors be retained;
 - iii. That the Council retains its existing 'no Ward' structure with nine (9) Area Councillors;

OR

- iii. That the Council divide the Council area into Wards and that a workshop be held with Council Members to consider the options regarding the number of wards, how many Councillors in each ward, and the ward names.

PURPOSE

The purpose of this report is to present results from an initial community consultation process which was undertaken to inform the Council's next steps in the 2024/25 Representation Review.

The report also seeks to determine Council's preferred 'in-principle' direction regarding the future composition of the Council, which will guide the drafting of a Representation Review Report for further community consultation.

BACKGROUND

In accordance with section 12 of the *Local Government Act 1999* (the Act), councils must undertake a Representation Review at least once every eight (8) years in line with legislative provisions and the Minister's schedule of dates, last published in the SA Government Gazette on 9 July 2020.

Undertaking a Representation Review has traditionally been a lengthy process, with the Council required to carry out a number of legislative steps in order to comply with section 12 of the Act. However, more recently, as a part of the broader local government reform process, significant amendments made to section 12 of the Act have provided for a more streamlined process.

The Representation Review process involves the following steps:

- Step 1 – Initiate Representation Review process
- Step 2 – Council to consider current arrangements and proposed composition
- Step 3 – Based on that consideration, cause to have a draft Representation Review Report prepared
- Step 4 – Adoption of the draft Representation Review Report for public consultation
- Step 5 – Undertake public consultation, and after taking into account outcomes, finalise the Representation Review Report, to be adopted by Council
- Step 6 – Submit a final Representation Review Report to the Electoral Commissioner for certification
- Step 7 – Gazettal of the Review
- Step 8 – Implement changes to representative structure, to take effect from polling day of the period elections to be held in November 2026.

This report aims to complete steps 2 and 3, seeking an in-principle direction from Council to inform the preparation of the draft Representation Review Report for the purposes of another round of consultation with the community.

Areas requiring an 'in-principle' decision

To progress with drafting of the Representation Review Report, Administration is seeking direction from Council in relation to the following matters:

- Council Name – workshops have indicated there is no desire for a name change, as such a recommendation has been provided in line with this.
- Number of Council Members – workshops have indicated that there is no desire to change the number of Council Members (being nine Councillors and one Mayor), as such a recommendation has been provided in line with this.
- Area Councillor or Wards – significant discussion has occurred on this matter. This report and attached engagement summary sets out a number of considerations for Council Members when determining whether the current structure is to be retained or wards are introduced. Two options (retaining the current structure OR introducing wards) have been provided for consideration within the recommendations. Should the Council resolve to introduce wards, a further Council Member workshop will be held to

consider how the council area would be divided, the number of Councillors in each ward and the name of wards.

When considering its 'in-principle' direction for the Representation Review Report, Council Members must take into consideration the principles specified within the Local Government Act so that:

- Any changes are made to benefit ratepayers;
- Arrangement should reflect communities of interest and should avoid separations of such communities;
- Voters should be afforded effective participation in decisions on local matters; and
- Council is able to cooperate with other councils and govern effectively.

COMMENTARY

At the Ordinary Council Meeting on 26 August 2024 Council resolved:

OC2672024

Moved: Cr Angela Schiller

Seconded: Cr David Kemp

That Council:

- a. receives and notes this report;
- b. determines to undertake an initial three (3) week public consultation process on the issue as to whether residents, ratepayers and electors would like the Council to consider introducing a ward structure as part of the composition of the Council, the outcomes of which will be further considered by the Council, in determining the proposal to be set out under the draft Representations Review report for its further consideration

CARRIED UNANIMOUSLY

Following this resolution, an initial three-week consultation process was held from Thursday, 5 September 2024 until 5pm on Thursday, 26 September 2024. Given the Council's awareness that the topic of most interest to its community is the issue of wards and whether their introduction would provide greater benefit than the current no ward structure, the consultation focused on understanding community views in relation to this matter.

A survey sought feedback to several key questions including if community members are enrolled to vote in council elections, if they voted during the last council election, and what their preference is for representation in terms of retaining the current area councillor structure or introducing wards. Key to this consultation is understanding the reasons behind the preference for retaining the current structure or introducing wards, and considering how this could be addressed through this Representation Review.

In considering community feedback it is important to note that public consultation is not a vote, but rather a feedback gathering process undertaken to inform the decision making process. It is the role of Council Members to understand the feedback received as part of any consultation process along with a number of other considerations as a part of their decision making.

Phase 1 Consultation Summary

The feedback received from the community during this initial consultation process is highly valued and offers important insights into the perspectives and concerns of those who have participated. The 156 responses provide a meaningful snapshot of opinions from a segment of the community, helping to highlight key themes and considerations when looking at the next steps for the 2024/25 Representation Review.

It is important to recognise that this sample size represents a small proportion of the City of Victor Harbor's population, which exceeds 16,000 residents. Furthermore, while the feedback offers useful input, it may not fully capture the diversity of opinions across the entire community.

In considering the 'in-principle' directions for the Representation Review Report, Council Members should turn their mind to the reasons provided as to why or why not changes should be made to the composition of the City of Victor Harbor Council, as provided within the engagement summary. In line with the aforementioned principles contained within the Local Government Act 1999, Council Members should also determine if making changes would provide greater benefit to the whole community.

The 2024/25 Representation Review Initial Consultation Engagement Summary is provided at Attachment 1. This summary provides an overview of the consultation and findings. It addresses the key themes and provides a number of considerations for Council Members in determining the direction for the Representation Review Report.

Next Steps

Following the Council making 'in-principle' directions as part of this agenda report, a draft Representation Review Report will be prepared. The draft report will be workshopped with Council Members prior to being presented via a Council Meeting for endorsement for the purpose of proceeding to a further round of community consultation.

RISK ASSESSMENT

The following risks have been assessed in line with Council's Risk Management Framework and Policy:

Legal and Compliance – The Council must conduct a representation review as per Section 12 of the Local Government Act 1999. Obtaining an 'in-principle' direction from Council to inform the preparation of the Representation Review Report is a key step to ensure Council is complying with its legislative requirements. This risk is assessed as **low**.

Reputation – The initial consultation undertaken from 5 to 26 September 2024 provided an opportunity for Council to understand community sentiment in relation to representation and

understand reasons why community members are seeking change, or otherwise. While there are a high number of comments in favour of introducing wards, there are a number of considerations for Council Members in determining a direction for the introduction of wards (or retaining of the current structure). Whatever Council decides, a communication will be sent to all those who participated in the consultation explaining how and why the Council came to this decision, while also acknowledging that all feedback received is highly valued. This risk is assessed as **low**.

REFERENCES

City of Victor Harbor Community Plan 2030

Aspiration 6 - We are a financially sustainable and well-governed organisation

Other references used:

Local Government Act 1999

- Section 12 – Composition and wards

BUDGET IMPLICATIONS

There are sufficient funds in Project #100037 (Governance) for the purposes of continuing with the preparation of the draft Representation Review Report.

No additional funds are required.

CONSULTATION

Council Members (Briefing Session – 30 September 2024)

Chief Executive Officer – Victoria MacKirdy

Governance and Policy Officer – Kyla Walker

Kelley Jones Lawyers – Michael Kelley and Tracy Riddle (KelleyJones Lawyers)

ATTACHMENTS

Attachment 1 - 2024/25 Representation Review Initial Consultation Engagement Summary

Attachment 1 - Representation Review Initial Consultation Engagement Summary



COMMUNITY ENGAGEMENT SUMMARY: **2024/25 Representation Review** **Initial Consultation**

Introduction

Councils in South Australia are required to undertake regular reviews of their elector representation arrangements (the Representation Review). The City of Victor Harbor undertook its last Representation Review during the period April 2016 to April 2017.

A representation review is a process to determine whether a council would benefit from an alteration to its current composition or ward structure to meet future requirements.

A council is required to conduct a review of its representation at least once in each 'relevant period', as prescribed by the *Local Government Act 1999* (the **Act**).

The City of Victor Harbor is currently undertaking its legislatively required Representation Review.

Background

The City of Victor Harbor is currently comprised of the Mayor and nine Council Members, each of which are elected by the electors of the area as a whole.

Any changes to the Council's structure and composition arising from this Representation Review process will take effect from the November 2026 periodic Local Government Elections.

What does this review include?

Section 12 of the Act prescribes the requirements of the Representation Review process, to focus on all aspects of the composition of the Council including:

- the number of Council Members;
- the division, or abolishment, of wards in the Council area; and
- the number of voters represented by each elected Council Member.

All Representation Reviews must take the principles specified in the Act into account so that:

- any changes made are to benefit ratepayers;
- arrangements should reflect communities of interest and should avoid separations of such communities;
- voters should be afforded effective participation in decisions on local matters; and
- Council is able to cooperate with other councils and govern effectively.

Early engagement to inform direction for Representation Review Report

The Council is aware the topic of most interest to the community, considering its previous Representation Review, is the issue of ward structure, and whether the Council should retain its existing composition of no wards, or to divide the area of the Council into wards.

For this reason, at the Ordinary Council meeting held on Monday, 26 August 2024, the Council endorsed a three-week public consultation regarding the issue of ward structure.

This initial consultation will help inform the Council's preferred 'in principle' direction regarding the composition of Council that it will present to the community within the draft Representation Review Report.



Consultation methodology

The City of Victor Harbor collected the views of the community for this initial engagement through a number of different methods including survey (online and hard copy), written submissions, and holding two listening posts.

The opportunity for residents and ratepayers to have their say was promoted in the following ways:

- Public Notice – Fleurieu Sun (5 September 2024) and the Times Newspaper (10 September 2024)
- Display Advertisement – Fleurieu Sun (19 September 2024) and The Times (17 September 2024)
- Foyer Display at the Civic Centre (5 to 26 September 2024)
- City of Victor Harbor website
- Your Say Victor Harbor website
- Facebook (5 September) – 1,993 reach
- Radio – FM (6 September 2024)
- Victor Viewpoint – 10 September 2024
- Listening Post – Victor Harbor Central Shopping Centre (12 September 2024) and Victor Harbor Farmers Markets (14 September 2024)

Community feedback

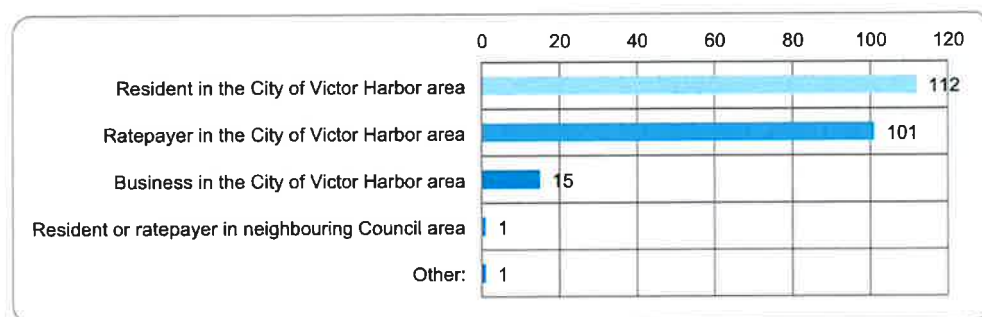
Survey Responses

During the consultation period, the Council received 162 responses. Of the 162, there were two (2) blank responses and four (4) duplicates (community members had made a submission twice), making the total number of responses 156. The following provides a high level summary of these responses.

What best describes you?

Respondents identify as (*noting that multiple options could be chosen*):

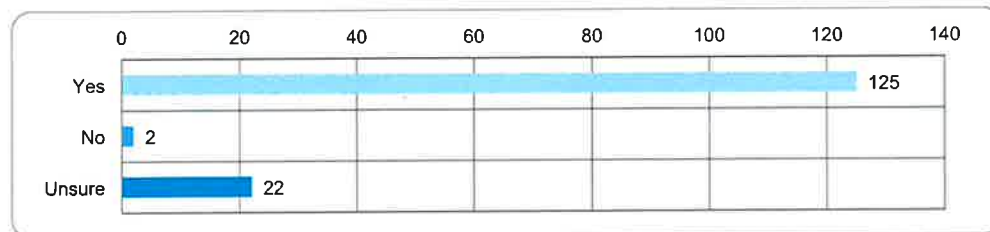
- Resident in the City of Victor Harbor – 112
- Ratepayer in the City of Victor Harbor – 101
- Business in the City of Victor Harbor area – 15
- Resident or ratepayer in neighbouring council – 1
- Other – 1 (did not specify)





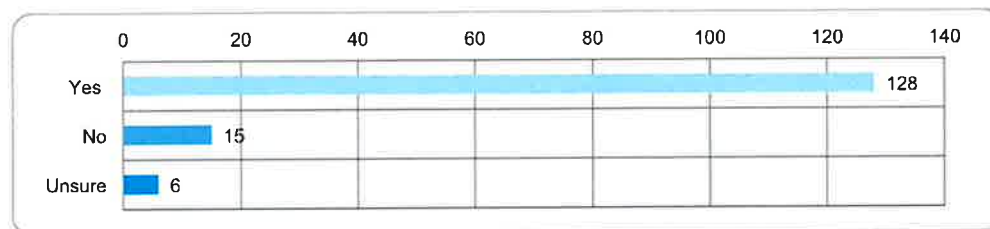
Are you enrolled on council Voters Roll or Council Supplementary Roll?

There were 152 responses to this question. 125 respondents indicated they were enrolled to vote in Local Government Elections, while 2 were not and 22 were unsure.



Did you vote in the 2022 Local Government Elections?

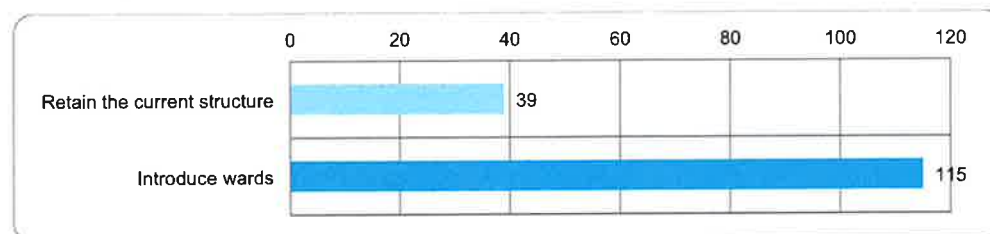
Of the 149 responses to this question, 128 voted in the 2022 Local Government Elections, 15 didn't vote and 6 were unsure if they voted.



Should the Council retain the current structure (eg no wards) or introduce wards?

There were 154 responses to this question. When asked if the current structure (no wards) should be retained or wards introduced:

- 39 respondents think Council should retain its current structure (no wards)
- 115 respondents think Council should introduce wards.





A high-level summary of the **reasons provided for supporting retaining the current structure** is provided below:

- The current structure works well.
- The size of the Council area doesn't warrant wards.
- People want to be able to choose Council Members from all options (rather than just select from the few nominating for their ward).
- Council Members should be making decisions for the whole Council area for good governance, and the current structure promotes this.
- City of Victor Harbor LGA doesn't have townships with unique identities like neighbouring councils do.
- Representation currently is diverse enough to ensure a broad cross section of representation.

A high-level summary of the **reasons provided for supporting the introduction of wards** is provided below:

- Greater accountability for Council Members representing a ward.
- Residents feel their voice will be heard 'better' by ward councillors.
- Localised representation for a specific area that will help residents and ratepayers know who to contact if they need an issue addressed. This also links with better communication to and from Council Members and constituents.
- Smaller number of candidates to vote for will help electors make a more informed choice.
- Rural residents and ratepayers / people living outside of the township don't feel represented
- Every neighbourhood will have a dedicated councillor who understands and advocates for their needs and help with over representation of certain areas.
- Will help see greater investment in areas outside of the Town Centre (Encounter Bay, Hayborough, McCracken).
- Wards will even out Council Member responsibilities.

Listening Posts

Listening posts were held at the Victor Harbor Central Shopping Centre (12 September 2024) and Victor Harbor Farmers Markets (14 September 2024).

A high-level summary of the key themes from conversations with the community is provided below:

- If it's not broken, don't fix it – keep the current structure as it is.
- Wards may be appropriate given Victor's growth.
- Wards offer a designated point of contact.
- Wards are popular with rural landholders.
- Council Members elected to wards will represent specific area
- Non-resident ratepayers consider that wards work well within other councils (this is based on experience, have a holiday home in Victor Harbor but live in Adelaide)
- Unlike Alexandrina, Victor Harbor doesn't have multiple townships – Wards wouldn't be suitable
- Council Members appointed to wards will be locals residing in the ward area.



Consideration of community feedback

The reasons provided by respondents for retaining the current structure or introducing wards are varied. Some of the concerns and feedback may be addressed through retaining or changing the structure, but other issues raised cannot be resolved through a Representation Review process, and this should be noted accordingly.

Reasons the community has put forward supporting retaining the current structure (no wards)	Points for consideration
The size of the council area doesn't warrant wards / The City of Victor Harbor doesn't have townships with unique identities.	There are no townships with unique identities (consider Strathalbyn and Goolwa as an example) within the City of Victor Harbor. The relatively small geographic size of the more densely populated areas makes dividing the council into wards impractical, though not impossible, as elector quotas (to ensure balanced representation) would present logistical challenges. The current arrangement allows for smaller communities to have their voices heard through strong campaigns, without the restrictions of geographic boundaries.
Greater choice for voters when choosing candidates	By allowing the election of councillors across the entire Council area, voters are given a wider choice of candidates based on their ideas and skills rather than their place of residence. Electors choose from all candidates.
Decision making is for the whole council area, so representation should be for the whole area	Area councillors are required to adopt a holistic approach to governance, addressing issues that affect the entire local government area. This contrasts with the potential for a narrower focus under a ward system which is in contrast with the responsibilities of a Council Member to make decisions for the whole Council area whether wards are in place or not.
Representation is already diverse	Additionally, the absence of elector quotas, which would be necessary with wards, allows for more fluid and equitable representation across the council. The current structure promotes a diversity of councillors who represent not only specific locations but also varied interests such as disability, the environment, arts, and other community interest groups.



Reasons the community have put forward supporting the introduction of wards	Points for consideration
Greater accountability through wards	Although a ward system may not inherently improve accountability, it could offer clearer lines of communication between residents and their local councillor, making it easier for constituents to know who to contact about local concerns. While all councillors would still need to consider decisions affecting the whole area, having dedicated ward representatives could create stronger community connections and a more targeted approach to local concerns.
Localised representation	A ward system could provide a hyper-local focus and may risk creating a narrower view of governance, potentially fragmenting decision-making processes. Councillors will still be responsible for making decisions that benefit the entire council area, ensuring that the ward system doesn't compromise broader strategic goals. It should also be noted that there is no requirement for a ward councillor to live in the ward they represent.
Able to make a more informed choice when voting	The introduction of wards would provide a smaller number of candidates for community to consider and find out about during the election process. It may also reduce voter choice, particularly where there are only a small number of candidates who may be elected unopposed where there are only enough candidates for positions.
Better representation for rural residents and ratepayers	There are challenges that arise with area-wide representation, particularly with some residents feeling disconnected from their councillors. Introducing wards may help alleviate these concerns, especially for rural residents who feel underrepresented, though the division of wards would need to ensure both urban and rural areas are adequately served. Candidates that nominate for wards may also not reside within that particular ward. Engagement with rural residents and ratepayers could also be enhanced through the Council's Agribusiness Working Party.
Will encourage greater investment outside of the town centre	Equity across the council area would remain important, with decisions about resource allocation guided by strategic management plans that prioritise projects based on community needs.
Even out Council Member responsibilities	Introducing wards will make no difference to Council Member responsibilities.



Conclusion

The feedback received from the community during this initial consultation period is highly valued and offers important insights into the perspectives and concerns of those who participated. The 156 responses provide a meaningful snapshot of opinions from a segment of the community, helping to highlight key themes and considerations when looking at the next steps for the Representation Review.

It is important to recognise that this sample size represents a small proportion of the City of Victor Harbor's population, which exceeds 16,000 residents. Furthermore, while the feedback offers useful input, it may not fully capture the diversity of opinions across the entire community nor an accurate representation of the role of wards in a local government system.

In considering the 'in-principle' direction for the Representation Review Report, Council Members should turn their mind to the reasons provided as to why or why not changes should be made to the composition of the City of Victor Harbor Council and determine if changes provide greater benefit to the whole community.

APPENDIX 6

