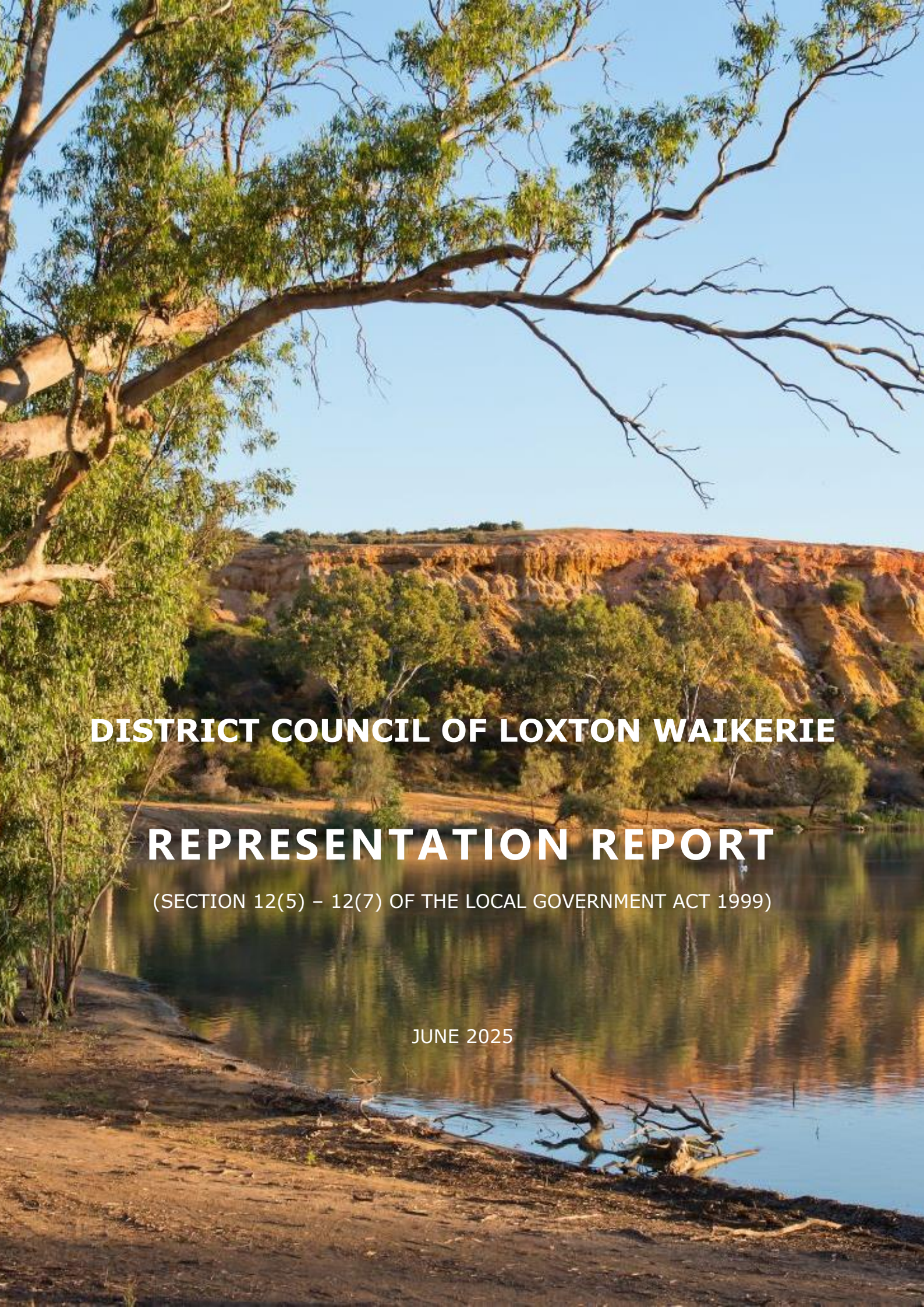




DISTRICT COUNCIL OF LOXTON WAIKERIE

REPRESENTATION REPORT

(SECTION 12(5) – 12(7) OF THE LOCAL GOVERNMENT ACT 1999)

JUNE 2025

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1. Introduction

Section 12(3) of the *Local Government Act 1999* (the Act) indicates that Council must undertake a “representation review” to determine whether the community would benefit from an alteration to Council’s composition or ward structure.

Section 12(4) of the Act states: *“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 the 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”.*

Representation reviews are generally undertaken every eight (8) years, and the Minister for Local Government has specified that the District Council of Loxton Waikerie is required to undertake and complete a review during the period October 2024 – October 2025.

This report has been prepared in accordance with the requirements of Sections 12(5) and 12(6) of the Act. It sets out the elector representation proposal that Council believes should be carried into effect at the next Local Government elections in November 2026; provides information pertaining to matters relevant to the composition and structure of Council; and presents an analysis of how Council’s proposal relates to the relevant provisions and principles prescribed under Section 26(1)(c) and Section 33 (2) of the Act.

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

- the number of elected members of Council that are required to provide fair and adequate representation to the community;
- the division of the Council area into wards, or alternatively the retention of the existing “no ward” structure; and
- if applicable, the level of ward representation, the name of any proposed future wards, and the need for area councillors in addition to ward councillors (under a ward structure).

Whilst the proposal presented herein reflects the current position of the Council, no final decision will be made in respect to Council’s future composition and/or structure until consideration has been given to any and all public submissions which may be received during the current public consultation stage.

2. Background

The District Council of Loxton Waikerie covers approximately 7,957 km²; and had an estimated resident population of 11,949 as at the 30th June 2024. According to Electoral Commission SA, there were 8,328 eligible electors within the Council area as at the 31st January 2025, this equating to an elector ratio (i.e. the average number of electors represented by a councillor) of 1:833.

When established in May 1997, Council comprised the Mayor and twelve (12) ward councillors, and the Council area was divided into two (2) wards. Wards were abolished at the 2000 Local Government election, and the composition of Council was formally changed from twelve (12) area councillors to ten (10) area councillors at the Local Government election in 2010.

The current arrangement (i.e. the Council area not being divided into wards, and Council comprising the Mayor and ten (10) area councillors) was adopted/retained by Council at the completion of the previous representation review which was undertaken in 2016/2017. This arrangement formally came into effect at the Local Government elections in November 2018.

Council commenced its current review on the 29th January 2025 with a briefing of the elected members; discussions regarding the various relevant review issues; and consideration of a detailed Discussion Paper, including potential ward structure options. Subsequently, at a meeting held on the 19th February 2025, Council identified its preferred future composition and structure, and resolved to present this proposal to the community for consideration and comment.



3. Proposal

Having duly considered all relevant provisions of the Act and considerable information pertaining to the primary issues, Council proposes the following in respect to its future composition and structure.

- The future elected body of Council continue to comprise the Mayor and ten (10) councillors.
- The Council area not be divided into wards (i.e. the existing “no ward” structure be retained).

The reasons for Council's “in principle” decisions, together with an analysis of compliance with the relevant provisions and requirements of the Act, are provided hereinafter.



4. Proposal Rationale

4.1 Composition

The principal member of Council has always been the Mayor, who has been elected by the community.

Section 51 of the Act stipulates that the principal member of Council must be elected as a representative of the area as a whole or appointed (by the Governor under circumstances prescribed under Section 10 of the Act), and is to be called mayor. The Act no longer affords any alternative.

Section 52(1) of the Act specifies that all members of Council, other than the principal member, shall have the title of councillor.

Section 52(2) states that a councillor will (depending on how the council is constituted):

- be elected by the electors for the area, as a representative of the area as a whole (whether or not the area is divided into wards); or
- if the area is divided into wards, be elected by the electors of a particular ward, as a representative of the ward.

4.2 Area Councillors (In Addition to Ward Councillors)

Section 52 of the Act indicates that councillors can be elected as a representative of a ward, or alternatively, to represent the Council area as a whole (whether or not the Council area is divided into wards). Given that Council proposes to retain the existing "no ward" structure, the issue of area councillors (in addition to ward councillors) is not applicable.

Notwithstanding the above, Council believes that area councillors (in addition to ward councillors) are unwarranted and unnecessary, and represent a costly additional tier of representation.

4.3 Number of Councillors

Council has comprised the Mayor and ten (10) area councillors since the Local Government election in 2010.

Section 11A of the Act specifies that a council must not be comprised of more than thirteen (13) members (including the principal member) unless it has been granted an "exemption certificate" by the Electoral Commissioner under Section 12(11b) of the Act. The Council proposal complies with the requirements of Section 11A of the Act.

In addition, Sections 26(1)(c) and 33(1) of the Act express the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term).

Table 1 provides the elector data, elector ratios (i.e. the average number of electors represented by a councillor), and the size/area of councils that are considered to be of a similar in size (elector numbers) and type (regional) as the District Council of Loxton Waikerie. The data indicates that, whilst Council's level of representation is on the high side, its elector ratio compares favourably with those of most of the cited councils.

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

Council	Councillors	Electors	Ratio
Wattle Range (3,924 km ²)	11	8,882	1:807
Loxton Waikerie (7,957 km²)	10	8,328	1:833
Adelaide Plains (932 km ²)	9	7,598	1:844
Yorke Peninsula (5,834 km ²)	11	9,272	1:843
Mid Murray (6,273 km ²)	8	7,112	1:889
Berri Barmera (508 km ²)	8	7,606	1:951
Port Augusta (1,153 km ²)	9	9,902	1:1100

Source: Electoral Commission SA (31st January 2025)

It should also be noted that Section 12(6)(a)(i) of the Act requires Council to examine the question of whether the number of members should be reduced. The Act is silent on the issue of increasing the number of elected members. This being the case, it could reasonably be concluded that it will likely be difficult to mount a sustainable argument to increase the number of elector members at this time, despite the likelihood of some further population growth in the foreseeable future.

A reduction in the number of councillors to nine (9) or eight (8) would result in an elector ratios of 1:925 and 1:1,041 respectively, resulting in cost savings of approximately \$20,000 per annum per councillor (i.e. travel, meals, training and the annual allowance).

Council is also aware that, of the other regional councils in the State, three (3) presently comprise eleven (11) councillors; two (3) comprise ten (10) councillors; eighteen (17) comprise nine (9) councillors; eleven (11) comprise eight (8) councillors; eight (8) comprise seven (7) councillors; and five (5) comprise six (6) councillors. Council's existing composition is not considered to be extraordinary or inappropriate when compared to the composition of the other regional councils.

In addition, Council believes that, in order to provide fair and adequate elector representation across the whole of the Council area, a total of ten (10) councillors is necessary and appropriate at this time. Whilst a reduction in the number of councillors would obviously result in some financial benefit to Council and the community, Council desires to maintain the level and quality of representation that has been experienced and expected by the local community over the past fifteen (15) years.

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

- the Council area covers approximately 7,957 km² and contains over 11,900 residents (including more than 8,300 eligible electors), many of whom have needs of, and demands for, assistance and representation by/from the elected members;
- sufficient elected members must be available to manage the affairs of Council;
- the elected member's workloads should not become excessive;
- there is an appropriate level of elector representation;
- the potential for diversity in member's skill sets, experience, expertise, opinions and backgrounds should be maintained to ensure robust discussion amongst the elected members; and
- adequate lines of communication must exist between the community and Council.

Given the aforementioned, Council has formed the opinion that a change in the number of councillors is not warranted at this time.

4.4 Wards/No Wards

The Council area has not been divided into wards since the Local Government elections in 2000.

Currently thirty-five (35) of the forty-nine (49) regional councils have no wards, as do two (2) of the nineteen (19) metropolitan councils (i.e. the Towns of Gawler and Walkerville). Council is also aware that the Northern Areas Council and the District Council of Grant have recently completed representation reviews and have resolved to abolish wards.

Council acknowledges that the advantages of a ward structure may include:

- wards guarantee some form and level of direct representation to all parts of the Council area and/or existing communities of interest;
- ward councillors can focus on local issues as well as council-wide issues;
- ward councillors are more likely to be known to their ward constituents (and vice versa);
- ward councillors can have more of an affiliation with the local community and more understanding of the local issues and/or concerns;
- the task and expense of contesting a ward election may be less daunting to prospective candidates, whereas the task and expense of contesting council-wide elections (under the "no wards" alternative) could be prohibitive, and therefore may deter appropriate/quality candidates;
- Council only has to conduct elections and supplementary elections within contested wards (potential cost saving), whereas under the "no ward" alternative Council has to conduct elections and supplementary elections across the whole of the Council area (at a significant expense);

- existing ward councillors already deliberate and make decisions on the basis of achieving the best outcome for the whole of the Council area (as would be the role of an area councillor under the "no ward" alternative); and
- ward based elections have the potential to deliver councillors from various parts of the Council area, potentially resulting in a greater diversity in the skill sets, experience, expertise and opinions amongst the elected members.

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

Other disadvantages include:

- electors can only vote for councillors/candidates within their ward;
- candidates can be favoured by the peculiarities of the ward based electoral system (e.g. candidates elected unopposed or having been unsuccessful despite attracting more votes than elected candidates in other wards);
- ward councillors may develop ward-centric attitudes and be less focused on the bigger council-wide issues;
- ward boundaries are lines which are based solely on elector distribution and may serve to divide the community rather than foster civic unity;
- despite comparable ward elector ratios, inequitable levels of representation between wards and/or the physical sizes of wards can create a perception of imbalance in voting power within Council.

Council believes that the current "no ward" structure exhibits considerable merit and is particularly well suited to the circumstances of the Berri Barmera Council.

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

- The community will be afforded the opportunity to vote for all members of Council.
- The most favoured candidates from across the council area will likely be elected, rather than candidates who may be favoured by the peculiarities of a ward based system.
- The elected members should be free of parochial local/ward attitudes.
- The "no wards" structure is not affected by fluctuations in elector numbers, the on-going need to review elector distribution and/or ward boundaries, and/or the constraints of complying with quota tolerance limits.
- A council area which is not divided into wards can be perceived as a strong and united entity with a focus on the community as a whole.

- Existing “communities of interest” are not affected or divided by arbitrary ward boundaries.
- If an area councillor leaves Council, the casual vacancy can be carried by Council, thereby avoiding the need for a supplementary election (subject to Council having a relevant policy in place).
- The lines of communication between Council and its community should be enhanced, given that members of the community will be able to consult with any and/or all members of Council, rather than be obliged to consult with their specific ward councillors.
- The “no wards” structure still affords opportunities for the small communities to be directly represented on Council, provided they can muster sufficient support for a preferred candidate.
- The introduction of postal voting has facilitated the dissemination of campaign literature throughout the Council area, thereby reducing the difficulty and cost of contesting council-wide elections.

Council believes that the aforementioned are sound arguments in favour of the retention of the existing “no ward” structure.



5. Legislative Requirements

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

5.1 Quota

Section 33(2) of the Act indicates that a proposal which relates to the formation or alteration of wards of a council must also observe the principle that the number of electors represented by a councillor must not, as at the relevant date (assuming that the proposal were in operation), vary from the ward quota by more than 10%.

According to Section 33(2a)(b) of the Act, ward quota is determined to be: *"the number of electors for the area (as at the relevant date) divided by the number of councillors for the area who represent wards (assuming that the proposal were in operation and ignoring any fractions resulting from the division)."*

As Council is proposing to retain its "no ward" structure, Section 33(2) of the Act is not applicable.

5.2 Communities of Interest and Population

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

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

Despite covering 7,957km² in area, the District Council of Loxton Waikerie is considered to comprise a regional entity or community of interest. In addition, there are obviously many smaller communities of interest within the Council area, such as (but not limited to) the main township and/or district communities of Loxton, Waikerie, Loxton North, Kingston on Murray, Paisley, Golden Heights, Taylorville, Wunkar, Paruna, Bugle Hut, Moorook South and Taplan. The many small communities occupy varying areas and contain differing numbers of electors at varying densities. This distribution of the electors makes it difficult to divide the Council area into wards on a rational and equitable basis, without dissecting these existing communities.

Council believes that the retention of the "no ward" structure avoids potential impacts upon, and the division of, the existing communities of interest within the Council area and, as such, should serve to continue to foster a sense of unity within the local community.

5.3 Topography

The Council area is 7,957km² in area and is generally flat to undulating, with the major topographical feature being the River Murray. A large percentage of the Council area is under cultivation, either for cropping or pasture purposes, or for vines and horticultural crops, whilst dryland farming (cereal, wool and meat) is also prominent.

Council believes that:

- there are no natural features which will physically prevent elected members from interacting with the local community; and
- under the existing/proposed "no ward" structure the size and topography of the Council area should have little impact upon the elected members' ability to attend to the requirements and/or demands of the community, given that all eleven (11) elected members (the mayor included) should be readily available and responsible to the whole community.

In addition, Council's proposal to retain the existing "no ward" structure avoids the need to identify appropriate ward boundaries and the associated difficult tasks distributing an equitable number of electors between the proposed wards, whilst taking into account the general topography and the physical features within the council area.

5.4 Feasibility of Communication

Council believes that the proposed level of representation (i.e. a Mayor and ten (10) area councillors) will continue to provide adequate lines of communication between the elected members of Council and the community, considering the ever improving communication and information technology; and the fact that Council has operated effectively over the past fifteen (15) years with the same level of representation.

5.5 Demographic Trends

Council is aware that there is the potential for an increase in elector numbers throughout the council area in the foreseeable future, however, the extent and timing of such is difficult to determine with any certainty.

During the review process (and associated deliberations), Council has taken into account the following information.

Data sourced from Electoral Commission SA indicates that the number of eligible electors enrolled to vote in a Council election has increased by only 72 electors or 0.87% over the period July 2016 to November 2024.

Population projections prepared by the Department of Planning, Transport and Infrastructure (*Local Area (SA2 and LGA), Population Projections for South Australia, 2021 – 2041*, published March 2024) indicate that the population of the Council area is anticipated to increase by 1,253 people or 10.5% (i.e. 11,924 to 13,177) over the period 2021 – 2041.

Data provided by the Australian Bureau of Statistics (refer 3218.0 *Regional Population Growth, Australia*) indicates that the estimated population of Council area decreased by 719 people or 5.89% over the period 2001 to 2011; and then increased by 419 people or 3.65% during the period 2012 to 2023. Overall, the estimated population of the Council area decreased of 300 people or 2.46% over the period 2001 - 2023.

Australian Bureau of Statistics "Quick Stats" indicate that the estimated population of the Council area decreased by 213 people or 1.79% during the period 2001 to 2021 (i.e. 11,879 to 11,666).

Information gleaned from .id Profile indicates that the estimated population of the Council area decreased by 424 people or 3.56% over the period 2006 – 2011, and then increased steadily (i.e. by 419 people or 3.65%) during the period 2012 to 2023. Overall, the estimated population of the Council area decreased by only 5 people over the period 2006 – 2023.

The Loxton Waikerie Growth Strategy (adopted by Council in February 2024) identified future residential opportunities in the townships of Loxton, Loxton North, Waikerie, Kingston on Murray, Moorook and Ramco (Sunlands) to support anticipated and/or desired future population growth. Details of the identified future growth areas are summarised hereinafter, however, the extent and timing of any future development is difficult to determine with any certainty.

- Loxton/Loxton North – Five (5) residential growth areas have been identified; these generally being located at the periphery of the township. The growth areas total 266.1 hectares and have the potential to realise 1,088 – 4,216 additional allotments (ranging in size from 400m² to 4,800m²). In addition, there are residential infill opportunities in and about Loxton and Loxton North.
- Waikerie – Three (3) residential growth areas comprising 33.9 hectares have been identified adjacent the township. It has been suggested that these areas will have the potential to accommodate between 293 and 688 additional allotments (ranging in allotment sizes of 400m² to 2,000m²).
- Moorook - Two (2) residential growth areas comprising 6.6 hectares have been identified within the township. These areas could realise an additional 55 allotments (1,000m² in area). In addition, there are some infill opportunities (approximately 12 allotments). There are also residential infill opportunities within the township.
- Kingston on Murray - Two (2) residential growth areas comprising 14.5 hectares have been identified adjacent the township. These areas could realise an additional 88 allotments (1,000m² in area).
- Ramco and Sunlands - Two (2) residential growth areas comprising 38.0 hectares have been identified which could realise an additional 160 rural living allotments (2,000m² in area).

5.6 Adequate and Fair Representation

For the reasons espoused earlier, Council is confident that its proposed future composition of the Mayor and ten (10) area councillors will be sufficient to continue to adequately manage the affairs of Council; provide an appropriate level of elector representation; maintain an appropriate diversity in the skill set, experience and expertise amongst the elected members; and present adequate lines of communication between the community and Council.

5.7 Section 26, Local Government Act 1999

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

- the desirability of avoiding significant divisions within the community;
- proposed changes should, wherever practicable, benefit ratepayers;
- a Council having a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
- a Council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations; and
- residents should receive adequate and fair representation within the local government system, while over-representation in comparison with Councils of a similar size and type should be avoided (at least in the longer term).

The composition and structure being proposed by Council is considered to comply with the cited legislative provisions, in that it will:

- avoid the potential division of the community through the introduction of lines of division (i.e. ward boundaries) which are primarily based on the distribution of elector numbers;
- incorporate sufficient elected members to undertake the various roles and responsibilities of Council;
- have little if any detrimental impact upon the ratepayers and/or existing communities of interest;
- continue to provide adequate and fair representation to all electors; and
- compare favourably with the composition and elector ratios of other regional councils that are of a similar size (in terms of elector numbers) and type.

6. Current Public Consultation

In accordance with Section 12(7) of the Act, interested persons are invited to make a written submission to Council in respect to this report, and more specifically the composition and structure that Council proposes to retain at (and beyond) the date of the next Local Government elections in November 2026.

Submissions can be made as follows, and will be accepted until (insert time and date) 2025.

- Via Council's website (www.loxtonwaikerie.sa.gov.au).
- Written submission addressed to the Chief Executive Officer, 35 Bookpurnong Terrace (PO Box 409), Loxton 5333.
- Emailed to council@lwdc.sa.gov.au.

Further information regarding the elector representation review can be obtained on Council's website or by contacting Hayley Hucks, Executive Assistant, on telephone 8584 8000 or email council@lwdc.sa.gov.au.

