

## **RENMARK PARINGA COUNCIL**

### **REPRESENTATION REPORT**

**Under section 12 of the *Local Government Act 1999***

### **FOR CONSULTATION**

**April 2025**

**Norman Waterhouse Lawyers**

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## **DISCLAIMER**

This Review Report has been prepared by Norman Waterhouse Lawyers Pty Ltd for the Renmark Paringa Council in accordance with Section 12 of the *Local Government Act 1999*. The opinions and estimates contained herein are made in good faith and as far as possible based on information, data and sources believed to be reliable. This report does not constitute legal advice.

## 1. INTRODUCTION

- 1.1 Councils in South Australia are required to undertake a representation review in accordance with Section 12 of the *Local Government Act 1999* (**the Act**) at least once in each 'relevant period'. The 'relevant period' is a period set by the Minister responsible for the Act by notice in the *Gazette*. The Renmark Paringa Council (**the Council**) is required to complete its representation review by October 2025.
- 1.2 The purpose of a council undertaking a representation review is, pursuant to Section 12(3) of the Act, to determine *'whether its community would benefit from an alteration to its composition or ward structure'*.
- 1.3 Section 12(4) of the Act provides that the 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'*. The Council is currently undertaking this comprehensive review.
- 1.4 This Representation Report is prepared in accordance with Sections 12(5) and 12(6) of the Act and examines the advantages and disadvantages of the various options available to the Council with respect to its composition and ward structure.
- 1.5 In particular, this Representation Report considers or otherwise discusses the following matters:
- 1.5.1 the composition of the Council, including the number of councillors and how councillors shall be elected (ie, ward councillors, area councillors or a combination of both);
  - 1.5.2 whether the division of the Council's area into wards should occur and, if the area is to be divided into wards, a consideration of the ward quota principles set out in Section 33 of the Act;
  - 1.5.3 whether the number of members of the Council should be reduced or increased;
  - 1.5.4 whether the Council should change from a district council to a municipal council; and
  - 1.5.5 whether the Council should change the name of the Council.

- 1.6 The abovementioned matters will be considered as part of this Representation Report having regard to the principles set out in Section 26 of the Act, including that:
- 1.6.1 the resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community;
  - 1.6.2 proposed changes to Council's representation structure should, wherever practicable, benefit ratepayers;
  - 1.6.3 proposed changes should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations;
  - 1.6.4 the importance within the scheme of local government that local communities within large council areas can participate effectively in decisions about local matters;
  - 1.6.5 residents should receive adequate and fair representation, while over-representation in comparison with other councils of a similar size and type should be avoided; and
  - 1.6.6 the extent and frequency of previous changes affecting the Council following prior representation reviews.

## 2. **BACKGROUND**

- 2.1 The Council was formed by the amalgamation of the former District Council of Paringa and Corporation of the Town of Renmark on 1 July 1996. The townships of Renmark and Paringa contain the highest concentration of the Council's population. The township of Lyrup is the third most populated locality in the Council area.
- 2.2 The Council area is located adjacent to the Victorian border in the Riverland, South Australia. The area is known for its fruit production and tourism and is heavily dependent on the River Murray as a water source. There is an

emphasis on promoting the River Murray as a space for public recreation activities in the Council area.<sup>1</sup>

- 2.3 The township of Renmark was part of a large pastoral empire owned by brothers John and Robert Robertson since the 1860s. In 1887 Canadian brothers George and William Chaffey established an irrigation colony on part of the Robertson brothers' Bookmark Station. The Chaffey office was the first stone building constructed in Renmark and has housed the Remark Irrigation Trust since 1893, which later became the Renmark Hotel. Fruit growing areas and fruit packing houses were then constructed along the town wharf as settlement by the English increased. These days deciduous fruits are still grown in the township, including citrus, wine grapes and almonds. The Council vigorously promotes tourism and the original Chaffey's vision of the riverside, including river walks, cycling paths, historic paddle steamer, plaques and memorials and regular events on the riverside.<sup>2</sup>
- 2.4 The township of Paringa (located 4 kms from Renmark on the other side of the Murray River) offers hotel and caravan park accommodation. Paringa also has other areas of attraction including lookouts and being home to a small colony of Koalas. Paringa is also home to the Paringa Suspension Bridge which was built in 1927 to connect Paringa to Renmark and is one of only 4 spanning the Murray River today. Fruit growing, farming and tree nurseries are the townships main industries.<sup>3</sup>
- 2.5 The township of Lyrup was established by settlement as part of the State Government's policy to create relief works and settlements which could become self-supporting.
- 2.6 The Council is one of three councils in the Riverland region and has the smallest population of the three.<sup>4</sup>
- 2.7 The following towns and localities (or part thereof) fall within the area of the Council:

#### 2.7.1 Chaffey

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<sup>1</sup> [www.renmarkparinga.sa.gov.au](http://www.renmarkparinga.sa.gov.au).

<sup>2</sup> [www.renmarkparinga.sa.gov.au](http://www.renmarkparinga.sa.gov.au).

<sup>3</sup> Ibid.

<sup>4</sup> The other Councils in the Riverland are Berri Barmera and Loxton Waikerie.

- 2.7.2 Cooltong
  - 2.7.3 Crescent
  - 2.7.4 Gurra Gurra
  - 2.7.5 Lyrup
  - 2.7.6 Mundic Creek
  - 2.7.7 Murtho
  - 2.7.8 Old Calperum
  - 2.7.9 Paringa
  - 2.7.10 Pike River
  - 2.7.11 Renmark
  - 2.7.12 Renmark North
  - 2.7.13 Renmark South
  - 2.7.14 Renmark West
  - 2.7.15 Wonuarra
  - 2.7.16 Yamba
- 2.8 The Council's principal office is situated in the township of Renmark at 16 Eighteenth Street, Renmark SA 5341.
- 2.9 The Council had a population of 9,783<sup>5</sup> people in 2021 (this is expected to increase to 10,638 people by 2024<sup>6</sup>).
- 2.10 A map of the Council Area is contained in **Annexure A** to this report.

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<sup>5</sup> 2021 Census.

<sup>6</sup> *Local Area (SA2 and LGA) Population Projections for South Australia 2021 to 2024*, Department for Trade and Investment, Government of South Australia, 2024.

### 3. REVIEW PROCESS

Section 12 of the Act sets out a detailed process which the Council must follow in undertaking its Representation Review. A summary of that process is set out below.

#### 3.1 Representation Report

3.1.1 In engaging Norman Waterhouse Lawyers Pty Ltd, the Council has initiated the preparation of the Representation Report by a person who, in the opinion of the Council, is qualified to address the representation and governance issues which may arise with respect to the matters under review.

#### 3.2 Public Consultation

3.2.1 The Council will conduct public consultation and invite interested persons to make submissions to the Council on the matters the subject of the Representation Report within a period specified by the Council.

#### 3.3 Finalisation of Representation Report

3.3.1 The Council will consider any submissions made with respect to the Representation Report and will include all written submissions which relate to the subject matters of the review in the Representation Report.

3.3.2 After that takes place, the Council will finalise its Representation Report and adopt a final proposal for future composition and ward structure (if any).

#### 3.4 Certification and Implementation of Changes to Representative Structure

3.4.1 The Representation Report and supporting documentation will be submitted to the Electoral Commissioner, who will then, if satisfied that all legislative requirements have been met, issue a certificate of compliance and specify a date for the Council to place a notice in the *Gazette*.

Any changes to the Council's composition or ward structure will take effect from the next periodic election of the Council (presently scheduled for November 2026) or at an otherwise applicable general election<sup>7</sup>.

#### 4. CURRENT REPRESENTATION STRUCTURE

4.1 The Council conducted its last Representation Review in 2017 and determined to:

4.1.1 Retain the principal member of the Council as a Mayor elected by the community.

4.1.2 Retain the number of councillors as 8 (plus the Mayor, resulting in a total of 9 Council members).

4.1.3 Not divide the Council area into wards.

4.1.4 Retain the name of the Council.

4.2 The non-ward structure has been in place since the Council was formed in 1996 with the amalgamation of the District Council of Paringa and Corporation of the Town of Renmark.

4.3 As at 28 June 2024, there were 6,767 electors on the Council's Voter's Roll. The Council's Voters Roll comprises:

4.3.1 the House of Assembly roll, namely the persons who are on the roll by virtue of Section 14(1)(a) of the *Local Government (Elections) Act 1999*; and

4.3.2 the Council's 'supplementary roll', namely the persons who have been included on the Council's voters roll by virtue of Sections 14(1)(ab) to 14(1)(c) of the *Local Government (Elections) Act 1999*.

4.4 **Table 1** below provides the composition of Council's electors within its Voters Roll.

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<sup>7</sup> Section 12(18) of the *Local Government Act 1999*.

**Table 1 - Composition on Council's Voters Roll as at 28 June 2024**

Council	Number of Electors		
	House of Assembly Roll	Council's Supplementary Roll	Total
Renmark Paringa	6709	58	6767

Source: The Renmark Paringa Council and Electoral Commission of South Australia

## 5. COMPOSITION OF COUNCIL – COUNCIL OPTIONS

### 5.1 Mayor

5.1.1 Section 51 of the Act states that a council must now be constituted on the basis that the principal member (called a Mayor) is to be appointed or elected by the community as a representative of the council area as a whole.

5.1.2 The Council is already constituted on the basis that the principal member is a Mayor elected by the community as a representative of the council area as a whole.

5.1.3 Accordingly, no change to this aspect of the Council's composition is necessary (nor possible).

### 5.2 Councillors

5.2.1 Section 52 of the Act provides that a councillor may either be appointed or elected as a representative of a particular ward within a council by the electors of that particular ward (i.e. a ward councillor) or as a representative of the council area as a whole (whether or not the area is divided into wards) by electors for the entire area (i.e. an area councillor).

5.2.2 A council may have a combination of both ward councillors and area councillors, or one or the other.

### 5.3 **Area councillors only**

5.3.1 A council which is not divided into wards can only have area councillors (in addition to its principal member).

#### Advantages

5.3.2 Area councillors are elected by the entire electorate. Thus, an advantage of having all councillors as area councillors is that all electors within a Council area have a say in the election of all of the councillors.

5.3.3 Further, in an area councillor-only model, the candidates that receive the most votes across the entire Council area will be elected. This is in contrast to ward elections, where it is possible that a candidate may be elected as a ward councillor in a ward despite receiving less votes than a defeated candidate in another ward.

5.3.4 An additional potential advantage of having all candidates contesting one single election for all councillor positions is that this may result in a more diverse range of political views and diverse views among the successful candidates when compared to having smaller separate elections in each ward.

#### Disadvantages

5.3.5 Area councillors may be less focussed on specific communities within the overall Council area than ward councillors. This may in turn result in the needs or aspirations of those more specific communities being overlooked or not adequately addressed.

5.3.6 A related issue is that there may be an overrepresentation of knowledge and views regarding some areas within the Council, at the expense of other areas.

5.3.7 Another potential disadvantage of having only area councillors is that certain councillors may be approached by residents and ratepayers more regularly, potentially creating an inequitable workload among Council members.

## 5.4 **Ward councillors only**

5.4.1 Ward councillors can only be elected if the Council area is divided into wards.

### Advantages

5.4.2 Ward councillors may be able to more effectively identify and advocate for the needs and aspirations of specific communities within the overall council area when compared to area councillors.

5.4.3 Having ward councillors may also lead to a more equitable spread of workload among council members, as electors will typically approach their local ward councillors with issues or concerns.

5.4.4 However, it is important to note that, while ward councillors are elected by the electors of their particular ward, they are still required, pursuant to Section 59(1)(b) of the Act, to represent the interests of all residents and ratepayers, to provide community leadership and guidance, and to facilitate communication between the community and the Council.

### Disadvantages

5.4.5 Ward councillors might act as an advocate of the particular ward they represent to a greater extent, which could be contrary to their statutory duty discussed immediately above and may detract from the interests of the overall Council area.

5.4.6 Further, as discussed above, having several smaller elections for ward councillors (rather than one large election for all area councillors positions) means all electors within a Council area will not have a say in the election of all of their councillors. This may also result in a more limited range of political views among the successful candidates.

5.4.7 It is also possible that a candidate may be elected as a ward councillor in a ward despite receiving less votes than a defeated candidate in another ward.

## 5.5 **Combination of Ward and Area councillors**

5.5.1 It is uncommon for councils in South Australia to have both ward councillors *and* area councillors. Nevertheless, it is permissible. This model is only possible if the Council area is divided into wards.

- 5.5.2 Having both area councillors and ward councillors carries with it the advantages, and disadvantages, of each of the above arrangements, to varying degrees. Whether this model can result in more effective representation will depend largely on the specific circumstances of the council in question, the number of wards, the proportion of ward versus area councillors, and many other factors.
- 5.5.3 However, some unique disadvantages of this model are its potential to confuse electors, and its propensity for creating a lack of clarity within the Council chamber as to which councillors are 'responsible' for which residents and ratepayers (when in fact all councillors must represent the interests of all residents and ratepayers).

## 6. WARD STRUCTURE ASSESSMENT

### 6.1 Communities of Interest

- 6.1.1 Section 26(1)(c)(vii) of the Act provides that:

*'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'.*

- 6.1.2 The Council has indicated that each township within its area is unique and has its own identity. The three main population centres of the Council are the townships of Renmark, Paringa and Lyrup. These three localities comprise the main urban townships within the Council's area.

- 6.1.3 Based on the data available at the time of preparing this report, we note that of the Council's 6,767 electors:

- (a) 3,384 reside in Renmark (i.e. the defined central locality of Renmark);
- (b) An additional 1,761 reside in the surrounding suburbs of Renmark North, Renmark West, Renmark South and Crescent;
- (c) This results in approximately 5,145 electors residing in what (to us) appears as though it could be described as the 'greater Renmark' area;

- (d) An additional 358 reside on the west side of the River Murray but outside of the abovementioned localities (they reside in Chaffey, Cooltong and Old Calperum);
- (e) 697 reside in Paringa; and
- (f) 230 reside in Lyrup.

## 6.2 Population, Topography and Demographic Trends

- 6.2.1 Development trends and population growth are relevant to this review as they show how and where they may be potential increases to the population of the Council or electors. This is relevant in considering whether the Council should increase or decrease representation or introduce wards.
- 6.2.2 Department for Trade and Investment population projections state that the Council will grow to 10,638 by 980 people between 2021 and 2041<sup>8</sup>.
- 6.2.3 A major development in the Council area is the *Jane Eliza Development*, which is a waterfront development comprising of both residential and commercial tenancies in Renmark. It is anticipated this development will prompt population growth in Renmark with 63 approved allotments and 800 future allotments likely to be approved.
- 6.2.4 Not only will the *Jane Eliza Development* generate population growth in Renmark, but it is also anticipated the development will encourage employment in service sectors, such as retail, hospitality and other service-based industries. The development is a means of providing economic opportunities to the Council area as well as increasing population growth.

## 6.3 Division of area into wards is not recommended

- 6.3.1 It is clear from the above that the Council's population is heavily concentrated in Renmark and the greater Renmark area. Projected

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<sup>8</sup> Such projections do need to be viewed with caution given they are based on a variety of assumptions linked to demographic trends, with some intervention to reflect local economic drivers likely to influence population growth.

future growth appears likely to only continue to further concentrate the Council's population in Renmark.

- 6.3.2 This presents significant limitations upon the appropriateness and utility of any proposal to divide the Council area into wards.
- 6.3.3 When a Council area is divided into wards, it must be the case that the number of electors 'represented by' any one councillor (a figure reached by dividing the number of electors in a ward by the number of councillors allocated to that ward) must not be 10% more or less than the 'ward quota' (a figure reached by dividing the *total* number of electors in the council area the *total* number of councillors).

6.3.4 Thus, if the Council were, say, to divide its area into:

- (a) one ward comprising the approximately 5,145 electors who reside in the 'greater Renmark' area; and
- (b) one or more wards comprising the remaining approximately 1,622 electors;

and the Council were to keep a total of 8 councillors, this would result in:

- (c) the greater Renmark ward being allocated 6 councillors; and
- (d) the other ward or wards being allocated only 2 councillors in total.

6.3.5 In that scenario, it appears to us that:

- (a) the very large majority of 'greater Renmark' ward councillors would have a clear voting advantage on every item of business which came before the Council, meaning that issues unique to the area outside of greater Renmark might not be adequately considered and addressed by the Council;
- (b) those voters outside the 'greater Renmark' area would most likely feel disenfranchised by the fact that they may only vote for 2 out of the 8 councillors; and

(c) the 2 non-Renmark ward councillors would be representatives for a comparatively large geographical area, meaning that they may have a greater workload than their Renmark counterparts.

- 6.3.6 As such, it appears to us that the usual advantages of having ward councillors (as discussed above at part 5.4 of this report) are diminished or entirely nullified in the case of the Council.
- 6.3.7 We add that while the greater Renmark area could be broken up into several wards, most councillors would still be from the greater Renmark area and so the above issues would still apply in our view.
- 6.3.8 We also note that breaking up the greater Renmark area into multiple wards may also require fairly artificial boundaries to be drawn throughout the area. Further, those boundaries may need to be shifted again and again in future representation reviews as and when the population and boundaries of the greater Renmark area change.
- 6.3.9 We recognise that having no ward structure at all will still, most likely, mean that a majority of councillors will be residents of greater Renmark. However, crucially, where there is no ward structure, *all* candidates must compete for the votes of *all* electors, within and outside of Renmark.
- 6.3.10 Accordingly, in the particular case of the Council, it appears to us that having no wards is a more effective manner of ensuring adequate representation of all electors, rather than devising a ward structure which will unavoidably be skewed in favour of Renmark.
- 6.3.11 In light of the above, we consider that it is preferable that the Council area is not divided into wards.

## 7. NUMBER OF COUNCILLORS

- 7.1 There is no established formula or guideline to assist in determining the right or exact level of elector representation for the Council. As such, the Council needs to consider its practical experience in managing community affairs and issues and consider the elector ratios that have been adopted by similar size Councils.

7.2 Relevantly, Section 26(1)(c)(xi) of the Act provides:

*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)*

7.3 The following table presents a comparison between the Council and other regional councils which are similar with respect to composition, size and elector ratio.

**Table 2: Comparison of elector data and representation amongst various like regional councils)**

<b>Council</b>	<b>Councillors</b>	<b>Electors</b>	<b>Ratio</b>
Adelaide Plains	9	7501	1:834
Berri Barmera	8	7614	1:952
Loxton Waikerie	10	8344	1:834
Mid Murray Council	8	7127	1:890
Naracoorte Lucindale	10	5893	1:589
Port Augusta	9	9808	1:1089
Port Lincoln	9	10993	1:1221
Port Pirie	9	13092	1:1454
<b>Renmark Paringa</b>	<b>8</b>	<b>6767</b>	<b>1:854</b>
Southern Mallee District Council	7	1325	1:189
Victor Harbor	9	13639	1:1515

Source- Electoral Commission South Australia

7.4 The comparison of councils above demonstrates that the Council has a level of representation which is generally consistent with other comparable Councils. All but one of the councils above has 8 or more councillors which places the Council in a similar position to its regional counterparts. We note in particular that the three Riverland councils, namely Renmark Paringa, Berri Barmera and Loxton Waikerie, have very similar ratios. The Council is in the middle of the three.

- 7.5 It is noted that the Council's last representation review in 2017 considered the option of reducing the number of councillors to 7 and in that report:
- 7.5.1 the benefit of a lesser number of councillors (7 councillors) would primarily relate to a direct reduction in costs associated with Elected Member allowances and other associated costs. The cons of a lesser number of councillors would primarily relate to a lesser ability for councillors to share their responsibilities across the district, a greater demand on councillors with regard to representing their communities and a slight impact on the ability to achieve quorum at Council and committee meetings.
  - 7.5.2 These matters remain relevant today as part of this review.
  - 7.5.3 In accordance with Section 11A of the Act, a council must ensure it does not exceed the 'member cap' of 13 members. The Council is presently below this cap.

## 8. OTHER CONSIDERATIONS

- 8.1 Pursuant to Section 12(2) of the Act, in undertaking a Representation Review, the Council may also consider:
- 8.1.1 changing the Council from a district council to a municipal council;
  - 8.1.2 altering the name of:
    - (a) the Council;
    - (b) the area of the Council; and/or
  - 8.1.3 giving a name to, or altering the name of, a ward.
- 8.2 The only legally meaningful difference between a district council and a municipal council is that, pursuant to Section 81(6) of the Act, ordinary meetings of a municipal council may not be held before 5:00pm unless the council resolves otherwise by a resolution supported unanimously by all members of the council. We do not currently consider there is a basis to change the Council from a district council to a municipal council.
- 8.3 In terms of the Council name, the Council name came into existence at the time of the amalgamation of the District Council of Paringa and Corporation of the

Town of Renmark on 1 July 1996. The name of the Council reflects the townships with the largest population, geographic location and local government heritage of the Council area.

- 8.4 Particularly given the recent effort in branding the Council's existing name and the costs associated with renaming, we are not aware of any reason to change the name of the Council.

## 9. PROPOSAL

- 9.1 Having considered all relevant provisions of the Act, and examined the advantages and disadvantages of various options that are available to the Council under Section 12(1) of the Act, it is proposed as follows:

- 9.1.1 the Council continue to be a district council;
- 9.1.2 the Council area continue *not* to be divided into wards;
- 9.1.3 the Council continue to be comprised of 8 area councillors, plus the popularly elected Mayor.

## 10. ANALYSIS OF PROPOSAL

- 10.1 Section 12(6)(c) of the Act requires the Council to set out in this Representation Report an analysis of how the proposal set out in part 9 herein relates to the principles under Section 26(1)(c) of the Act and the relevant matters referred to in Section 33 of the Act.

### Section 26(1)(c) of the Act

- 10.2 Section 26(1)(c) of the Act contains a number of principles for consideration. The Council considers that the following principles are particularly relevant in the context of the Council's proposal:
- 10.2.1 proposed changes to the Council's representation structure should, wherever practicable, benefit ratepayers;
  - 10.2.2 a council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
  - 10.2.3 proposed changes should reflect communities of interest of an economic, recreational, social, regional or other kind, and be

consistent with community structures, values, expectations and aspirations;

10.2.4 residents should receive adequate and fair representation, while over-representation in comparison with other councils of a similar size and type should be avoided; and

10.2.5 the extent and frequency of previous changes affecting the Council following prior Representation Reviews.

10.3 The Council considers that its proposal is compatible with Section 26(1)(c) of the Act, for each of the following reasons:

10.3.1 the proposal represents a fair representation of electors and gives an equitable balance of councillors to the number of electors in the Council area;

10.3.2 there will be no additional impact on ratepayers, given that there is no proposal to increase the number of councillors or to make any other changes to the structure which is currently in place;

10.3.3 the number of councillors has proven to be sufficient to manage the affairs of the Council and also to provide adequate and fair representation, noting that the number of councillors is on average similar to that of other councils of a similar type and size (in terms of elector numbers);

10.3.4 the proposal will maintain the Council's number of members well below the cap established by Section 11A of the Act.

10.3.5 No existing communities of interest will be affected given that there is no proposal to make any changes to the current structure.

## 11. PUBLIC CONSULTATION

11.1 Pursuant to Section 12(7) of the Act, the Council will commence a period of public consultation in relation to this Representation Report and the proposal set out herein.

11.2 It is proposed that public consultation last for a period of no less than three weeks. It is proposed that the Council, by way of a notice published in the *Gazette*, a local newspaper and on the Council's website, inform the public of

the preparation of this Representation Report and its availability for inspection at the Council's principal office and website, and invite interested persons to make submissions to the Council on this Representation Report.

- 11.3 Any feedback received as part of this public consultation will be considered by the Council in the course of finalising the Representation Report for submission to the Electoral Commissioner. In accordance with Section 12(12a) of the Act, any written submissions received relating to the subject matter of the proposal set out in this report will be included in the final Representation Report provided to the Electoral Commissioner.

ATTACHMENT

