



ELECTOR REPRESENTATION REVIEW

REPRESENTATION REVIEW REPORT

(SECTION 12(8a) OF THE LOCAL GOVERNMENT ACT 1999)





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ATTACHMENT A - SUMMARY OF SUBMISSIONS (Second Consultation)

1. INTRODUCTION

Section 12(4) of the *Local Government Act 1999* (the Act) requires each council to undertake a review of all aspects of its composition and the division (or potential division) of the council area into wards, with the view to determining whether the local community would benefit from an alteration to the current composition and/or structure of a council. The review must be undertaken and completed during the period June 2020 – October 2021.

The review process commenced in September 2020 and since that time Council has had numerous briefings and discussions regarding the various review issues; has deliberated over a range of representation and ward structure options; has considered the opinions and comments received from the community during two (2) public consultation stages of the review process; and has taken into account the latest legislative requirements and implications of the now *Statutes Amendment (Local Government Review) Act 2021*.

On the 29th June 2021 Council made some "in principle" decisions regarding its future composition and structure, and subsequently consulted the community in respect to a proposal to:

- change the principal member from a Chairperson (selected by and from amongst the elected members) to a Mayor elected by the community;
- reduce the number of councillors from nine (9) to seven (7); and
- abolish wards.

At a meeting convened on the 12th August 2021, Council consider the submissions received from the local community as a consequence of the second of the prescribed consultations; and formally resolved to adopt the aforementioned elector representation arrangement with the view to having the new elector representation arrangement come into effect at the next Local Government election in November 2022.

The proposal to change to an elected Mayor requires the conduct of a poll of the community in accordance with the requirements of Section 12 (11a-d) of the Act. Such a poll must be conducted by Electoral Commission SA; and the proposed change must be supported by the majority of respondents. Arrangements have been made for the required poll to be conducted (by post) during the period 6th October – 26th October 2021.

The purpose of this supplementary Representation Review Report is to present an amended proposal to the local community for consideration and comment. The amended proposal still promotes the aforementioned changes to the elector representation arrangements, but also incorporates a contingency arrangement should unforeseen circumstances arise and/or the poll be unsuccessful. Council considers this course of action to be prudent, given the very short period of time between the closure of the poll (26th October 2021) and the specified completion date of the representation review (31st October 2021).

2. PUBLIC CONSULTATION

Public consultation in regard to the representation review has been undertaken in accordance with the provisions of Sections 12(7) and 12(8) of the Act.

2.1 Initial Consultation

The initial public consultation commenced on Thursday 15th April 2021 with the publishing of public notices in "Murray Valley Standard" newspaper and the Government Gazette. In addition, notices or articles were published in "The Lakelander" community newspaper on the 20th April 2021; the "Border Chronicle" newspaper on the 21st April 2021; the "Coonalpyn Community Hub" newsletter on the 28th April 2021; and the May edition of the "Tailem Topics" newsletter.

A copy of the Representation Options Paper was made available at the Council offices in Tailem Bend; a post was made on Facebook on 28th May 2021; and information (with a link to the Representation Options paper) was posted on the Council website (www.coorong.sa.gov.au/stay-informed/community-engagement/elector-representation-review) on Thursday 15th April 2021.

At the expiration of the public consultation period (i.e. close of business on Monday 31st May 2021) Council had received seventy-five (75) submissions, fifty (50) electronically via the aforementioned web page; and twenty-five (25) by way of a completed questionnaire. A summary of the submissions received was provided in the Representation Review Report which was available to the community during the second public consultation period.

The submissions supported the introduction of an elected Mayor (76.0%); the abolition of wards (56.0%); and a reduction to seven (7) councillors (52.0%).

2.2 Second Consultation

The second public consultation was commenced on Tuesday 6th July 2021 with the publishing of a public notice in the "The Lakelander" community newspaper. This was followed by the publishing of a notice in the "Border Chronicle" newspaper on Wednesday 7th July 2021; and notices in the "Murray Valley Standard" newspaper and the Government Gazette on Thursday 8th July 2021.

Information pertaining to the review was included in the "Coorong Council News" article (July 2021) which appeared in the "Tailem Topics", "Coonalpyn Hub Newsletter" and "The Lakelander" newspaper.

A media release was circulated to local news outlets on Tuesday 13th July 2021, resulting in articles appearing in the "Murray Valley Standard"; the "Murray Bridge News" (on-line); and "The Lakelander" newspaper.

In addition, the Council e-newsletter containing information about the review was sent to 1,390 contacts on Tuesday 13th July 2021; Facebook posts went live on Wednesday 14th July 2021, Wednesday 21st July 2021 and Friday 29th July 2021; relevant information (with a link to the Representation Review Report and the survey) was made available on the Council website; and a poster and the Representation Review Report were displayed at the Council office.

At the expiration of the public consultation period (i.e. close of business on Friday 30th July 2021) Council had received eight (8) submissions, six (6) or 75% of which supported the Council's proposal, whilst two (2) or 25% favoured the retention of a ward structure. A summary of the submissions is provided in Attachment A.

3. PROPOSAL

Having duly considered all relevant provisions of the Act; the information and alternatives contained within the Representation Options Paper and the initial Representation Review Report; and the submissions received from the community during the course of the review, Council proposes the following in respect to its future composition and structure.

- The principal member of Council be a Mayor elected by the community.
- The Council area not be divided into wards (i.e. wards be abolished).
- The future elected body of Council comprise the Mayor and seven (7) area councilors, all of whom shall represent the whole of the Council area and shall be elected by the community at council-wide elections.

However, should the required poll of the community regarding the proposal to change the principal member of Council from a Chairperson (with the title of Mayor) to an elected Mayor be unsuccessful, Council proposes the following be put into effect (as an interim measure) at the next scheduled periodic Local Government election in November 2022.

- The principal member of Council continue to be a Chairperson (with the title of Mayor) who is selected by and from amongst the elected members.
- The Council area not be divided into wards (i.e. wards be abolished).
- The future elected body of Council comprise eight (8) area councilors, all of whom shall represent the whole of the Council area and shall be elected by the community at council-wide elections.

The aforementioned contingency is required to ensure that the representation review being undertaken by Council can be completed by the specified date, regardless of any unforeseen circumstances and/or the outcome of the poll, thereby avoiding potential legislative ramifications.

It is stressed that the aforementioned contingency proposal, if put into effect, will only be an interim measure as the provisions of the *Statutes Amendment (Local Government Review) Act 2021* abolish the option of a Chairperson. Unfortunately, the review process is complicated by the fact that the provisions of the *Statutes Amendment (Local Government Review) Act 2021*, as they specifically relate to representation reviews, will likely not come into effect until after the Local Government election in November 2022. Notwithstanding this, Council will ultimately be required to transition to an elected Mayor.

Further, it should be noted that it is Council's preferred position (and intention) that wards should be abolished; and the number of area councillors be reduced to seven (7) once the transition to an elected Mayor has occurred.

4. PROPOSAL RATIONALE

4.1 Principal Member

The principal member of Council has long been a Chairperson (selected by and from amongst the elected members). The only alternative is a Mayor who is elected by the community.

Notwithstanding the past arrangement, Council believes that:

- a Mayor elected by the community is in accord with a fundamental principle of democracy – choice;
- the election of a Mayor affords all eligible members of the community the opportunity to express faith in a candidate, should they choose to do so, and provides Council with an identifiable principal member who is directly accountable to the community;
- the introduction of an elected Mayor as the principal member is consistent with the structure of the majority of councils within the state;
- an elected Mayor brings stability and continuity to the Council, given the four year term of office; and
- the introduction of an elected Mayor is consistent with fifty-seven (57) or 76% of the public submissions received during the initial public consultation period which specifically indicated a preference in regard to the issue of the principal member; and six (6) or 75% of the respondents during the second consultation period who expressed support for the Council proposal (including the change to an elected Mayor).

Council acknowledges that there was reasonable support during the review for the retention of a Chairperson; and accepts that the primary benefits thereof include:

- Councils with a Chairperson can be smaller in number (with less associated costs), given that a member will effectively have a dual role (i.e. Chairperson and councillor);

- flexibility in the tenure of the principal member;
- the opportunity for a number of elected members to gain experience as the principal member during the four year term of the Council (and to bring their particular skill set and opinions to the position); and
- avoidance of the potential loss of high calibre candidates through the mayoral election process.

However, as previously stated, the provisions of the *Statutes Amendment (Local Government Review) Act 2021* abolish the option of a Chairperson. As such, a change to an elected Mayor is inevitable.

Having duly considered all relevant matters, **Council believes that the principal member should be a Mayor elected by the community; and that this change should be implemented at the earliest possible opportunity. If need be, Council is prepared to retain a Chairperson, albeit on a temporary basis, and only until the provisions of the *Statutes Amendment (Local Government Review) Act 2021* come into effect.**

4.2 Wards/No Wards

The Coorong District Council has always been divided into wards.

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

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

Council believes that the abolition of wards and the resultant introduction of area councillors responsible for the whole of the council area will be beneficial for the following reasons.

- 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 (e.g. elected unopposed candidates or having attracted fewer votes than defeated candidates in another ward).
- The elected members should be free of parochial ward attitudes.

- Forty-two (42) or 56% of the submissions received during the initial consultation stage of the review process supported the abolition of wards, as did six (6) or 75% of the respondents during the second consultation period.
- 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.
- In the event that an area councillor leaves Council, the casual vacancy can be carried by Council, thereby avoiding the need for, and cost of, a supplementary election.
- The lines of communication between 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 are able to muster sufficient support for a preferred candidate.
- The existing councillors already act and make decisions in the best interests of the Council area as a whole and, as such, the need for, and benefits of, a ward structure is questionable (both in terms of elector representation and the conduct of business within Council).
- 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.

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

Council is of the opinion that the aforementioned collectively presents a sound argument in favour of the abolition of wards. Such an arrangement requires all of the elected members to represent the Council area as a whole, as well as all of the communities (large and small) therein.

4.3 Area Councillors (in addition to ward councillors)

Given the Council is proposing to abolish wards, the issue of area councilors in addition to ward councillors is no longer pertinent.

4.4 Ward Names

Given that Council proposes to abolish wards, there is obviously no need to identify appropriate ward names.

4.5 Number of Councillors

Council has comprised nine (9) councillors for many years but now believes that a more efficient and effective elected body should enable fewer elected members to adapt to, and meet the demands and needs of, the local community. Further, Council has strived for a balance between the provision of fair and adequate representation of the community and the on-going demands of fiscal management and constraint. Accordingly, Council proposes to reduce the number of elected members (councillors) to seven (7).

In forming its preferred position, Council was mindful of the following.

- The provisions of Sections 26 and 33 of the Local Government Act stipulate the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term).
- Of the submissions received during the initial consultation period which indicated at preferred number of elected members, thirty-nine (39) or 52% favoured a reduction to seven (7) councillors, whilst overall a total of forty-six (46) or 61.33% of the submissions supported fewer than nine (9) councillors.
- Of the eight (8) submissions received during the second consultation stage of the review process, six (6) or 75% expressed support for Council's proposal to reduce the number of councillors to seven (7) under an arrangement whereby the principal member was to be an elected Mayor (i.e. an additional member).
- Sufficient elected members must be available to manage the affairs of Council.
- The elected member's workloads should not become excessive.
- There needs to be an appropriate and adequate level of elector representation afforded the community.
- Diversity in member's skill sets, experience, expertise, opinions and backgrounds needs to be maintained, where possible, in order to ensure robust discussion amongst the elected members.
- Adequate lines of communication must exist between Council and the growing local community.

- The proposed reduction in the number of elected members could save Council and the community a minimum of \$79,200 in elected member allowances alone over a four year term of Council (given the current elected member base allowance of \$9,900/pa plus CPI), with the resulting savings being available for redirection to community projects and/or programs.
- The proposed reduction in the number of elected members may serve to expedite the discussion in the Council chamber, given the potential for fewer participants. However, Council does not believe that a reduction in the number of elected members will detrimentally impact the decision making processes and/or the expression of opinions within the chamber, but rather may serve to reduce the incidence of similar opinions being expressed during debate.
- There are thirteen (13) regional councils in the state which seemingly operate successfully with seven (7) or less councillors (i.e. eight (8) councils with seven (7) councillors and five (5) councils with six (6) councillors).
- The proposed reduction in the number of elected members (as per Council's preferred proposal) will serve to increase the elector ratio across the Council area from the current 1:416 to approximately 1:534. The elector ratio under the proposed structure will still be comparable to the elector ratios exhibited by a number of councils cited in Table 1.

Table 1: Elector data and representation - Councils of a similar size and type

Council	Councillors	Electors	Elector Ratio
Northern Areas (3,070 km ²)	9	3,392	1:377
Kangaroo Island (3,510 km ²)	9	3,449	1:383
Coorong (8,831 km ²)	9	3,741	1:416
Goyder (6,719 km ²)	7	2,981	1:426
Yankalilla (750.6 km ²)	9	4,244	1:472
Tatiara (6,476 km ²)	9	4,457	1:495
Lower Eyre Peninsula (4,771 km ²)	7	3,714	1:531
Grant (1,904 km ²)	9	5,317	1:591
Naracoorte Lucindale (4,517 km ²)	10	5,931	1:593

Source: Electoral Commission SA (23 July 2021)

Council believes that the proposed reduction in the number of elected members is the right and responsible course of action at this time. Seven (7) councillors and an elected Mayor should be sufficient to provide adequate and fair representation to the community, and to perform the roles and responsibilities of Council. Whilst the task of a councillor may become a little more demanding than previously experienced, the role of an elected member has changed over the years to a decision and policy maker, and a communication conduit between Council and the community. This being the case, it is envisaged that the demands to be placed upon the future elected members should be manageable and may, in part, be mitigated by ever improving telecommunications and information technology.

However, should the community poll dictate that the principal member of Council must continue to be a Chairperson, then Council's preference would be to reduce to eight (8) councillors for an interim period. This is the same total number of elected members as Council's preferred option under an elected Mayor.

Council is confident that an elected body comprising an elected Mayor and seven (7) area councillors (i.e. eight (8) elected members) can represent and serve the community of the Coorong District Council adequately over the coming years.

However, under circumstances whereby a Chairperson is to be retained as the principal member, eight (8) area councillors are preferred. This alternative would only be an interim arrangement until Council transitions to an elected Mayor in accordance with the requirements of the Statutes Amendment (Local Government Review) Act 2021.

5. LEGISLATIVE REQUIREMENTS

The provisions of Sections 26(1)(c) and 33(1) of the Act require Council take into account, 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 abolish wards, 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.

The Council area only covers approximately 8,831 km² and includes the long-established townships/settlements of Coomandook, Coonalpyn, East Wellington, Meningie, Narrung, Peake, Salt Creek, Sherlock, Tailem Bend and Tintinara, as well as the large, relatively sparsely populated rural area.

The current distribution pattern of electors throughout the Council area; the concentration of significant elector numbers within the main township communities; and the potential for some future population makes it difficult to divide the Council area into wards on a rational and equitable basis without some impact upon of the existing "communities of interest".

The abolition of wards, as proposed, avoids potential impacts upon, and the division of, existing communities of interest, and should serve to foster a sense of community given that the Council area will be one entity rather than being divided into arbitrary wards.

5.3 Topography

The Coorong District Council is 8,831 km² in area; contains ten township communities and thirty-one long established rural districts; and largely comprises undulating open rural (farming) land.

Council acknowledges that the local topography and travel distances can at times have some effect upon the elected member's ability to attend to the requirements and/or demands of the community. However, the abolition of wards, as proposed, ensures a council-wide focus by all of the elected members; and affords the opportunity for the elected members to broaden their roles and share the responsibilities of addressing the issues, concerns and demands of the entire community across the whole of the Council area. Whilst the potential effects of the topography will likely remain, it is considered that the impacts thereof should be reduced through the united approach and efforts of the elected members.

5.4 Feasibility of Communication

Council believes that either of the proposed levels of representation (i.e. an elected Mayor and seven (7) area councillors or nine (9) area councillors including a Chairperson) will provide adequate lines of communication between the elected members of Council and the community, taking into account the ever improving communication and information technology.

5.5 Demographic Trends

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

- According to data provided by Electoral Commission SA, the total number of electors eligible to vote within the Council area decreased by 189 (4.81%) since the last elector representation review was completed in July 2013, with decreases of 103 (11.24%) and 104 (8.29%) being recorded in Parks and Lakes Wards, respectively.
- Future population growth is anticipated, given:
 - the proximity of the Council area to Adelaide and Murray Bridge (and all of the facilities and services available therein);
 - an increasing market demand for a “rural living” environment amongst mature aged people and retirees;
 - the availability of good sized affordable allotments within the Council area;
 - the easy access to the Council area (and properties located therein) via the established road network;
 - considerable residential growth is likely to occur in and about Tailem Bend and Wellington East in the foreseeable future, whilst moderate growth is envisaged in Meningie; and
 - anticipated growth in Tintinara, due primary to an increase in employment opportunities as a consequence of the recent and on-going development of cattle lots in the locality.
- Population projections prepared by the PlanSA (then Department of Planning, Transport and Infrastructure) in 2020 indicate that the population of Coorong District Council is expected to increase by 92 (1.7%) during the period 2016 – 2036 (i.e. 5,531 to 5,623).
- Data provided by the Australian Bureau of Statistics (refer 3218.0 Regional Population Growth, Australia) indicated that the estimated population of Coorong District Council decreased every year during the period 2006 – 2019 (i.e. from 5,839 to 5,429), which equates to a total decrease of 410 residents (or 7.03%).
- Australian Bureau of Statistics “Quick Stats” indicated that the estimated population of the council area has decreased over the years, being 5,648 in 2001; 5,670 in 2006; 5,525 in 2011; and 5,380 in 2016. These figures equate to a total decrease of 268 people (or 4.75%) during the period 2001 - 2016.

5.6 Adequate and Fair Representation

For the reasons espoused earlier, Council is confident that either of its proposed future compositions will provide the number of elected members required to manage the affairs of Council; provide an appropriate level of elector representation; maintain an appropriate diversity in the skill set, experience and expertise 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 abolition of wards;
- 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(9) 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 2022. Any person who makes a written submission at this time will be afforded the opportunity to address Council or a committee thereof, either in person or by a representative, in support of their submission.

Interested members of the community are invited to make a submission expressing their views on the future composition and structure of Council. Submissions can be made as follows and will be accepted until 5.00pm on Friday 15th October 2021.

- Via Council's website (www.coorong.sa.gov.au)
- In writing addressed to the Chief Executive Officer, PO Box 399, Tailem Bend 5260
- Emailed to council@coorong.sa.gov.au

Further information regarding the elector representation review can be obtained on Council's website or by contacting Myles Somers, Acting Director Community & Corporate, on telephone 1300 785 277 or email council@coorong.sa.gov.au



ATTACHMENT A - SUMMARY OF SUBMISSIONS (Second Consultation)

Respondent	Council Proposal	Address Council	Comments
Respondent 1 (Peake)	Support	No	
Respondent 2	Support	No	
Respondent 3 (Meningie)	Support	No	
Respondent 4 (Peake)	Support	No	<p>All councillors need to be voted in by rate payers and people of the Coorong Council District, i.e. a person that applies for a ward position as a councillor and gains a councillors position unopposed is not a genuine selection from the people of the ward.</p> <p>The future council needs to have a voted mayor and 7 councillors that are fair and equitable to the whole of the Coorong District Council region.</p>
Respondent 5 (Sherlock)	Oppose	No	Council area is too large not to have wards
Respondent 6 (Tailem Bend)	Support	No	<p>I can only speak as a Tailem Bend resident but I think that the beautification of the town, starting with the rock garden in front of the office is a great idea and is a great start but hopefully not stopping at just the council office. I would like to see the beautification of the whole main street and all parks and gardens in the town lets brighten the town up. Even some well-placed murals would be good, I was all for the water tower being painted but we all know how that went, people seem to be scared of change.</p> <p>Also I don't agree with the mowing of the weeds around the town, it looks a lot better but guys poison them please! Even use organic poison that is around. Things have been stagnant in this town too long let's change things up a bit. Change the appearance of the town in some ways. I have lived here all my life and things seem to move too slowly . I work in Murray Bridge and I see the changes being done to parks and gardens all over the town, not just big parks but the little ones in different areas. We want to attract people and families to the town, to move here enjoy living here. We have river frontage that is dying to be developed so everyone can enjoy, the motor sport park, the Coorong and some nice walking trails by the river that could be upgraded as well. I could go on forever.</p>

Respondent	Council Proposal	Address Council	Comments
Respondent 7 (Tailem Bend)	Support	No	With the feedback/ response from rate payers, I'm confident the entire region will benefit from this decision made by council.
Respondent 8 (Anonymous)	Oppose	No	Support that the Mayor be popularly elected. Do not support abolishing wards.