



# **Inquiry Report**

## **Tickera Township Council Boundary Change Proposal**

**Prepared by:  
SA Local Government Boundaries Commission**

**Proponent:  
Mr Dale Morphett**

**Affected Councils:  
Copper Coast Council and Barunga West Council**

**December 2022**

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## 1 Introduction

This Inquiry Report has been prepared by the South Australian Local Government Boundaries Commission (the Commission), in accordance with the requirements of section 30 of the *Local Government Act 1999* (the Act) and the Commission's Guideline 6 – Proposals Initiated by Members of the Public.

### 1.1 South Australian Local Government Boundaries Commission

The Commission is the independent body that assesses and investigates council boundary change proposals and makes recommendations to the Minister for Planning and Local Government.

The Commission's responsibilities and procedures are set out in the Chapter 3, Part 2 of the Act. The Commission has also prepared Guidelines that detail the process by which it will receive, assess, and progress council boundary change proposals. Under Chapter 3, Part 2 of the Act, changes to council boundaries can be referred to the Commission by a council or councils, the Minister for Local Government, the Houses of Parliament, or members of the public who are eligible electors (referred to as a 'public initiated proposal').

The Act sets out that there are two pathways for a boundary proposal – an administrative proposal or a general proposal. Section 30 sets out the requirements for administrative proposals and Section 31 of the Act sets out the requirements for general proposals.

### 1.2 Proposals Initiated by Members of the Public

Public initiated proposals can be submitted to the Commission by members of the public for consideration of council boundary alterations, changes in ward or representation structures, or the inclusion of land not within a council area into a council. The Commission's Guideline 6 sets out the process by which the Commission will receive and assess proposals initiated by the public.

A public initiated proposal must be referred to the Commission by at least 10% of 'eligible electors' in respect of a proposal. Public initiated proposals are restricted to boundary alterations.

An elector is a person, body corporate or group of persons enrolled on the voters roll for a council - this means people who can vote in a council election because they live or own property in that council. Eligible electors are defined in section 27(1) of the Act. These are electors that live within the area that is proposed to move from one council to another; or that live within the area of the council that would 'receive' the new area.

The following steps set out the process that must be followed by eligible electors and the Commission regarding a public initiated proposal as outlined in *Guideline 6 - Proposals Initiated by Members of the Public*.

#### 1.2.1 Stage 1 — Initial consideration of a potential proposal

This is the first step in the process. Its intention is to ensure that a proposal broadly meets the intent of the Act and to determine if there is support from the broader community for the Proposal.

Upon receipt of a Stage 1 potential proposal, the Commission may advise the initiator that a more detailed Stage 2 proposal must be referred to the Commission.

#### 1.2.2 Stage 2 — Referral of a Proposal to the Commission

Stage 2 sets out in detail the grounds on which the proposal is made and must contain the information outlined in Guideline 6. Upon receipt of a Stage 2 proposal, the Commission must give consideration

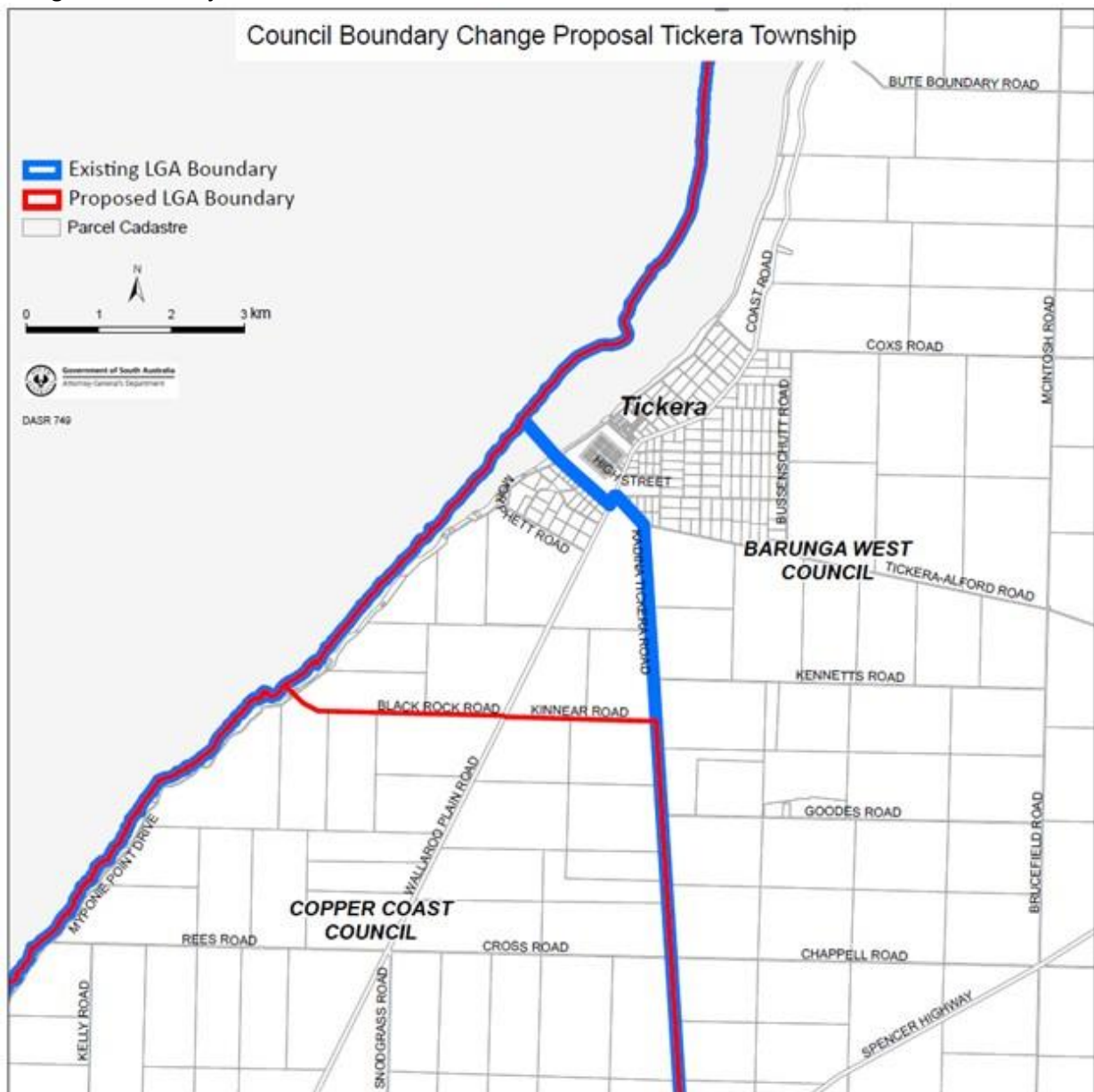
to the proposal in the context of the section 26 principles and the objectives of the Act and will determine whether or not it will inquire into the proposal.

## 2 Referral of the Tickera Township Council Boundary Change Proposal

### 2.1 Potential Proposal (Stage 1)

On 26 December 2019, the Commission received a Stage 1 potential proposal (the Proposal) from Mr Dale Morphett (the Proponent). The Proposal was initiated by the Proponent as an eligible elector in accordance with *Guideline 6—Proposal Initiated by Members of the Public* and as defined by s 27(1) of the Act.

The Proposal seeks to move several parcels of land (the Subject Area) that are currently in the Copper Coast Council (Copper Coast) into the Barunga West Council (Barunga West) (affected councils). The land parcels fall north of Black Rock Road and Kinnear Road, Tickera, bounded to the north and east by Barunga West and to the west by Spencer Gulf. The below map illustrates the proposed boundary change and the Subject Area.



Map generated – Planning and Land Use Services – Department for Trade and Investment

The Subject Area is predominantly owned by the Proponent together with a small number of other private landowners along Myponie Point Drive and Morphett Road, Tickera. A small section of the coastline is also under the ownership of the Minister for Climate, Environment and Water as Crown Land.

The Proposal argues that the existing boundary between the Copper Coast and the Barunga West Councils creates a clear division in the “township of Tickera”, as the boundary currently separates the residential township area of Tickera from the adjacent rural and coastal living area to the south.

The Proposal argues that there is a strong common interest between the Subject Area and the township of Tickera as they are in close geographical proximity, and that residents of the Subject Area use services provided by Barunga West more so than Copper Coast.

The Proposal seeks to address what the proponent describes as a division within the community and restore the concept of a ‘community of interest’ within the greater Tickera area.

The Proposal further argues that the division of Tickera by the Council boundary was caused by an erroneous council boundary change made in 1931.

The Commission sought further information from the Proponent in February 2020, including further explanation about how the Proposal addressed the section 26 principles in the Act. The Commission also advised:

*“... that dissatisfaction with the services provided by a council, or particular decisions made by a council is not sufficient reason to make a boundary change proposal to the Commission. If you are dissatisfied with a service provided by the Copper Coast Council, including its current planning controls you should discuss these concerns with the Council in the first instance.”*

The Proponent responded to this request in June 2020 and provided the further information that the Commission had requested.

The Commission assessed the Stage 1 potential proposal at its August 2020 meeting and determined that the information provided broadly addressed the requirements of a Stage 1 potential proposal under Guideline 6, and a General Proposal could be referred to the Commission if the proponent wished to do so.

## 2.2 General Proposal (Stage 2)

On 14 January 2021, the Commission received a Stage 2 General Proposal from the Proponent.

As required by Guideline 6, the Proposal contained further detail including information which outlined the intent of the boundary change proposal and broad consideration of the section 26 principles in the Act. However, the Commission requested further consideration be given to section 26 principles, including further explanation of the community of interest. This further information was provided on 12 August 2021.

At its meeting on 15 September 2021, the Commission undertook an assessment of the Proposal, in accordance with Guideline 6.

Following this assessment, The Commission formed the view that the Proposal seeks to correct an anomaly that in the opinion of the Commission is generally recognised in accordance with section 30(7)(a)(ii) of the Act.

The Commission therefore determined that it would conduct an inquiry into the Proposal in line with the requirements of an administrative proposal.

The Commission undertook the subsequent Inquiry in accordance with section 30 of the Act, *Guideline 6 – Proposals Initiated by Members of the Public* and the mandatory requirements outlined in *Guideline 9 – Engagement and Consultation*.

### 2.3 Eligibility of electors

This submission was referred to the Commission in accordance with the Commission's Guideline 6.

Correspondence received from Mildwaters Lawyers on behalf of the Proponent on 12 August 2021 provided a letter from the Chief Executive Officer (CEO) of Copper Coast confirming that there are 10 electors on the Council's voters roll that would be deemed to be eligible electors in the Subject Area.

Based on the Form 1 Declaration completed on 11th February 2019, the CEO of Copper Coast also confirmed that 5 eligible electors within the Subject Area had signed the declaration, representing 50% of the eligible electors within the Subject Area. Additional signatures were provided; however, these were from residents within Barunga West and not within the Subject Area.

The requirement for a proposal to be referred by the prescribed percentage of eligible electors (10%) in accordance with s 28(1)(d) of the Act, and in accordance with Guideline 6 was therefore satisfied.

## 3 Background of Subject Area affected by the Proposal

### 3.1 Subject Area

The Subject Area consists of a number of parcels of land bound by Myponie Point Drive, Black Rock Road, Kinnear Road and Wallaroo-Tickera Road (Subject Area) and abuts the residential section of Tickera (the township) to the north.

The Subject Area is primarily productive rural agricultural land and a strip of residential coastal living and conservation which contains a number of 'shack' houses.

### 3.2 Locality and Background of Tickera

Tickera is located on the northern Spencer Gulf coastline of western Yorke Peninsula. It is 188km from Adelaide and consists of 140 private dwellings. Tickera has a population of 194 (Source: 2021 ABS Census Data).

The main service towns close to Tickera include Port Broughton (38km), Wallaroo (20km) and Kadina (22km). Wallaroo and Kadina are within Copper Coast and Port Broughton is within Barunga West.

Tickera township consists of residential housing, vacant residential land, community facilities, conservation land with the southern and northern portions consisting of primary production/rural land. The township of Tickera includes a community centre run by the Tickera Community and Recreation Association, community open spaces including the Tickera Golf Course, and a playground. All of these assets are owned by Barunga West.

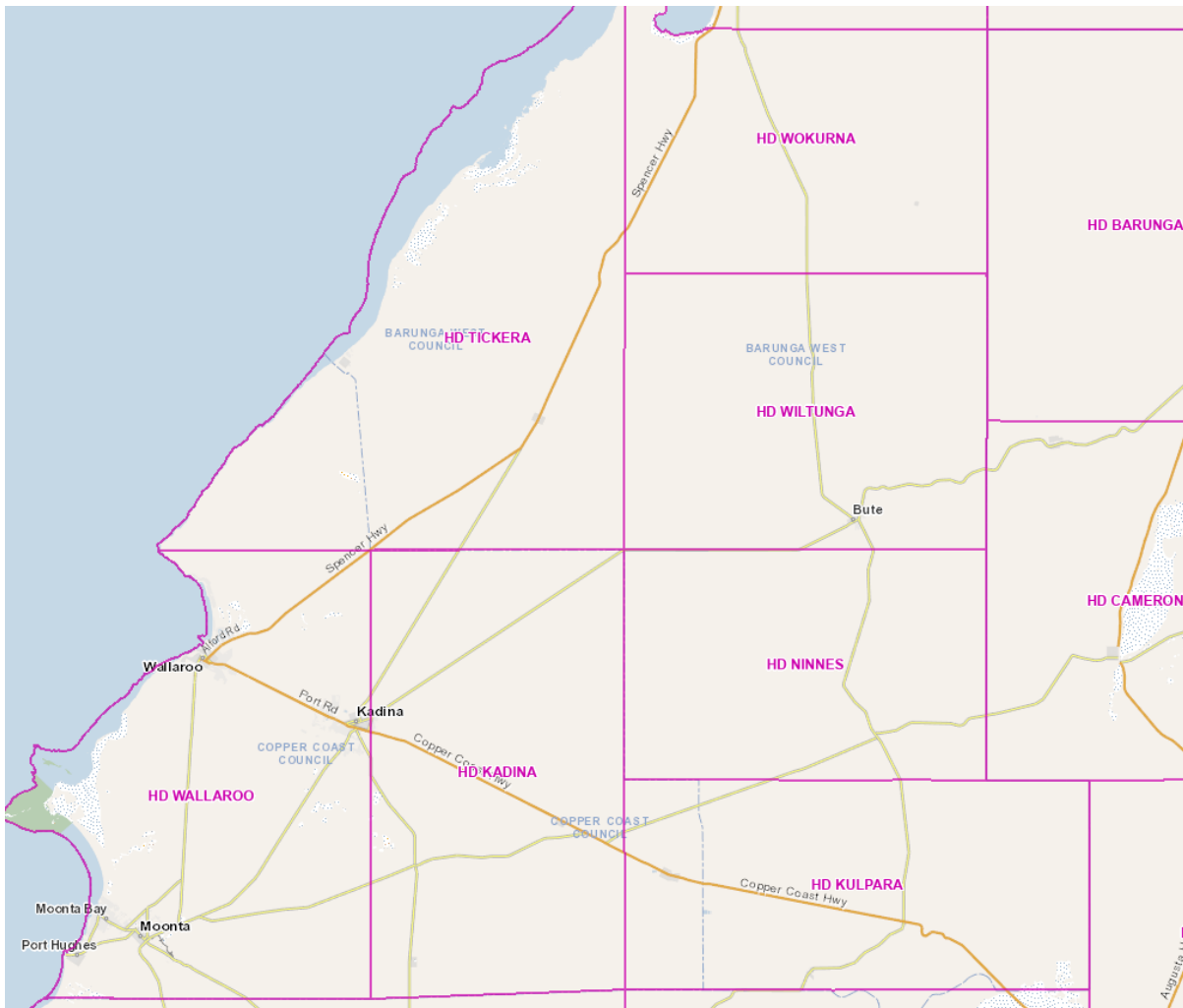
### 3.3 Historical Council Boundary for Subject Area

The following outlines a history of the boundary that is in question in the area of Tickera based on information available to this Inquiry. It does not specifically outline the full detail of the formation of the Barunga West or Copper Coast Councils.

#### 3.3.1 The 1800's

In 1885 the District Council of Ninnes was proclaimed. The only area included within its boundaries was the Hundred of Ninnes. It was later significantly expanded to include the Hundreds of Wiltunga and Tickera. These Hundreds included the Towns of Alford, Bute and Tickera.

Map of Hundreds in Subject Area



Map generated: Property Location Browser SA

### 3.3.2 The 1900s – Royal Commission

The *Local Government Areas (Re-arrangement) Act 1929* appointed a Royal Commission to make recommendations on improving the efficiency and economy of local government, particularly by uniting areas, re-defining boundaries, annexing parts of outlying districts, constituting municipalities or districts and re-arranging wards.

As a result of recommendations made by the Royal Commission, the Ninnes Council underwent a further boundary change in 1932, when it gained most of the abolished District Council of Kulpara, except for a portion of its Paskeville Ward, while losing portions of Tickera Ward to both the District Council of Kadina and the District Council of Port Broughton. Ninnes was renamed the District Council of Bute on 5 January 1933.

When the two portions of the then Tickera Ward were divided between the (then) District Council of Kadina and the District Council of Port Broughton in 1932, the current boundary between the two Councils - which divides the southern rural land adjacent Tickera from the Tickera township - was established.

### 3.3.3 The 1990s

The District Council of Bute ceased to exist in 1997 when it merged with the District Council of Port Broughton to form the District Council of Barunga West. Since this time Barunga West Council area has not changed.

The Northern Yorke Peninsula Council was formed in 1984 through an amalgamation of the District Council of Kadina and the Corporate Town of Moonta.

The District Council of Northern Yorke Peninsula was later amalgamated with the Corporate Town of Wallaroo in 1997 to form the Copper Coast Council.

Through these changes, the boundary between what had been the District Council of Bute and the Corporate Town of Moonta did not change. Therefore, the township of Tickera became part of the Barunga West Council, with the adjacent rural land (the Subject Land) remaining in the Copper Coast Council.

*Sources: 17 March 1932 – SA Government Gazette and the Copper Coast Council*

## 3.4 Existing Council Boundary for Subject Area

Tickera's residential area and the adjacent southern rural farming and coastal areas remain divided between Barunga West and Copper Coast.

The township area contains the main residential living and related development, located in the Barunga West Council. The adjacent area to the south, consisting of rural, coastal living and conservation areas, falls within Copper Coast.

The existing boundary between Tickera township and the Subject Area essentially follows the northern edge of a land use buffer in the form of parklands/conservation between the two Council areas, which separates the southern rural and northern township activities. This linear 'buffer' is part of a 'park lands belt' surrounding the Tickera township and incorporates a creek gully landform.

The remainder of the Barunga West and Copper Coast Council boundary closely follows the cadastral hundreds of Tickera, Ninnes and Kulpara.

## 4 Affected Councils' Land Uses and Locality

### 4.1 Barunga West

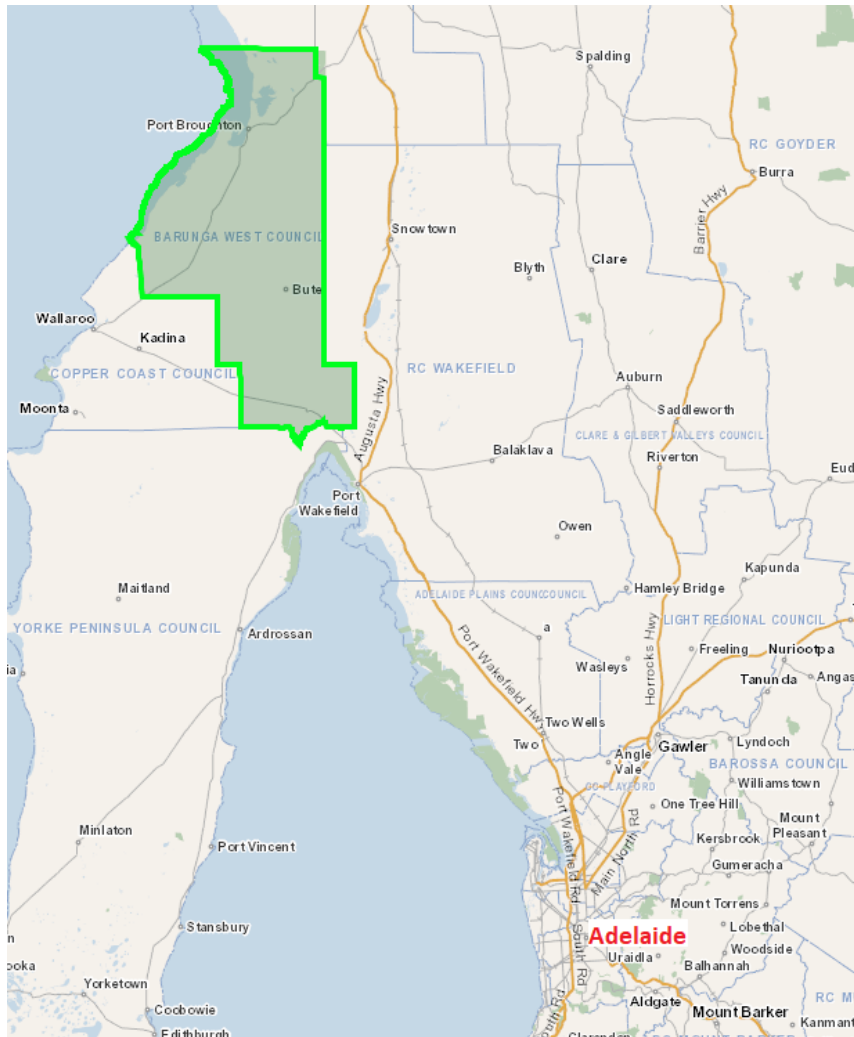
Barunga West is located on the upper north-western side of the Yorke Peninsula. The main Council offices are located in Port Broughton and are 180 kilometres from the Adelaide CBD.

The elected body of Barunga West comprises the Mayor and eight Councillors and does not include wards.

The adjoining local government areas are Port Pirie Regional Council, Copper Coast Council, Yorke Peninsula Council and Wakefield Regional Council.



**Location of the Barunga West in relation to Adelaide**



Map generated: Property Location Browser SA

**4.1.1 Land Use:**

The Barunga West Council consists predominantly of rural farming land uses with residential and commercial land uses being concentrated around the small settlements of Alford, Bute, Port Broughton, Fisherman Bay, Mundoora, Kulpara and Tickera. Coastal settlements in this area contain notable (but unquantified) numbers of holiday shacks which are not permanently occupied.

Industries within the Barunga West area are grain farming, commercial/recreational fishing and tourism.

Port Broughton is the main service town for Barunga West, providing day-to-day services including the Barunga West administration offices, supermarket, bank, retail, education and sport and recreation.

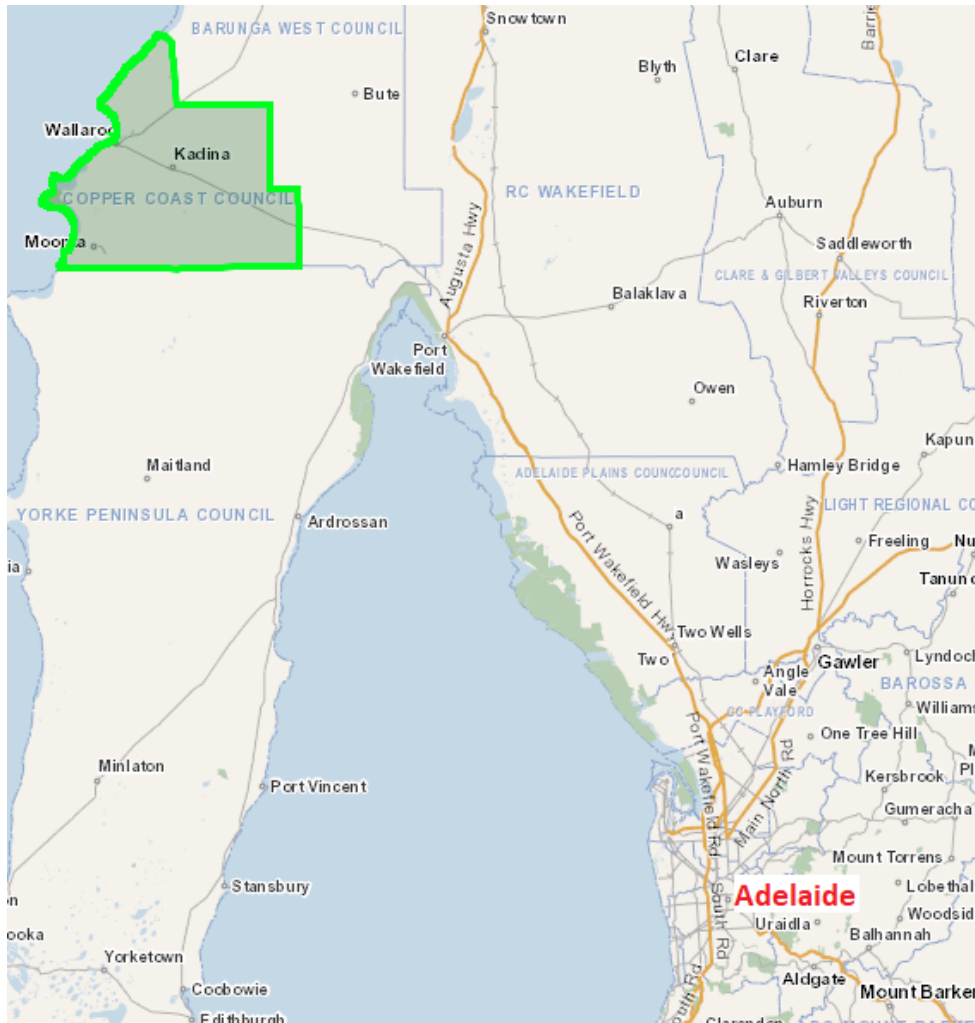
The closest regional centres to Port Broughton are Kadina (46km) and Port Pirie (57km).

## 4.2 Copper Coast

Copper Coast is also located on upper north-western side of the Yorke Peninsula, south and west of Barunga West. The main Council offices are located in Kadina.

The adjoining local government areas are Barunga West Council, Yorke Peninsula Council and Wakefield Regional Council.

### Location of Copper Coast Council in relation to Adelaide



Map generated: Property Location Browser SA

#### 4.2.1 Land use:

Copper Coast consists predominantly of rural farming land uses with residential, tourist and commercial land uses concentrated around the Council's main, larger townships of Kadina, Wallaroo, Moonta.

Kadina is the main service town within Copper Coast and is a regional service centre in the Yorke Peninsula region. It provides services such as education, health, sport and recreation, government administration, employment and retail to Copper Coast Council and surrounding districts.

Wallaroo and Moonta also provide day to day services to their communities. The remainder of Copper Coast consists of smaller settlements such as Paskeville, North Beach and Moonta Bay.

Copper Coast has a rich history in mining and was the centre of a copper mining industry that formed colonial South Australia's largest mining enterprise. The mines are now on the South Australian Heritage Register as the Moonta Mines State Heritage Area and on the National Heritage Register.

Industries within Copper Coast areas are grain farming, commercial/recreational fishing and tourism.

Copper Coast has a number of major facilities and economic drivers including the deep-sea port of Wallaroo which supports its agricultural industries, the Wallaroo Hospital which also contains an emergency department, the Kadina TAFE campus and Copper Coast Sport and Leisure Centre.

## 5 Inquiry into the Proposal

As outlined in section 30 of the Act and *Guideline 6 – Proposals Initiated by Members of the Public*, an inquiry into an administrative proposal will be conducted by the Commission according to such procedures as the Commission thinks fit, provided that a reasonable amount of community consultation is conducted in accordance with the proposal guidelines.

The Commission adopted an Inquiry Plan covering a range of matters to be considered in conducting the inquiry and now addressed in the following sections of this report.

The Commission has conducted this Inquiry with information provided by the Proponent and the two affected Councils, undertaking community consultation and further research into relevant matters.

### 5.1 Engagement and Consultation

#### 5.1.1 Community Consultation on the Proposal

The Commission has consulted with the affected councils and communities. The Commission developed an Inquiry and Engagement Plan which was provided to the two affected Councils for feedback in March 2022. The consultation undertaken for this Inquiry is outlined in the following sections.

The Commission consulted with the community over a four-week period from 5 July to 5 August 2022. The following outlines the engagement that was undertaken during this period.

##### 5.1.1.1 Information on the Commission's Webpage

Information regarding the Proposal was published on the Commission's webpage, which also provided links to the material submitted by the Proponent at both Stage 1 and Stage 2 of the process.

The information also outlined how to 'have your say' and provided the Commission's postal and email addresses.

##### 5.1.1.2 Information in the Yorke Peninsula Country Times

A notice outlining the Proposal was published in the Yorke Peninsula Country Times on 5 July 2022, providing details of the Proposal and advising that further information could be found at the Commission's webpage.

##### 5.1.1.3 Letter to Landowners and Letter Box Drop to Residents

- On 5 July 2022, a letterbox drop was undertaken to residents in the Tickera township containing information about the proposed boundary change and the Commission's inquiry.
- On 5 July 2022, a letter was sent to all 196 landowners in and adjacent Tickera, which included landowners in both the Subject Area in Copper Coast and in Tickera township in Barunga West, outlining details of the Proposal and the Commission's inquiry.

The Commission sought feedback from both landowners and residents on a range of matters to assist in the Commission's understanding of the community and how the community interacts with the affected Councils.

#### *5.1.1.4 Community Hearings*

After reviewing findings from the first stage of the consultation, the Commission determined to undertake further consultation in the form of individual hearings.

The Commission held individual hearings for both the community and the affected Councils on 29 September 2022 at the Tickera Community Centre to gain further insight into the four key areas that were highlighted in the first stage of consultation.

Five members of the community (including the Proponent) took this opportunity to meet with the Commission, both in person and via online meetings. All of the attendees had provided written submissions during the first stage of the consultation (or represented people who had done so).

#### *5.1.1.5 Summary of findings from Engagement/Consultation with Community*

Sixteen submissions were received during the community consultation stage both from landowners and residents within the Subject Area and from the broader Tickera community.

The community consultation provided valuable insight into the views, priorities, and communities of interest of the landowners and residents of the Subject Area and the surrounding community.

While a range of views were expressed, there were four areas most commonly raised by the community in the feedback, including:

##### **Community of Interest**

- Tickera residents predominantly use the services provided by Copper Coast Council in Wallaroo and Kadina.

##### **Land Use Planning**

- Concerns that the proposed boundary change could lead to land use rezoning and then land division and development of the Subject Area, which the majority of respondents do not support or have concerns about.

##### **Boundary History**

The boundary between Barunga West and Copper Coast has been in place for over 100 years through various Council amalgamations, and the real need for the proposed boundary change now is questioned.

##### **Road Maintenance**

- A need for clarity on which council would be responsible for managing Black Rock Road and the Wallaroo/Tickera Road, being adjacent the Subject Area and proposed as the new Council boundary.

**Overall, the consultation feedback suggested that the affected communities are more opposed to the proposal than in favour.**

Multiple submissions outlined their concerns that this proposal would significantly benefit a single landowner but not the broader community. It appears well known that the Proponent of this proposal has previously initiated proposals for zoning and/or land use change with the intent of developing the Subject Area, although to date this has not been supported by Copper Coast Council.

#### 5.1.1.6 *Affected Residents Feedback*

Five submissions were received from residents in the affected area, including one from the Proponent. Of these submissions, three opposed and two supported the proposal. One of the opposing submissions was a joint submission from two separate landowners

Whilst the Proponent provided signatures on the Form 1 Declaration from five landowners within the Subject Area supporting the referral of the Proposal, the Commission received a consultation submission from joint landowners who now oppose the Proposal. This means that there are 3 remaining directly affected landowners or residents supporting the Proposal, including the Proponent.

A number of submissions received from landowners within the Subject Area outlined their views that the proposal stands to benefit the Proponent and there would be no benefit to the other affected landowners or broader Tickera community.

Typically, the feedback received from affected residents included:

*"We are strongly opposed to the proposal..."*

*"The proposal to change the boundary could set a dangerous precedent..."*

*"Tickera is 7km away and we are not part of that community. All our purchasing and repair activities etc are done in Kadina and Wallaroo..."*

*"We feel we can adequately participate in local decision making on matters [in Copper Coast] that affect us"*

*"I support the Proposal; however, I do not support any rezoning or change in use in the Subject Area"*

The submissions also outlined that the area is well serviced by Copper Coast Council by way of road maintenance and septic disposal, and that Kadina and Wallaroo provide day-to-day services to Tickera, including the Subject Area.

The proponent provided a submission during the consultation period which included further insight into the reasoning for the Proposal. The submission reaffirmed the proponent's views that the directly affected community is more closely aligned to the Tickera township rather than Copper Coast community, that Port Broughton and Kadina are similar distances from the Subject Area, and the proponent often frequents Port Broughton for shopping and leisure purposes.

#### 5.1.1.7 *Broader Community Feedback*

Twelve submissions were received from the broader community from residents and landowners of either Copper Coast or Barunga West. Of these submissions ten opposed the Proposal, one supported the Proposal, and one was neutral.

Some of this feedback on the Proposal included;

*"The boundaries should be preserved as they are"*

*"The boundary between Barunga West and Copper Coast Council has been there for over 100 years through various Council amalgamations. Everyone from Tickera travels to Kadina for services and facilities"*

*"Tickera residents travel into Wallaroo and Kadina daily for shopping, doctors, work..."*

*"We as residents of Barunga West would rather be under Copper Coast Council"*

#### 5.1.1.8 *Summary of key Community feedback*

The key points raised by submissions that supported the Proposal were:

- The Subject Area has historically been tied to the Tickera community.
- The Subject Area utilises services in the Barunga West Council area.
- Copper Coast does not provide the services needed by the Subject Area by way of roadside vegetation maintenance, and Barunga West appears to provide a superior service.

The key points raised by submissions that opposed the Proposal were:

- That the Proposal may benefit a single landowner, however, it would negatively impact the broader community.
- Black Rock Road is a critical road for entry and exit to the Subject Area, so the management of this road is very important. Copper Coast currently manages it, and it is seen to be managed to a high standard.
- During the holiday periods the Subject Area experiences an influx of people, and the associated waste disposal becomes a big issue. A large majority of the residents use Copper Coast Resource Recovery Centre in Wallaroo for rubbish disposal, as this is a more convenient facility for shack owners travelling back to Adelaide than an equivalent facility in Port Broughton would be.
- The coastline along Myponie Point Drive is fragile. There are concerns that if this Proposal was implemented it could lead to increased housing along the coastline and potentially cause environmental harm.
- The residents of Tickera do not feel listened to by Barunga West, especially about the future growth of Tickera township. It was seen as unreasonable for Barunga West to consider urban growth opportunities for the Subject Area given that it is not currently within that Council's boundaries.

#### 5.1.2 *Consultation with Affected Councils*

On 8 March 2022 the Commission wrote to the two affected councils seeking their response to the Proposal and feedback on a number of matters including their understanding of the Subject Area's communities of interest.

Further to this, the Commission invited the affected two Councils to attend its hearing on 29 September 2022 to further discuss their views on the Proposal.

##### 5.1.2.1 *Copper Coast written response*

Copper Coast's written response outlined a strong opposition to the Proposal.

The Council's submission notes that the history of Copper Coast Council area is intrinsically linked to the Subject Area and the Council submits that the community of interest and economic focus of the land in question is more linked to Copper Coast than with Barunga West.

The Council contends that its experience and capacity in supporting rural communities with service requirements will result in better outcomes for the Subject Area than can be sustained by Barunga West Council.

The Council's view is that the Proposal will not provide for more effective governance, including decision making, nor would it facilitate more effective planning for the immediate and long term needs of the Subject Area.

The Council noted that the influence of Copper Coast as a large regional local government authority is profound and that influence impacts favourably on the concept of communities of interest. Copper Coast submitted that Barunga West Council on the other hand provides for a localised rural and coastal focus with limited capacity for more diverse service needs.

The Council's view is that the Proposal is chiefly driven by a desire or an expectation for land within the Subject Area to be rezoned and is of the view that this is not sufficient grounds for a change to a long-standing council boundary.

Copper Coast has not identified any significant productivity improvements, efficiency gains or cost savings should the proposal be approved for either affected Council or the community.

The Council also raised concerns with the Commission's determination that this Inquiry would be conducted in accordance with Section 30 of the Act as an "Administrative Proposal" based on a recognised boundary anomaly. It also raised concerns that the Proposal was entitled "Tickera Township Proposal", given that it was a public initiated proposal.

Further concern was raised that the community consultation undertaken as part of this Inquiry was not in accordance with the Commissions Guideline 9 insofar as the broader Copper Coast community was not engaged during the consultation phase.

#### *5.1.2.2 Copper Coast individual hearing*

The Council CEO and Mayor took the opportunity to reaffirm their Council's strong opposition to the Proposal. They highlighted a number of previous land use planning matters including historical proposals for land divisions by the Proponent.

The Council provided information about the Subject Area and asserted the importance of the land being maintained as productive agricultural land.

The Council outlined that it was aware of the draft Tickera Master Plan recently developed by Barunga West, and its willingness to work with Barunga West on this matter.

The Council representatives also reaffirmed their dissatisfaction with the Commission's determination that the Proposal addressed a generally recognised anomaly and the lack of consultation undertaken with Copper Coast community generally.

#### *5.1.2.3 Barunga West written response*

Barunga West indicated general support for the Proposal.

The feedback outlined that the proposed boundary change has been discussed in the Tickera community and Barunga West for many years.

The Commission's Inquiry was raised at a Council Information Session held at Tickera on 11 April 2022, resulting in reported community feedback generally in support for the Proposal.

The Council noted that the Proposal would also allow Barunga West Council to consider the Subject Area in its masterplan for Tickera (currently in public release draft form). The Council advised that this is particularly important because one of the infrastructure priorities for the Tickera community is a formalised boat launching facility, to be located in deep water adjacent the Subject Area (ie, in Copper Coast Council area).

The masterplan for Tickera is further discussed in the Land Use Planning Matters section of this report. In summary, the Master Plan highlights that Tickera has been identified by Barunga West as a potential

urban growth area and one of the options being considered relates to a number of land parcels adjacent the southern edge of the township of Tickera through to Black Rock Road and Kinnear Road (i.e., the land which forms the Subject Area).

Should the boundary change proceed, the existing significant vegetated buffer to the south of Tickera township would be retained and further enhanced in conjunction with any residential development that may occur in the future within the 'defined area'.

#### *5.1.2.4 Barunga West Individual Hearing*

The Council Mayor, CEO, and Urban Planning consultant took the opportunity to confirm the Council's support for the Proposal and provide an overview of their draft Masterplan for Tickera.

The Council outlined that if the Proposal was implemented it would assist the Council in realising some further growth opportunities for Tickera, in particular 'demand-lead' residential development adjacent the coast. If township growth is realised, Barunga West intends to apply any resulting increased rate revenue to investment in community infrastructure at Tickera.

However, if the Proposal was not implemented, this would not restrict the growth of Tickera as other options are also identified.

When asked, the Council stated that this boundary change would not be a priority for Council to pursue and the Council itself would not have referred a Proposal to the Commission for this matter to be investigated.

The Council's view was that the growth of townships should be looked at more holistically and collaboratively in the context of the regional economy, sustainable development, and service provision, and not necessarily limited to planning by individual councils and restricted to their boundaries. The Council was in favour of a Regional Planning Board approach that would assist in the future planning and management of townships such as Tickera notwithstanding council boundaries.



## 5.2 Assessment against Section 30 of the Act and Commission's Inquiry Plan

When undertaking an inquiry into an administrative proposal under Section 30 of the Act and in accordance with Guideline 6 the Commission must refer to the objectives of the Act as a whole, and in particular the Principles contained within section 26 of the Act.

As section 30 outlines that an inquiry into an administrative proposal will be conducted by the Commission according to such procedures as the Commission thinks fit, the Commission determined that this Inquiry would cover the five following areas:

1. Financial matters
2. Land use and planning matters
3. Council employee matters
4. Representation matters
5. Community and service matters.

### 5.2.1 Financial Matters

The following outlines the financial matters that the Commission has considered. These matters are critical to understanding the potential financial impact of the Proposal on the affected councils, based on the current financial position and performance of each Council, and the forecast impact of the Proposal in the immediate and longer term.

A council's financial position and performance is demonstrated through the three indicators that all councils are required to release pursuant to *the Local Government (Financial Management) Regulations 2011*.

The three indicators are –

#### 1. Operating surplus ratio

The Operating Result measures the difference between day-to-day operating income and expenses for a financial year and is considered to be the most critical measure of local government financial performance.

#### 2. Net financial liability ratio

Net financial liabilities represent the amount of money owed by councils to others less money held, invested or owed to councils. It is the most comprehensive measure of the indebtedness of a council as it includes items such as employee long service leave entitlements and other amounts payable as well as taking account of the level of a council's cash and investments.

#### 3. Asset renewal funding ratio

The asset renewal funding ratio represents the level of capital expenditure on renewal and replacement of assets relative to the level of such expenditure identified as warranted in a council's infrastructure and asset management plan.

The impact of the change in boundaries will be assessed by understanding:

- Changes in rate revenue
- Impact on assets.

The tables below include information on these indicators for each of the Councils, and also include information about each Council's annual rate revenue and total operating income.

Copper Coast confirmed that its 2019-20 figure of 26% for asset renewal (which ideally should be close to 100%) was the consequence of diverting capital expenditure priority to undertake significant

Commonwealth and State Government-supported new capital works projects while funding is available. The ratio is expected to revert to an acceptable level in future years as renewal capital expenditure returns to required levels. It is noted that this figure was 14% for 2020-21 and 17 % in 2021-22.

### 5.2.2 Financial information

The following information has been obtained from Supplementary Returns submitted to the SA Local Government Grants Commission over a 5 year period.

#### *Copper Coast– 5 year summary*

| <b>Copper Coast</b>                                    |         |         |         |         |         |                     |
|--|---------|---------|---------|---------|---------|---------------------|
|  | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 | Change over 5 Years |
| Estimated Residential Population (ERP) 30 June         | 14,621  | 14,872  | 15,010  | 15,128  | 15,352  | 731                 |
| Total Rateable Properties (1 January)                  | 11,742  | 11,821  | 11,880  | 11,994  | 12,052  | 310                 |
| Total Rate Revenue (\$,000)                            | 20,103  | 28,462  | 22,775  | 23,908  | 24,647  | 4,544               |
| Operating Grants, Subsidies and Contributions (\$,000) | 3,459   | 3,460   | 3,167   | 3,045   | 3,065   | -394                |
| Total Operating Income (\$,000)                        | 31,537  | 36,752  | 31,065  | 31,686  | 34,828  | 3,291               |
| Operating Surplus Ratio*                               | 9.50%   | 13.30%  | -11.90% | 6.10%   | 11.60%  | 2.10%               |
| Net Financial Liabilities Ratio*                       | 99%     | 78%     | 111%    | 85%     | 53%     | -46%                |
| Asset Renewal Funding Ratio                            |         |         |         | 26%     | 14%     | N/A                 |

*\*The Adjusted Operating Surplus Ratio and the Adjusted Net Financial Liabilities Ratio removes the distortion otherwise caused by the early receipt of Financial Assistance Grants.*

## Barunga West- 5 year summary

| Barunga West   |         |         |         |         |         |                     |
|--|---------|---------|---------|---------|---------|---------------------|
|  | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 | Change over 5 Years |
| Estimated Residential Population (ERP) 30 June         | 2,578   | 2,551   | 2,563   | 2,550   | 2,571   | -7                  |
| Total Rateable Properties (1 January)                  | 2,692   | 2,709   | 2,715   | 2,718   | 2,735   | 43                  |
| Total Rate Revenue (\$,000)                            | 4,280   | 4,497   | 4,731   | 4,913   | 4,930   | 650                 |
| Operating Grants, Subsidies and Contributions (\$,000) | 1,294   | 912     | 1,250   | 975     | 1,579   | 285                 |
| Total Operating Income (\$,000)                        | 6,311   | 6,162   | 6,839   | 6,635   | 7,257   | 946                 |
| Operating Surplus Ratio*                               | 2.70%   | 3.20%   | -3.90%  | 0%      | -8.50%  | -5.80%              |
| Net Financial Liabilities Ratio*                       | -3%     | -7%     | -12%    | -28%    | -15%    | -12.00%             |
| Asset Renewal Funding Ratio                            | 41%     | 36%     |         | 47%     | 70%     | N/A                 |

\*The Adjusted Operating Surplus Ratio and the Adjusted Net Financial Liabilities Ratio removes the distortion otherwise caused by the early receipt of Financial Assistance Grants.

## Side by side Comparison (2020-21)

The table below provides a side-by-side comparison of the affected Councils' key indicators for 2020-21.

| Indicators                                    | Copper Coast | Barunga West |
|---|--------------|--------------|
| Estimated Residential Population (ERP) (2021) | 15,352       | 2,571        |
| Total Rateable Properties                     | 12,052       | 2,735        |
| Rate Revenue (\$,000)                         | 24,647       | 4,930        |
| Grant Revenue (\$,000)                        | 3,065        | 1,579        |
| Operating Revenue (\$,000)                    | 34,828       | 7,257        |
| Operating Surplus Ratio*                      | 11.60%       | -8.50%       |
| Net Financial Liabilities Ratio*              | 53%          | -15%         |
| Asset Renewal Funding Ratio                   | 14%          | 70%          |

\*The Adjusted Operating Surplus Ratio and the Adjusted Net Financial Liabilities Ratio removes the distortion otherwise caused by the early receipt of Financial Assistance Grants.

Source: South Australian Local Government Grants Commission.

### 5.2.3 Assessment of financial impacts

Both Councils provided submissions indicating that the financial impact of this Proposal would be minimal given that the Subject Area is small and there are no significant Council-owned assets.

Information provided by Barunga West outlined that the rating impact of the boundary change would be approximately \$50,000, i.e., additional revenue to Barunga West and reduced revenue to Copper Coast. This was based on rate notices provided by the Proponent, who is the predominant landowner in the Subject Area and an approximation of the rates for the other affected landowners.

The total financial impact would be a 0.14% loss in total operating revenue for Copper Coast and a 0.69% gain for Barunga West based on the approximate transfer of \$50,000 in rate revenue. Copper Coast outlined that if the Proposal was implemented it is unlikely that the remaining approximately 12,000 ratepayers would experience a rate increase as a direct result of the boundary change and the relatively small reduction in income.

**The forecast impact on rate revenue and operating result for either Council is not a significant factor in determining whether the Proposal should be implemented.**

Given that there are minimal Council-owned assets in the Subject Area, the Proposal would not have a material impact on either Council's financial position or performance and would not significantly change their current long term sustainability trajectory.

### 5.2.4 Division of assets and liabilities

The properties affected by this Proposal are either privately owned or on Crown Land. There is no Council-owned land in the Subject Area.

Ownership of and responsibility for Black Rock Road, Kinneer Road and a small portion of Wallaroo Plain Road would transfer from Copper Coast to Barunga West. While the equity and operating result impacts of this are not yet quantified, they are expected to be minor and Barunga West advised that it could manage these road assets to current standard through addition to its annual works program.

In summary, the asset and liabilities transfer would increase the asset register and equity value of Barunga West (decreasing for Copper Coast by the same amounts) but would also lead to an increase in depreciation expense and maintenance costs for Barunga West (and a reduction, saving, for Copper Coast). In principle, the relative impact of this adjustment on the operating result will be greater for Barunga West (and negative) than the expenditures saved for Copper Coast, due to the existing larger works program and operational budget of Copper Coast compared to Barunga West.

There would be minimal impact as a result of the division of assets and liabilities- including land and buildings, plant & equipment, cash, investments, interests in any 'business activities', debtors, debt, overdraft, and staff entitlement should the Proposal proceed.

### 5.2.5 Impact of any significant contracts

Feedback from the affected Councils indicates there are no significant contracts that would be impacted by this Proposal.

### 5.2.6 Assessment of any significant differences in rating policies

#### 5.2.6.1 Copper Coast Council Rating Policy

Copper Coast uses Capital Value as the basis for valuing land within the Council area, adopting the valuations made by the Office of the Valuer General as provided to the Council each year.

The Council also imposes a fixed charge of \$631.00 per property and applies differential general rates based on land use.

The following applies as a rate in the dollar for rating purposes in the Subject Area:

- Residential rate 0.2923
- Primary Production 0.2526.

#### *5.2.6.2 Barunga West Council Rating Policy*

The Barunga West Council uses Capital Value as the basis for valuing land within the Council area, adopting the valuations made by the Office of the Valuer General as provided to the Council each year.

The Council imposes a fixed charge of \$394.00 per property and applies differential rating based on land use.

The following applies as a rate in the dollar for rating purposes for land within the Subject Area:

- Residential rate 0.3220
- Primary Production rate 0.1625.

#### *5.2.6.3 Summary of rating impact*

The two affected Councils both use Capital Value as the basis for valuing land within the Council areas and both implement differential rating based on land uses. However, the two Councils have different fixed charges and different rates in the dollar.

Below is an analysis of the rating impact on residential and primary production properties if these properties were to move from Copper Coast to Barunga West, being the predominant two land uses in the Subject Area. This analysis has been undertaken in a general sense and not specific to the Subject Area, comparing the rates for a range of capital valuations for primary production and residential land in the two affected Councils.

**Rating Impact Summary**

| Council           | Residential (Rate in \$) | Primary Production (Rate in \$) | Fixed Charge |  |
|-------------------|--------------------------|---------------------------------|--------------|--|
| Barunga West (BW) | 0.00322                  | 0.001625                        | 394          |  |
| Copper Coast (CC) | 0.002923                 | 0.002526                        | 631          |  |

| Capital Value | BW (Residential) | CC (Residential) | Affect on rate - from CC to BW | % Change in rates |
|---------------|------------------|------------------|--------------------------------|-------------------|
| 100,000       | \$ 716.00        | \$ 923.30        | -\$ 207.30                     | -22.45%           |
| 200,000       | \$ 1,038.00      | \$ 1,215.60      | -\$ 177.60                     | -14.61%           |
| 300,000       | \$ 1,360.00      | \$ 1,507.90      | -\$ 147.90                     | -9.81%            |
| 400,000       | \$ 1,682.00      | \$ 1,800.20      | -\$ 118.20                     | -6.57%            |
| 500,000       | \$ 2,004.00      | \$ 2,092.50      | -\$ 88.50                      | -4.23%            |
| 600,000       | \$ 2,326.00      | \$ 2,384.80      | -\$ 58.80                      | -2.47%            |
| 700,000       | \$ 2,648.00      | \$ 2,677.10      | -\$ 29.10                      | -1.09%            |
| 800,000       | \$ 2,970.00      | \$ 2,969.40      | \$ 0.60                        | 0.02%             |
| 900,000       | \$ 3,292.00      | \$ 3,261.70      | \$ 30.30                       | 0.93%             |
| 1,000,000     | \$ 3,614.00      | \$ 3,554.00      | \$ 60.00                       | 1.69%             |
| 1,200,000     | \$ 4,258.00      | \$ 4,138.60      | \$ 119.40                      | 2.89%             |
| 1,500,000     | \$ 5,224.00      | \$ 5,015.50      | \$ 208.50                      | 4.16%             |
| 2,000,000     | \$ 6,834.00      | \$ 6,477.00      | \$ 357.00                      | 5.51%             |
| 2,500,000     | \$ 8,444.00      | \$ 7,938.50      | \$ 505.50                      | 6.37%             |
| 3,000,000     | \$ 10,054.00     | \$ 9,400.00      | \$ 654.00                      | 6.96%             |

| Capital Value | BW(Primary Production) | CC (Primary Production) | Affect on rate - from CC to BW | % Change in rates |
|---------------|------------------------|-------------------------|--------------------------------|-------------------|
| 100,000       | \$ 556.50              | \$ 883.60               | -\$ 327.10                     | -37.02%           |
| 200,000       | \$ 719.00              | \$ 1,136.20             | -\$ 417.20                     | -36.72%           |
| 300,000       | \$ 881.50              | \$ 1,388.80             | -\$ 507.30                     | -36.53%           |
| 400,000       | \$ 1,044.00            | \$ 1,641.40             | -\$ 597.40                     | -36.40%           |
| 500,000       | \$ 1,206.50            | \$ 1,894.00             | -\$ 687.50                     | -36.30%           |
| 600,000       | \$ 1,369.00            | \$ 2,146.60             | -\$ 777.60                     | -36.22%           |
| 700,000       | \$ 1,531.50            | \$ 2,399.20             | -\$ 867.70                     | -36.17%           |
| 800,000       | \$ 1,694.00            | \$ 2,651.80             | -\$ 957.80                     | -36.12%           |
| 900,000       | \$ 1,856.50            | \$ 2,904.40             | -\$ 1,047.90                   | -36.08%           |
| 1,000,000     | \$ 2,019.00            | \$ 3,157.00             | -\$ 1,138.00                   | -36.05%           |
| 1,200,000     | \$ 2,344.00            | \$ 3,662.20             | -\$ 1,318.20                   | -35.99%           |
| 1,500,000     | \$ 2,831.50            | \$ 4,420.00             | -\$ 1,588.50                   | -35.94%           |
| 2,000,000     | \$ 3,644.00            | \$ 5,683.00             | -\$ 2,039.00                   | -35.88%           |
| 2,500,000     | \$ 4,456.50            | \$ 6,946.00             | -\$ 2,489.50                   | -35.84%           |
| 3,000,000     | \$ 5,269.00            | \$ 8,209.00             | -\$ 2,940.00                   | -35.81%           |

The information above shows that for residential landowners, there would be a marginal reduction in rates if a property in the Subject Area moved from Copper Coast into Barunga West. A desktop analysis suggests that the capital values of the residential properties in the Subject Area range from \$480,000 to \$590,000, which would result in a reduction in Council rates of approximately 2.5% to 5% (between \$50 and \$100 per year). This is due to the lower fixed charge applied by Barunga West.

For primary production landowners there would be a reduction in rates of approximately 35% across all land valuations if a property in the Subject Area was moved from Copper Coast into Barunga West. This is due to the reduced fixed charge and lower rate in the dollar for primary production land compared to Copper Coast. The only landowner that would benefit from this reduction would be the Proponent.

While potential changes in Council rates for individual ratepayers will not determine the merit of a boundary change proposal, it is recognised that if the proposal proceeded this issue may need to be managed over a transitional period, if necessary.

### 5.2.7 Assessment of any significant differences in fees and charges of the councils

The feedback from the Councils outlines that neither Council charges for waste collection outside of the charges incorporated in Council rates and that the Subject Area does not have a Community Waste

Management System (CWMS), therefore no service charges apply, or will apply for the properties affected by this Proposal if implemented.

Therefore, there would be no significant impact on fees and charges if this Proposal is implemented.

#### 5.2.8 Impact on any property-based service

Information provided by both Councils and the community suggests that there are limited property-based services provided to the Subject Area.

The properties in the Subject Area are provided with waste collection services from Copper Coast.

Both Councils use the same waste contractor with the cost of this service being incorporated within landowners' Council rates. Given this, if the Proposal was implemented, it should not impact the affected landowners as either service recipients or ratepayers.

Feedback from the community confirmed that many of the landowners of the Subject Area use the Copper Coast waste drop-off facility, often en-route to Adelaide from their dwellings. If the Proposal proceeded, arrangements would need to be confirmed for an equivalent or alternative service (or a reduced service commitment confirmed), with the cost of any service continuity borne by Barunga West (or passed on to landowners, in part or whole).

Whilst both Councils provide a wide range of other services, these are not considered to be property based and more Council-wide services.

**Given the limited property-based services provided and that the waste management would remain consistent apart from the waste drop-off service, it is concluded that if this Proposal was implemented it would have little to no impact on property-based services.**

### 5.3 Land Use and Planning Matters

Whilst land use planning matters are of importance when considering any potential council boundary change, council boundaries are not required to reflect land use patterns or zoning.

In considering land use planning matters related to this Proposal, the Commission has reviewed the current land uses of the Subject Area and how these uses complement or conflict with neighbouring land uses. The Commission has not given consideration to any potential land use changes, as this is beyond the scope of this Inquiry and should be considered through regional planning policy processes. Further information regarding regional planning is provided in the Appendix.

The *Planning, Infrastructure and Development Act 2016* requires the State Planning Commission to prepare and maintain the Planning and Design Code. The Code sets out a comprehensive set of policies, rules and classifications which, when combined with mapping, apply in the various parts of the State for the purposes of development assessment in South Australia.

The Code has replaced all council development plans to become the single source of planning policy for assessing development applications.

#### 5.3.1 Land use of Subject Area

In reviewing the land uses in the Subject Area, it is evident that the existing farming land owned by the Proponent is used for agricultural purposes and forms the majority of the Subject Area.

The conservation area immediately south of the Tickera township forms a natural environment that provides a significant vegetated buffer between the existing Tickera township, and the northern parcels of land owned by the Proponent in the Subject Area. This buffer, zoned Community Facilities, clearly separates the residential township of Tickera from the agricultural and coastal living land to the south and is part of a 'park lands belt' surrounding the township.

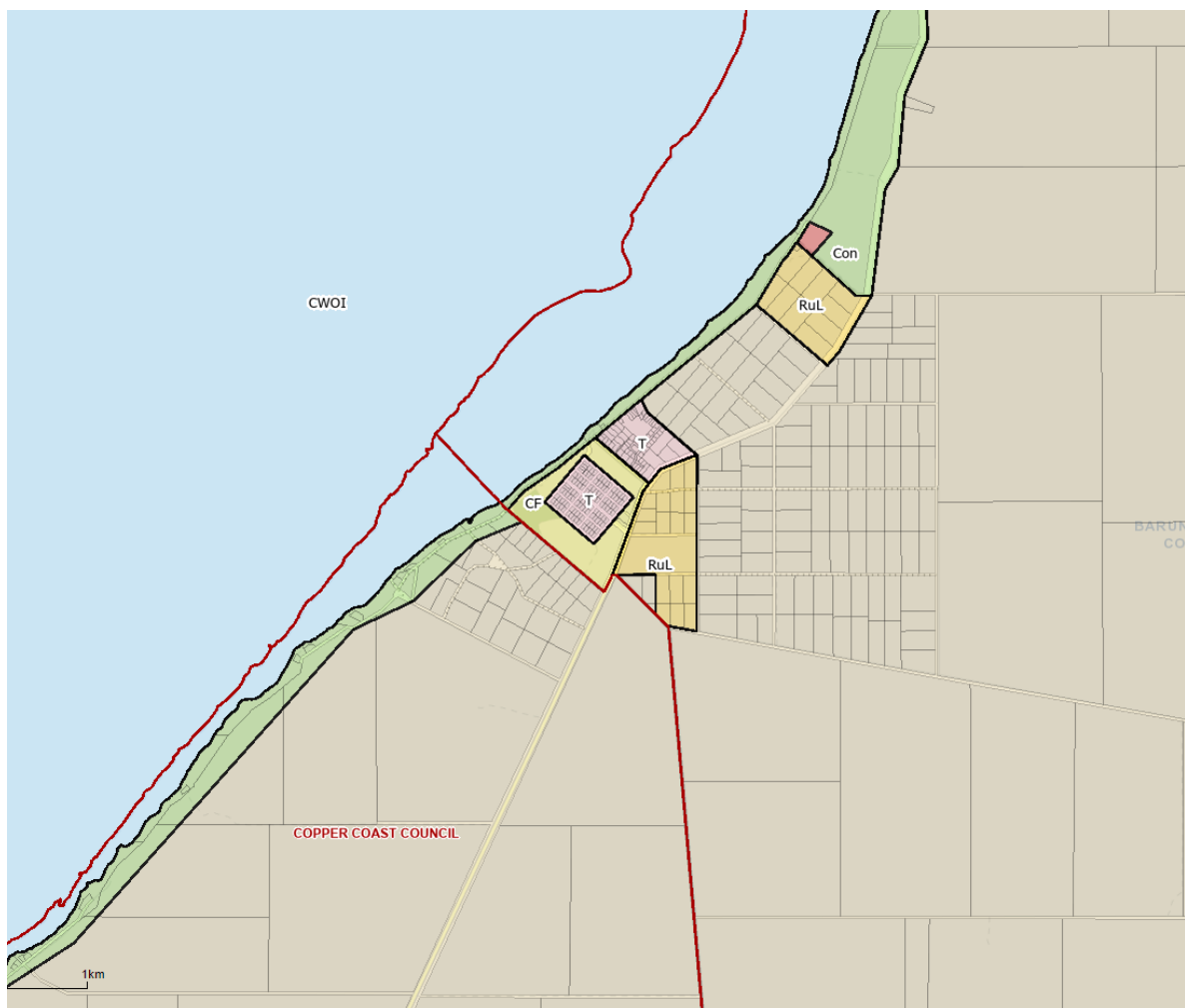
The residential properties along Myponie Point Drive are low scale shack style housing. These properties form a unique residential section of Wallaroo Plains and Tickera and have minimal visual impact on the surrounding landscape as they are surrounded by primary production land and generally low scale and located close to coast level.

### 5.3.2 Land Use Zoning of Subject Area and surrounds

Under the Planning and Design Code, the Subject Area is currently zoned Rural and Conservation. The adjacent lands in both Copper Coast and Barunga West are also Rural with a small section of Conservation.

The Tickera township, located in Barunga West, is predominantly zoned Township and Community Facilities with areas to the north and south including Rural and Rural Living zones. See image below which displays the current land use planning controls as per the Planning and Design Code.

#### Land Use Zoning under Planning and Design Code



*Ru: Rural T: Township, RuL: Rural Living, CF: Community Facilities, Con: Conservation*

Source: Map generated by SA Property and Planning Atlas



### 5.3.3 Patterns of Development

Tickera was first surveyed in 1882 in a grid design that included a parkland belt around its perimeter. The township did not experience significant growth nor stability until the early 1970's.

The patterns of residential development in the residential area of Tickera indicate that the township has seen some expansion to the north. This development appears to have occurred in the last 10 to 15 years with significant opportunity for further residential development with large areas of vacant land zoned Township or Rural Living under the Planning and Design Code.

It does not appear that expansion or residential development has occurred at the southern end of Tickera in some time, with this area being developed predominantly in the 1950s through to mid-1990's.

The northern portion of the Subject Area has a historical land division pattern that results in numerous smaller land titles (all owned by the Proponent) nevertheless used for large scale agriculture. These allotments are 3 acres each and were likely originally divided for miners living in Tickera as 'workmen's blocks'. Whilst these allotments could technically be sold to individual landowners, the Rural land use zoning essentially prevents them from being developed for residential purposes as the minimum allotment size for a dwelling in this zone is 40 hectares (98 acres).

If the Proposal was implemented and the new boundary followed Black Rock Road as proposed, the land use zoning under the Planning and Design Code on either side of the boundary would be Rural and a small section of Conservation, resulting in no conflict in land use on either side of the boundary.

### 5.3.4 Summary of Land Use Consideration

**With respect to land use planning, if the Proposal was implemented it would not cause a conflict between the existing or future land uses under current planning and land use policies.**

Both Copper Coast and Barunga West are capable of managing any future development proposals under present Planning and Design Code provisions, as they do for the remainder of their respective areas. There are appropriate mechanisms to manage future planning policy, involving either or both of the affected councils and likely in a regional planning strategy context.

Further consideration of planning and development policy matters is outlined under "Other Matters" in this Report.

## 5.4 Council Employee Matters

In July 2022, the Commission informed the Australian Workers Union (AWU) and Australian Services Union South Australian and Northern Territory Branch (ASU) of the Proposal and sought comments on the effect that this boundary change may have on the various rights and interests of any council employees.

A response was provided by the AWU which outlined that there was no objection to what has been proposed. No response was provided by the ASU.

Both Councils were of the view that council employees are unlikely to be affected by the Proposal and that the impact on the various rights and interests (including the impact of differences in workplace agreements) would be nil or minimal.

The review of information provided regarding council employee matters suggests that if the Proposal was implemented there would be minimal to no impact on Council employees from either of the affected Councils.

## 5.5 Representation Matters

The following outlines the relevant representation matters for this Proposal.

|                               | Copper Coast Council | Barunga West Council |
|-------------------------------|----------------------|----------------------|
| Electors                      | 11,728               | 1,962                |
| Councillors (Including Mayor) | 10                   | 9                    |
| Ratio                         | 1: 1,173             | 1: 218               |

### \*Calculated from 2020/2021 Annual Reports

Neither of the Councils have ward structures in place, therefore there would be no impact on ward quotas if this Proposal was to proceed.

Barunga West has a much higher representation ratio (218 electors per Cr) than Copper Coast (1173). This is consistent with the Proponent's assertion of 'better representation' in Barunga West. Barunga West also reportedly informally 'allocates' councillors to engage with specific parts of the Council area, enabling more pro-active and specific contact with ratepayers and residents.

**Given that the Proposal would move 10 electors, there would be minimal impact from the loss or increase of electors and change to representation ratios, for either of the Councils.**

The community consultation responses suggest differing views on the adequacy of representation provided by each of the councils. Responses from the Subject Area outlined their view that Copper Coast provides their community with appropriate representation and that their views are heard and listened to. This was however countered by the Proponent's argument that the Subject Area is not currently well-represented or serviced by Copper Coast, and he would prefer to be in Barunga West where there is greater representation.

## 5.6 Community and Service Matters

### 5.6.1 Community of interest

The Proposal addresses the requirements of the s 26 principles in the Act and the Commission's Guidelines in identifying various components of the social fabric of the Subject Area.

The Proposal argues that the Subject Area has a strong historical connection with the township of Tickera, albeit being a small community, Tickera is naturally unable to provide for every service need and activity. There is, however, a 9-hole golf course, a community centre for a range of social activities and a boat launching area that are well-used by the community.

Some residents are members of the Alford Bowling Club, which is a short 14km trip. Alford also has a popular take away food shop which serves the adjacent area.

#### 5.6.1.1 Assessment of Communities of Interest

The principles to apply in assessing the relevance of communities of interest follow;

- Where practicably possible Local Government areas should have boundaries which reflect communities of interest.
- Boundaries should not cut through or divide significant communities. Considerations include economic markets, industry links, historical and cultural links and geographic features.

- The sense of loss of community identity and local traditions through structural reform option should be recognized and addressed.

For the purpose of assessing and validating the components of the community of interest outlined in the Proposal, Helen Fulcher's 1989 discussion paper entitled 'The Concept of Community of Interest' as it applied to Local Government boundaries has been referred to which breaks the concept of community of interest into three defined dimensions. These dimensions have been used in assessing the community of interest against the requirements of the Act and the Guideline 3.

#### *5.6.1.2 Perceptual Dimension*

The perceptual dimension of community of interest is described as a sense of belonging to an area or locality which can be clearly defined. In perceptual terms, community of interest may range from virtually non-existent, to transient, to a proud local tradition.

The Proponent argues a historical sense of belonging with the Tickera township even though it is located in Barunga West, and a strong history of community. This suggests that there may be a defined perceptual community of interest. On the basis of the asserted 'belonging', the Proposal also argues that there is a clear divide in the "Tickera community" due to the council boundary.

Feedback provided by Barunga West outlines that the Proponent has engaged with the Barunga West Council and community for many years, including attending Barunga West public information sessions and contributing to discussions about issues and topics relating to Tickera. Whilst this feedback supported the Proponent's statements, there was no further information about how the broader Subject Area is perceptually a part of the Barunga West community.

It is noted that a desk top review confirmed that the Proponent is also a current ratepayer in Barunga West, which might contribute to a greater level of interest in the Barunga West community and its future planning when compared to other residents in the Subject Area.

However, the feedback from the broader community suggests that the Proponent's sense of belonging to Barunga West and the Tickera township is not shared or supported by many surrounding landowners or the broader community. Rather, the majority of the feedback suggests that communities of interest from a perceptual dimension lie with the townships of Wallaroo and Kadina, which are in Copper Coast.

The permanent resident population in the Subject Area, while not quantified, is very small, with many properties used intermittently as holiday shacks. Those permanent residents of this relatively isolated coastal location may have chosen a lifestyle that involves minimal community interaction beyond the essential, hence placing low value on most 'communities of interest'.

Whilst the perceptual dimension should not be discounted, communities are not bound or identified by council boundaries, many communities of interest are formed from multiple council areas and are based around common interests, such a sport, recreation or education.

On balance, whilst the Proponent asserts that there is a division in the "Tickera community", it is difficult to conclude that people living in or with interests in the Subject Area are unable to come together and enjoy a sense of community or social networks as a result of the Council boundary. On this basis it is important to consider the other dimensions of community of interest.

**In summary, the perceived community of interest consideration does not support a case that a change to the Council boundary would ignite or further enable a sense of belonging for people in and adjacent or around the Tickera township.**

### *5.6.1.3 Functional Dimension*

The functional dimension refers to the interactions of the community, the sense of common activities such as trade, sport and schooling, and common needs for area-based facilities and amenities. These interactions occur on a much larger and more practical scale than the perceptual dimension.

In general council boundaries should follow the spatial patterns of human activity and generally speaking, functional communities are more readily identifiable in rural areas such as Tickera as services are less available or not offered in all regional towns and settlements.

The community consultation findings are of most relevance in assessing this dimension, as this provides insight into the affected communities' affiliations and use of services.

Geographically the most accessible townships to the residents of both the Subject Area and the township of Tickera, include Wallaroo (18km to the south) and Kadina (22km to the south) which fall within Copper Coast area.

Port Broughton is 38km to the north of Tickera and is Barunga West's main service town, but does not provide the higher order level of services available at Kadina and Wallaroo.

When considering a hierarchy of the affected councils' townships and the services they provide, it is evident that Kadina is a key regional centre for the northern Yorke Peninsula region, and it is likely to have a catchment far greater than Copper Coast's boundaries. Wallaroo and Port Broughton are of district centre size and provide services to more immediate communities.

The Proponent outlines participation and membership from the Tickera community in Barunga West communities, this includes membership/participation at;

- Tickera Golf Club
- Tickera community centre
- Tickera boat ramp
- Alford Bowling Club
- Alford Golf Club
- Port Broughton Car Club
- Boutique food outlet in Alford.

This however appears to be largely limited to the Proponent's activities, as there is no evidence from consultation with the broader community that there are significant ties to communities of interest within Barunga West. This includes feedback from residents who reside permanently in Tickera township and are not transient.

The Proposal also outlined that residents within the Subject Area travel to major towns, such as Wallaroo, Kadina, Port Pirie and Port Broughton for services, suggesting it is likely that the Subject Area has a functional community of interest with multiple council areas – which is not uncommon in regional areas.

It is also evident from the community feedback that the affected community predominantly uses services in Kadina and Wallaroo for their day to day needs such a shopping, trade, waste management, and sport and recreation.

Landowners from both affected councils outlined that they use business/es from Kadina for services such as septic waste pumping and also use the Resource Recovery Centre in Kadina for waste disposal, especially in the holiday periods when there is increased waste management demand from properties along the coastline.

**It is concluded that both the township of Tickera and the Subject Area have a stronger functional community of interest with Copper Coast rather than Barunga West.**

The functional dimension of the community of interest is consistent with other findings of this Inquiry that the spatial patterns of human activity in the Subject Area are more closely aligned with Copper Coast.

#### *5.6.1.4 Political Dimension*

When considering the political dimension, the Proposal argues that the affected community seeks greater representation and that the views of the Subject Area closely align with Barunga West.

The Proponent seeks greater representation and believes that Barunga West would be able to provide this. However, feedback from the community suggests that the community is predominantly happy with the access to services and representation that are provided by Copper Coast.

This Inquiry has identified that from a political and representation perspective, there are varying views on whether the community's views are heard by the councils. This may not be a high priority for some people, having chosen to live in a small, relatively isolated regional coastal settlement.

Feedback from a resident within the Tickera township (Barunga West Council) stated that:

*"Tickera residents are fed up, we pay our rates and we get nothing in return from them (Barunga West Council)"*

*"We as residents would rather be under Copper Coast Council"*

Feedback from an affected landowner stated the following about Copper Coast:

*"We feel we can adequately participate in local decision making on matters that affect us"*

*"We are indebted to the council (Copper Coast) for the help and guidance we received when the land transferred from leasehold to freehold in early 2000..."*

Whilst feedback in support of the Proposal stated that:

*"Copper Coast Council do not have ward councillors anymore and therefore my property along with the other 10 shack owners feel that have no representation, which is the opposite to the Barunga West Council who has identified Councillor Eason to represent the interests of the Tickera community".*

**In relation to the political dimension, it appears that whilst there is some dissatisfaction with Copper Coast from the Proponent, the remainder of the identified community of interest is happy with the representation currently provided by Copper Coast.**

The political dimension of the community of interest shows a level of consistency with the perceptual dimension, in that it appears that the Proponent asserts a greater level of connection with Barunga West, but the remainder of people in the Subject Area are either ambivalent or have a stronger political connection with Copper Coast.

### 5.7 Assessment against section 26 of the Act

As outlined in s 26 of the Act, the Commission should, in arriving at recommendations for any proposal have regard to the following:

- the objects of this Act;
- the roles, functions and objectives of councils under this Act; and
- the principles outlined under s 26(c) of the Act.

In conducting this Inquiry, the Commission has considered the objects of the Act, as detailed in s 3 and s 6, s 7 and s 8 of the Act which outline the role, functions and objectives of councils.

**The Proposal would not have a material effect on the achievement of the objects of the Act or the capacity of the affected Councils to undertake their roles, functions and objectives as laid out in these sections, given that the proposed changes are minimal.**

The Commission has also considered the principles outlined in s 26(c) of the Act in the following table.

| S 26 Principle ( <i>Local Government Act 1999</i> )  | Commission's Comment   |
|--|--|
| <i>(i) the resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community</i> | Feedback from the affected and broader community suggests that there is not a significant division in the community/s affected by this Proposal.<br><br>Copper Coast currently provides a range of services to the affected community in a manner consistent with services provided to other nearby areas despite the Subject Area being at the northern Copper Coast extremity. |
| <i>(ii) proposed changes should, wherever practicable, benefit ratepayers</i>  | There is no evidence that if this Proposal was implemented there would be any benefit to residents and landowners in the Subject Area or the broader affected Councils' communities, apart from a reduction in Council rates for the Proponent.  |
| <i>(iii) a council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently</i>  | This Inquiry has identified that both Councils currently have a sufficient resource base to fulfil their functions for their communities, and this would not be materially affected by the Proposal.   |
| <i>(iv) a council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis</i>  | The Proposal would have no material impact on the affected Councils' capacity to perform in accordance with this principle. The transfer of Black Rock Road from Copper Coast to Barunga West would affect minimally the asset registers, equity and depreciation and maintenance expenditure of both Councils.  |
| <i>(v) a council should facilitate effective planning and development within an area, and be</i>   | The Proposal would have no material impact on the affected councils' capacity to perform in accordance with this principle. Effective  |

|  |   |
|--|---|
| <p><i>constituted with respect to an area that can be promoted on a coherent basis</i></p>   | <p>land use planning policy and development control can be implemented by both Councils working collaboratively, and this principle does not create a basis for boundary change.</p>  |
| <p><i>(vi) a council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes</i></p>  | <p>The Subject Area is predominantly rural land and coastline. Both Councils have the capacity to facilitate appropriate development and protection of the environment, based on these activities already being significant in both councils.</p> <p>The natural landscape area that separates the Subject Area from the Tickera township currently provides a land use buffer. This buffer allows for the protection of the natural environment but also mitigates any conflict between the rural and residential land uses.</p>                               |
| <p><i>(vii) 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</i></p> | <p>As discussed under the Communities of Interest section of this Report, the geographical analysis and community consultation feedback both provide significant evidence that the Subject Area has a strong community of interest with the townships of Kadina and Wallaroo, which are in Copper Coast.</p> <p>It is unlikely that a change in Council boundary would result in changed behaviours whereby people in the affected areas to access services provided in the Barunga West area and <u>cease</u> to access services in the Copper Coast area.</p> |
| <p><i>(viii) a council area should incorporate or promote an accessible centre (or centres) for local administration and services</i></p>  | <p>The most accessible centres for the Subject Area are Wallaroo and Kadina, which are in Copper Coast.</p> <p>Given Tickera’s geographical location relative to both Wallaroo, Kadina and Port Broughton and the services that are provided in these centres and the conclusions of the community of interest analysis this Inquiry concludes that Copper Coast provides more accessible centres to both the Subject Area and Tickera.</p>   |
| <p><i>(ix) the importance within the scheme of local government to ensure that local communities within large council areas can participate effectively in decisions about local matters</i></p>                     | <p>The Proposal would have no material impact on the affected Councils’ capacity to perform in accordance with this principle</p>   |

|   |   |
|---|---|
| <p><i>(xi) 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)</i></p>   | <p>The Proposal would have no material impact on the affected Councils' capacity to perform in accordance with this principle</p> |
| <p><i>(xii) a scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change</i></p> | <p>The Proposal would have no material impact on the affected Councils' capacity to perform in accordance with this principle</p> |

## 6 Conclusion

This Inquiry identifies that the current council boundary between (what are now) Barunga West Council and Copper Coast Council has been in place for approximately 90 years and has historically been recognised as an appropriate boundary which aligns with the land use, zoning and landform buffer between the residential area of Tickera township and adjacent the primary production area to the south.

The assessment of financial impacts indicates that due to the small number of properties affected, there being no significant Council-owned assets and the total rate revenue from the Subject Area being less than 1% of either Council's total operating revenue, the Proposal would have no impact on either Council's financial sustainability.

The rating impact assessment indicates that there would be relatively significant savings in the order of 35% of annual Council rates for the Proponent as a primary production landowner if the Subject Area was moved from Copper Coast to Barunga West. Whilst these savings may be seen as a benefit to (a limited number of) ratepayers, the reduction in rates is not considered a reason in itself to implement a Council boundary change.

The community of interest assessment provides significant evidence that the Subject Area and the broader Tickera community predominantly make use of day-to-day and higher order services available in Kadina and Wallaroo, including services provided by Copper Coast Council. This is further supported by 81% of the respondents to the community consultation opposing the Proposal.

**There is no substantial evidence to support implementation of the Proposal.**

**The Inquiry concludes that it is appropriate that the boundary between Copper Coast Council and the Barunga West Council in the area of Tickera remain unchanged.**

The Appendix outlines a range of matters that the Commission identified in conducting this Inquiry, however these matters have contributed to background information and have not directly influenced the Commission's recommendation on the Proposal.

If Tickera is identified as an urban growth area in the Yorke Peninsula and Mid -North Regional Plan and the Subject Area is a preferred area for this growth to occur, then a boundary change proposal could be initiated by one of the affected Councils to ensure that the growth of Tickera and future



representation and service provision is managed in a consistent and integrated way by the most appropriate Council.

If the proponent remains dissatisfied with the services provided and/or current planning controls administered by Copper Coast, then the proponent should address these matters directly to Copper Coast for its consideration and response.

## 7 Recommendation

**The SA Local Government Boundaries Commission recommends that;**

- 1. The Tickera Township Council Boundary Change Proposal does not proceed.**

## Appendix - Other Matters Considered

In conducting this Inquiry, the Commission identified a range of matters that provided valuable background information to this inquiry. However, these matters have been determined to be out of scope and did not contribute to the Commission's recommendation on the Proposal.

### Regional Planning

The Subject Area is identified in the Yorke Peninsula Regional Land Use Framework. This framework is an official volume of the Planning Strategy for South Australia and was developed in 2007.

The Subject Area and the township of Tickera is briefly mentioned, where some scope was identified for expansion of industries such as land-based aquaculture, however, Tickera and its immediate communities were not identified as areas of significant growth.

Whilst this regional plan is technically current, it is 15 years old and the State Government is now in the process of updating regional plans, including one for the Yorke Peninsula and Mid North Planning Region which would encompass the two affected Councils.

Consultation on the new regional plans is expected to occur early in 2023, and finalisation of the Regional Plan in late 2023. As part of the development of the Regional Plan, both affected Councils will be engaged, including the strategic review of areas for future growth.

Ultimately, the goal of the Regional Plan will be to provide a full strategic vision for the Yorke Peninsula and Mid North region and include those future land use and growth scenarios.

For the purpose of this investigation, the current regional plan was reviewed for background purposes.

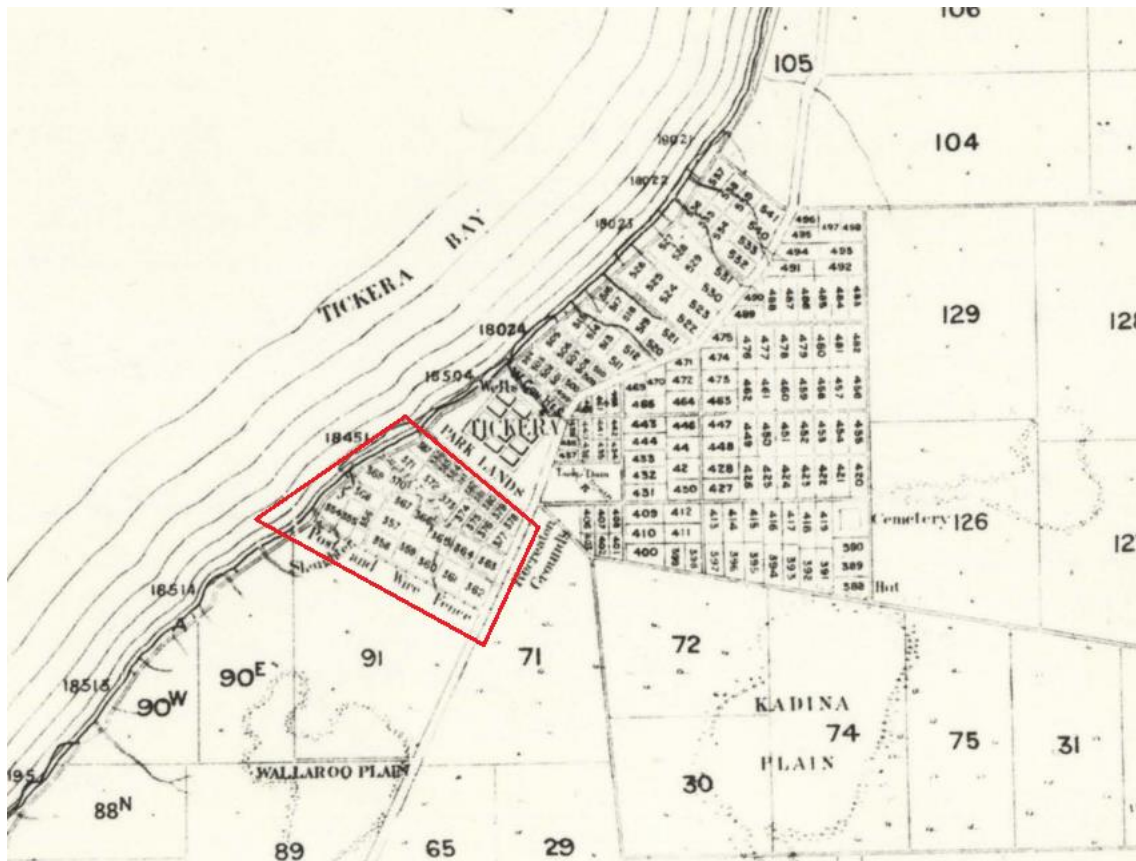
It is notable that the current regional plan does not envisage future land use change or impacts for the planning of the Subject Area.

#### 7.1.1 Historical land divisions

Historical (but undeveloped) land divisions are common in and adjacent regional towns within South Australia. These land divisions created individual allotments with separate land titles and may have been sold to individual land owners or form part of a larger land holding of a single owner. Many of these allotments were created around townships but were never developed due to lack of demand or subsequent land use planning policy that restricted their development.

Tickera is an example of a township that is surrounded by historical land divisions that have not been developed, but still appear on a cadastral map today. These allotments surrounding Tickera are generally 4-5 acres in size and were likely divided for mining workers.

A number of these allotments are located in the northern section of the Subject Area with records showing that these were likely surveyed in 1892 as highlighted in red in the below image.



Source: Extract from Surveyor Generals Office – October 1892

The historical land divisions were likely undertaken with the objective of expanding the residential part of Tickera with a form of 'rural living'. However, due to the cessation of mining in Tickera, a lack of demand for allotments and the introduction of modern statutory development controls in 1967, these allotments have remained undeveloped.

Under current planning law and the Planning and Design Code, the development potential of these allotments is very restricted, as the minimum allotment size is 100 acres. These allotments currently form part of the Proponent's larger rural farming land holdings and activities, however, could be sold and owned individually if desired. Development application/s (for Restricted form/s of development) could be lodged if a landowner wished to attempt to seek approval for residential or other development of one or more allotments.

Whilst the history of the land assists in understanding the development of Tickera and the status of the non-typical rural allotments in the Subject Area, the historical divisions are not considered to form a real or practical extension of the Tickera township and have remained solely used for primary production.

#### 7.1.2 Land Division Proposals late 1980's and Development Plan Amendments

As part of the written feedback provided by both of the Councils, information on land divisions proposal information has been provided by Copper Coast and Barunga West which were sought in the late 1980's.

In summary this information outlines considerations and issues that were raised by Copper Coast in 2009 when the Barunga West was proposing amendments to its Development Plan for its 'Towns and

Minor Townships' and also information about a proposed housing development on the Proponents land.

As part of this proposed amendment the Barunga West were seeking to amend the General Farming Zone abutting the Tickera township to a County Living Zone. Copper Coast did not support this amendment as the land adjoining the Tickera Township from Copper Coast side was to remain General Farming to ensure a consistent land use zoning and reduce a land use conflict between 'Country Living' and 'General Farming'.

Also included was information regarding the Proponent seeking to undertake a land division over the Subject Area which was deemed noncomplying under Copper Coast's Development Plan due to the land use zoning.

Copper Coast were not supportive of the Subject Area being divided at the time from a land use zoning point of view.

Whilst these matters and Copper Coast's concerns have been reviewed as part of this Inquiry, sometime has passed since these matters were raised and the State Planning system has been significantly reformed to remove Council Development Plans and replaced within the Planning and Design Code resulting in greater consistency between the two Council's land use planning policies.

#### 7.1.3 Draft Tickera Masterplan and future expansion of Tickera

As part of the Barunga West's Annual Business Plan 2021-22, the Council committed to undertake a master plan process in consultation with the Tickera community and other stakeholders.

The master plan is currently in draft form but once finalised will be used as a basis for Planning Code Amendments and capital works grant funding.

The consultation period regarding the draft Tickera Master Plan will commence on the 26 September and will close on the 9 December 2022.

The aim is to define a vision and general plan for the entire township of Tickera that will set the growth and development policies for the township and to create a cohesive, community-endorsed framework to guide investment and the development of public and privately owned land in Tickera.

The Draft Master Plan highlights that some population growth is needed in Tickera to enable the Council to generate more rates so that the Council can invest in Tickera's infrastructure including road sealing, footpath construction, kerbing and maintenance and re-sheeting of the town's unsealed road network.

Further to this, it states that the population would need to grow significantly for the Council to consider a community wastewater management system and further infrastructure investment in its public realm.

The report further states that Tickera receives more capital investment and generates more operational expenses than rates raised by the township's population.

To provide opportunities for growth the Council has identify opportunities of key sites and areas within and surrounding the town for redevelopment and/or further development.

In summary the following options have been identified

1. Infill development of allotments that are currently owned by The Crown and under the care, control, and management of the Barunga West Council.

2. Privately owned land to the north of Tickera bounded by Tonetaway Road, Coast Road, Chalmers Road and Chandlers Lane
3. Private owned land bounded by Black Rock Road, Wallaroo Plains Road, Myponie Point Road and an unnamed road that runs parallel to the boundary between Barunga West and Copper Coast. This land is the land subject to the Proposal (Subject Area).
4. Privately owned land located to the east of the Tickera township and is bounded by Coast Road, Tickera-Alford Road, Gully View Road and an un-named road directly east of Gully view Road.

Whilst Option 3 which includes the subject land is considered as an option, the Proposal would need to be recommended for implementation for the Barunga West to be in a position to manage growth and facilitate development over the Subject Area.

Whilst this Draft Master Plan is of interest to this Inquiry, there are many unknowns as to its implementation given its early stage of development and consultation.

Barunga West also outlined to the Commission that if the Proposal is not implemented, it would not stop the Council's plans for growth in Tickera, it would just mean that growth to the south of the township was not an option to consider given its outside its boundary.

Given this, it would be more appropriate to consider the position of the council boundary for Tickera if the Subject Area was identified as the preferred option for growth in the Yorke Peninsula and Mid-North Regional Planning or rezoned through a planning code amendment and a land division.

Development of the Subject Area might cause a division in the community, land use planning conflicts and lead to a genuine reason for a council boundary change.

Given all of these unknowns, it was determined that the draft masterplan should not significantly contribute to the Commission's recommendations on the Proposal.

#### 7.1.4 Barunga West Council - Main Street Master Plan

In 2022 Barunga West released a master plan for its main streets, which covers Barunga West's mains townships of Alford, Bute, Port Broughton, Fisherman Bay, Mundoora, Kulpara and Tickera.

The masterplan includes concepts for main streets in Alford, Bute, Port Broughton, Fisherman Bay, Mundoora, Kulpara and Tickera. The total estimated cost for the upgrades of the proposed plans and solution is \$12.75 million.

This masterplan does not propose any infrastructure or upgrades to the Subject Area and is therefore not considered to be a major matter to investigate.