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SA LOCAL GOVERNMENT
20 JAN 2021
 GRANTS COMMISSION

Matter Number: JB:202390

14 January 2021

Bruce Green
 SA Local Government Boundaries Commission
 GPO Box 2329
 Adelaide SA 5001

Dear Mr Green

**Re: Graham Morphett – Boundary Realignment Proposal
 Copper Coast Council & Barunga West Council**

We refer to your correspondence dated 21 August 2020.

Our client now refers his proposal for the Local Government Boundaries Commission's ('the Commission') consideration.

As such, this correspondence serves as a consolidation of all material that our client has previously submitted to the Commission.

1. Outline of the submission

The intent of our client's proposal is to adjust the boundary between the Copper Coast Council ("CCC") and Barunga West Council ("BWC"). That is, the boundary located on the southern side of Tickera be moved further south to align with Black Rock Road and Kinnear Road.

In effect, a number of parcels of land south of and in immediate proximity to the Tickera township be removed from the CCC area and included in the BWC area.

The contemplated proposal will only impact a small number of ratepayers. Our client considers his proposal to be uncontroversial and an excellent opportunity to rectify an erroneous boundary change made in 1931.

2. Map

We now **enclose** a detailed map of the affected area, as highlighted in orange.

3. Grounds for making the submission

Our client's proposal aligns with the various principles detailed in section 26 of the *Local Government Act 1999* (SA), in particular: -

Section 26 Principles	Alignment with our client's proposal
26(1)(c)(i) – The resources available to local communities should be used as economically	<ul style="list-style-type: none"> ▪ The existing boundary between CCC and BWC creates a clear divide between the township of Tickera and the southern properties that share a strong



<p>as possible while recognising the desirability of avoiding significant divisions within the community</p>	<p>common interest with Tickera and are in close geographical proximity. Our client's proposal would address the significant division within the community and restore the concept of a 'community of interest' within the greater Tickera area.</p>
<p>26(1)(c)(ii) – Proposed changes should benefit ratepayers</p>	<ul style="list-style-type: none"> ▪ The proposal would significantly benefit ratepayers who own various parcels of farming land that fall either side of the dividing boundary line. The proposal would ensure continuity in farming practices. It would similarly overcome any inconsistencies between the farming restrictions and regulations imposed by each council, especially in relation to fire safety and other farming practices such as spraying and other use of chemicals. ▪ The boundary adjustment will strengthen and restore the community identity of Tickera as it once was, prior to the boundary change in 1931.
<p>26(1)(c)(iii) – A council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently</p>	<ul style="list-style-type: none"> ▪ Given that the BWC encompass both primary production land and coastal properties, there is a pre-existing infrastructure that ensures sufficient resources would be provided to the affected area.
<p>26(1)(c)(iv) – A council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis</p>	<ul style="list-style-type: none"> ▪ The township of Tickera has a reasonable range of existing services, including: - <ul style="list-style-type: none"> ○ mail delivery three times a week; ○ rubbish collection on a regular basis; ○ well supported community centre; ○ the Tickera Community and Recreation Association.
<p>26(1)(c)(v) – A council should facilitate effective planning and development with an area, and be constituted with respect to an area that can be promoted on a coherent basis</p>	<ul style="list-style-type: none"> ▪ A large portion of the affected area was originally included in the Tickera township. A boundary change in 1931 resulted in the division. Many residents and historians believe it was a mistake. ▪ The expansion in the town area is steady, with land still available. If in the future Tickera is to expand, it is anticipated it would be to the south.
<p>26(1)(c)(vi) – A council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes</p>	<ul style="list-style-type: none"> ▪ The land within the affected area is identical in nature to the adjacent BWC area. That is, a coastline of high cliffs, sandy beaches and land used for primary production. This continuity in land overcomes any issues in relation to sustainable development, the protection of the environment and the integration of land use schemes.
<p>26(1)(c)(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</p>	<ul style="list-style-type: none"> ▪ Being a small community, Tickera is unable to provide every regional activity. There is, however, a 9-hole golf course, a community centre for a range of social activities and a boat launching area. ▪ 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 district.

<p>26(1)(c)(viii) – A council area should incorporate or promote an accessible centre (or centres) for local administration and services</p>	<ul style="list-style-type: none"> ▪ The BWC would have a small increase in rates. ▪ There would also be an increase in residents. These owners have been most supportive of this proposal as have many residents in the township of Tickera. This proposal will therefore promote a truly integrated community which many consider to be currently lost.
<p>26(1)(c)(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</p>	<ul style="list-style-type: none"> ▪ As Tickera only has a population of less than 100 residents, this would not appear necessary. The boundary change would only mean a small increase in numbers of ratepayers.
<p>26(1)(c)(x) – 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)</p>	<ul style="list-style-type: none"> ▪ The residents of Tickera appear to be in favour of more representation, which would be achieved by the inclusion of the affected ratepayers. Similarly, the affected ratepayers have acknowledged their views closely align with that of the BWC. ▪ Given the size of ratepayers within the affected area, there is no issue of over-representation.
<p>26(1)(c)(xi) – 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</p>	<ul style="list-style-type: none"> ▪ The residents in the affected area and the greater Tickera area travel to major towns if needed e.g. Port Pirie, Port Broughton, Wallaroo, Kadina. Most approximately half an hour drive. ▪ If approved, this proposal would most likely have very little impact. At present, Tickera, like most coastal towns around the Yorke Peninsula, appear to be adequately serviced. Any increase in the need would be easily met and not place an unreasonable burden on BWC.

In light of the above, our client considers his proposal to be responsive to the needs, interests and aspiration of the individuals and groups within the affected area and the greater Tickera area.

4. Discussions with the relevant councils

The CCC, like most relinquishing councils, have not provided our client with extensive support. They have, however, provided various responses to our client when required.

Alternatively, the BWC have been supportive of the realignment from the outset and continue to provide our client with ongoing assistance and guidance.

5. Public consultation

Our client's proposal has received overwhelming support from the affected ratepayers and those in the greater Tickera area.

Many affected ratepayers were perplexed by the current composition of the boundary, noting that our client's proposal provides a practical solution to the erroneous boundary changes made in 1931.

Further, of the 12 holiday homes within the affected area, 10 homes have expressed their support of our client's proposal. Our client has been unable to contact the remaining 2 holiday homes as they only visit the area on a seasonal basis.

If required, our client can circulate a petition to evidence the widespread support by those affected by the proposed boundary realignment.

6. Relevant matters

There are several further matters that reinforce the suitability of our client's proposal.

History

Our client has made extensive inquiries into the history of Tickera.

Our client, with the support of local historians, notes that in 1931, changes to the council boundaries were made in response to the sudden discontinuance of the dolomite mine in Tickera. Unfortunately, Tickera's population declined dramatically. Our client maintains that this boundary change was erroneously made as sections immediately south of the current boundary, within the affected area, had been designated for future expansion (most notably for a workmen's block and a secondary slaughter reserve). Clearly, the boundary change in 1931 was an error as: -

- it was inconsistent with the designated future expansions for the area; and
- the boundary effectively divided the Tickera township.

Community profile

The affected ratepayers have identified an affiliation with the Tickera township. As such, there is a strong sense of community between those in the affected area and the BWC area.

Unfortunately, the current boundary between CCC and BWC generates a division within the community and undermines the existing community profile. Tickera and the affected area are largely comprised of farmers and retirees, who frequently use and associate with services in the BWC area, including (but not limited to) the: -

- Tickera golf club;
- Tickera community centre;
- Tickera boat launching area;
- Alford bowling club;
- Alford golf club; and
- Boutique food outlet (Karimis Kitchen Takeaway).

Ultimately, our client's proposal will consolidate and formalise a seemingly existing local community and community of interest within the Tickera area.

6. Eligibility of Electors

We note the Commission's contention that our client has failed to substantiate the eligibility of at least 10% of eligible electors in the affected area.

We refer to correspondence from the CCC dated 20 November 2019.

CCC have confirmed that 5 individuals on the Form 1 Declaration are eligible electors within the affected area. Similarly, the CCC confirmed that 'as the area is owned by yourself [our client], it would seem that the Declaration is in order'.

Our client has and continues to rely on the CCC's assertion that the Declaration is in order and as such, he considers that the requirements pertaining to the eligibility of electors have been satisfied.

7. Final remarks

Our client has contemplated this realignment for a number of years. While our client endeavoured to raise this issue while serving as a local council member in the 1990's, the recent formation of the Commission provides an excellent opportunity for the independent assessment and investigation of the boundary in question.

Should you require anything further, please do not hesitate to contact our office.

We look forward to hearing from you in due course.

Yours faithfully
Mildwaters Lawyers



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