

10 November 2021

Mr Bill O'Brien
Mayor
Light Regional Council
PO Box 72
KAPUNDA SA 5373

Mr Bim Lange
Mayor
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

Mr Glenn Docherty
Mayor
City of Playford
12 Bishopstone Road
DAVOREN PARK SA 5113

Dear Mayors O'Brien, Lange and Docherty,

Town of Gawler Stage 2 Boundary Change General Proposal

I write to inform you that the South Australian Local Government Boundaries Commission (the Commission) has received a council initiated Stage 2 Boundary Change General Proposal (the Proposal) from the Town of Gawler. The Proposal relates to a boundary change affecting the Town of Gawler, The Barossa Council, the Light Regional Council and the City of Playford.

At its meetings on 15 September and 20 October 2021, the Commission considered the Town of Gawler's Proposal.

As you are aware, the process by which the Commission deals with boundary change proposals under Chapter 3 Part 2 of the *Local Government Act 1999* (the Act) is set out in the nine guidelines that the Commission has published on this matter.

When discussing a proposal, the Commission gives close consideration to the requirements of Guideline 3 and the principles contained under section 26 of the Act. These principles are of fundamental importance to boundary change proposals and ultimately form the basis of any recommendation that the Commission may make to the Minister.

The Commission formed the view that the Proposal meets the requirements of Guideline 3 and generally aligns with the section 26 principles. The Commission therefore determined that an inquiry into the Proposal may proceed in accordance with Section 31 of the Act and Guideline 4 – *Investigations of General Proposals Initiated by Councils*.

I must emphasise that the Commission's determination to inquire into the proposal does not mean that the proposal has been recommended to proceed. A recommendation to the Minister regarding a General Proposal can only be made once the Commission has conducted and considered the findings of an inquiry.

In accordance with Guideline 8, the Commission will now commence the formal process of obtaining a cost estimate for an inquiry, which it will provide to the Town of Gawler for its consideration. As you may be aware, the inquiry will only proceed if the Town of Gawler provides a clear direction to do so, on consideration of this cost estimate. Section 31(1)(b) of the Act enables the Commission to appoint 1 or more investigators to conduct the inquiry.

It is expected that the inquiry into the Proposal, if it will require the appointment of a number of specialised investigators, given the extensive potential impact that the proposal may have on affected councils.

The appointment of investigators will be undertaken in accordance with the Act, and with Guideline 5 – *Appointment of Investigators for General Proposals*. Section 31(1)(b) enables the Commission to appoint 1 or more investigators to conduct the inquiry. It is the Commission's view that an inquiry into this Proposal will require the appointment of a number of specialized investigators, given its significant potential impact that the proposal may have on affected councils.

As s 31(2) of the Act makes clear, the Commission must seek to ensure, as far as is reasonably practicable that the qualifications, knowledge, expertise and experience of a particular investigator are relevant to the inquiry for which the investigator is being appointed.

Given this, an overview of the matters that the Commission is of the view should be inquired into for this proposal is attached. The Commission invites your Council to comment on this document to assist the Commission to formulate an estimate of costs that is as accurate as possible. I would appreciate it if any comments could be provided by **26 November 2021**.

In accordance with s 31 (2)(b) of the Act, the Commission must also consult with councils affected by the proposal on the proposed appointment of investigators. While the Commission will therefore consult with your Council again should the inquiry proceed before formally appointing investigators, you may also wish make comments on these appointments at this stage.

The Commission is also aware that, if it proceeds, the inquiry will be conducted in close proximity to the 2022 local government periodic elections, which may affect the inquiry process.

If it proceeds, engagement and consultation for an inquiry will be undertaken with the engagement principles and the mandatory requirements outlined in Guidelines 9 –

Engagement and Consultation. As part of the inquiry, an engagement and communications plan will be developed which will outline how the engagement process will proceed.

I take this opportunity to emphasise that this engagement will be extensive, and involve all affected councils and their communities to ensure that the Commission is properly informed of all views.

Equally, it is essential that the affected communities have the opportunity to make their views known to the Commission in the context of full information about the potential impacts of the Proposal, as these are detailed through the Commission's inquiry.

The Commission understands that affected Councils may wish to keep their communities informed about potential proposals and the inquiry process.

If your Council does choose to provide information to your community regarding the Proposal, the Commission requests that you clarify that the Commission is an independent statutory authority that will undertake its own consultation to ensure that it fully understands the informed views of all affected communities on any proposed boundary change before it makes a recommendation to the Minister.

Accordingly, as noted above, both your Council and community will be closely engaged with any inquiry that may proceed.

As part of any inquiry, the Commission or an investigator may request additional information from your Council in accordance with section 32A(1) of the Act and outlined in Guideline 4. This will allow the Commission to obtain the information it believes relevant to the inquiry. The Commission would appreciate your Council's assistance with providing this information in a timely manner.

To assist the Commission in finalising this Proposal, please nominate a staff member in your Council who can act as the primary contact person for the Commission while considering the Proposal.

I also advise that, under the Commission's publication policy, the information about the Proposal has been made available at— www.agd.sa.gov.au/lgbc

Thank you for your Council's co-operation in this matter. If you have further questions, please contact the Commission on 7109 7164 or boundaries.commission@sa.gov.au.

Yours sincerely



Bruce Green

CHAIR

SOUTH AUSTRALIAN LOCAL GOVERNMENT GRANTS COMMISSION