

10 November 2021

Mayor Karen Redman  
Town of Gawler  
PO Box 130  
GAWLER SA 5118

Dear Mayor Redman

### **Town of Gawler Stage 2 Boundary Change General Proposal**

Thank you for the Town of Gawler's (the Council's) Stage 2 Boundary Change General Proposal (the Proposal) submitted on 23 December 2020 and the additional information provided on 16 August 2021 for the SA Local Government Boundaries Commission's (the Commission's) consideration.

At its meetings on 15 September and 20 October 2021, the Commission discussed the Proposal and the additional information provided.

When discussing a Proposal initiated by a Council, the Commission gives close consideration to the requirements of Guideline 3 and the principles contained under section 26 of the *Local Government Act 1999* (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 acknowledges the significant work that your Council has undertaken to develop this Proposal in order to address the requirements of Guideline 3 and the section 26 principles.

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 this 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 the inquiry, which it will provide to the Council for its consideration. The Commission intends to ensure that this cost estimate is as accurate as possible, and therefore may take 6-8 weeks to complete this process. Further advice on the timing of this process will be provided to your Council as it develops.

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 will require the appointment of a number of specialised investigators, given the extensive potential impact that the proposal may have on affected councils.

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.

Following the provision of the estimated cost of the inquiry to your Council, the Commission will not proceed with the inquiry until such time as it receives a clear direction from the Council to do so, in accordance with Guideline 8. 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.

I also note that, if it proceeds, the engagement and consultation for an inquiry will be undertaken with the engagement principles and the mandatory requirements outlined in Guideline 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 the full information about the potential impacts of the Proposal, as these are detailed through the Commission's inquiry.

The appointment of investigators will be undertaken in accordance with the Act, and with Guideline 5 – *Appointment of Investigators for General Proposals*.

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.

Following the completion of an inquiry, the Commission will provide a report to the Minister that will include its recommendations in regard to the Proposal.

As part of any inquiry the Commission or the investigator(s) may request additional information from your Council or the affected Councils line 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 assist in undertake the inquiry. Your prompt cooperation with these requests is essential to the facilitation of the inquiry.

To assist the Commission in finalising this proposal, you may wish to nominate a staff member in your Council who can act as the primary contact person for the Commission while undertaking the inquiry.

As set out in Guideline 9, I have notified all affected councils that the Commission has agreed to inquire into 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/lqbc](http://www.agd.sa.gov.au/lqbc)

I trust that this information is of assistance to you. If you have further questions, please contact the Commission on 7109 7164 or [boundaries.commission@sa.gov.au](mailto:boundaries.commission@sa.gov.au).

Yours sincerely



Bruce Green

**CHAIR**

**SOUTH AUSTRALIAN LOCAL GOVERNMENT BOUNDARIES COMMISSION**

Attachment: Outline of matters to be investigated - Town of Gawler Boundary Change General Proposal

**South Australian Local Government Boundaries Commission**  
**Town of Gawler General Proposal – Outline of matters to be investigated**

The following five areas will form the basis of the inquiry;

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

The Commission must also design and deliver an engagement plan in accordance with Guideline 9 as part of the inquiry. The engagement plan will take the five above mentioned area into consideration to ensure that the affected councils and communities are provided with the opportunity to make their views known on all relevant matters.

**1. Financial Matters**

Item number	Requirement	Reference in the Act/ Guideline	Matters that the investigation must cover
1	Financial implications	S 31(3)(b)(i)	<ul style="list-style-type: none"><li>• Potential impact on operating revenue for affected councils, analysing impact on:<ul style="list-style-type: none"><li>○ general rates</li><li>○ service charges</li><li>○ other fees and charges</li><li>○ grants (particularly Financial Assistance Grants).</li><li>○ any other relevant operating revenue</li></ul></li><li>• Potential impact on operating expenses for all affected councils. Greater detail required for;<ul style="list-style-type: none"><li>○ Future financial impacts (short and long term) on all affected councils operating budget if a boundary change was implemented.</li></ul></li><li>• Analyses of estimated total revenue against estimated total expenditure for affected councils</li></ul>

2	Division of assets and liabilities: land and buildings, plant & equipment, cash, investments, interests in any 'business activities', debtors	Guideline 4	<ul style="list-style-type: none"> <li>• Identification of all council owned assets and liabilities affected by this proposal</li> <li>• Identify impacts that the division/loss of these assets may have both financially and in service provision for the affected councils</li> <li>• Identify any issues for the affected the communities that would remain as a result of the division/loss of assets</li> <li>• Identify any impacts of the transfer of these assets on affected councils, including operating budgets / asset management</li> </ul>
3	Impact of any significant contracts (e.g. waste management)	Guideline 4	<ul style="list-style-type: none"> <li>• Identify all significant contracts held by the affected councils that may be affected by this proposal, and any impacts of the proposal on them</li> </ul>
4	Assessment of any significant differences in rating policies of the councils involved, the impacts on ratepayers and how these are to be addressed in both the short and longer term.	Guideline 4	<ul style="list-style-type: none"> <li>• Identify changes in rates that may apply to rateable properties within the affected areas based on the affected councils' current rating policy</li> <li>• Identify any impact of rating changes on ratepayers, and any suitable measures to address impacts in the short to medium term if necessary</li> </ul>
5	Assessment of any significant differences in fees and charges of the councils	Guideline 4	<ul style="list-style-type: none"> <li>• Identify all fees and charges currently in place for affected councils, and the impact on councils and ratepayers from any necessary changes to these</li> </ul>
6	Existing grant arrangements relevant to affected area (including both Financial Assistance Grants and specific grants)	General Refer 31 (3)(b)i	<ul style="list-style-type: none"> <li>• Identify any existing grant agreements that would be affected by this proposal</li> <li>• Identify any infrastructure or general projects that have received grant funding and are not yet completed, and propose measures to transfer acquittal or reporting requirements if necessary.</li> </ul>
7	Impact on any property based service (eg CWMS)	General Refer 31 (3)(b)i	<ul style="list-style-type: none"> <li>• Identify property based services offered by affected councils, and the impact that a boundary change may have on the management of these services (including consideration of any applicable service charge or rate).</li> </ul>
8	Assessment of any significant differences in service levels provided by the councils	Guideline 4	<ul style="list-style-type: none"> <li>• Assess the service levels provided by affected Councils and identify any impact that a boundary change may have on the delivery of services to ratepayers and councils.</li> <li>• Propose any measures to address differences in service provision across affected areas in the short to medium term</li> </ul>

## **2. Land use and planning matters**

Item number	Matter	Reference in the Act/ Guideline	Required output/investigation
1	Potential conflicts that may arise from existing patterns of land use if the proposal was implemented.	Guideline 4	<ul style="list-style-type: none"><li>• Identify any significant conflicts in in land use patterns, including any potential interface issues with future or existing growth areas</li><li>• Identify any land management issues that may arise with a transfer of areas– eg open space, storm water, significant easements</li><li>• Review and identify any significant differences in planning policies between the affected Councils</li><li>• Identify any variances in development controls that may impact on development/growth if a council boundary change was implemented.</li><li>• Identify current or previous planning studies and outcomes that are relevant to the affected councils / areas, including demographic, growth projections, infrastructure needs/demands</li><li>• Identify any existing or potential environmental impacts that should be considered</li><li>• Assess the capacity of the affected councils to manage significant future growth areas</li><li>• Identify any existing infrastructure deeds that may be affected by a boundary change</li><li>• Assess whether the affected councils could facilitate effective and sustainable planning and development and the protection of the environment if a boundary change was implemented.</li></ul>

### **3. Council Employee Matters**

Item number	Matter	Reference in the Act/ Guideline	Required output/investigation
1	The impact on the various rights and interests of any council employees affected by the general proposal	Section 31(3) (b)(v)	<ul style="list-style-type: none"><li>• Identify the rights and interests of council employees affected by the proposal</li><li>• Identify any significant difference in any work place agreements or conditions such as an enterprise bargaining agreement</li><li>• Propose arrangements that may need to put in place in the short to medium term to manage any impact on employees</li></ul>
2	Implications for council employees, including any proposed transfer of staff and conditions of employment	Guideline 4 Refer 31(3)(b)(v)	<ul style="list-style-type: none"><li>• Identify any workforce or human resourcing issues that may result from a boundary change, including any need for transfer of staff</li><li>• Assess conditions of employment in affected councils, identify any impact of a boundary change and propose any arrangements that may be necessary to manage this.</li></ul>

### **4. Representation Matters**

Item number	Matter	Reference in the Act/ Guideline	Required output/investigation
1	Impact on internal structure and representation of councils, and how this will be dealt with in the short and longer term	Guideline 4	<ul style="list-style-type: none"><li>• Identify the current representation for all areas impacted by the proposal</li><li>• Recommend the future of representation of all areas that may be affected by a boundary change, with particular attention to any impact on ward quotas within affected councils</li><li>• Consider any previous structural changes relating to the affected councils, and whether these have any impact or relevance to potential change arising from this Proposal.</li></ul>

## **5. Community and Services**

Item number	Matter	Reference in the Act/ Guideline	Required output/investigation
1	Community of interest	S 26(vii) and related s 26 principles	<ul style="list-style-type: none"> <li>• Advise on community members' identification as members of a particular local and/or regional community</li> <li>• Identify any economic communities of interest that may be affected if a boundary change was implemented and what impact this might have</li> <li>• Assess whether a council boundary change would result in a significant division within an existing community</li> </ul>
2	Ability of communities to access council services and relevant communication issues between councils and communities	Guideline 4	<ul style="list-style-type: none"> <li>• Assess how community members in affected areas access and use services and facilities provided by their own or nearby councils</li> <li>• Identify any impact on this access that may arise from a boundary change</li> <li>• Assess current activities and engagement between affected communities and councils, including participation in local decision making, and identify any impact that a boundary change may have on these relationships</li> <li>• Identify existing relationships between affected councils and social, recreational and sporting groups, and the impact that a boundary change may have on this relationship or the operation of the group.</li> <li>• Determine if all affected councils would be in a position to offer its communities a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis if a boundary change was implemented</li> </ul>



### **Engagement requirements**

The Commission must undertake engagement into the inquiry to meet both the requirements of the Act and Guideline 9.

### **Legislative and Guideline requirements**

Section 31(3)(b) of the Act requires the Commission to consider –

- The extent of support for the general proposal within the affected community
- The extent of support for the general proposal of any council affected by the general proposal

Section (27(3)(b) requires that the Commission's guidelines must specify requirements relating to consultation that must be undertaken for the purposes of inquiries, including consultation with the community, councils affected by the proposal and entities that represent the interest of council employees affected by the proposal.

Accordingly, the Commission's Guideline 9 outlines the Commission's approach to consultation and engagement. This requires the Commission to design an Engagement Plan aligning with the engagement principles in the Guideline, and that is tailored to the engagement necessary to each Proposal.

### **Requirements for the inquiry**

To meet the Commission's requirements, it is proposed that an investigator will be appointed - to

1. Design an Engagement Plan for the Commission's approval for the Town of Gawler's proposal. This Engagement Plan must be in accordance with Section 31(3) of the Act and Guideline 9. This will be designed in consultation with affected councils and based on the four Engagement Principles.
2. Deliver the approved Engagement Plan and provide a report to the Commission, in accordance with s 31(4)(b).