

SA LOCAL GOVERNMENT BOUNDARIES COMMISSION

03 March 2021 Meeting

AGENDA ITEM BC10-21: ANALYSES ON THE TOWN OF GAWLER –GENERAL PROPOSAL

PURPOSE

To provide the Boundaries Commission (the Commission) with an analysis of the Town of Gawler's (the Council's) General Proposal and make a recommendation on whether the Commission should seek additional information or inquire into the proposal.

BACKGROUND

The Commission received a General Proposal from the Town of Gawler on 23 December 2020.

OLG has summarised and reviewed the proposal for the Commissions' consideration.

PROPOSAL

On 23 December 2020, Mayor Karen Redman, Town of Gawler, referred the proposal to the Commission (BC01-21).

Other councils affected by the proposal include The Barossa Council, Light Regional Council and the City of Playford. The proposal seeks both the inclusion of areas currently within The Barossa Council, Light Regional Council and the City of Playford, as well as the transfer of land within the current Council boundary to the City of Playford, as follows:

Areas to be included in the Town of Gawler:

- Area 1 – Concordia Growth Area - (The Barossa Council)
- Area 2 – Hewett - (Light Regional Council)
- Area 3 – Portion of Kalbeeba (including portion of Springwood) - (The Barossa Council)
- Area 4 – Portion of Gawler Belt - (Light Regional Council)
- Area 5 – Evanston Park – (City of Playford)
- Area 6 – Reid - (Light Regional Council)
- Area 7 – Hillier - (City of Playford)

Areas to be removed from the Town of Gawler:

- Area 8 – Portion of Bibaringa – (City of Playford)
- Area 9 – Portion of Uleybury – (City of Playford)

DISCUSSION

Relevant Guidelines

Guideline 3—Submitting a General Proposal to the Commission is the relevant Guideline for the Commission to now refer to, along with the Section 26 Principles in the Act. This Guideline sets out the matters which must be included in a submission, noting that the Commission assesses the proposal in accordance with the Act and the Guidelines and determine whether to inquire into the proposal or refuse to inquire into the proposal.

SA LOCAL GOVERNMENT BOUNDARIES COMMISSION

03 March 2021 Meeting

The Guideline refers that the Commission expects a proposal to cover these matters as far as the initiating council can be reasonably aware of them.

Whilst not set out (or excluded) in Guideline 3, the Commission may also consider the need to seek additional information or clarification on a Proposal.

Assessment of requirements

A full assessment and analysis of the proposal, including a short summary of each matter required by Guideline 3, the Council's response to it, and comments from the Office of Local Government (OLG) is attached (**BC11-21**).

The proposal includes an overview of the proposed boundary changes, a summary of key considerations pertaining to Council's deliberations, a calendar of events, statements addressing the principles for Boundary Change under section 26 of the *Local Government Act 1999* (The Act), results of the community consultations and detailed maps of the areas that are subject to the proposed boundary changes.

OLG is of the view that the Council's proposal largely meets the requirements listed for Stage 2 proposals within *Guideline 3—Submitting a General Proposal to the Commission*.

However, OLG also notes that the proposal does not explicitly provide separate responses to three elements of the Guideline. These are detailed below.

1. Section 26 principles –councils' resource base

Guideline 3 requires councils to 'describe the proposal with reference to the principles set out in section 26 of the Act'. The Council has included an analysis of each part of the proposal in relation to the section 26 principles. However, in this analysis, the Council makes no detailed comment on s 26(c)(iii) – that 'a council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently'.

In each of the analysis of the parts of the proposal, the Council notes that the response to this principle is contained within the Council's response to the principle that 'proposed changes should, wherever practicable, benefit ratepayers' (s 26(c)(ii)). These analyses include comment on the impact of proposed changes to the community of Gawler, but do not detail the potential impact on other affected councils in relation to this principle.

However, the proposal does include an attachment that provides a high level financial analysis of the impact of the changes on all affected councils (Attachment 2, High Level Financial Analysis- Areas of Interest and Item 10 of Attachment 6, which has a detailed financial analysis for Hewett and Concordia and other areas (pages 42, 44 and 46 of 65). Additionally, Item 28 of Attachment 6 provides details about indicative additional staffing and operating analysis from the date of boundary adjustment (page 18 of 127).

While this material is not explicitly referred to in the Council's consideration of s 26(c)(iii), it is OLG's view that the proposal as whole contains sufficient information on the potential effects of the proposed boundary changes on all affected councils' resources.

SA LOCAL GOVERNMENT BOUNDARIES COMMISSION

03 March 2021 Meeting

The Commission may also wish to consider whether the Council has provided this information in accordance with the Guideline, noting that it states that the matters must be covered 'as far as the initiating council can be reasonably aware of them'.

2. Section 26 principles – community participation

As with the Council's response to s 26 (c)(iii), the proposal does not explicitly respond to s 26(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'. The Council notes that its response to this principle is stated within the response to s 26(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'.

These matters are related, as both refer to fair representation between councils. It is also noted that the Council's responses to s 26(c)(ii) generally state that 'the inclusion of (area) within the Town of Gawler will enable (the residents of the area) to have a strong voice in the community (by having appropriate representation in local decision making).

As with the Council's response to s 26(c)(iii), OLG's view is that the Council has provided sufficient response to this principle within the proposal as a whole.

3. Advantages and disadvantages

The Guideline requires councils to:

- Provide a balanced representation of the advantages and disadvantages of the proposal
- Identify stakeholder groups, providing details of the interests and identity of each. Discuss impacts of the proposal on each group.
- Record any significant opposition known to the applicant council or councils and the basis of this.

The proposal does not include a section specifically laying out the Council's responses to these requirements. However, OLG is of the view that the proposal as a whole adequately addresses these matters, noting that:

- In the Overview and Summary of the proposal (page 4 and 87) the advantages and disadvantages of all affected councils has been discussed.
- The advantages and disadvantages on residents of the affected communities are also reflected in the results of the community consultation survey and from the written submissions that have been included in the proposal (Attachment 4 and Attachment 5).
- The proposal broadly discusses the advantages from the proposed changes, namely that the proposed changes would allow Council to provide more comprehensive and competitive services to the community, facilitate greater investment and jobs for the region and an overall increase in the economies of scale for the community.

SA LOCAL GOVERNMENT BOUNDARIES COMMISSION

03 March 2021 Meeting

- The proposal states that future generations forming part of the Gawler community in real and functional terms will have equal and appropriate representation in local decision making rather than being governed by distant entities.
- The proposal includes information that Light Regional Council has mentioned that the loss of areas such as Hewett and Gawler Belt will impact on its long term viability. The Town of Gawler recognises the impact of a reduced rate income on Light Regional Council if the proposed boundary changes occurred as proposed.
- The Council recognises that its proposal will have financial impacts on other affected councils.
- The proposal includes correspondence received from The Barossa Council, which states its opposition to the remaining portion of Kalbeeba and the Concordia Area of Interest being considered for inclusion in Town of Gawler as, in The Barossa Council's view, there will be a significant negative financial impact.
- The proposal includes the summary and copies of written submissions and letters from the residents/ businesses of councils involved which include concerns regarding possible increase in rates, changes to zoning.

Considerations for the Commission

Noting the complexity and significance of the proposal, the Commission resolved in its meeting of 28 January 2021 to take a progressive and staged approach to consider whether or not to investigate the Proposal; how an inquiry would proceed; estimating the costs of an inquiry; and undertaking the inquiry (if one proceeds).

The key question for the Commission is whether it agrees with the OLG assessment that the proposal should be investigated, or whether it seeks further information from the Town of Gawler before a decisions is made whether or not to investigate this proposal.

Should the Commission agree to investigate the proposal, the next step is for OLG to provide a proposed investigation structure and content, before determining an estimate of costs.

RECOMMENDATIONS

It is recommended that the Commission:

1. Agree to investigate the proposal submitted by the Town of Gawler.
2. Direct the Office of Local Government to prepare correspondence to the Town of Gawler and affected councils regarding this decision.
3. Direct the Office of Local Government to provide a report to the next meeting of the Commission on the proposed structure and content of the investigation.

ATTACHMENTS

1. Analysis of the General Proposal from the Town of Gawler (BC11-21)