

Mr Russell Peate
Chief Executive Officer
Copper Coast Council
PO Box 369
KADINA SA 5554

Mrs Maree Wauchope
Chief Executive Officer
Barunga West Council
PO Box 3
PORT BROUGHTON SA 5522

Notification of stage 1 potential boundary proposal

Dear Mr Peate and Ms Wauchope

I write to inform you that the Boundaries Commission (the Commission) has been notified by Mr Dale Morphett of a potential publicly initiated boundary change proposal (the potential proposal). This potential proposal seeks to change the boundary between the Copper Coast Council and the Barunga West Council in the area of Tickera.

The process by which the Commission deals with boundary proposals under the *Local Government Act 1999* (the Act) is set out in the nine Guidelines that the Commission has published that detail the aspects of the boundary change process.

At its meeting on 12 February 2020, the Commission considered the potential proposal, including all correspondence received in relation to the potential proposal.

At the meeting, the Commission determined that further information was required from Mr Morphett demonstrating the proposal's alignment with the section 26 principles in the Act before the Commission could advise whether or not a general proposal could be referred.

On 18 June 2020, Mildwaters Lawyers provided additional information to the Commission on Mr Morphett's behalf.

Subsequently, the Commission discussed Mr Morphett's potential proposal, along with the additional information at its 21 July 2020 meeting.

Under Stage 1 of Guideline 6, the Commission has advised Mr Morphett that he may refer a general proposal to the Commission. You should note that advice from the Commission that a general proposal can be referred does not guarantee that the proposal will be formally accepted.

Included in Mr Morphett's potential proposal were letters from both the Copper Coast Council and the Barunga West Council to confirm the eligibility of the 10% of electors that have put this proposal forward – I have attached these letters for your convenience.

However, neither of these letters have satisfied the requirements outlined under Guideline 6 which requires verification of each eligible elector making the proposal by the Chief Executive

Officer (CEO) of the relevant council, along with verification that the proposal is being made by at least 10% of eligible electors in either the affected area in the Copper Coast Council or 10% of eligible electors in the entire Barunga West Council.

The Commission has therefore informed Mr Morphett that before the Commission will consider a general proposal, the Commission requires written certification from either;

1. The CEO of the Copper Coast Council verifying the eligibility of each elector and that the proposal is being made by at least 10% of eligible electors in the affected area in the Copper Coast Council, or,
2. The CEO of the Barunga West Council verifying the eligibility of each elector and that the proposal is being made by at least 10% of eligible electors in the entire Barunga West Council.

If a proposal is referred to the Commission, it is the Commission's responsibility to determine whether the proposal should be investigated. If the Commission determines that a proposal should be investigated, all affected councils will be notified of this decision.

Guideline 9 also outlines the engagement and consultation that the Commission will undertake when investigating proposals. The Commission must undertake thorough community engagement on proposals before making recommendations to the Minister. This would include close engagement with councils that may be affected by the proposal.

When discussing proposals, the Commission gives close consideration to 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 information about the potential proposal from Mr Morphett along with the Commission's nine guidelines are available at—

www.dpti.sa.gov.au/local_govt/boundary_changes

I trust that this information is of assistance to you. If you have further questions, please contact Mr Thomas Rossini in the Office of Local Government on 7109 7443, or boundaries.commission@sa.gov.au.

Yours sincerely



Bruce Green
Chair, SA Local Government Boundaries Commission

Attachments

1. Letter from Copper Coast Council CEO - 20 November 2019
2. Letter from Barunga West Council CEO – 11 December 2019



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20th November 2019

Mr GD Morphett
PMB 9
KADINA SA 5554.

Please quote our ref: OLT20192515
Your ref: N/A
Enquiries to: Wanita Gregory

Dear Mr Morphett

PROPOSAL TO ALTER COUNCIL BOUNDARIES

I refer to Council's letter dated 17th October 2019 regarding your letter to alter the boundary between the Copper Coast Council and Barunga West Council, adjacent to the Tickera township. The Declaration by Eligible Electors (Form 1) received from you includes five (5) eligible electors within the Copper Coast Council area. The remainder are presumably eligible electors within the Barunga West Council.

Section 27 (1)(a) of the Local Government Act 1999 defines an eligible elector in relation to a proposal as:-

- (a) *in the case of a proposal to alter the boundaries of 2 or more councils to incorporate land within the area of a council into the area of another council (a **receiving council**)—an elector in respect of a place of residence or rateable property within the area of a receiving council, or within the area that would be so incorporated;*

Based on this, an eligible elector would be within the area of the receiving Council; that is Barunga West Council. Therefore, you should approach the Barunga West Council to ensure that those listed on Form 1 are eligible electors. Notwithstanding this, as the area involved in the proposal to alter Council boundaries is owned by yourself, it would seem that the Declaration is in order.

However, you should liaise with the Boundaries Commission, GPO Box 2329, Adelaide SA 5001, (Phone 08 7109 7164), to ensure that your proposal meets the requirements, particularly of Section 26 of the Local Government Act 1999 – Principles and Guideline No. 6 issued by the Boundaries Commission for proposals initiated by members of the public. These Guidelines outline the Stages for consideration of a potential proposal initiated by a member of the public and what is required to be submitted to the Boundaries Commission to proceed.

Please note that your proposal also excludes, it appears, a number of shack owners along the coast. This is brought to your attention for your information.

Russell Peate
CHIEF EXECUTIVE OFFICER.

lifestyle location of choice



11 December 2019

Mr. Graham Dale Morphett,
1357 Wallaroo Plain Road,
TICKERA SA 5555
PMB 9 Kadina SA 5555

Dear Dale,

Confirmation of Eligible Electors in Respect of a Boundary Change Proposal

The purpose of this letter is to confirm that the information you have provided to the Barunga West Council, in respect to a publicly-initiated proposal for local government boundary change, is verified in that the electors described in Form 1 – Local Government Act 1999 (Section 27) are confirmed as eligible electors in the Barunga West Council and consist of at least 10% of the eligible voters within the area proposed to be moved from one Council area into another, namely a section of the Copper Coast Council into the Barunga West Council around the township of Tickera.

The proposal that you are planning to submit is to alter the boundary between the Copper Coast Council and the Barunga West Council, such that the southern boundary at Tickera be moved further south to Black Point Road and Kinner Road.

I have attached the Form 1 list of eligible electors and have highlighted those confirmed within the Barunga West Council area.

As per Guideline 6, Proposals Initiated by Members of the Public, of the South Australian Local Government Boundary Commission, the next step is to write to the Commission outlining the nature of the proposal and the reasons why you consider the boundary change is appropriate, considering the Section 26 principles as described in Attachment 1 of the Guide.

Yours sincerely,

Andrew Cole,
Chief Executive Officer

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