



## **BOUNDARY CHANGE COMMITTEE**

### **NOTICE OF MEETING**

To: **Members**

Cr Nathan Daniell, Presiding Member

Cr Ian Bailey

Cr John Kemp

Cr Mark Osterstock

Cr Kirsty Parkin

Notice is given pursuant to the provisions under Section 87 of the *Local Government Act 1999* that the next meeting of the Boundary Change Committee will be held on:

**Thursday 25 August 2022**

**6.30pm**

**63 Mt Barker Road Stirling**

A copy of the Agenda for this meeting is supplied under Section 87 of the Act.

Committee meetings are open to the public and members of the community are welcome to attend. Public notice of the Agenda for this meeting is supplied under Section 88 of the Act.

**Andrew Aitken**  
**Chief Executive Officer**



## **BOUNDARY CHANGE COMMITTEE**

**AGENDA FOR MEETING**  
**Thursday 25 August 2022**  
**6.30pm**  
**63 Mt Barker Road Stirling**

### **ORDER OF BUSINESS**

#### **1. COMMENCEMENT**

##### **1.1. Acknowledgement of Country**

*Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kurna people. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land. Together we will care for this country for the generations to come.*

#### **2. APOLOGIES/LEAVE OF ABSENCE**

- 2.1. Apology  
Apologies were received from .....
- 2.2. Leave of Absence
- 2.3. Absent

#### **3. MINUTES OF PREVIOUS MEETINGS**

**Boundary Change Committee**  
No previous Minutes.

#### **4. PRESIDING MEMBER'S OPENING REMARKS**

**5. DELEGATION OF AUTHORITY**

The Boundary Change Committee operates in accordance with the relevant sections of the *Local Government Act 1999*, and its Terms of Reference (attached for information).

**6. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF THE PANEL**

**7. OFFICER REPORTS – DECISION ITEMS**

7.1. Boundaries Commission Inquiry Submission

1. *That the report be received and noted*
2. *To approve the draft Inquiry Brief Submission, as contained in Appendix 4, for lodgement with the Commission in accordance with clause 4.3.1 of the Committee's Terms of Reference and to delegate to the Chief Executive Officer to make any formatting, nomenclature, or other minor changes to the draft Submission prior to its lodgement.*
3. *To note that the final Inquiry Brief Submission will be incorporated into correspondence from the Adelaide Hills Council Mayor to the Boundaries Commission Chair for the purposes of lodgement.*

**8. MOTIONS WITHOUT NOTICE**

**9. QUESTIONS WITHOUT NOTICE**

**10. CONFIDENTIAL ITEMS**

Nil

**11. NEXT MEETING**

The next Boundary Change Committee meeting will be a Special Meeting called in accordance with the provisions of s87 of the *Local Government Act 1999*.

**12. CLOSE MEETING**

**ADELAIDE HILLS COUNCIL**  
**BOUNDARY CHANGE COMMITTEE MEETING**  
**Thursday 25 August 2022**  
**AGENDA BUSINESS ITEM**

**Item:** 7.1

**Responsible Officer:** Lachlan Miller  
Executive Manager Governance & Performance  
Office of the Chief Executive

**Subject:** Boundaries Commission Inquiry Submission

**For:** Decision/Information

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**SUMMARY**

The Campbelltown City Council (the 'CCC') boundary change proposal (the 'Proposal') regarding the suburbs of Woodforde and Rostrevor has been in progress since CCC lodged its Stage 1 Submission with the Local Government Boundaries Commission (the 'Commission') on 22 January 2019.

On 30 July 2022, the AHC Mayor received email correspondence from the Commission's Chair that, amongst other matters, the Commission had '...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*'.

The Commission's correspondence contained an overview of the matters that should be inquired into (the 'Inquiry Brief'). The Commission invites AHC's comment on the Inquiry Brief and the appointment of investigators by 29 August 2022.

The purpose of this report is to provide the Boundaries Commission's 30 July 2022 correspondence to the Boundary Change Committee (the 'Committee') and to propose an Inquiry Brief Submission (the 'Submission') to the Commission regarding the matters to be considered in the investigation (inquiry) and other associated commentary.

Given the tight response timeframe, it is further proposed that the Committee utilises the provisions of clause 4.3.1 of the Committee's Terms of Reference to enable the submission to be provided directly to the Commission by 29 August 2022.

**RECOMMENDATION**

**The Boundary Change Committee resolves:**

- 1. That the report be received and noted**
- 2. To approve the draft Inquiry Brief Submission, as contained in Appendix 4, for lodgement with the Commission in accordance with clause 4.3.1 of the Committee's Terms of Reference and to delegate to the Chief Executive Officer to make any formatting, nomenclature, or other minor changes to the draft Submission prior to its lodgement.**

3. To note that the final Inquiry Brief Submission will be incorporated into correspondence from the Adelaide Hills Council Mayor to the Boundaries Commission Chair for the purposes of lodgement.
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## 1. BACKGROUND

### Boundary Commission Inquiry Determination

On 30 July 2022, the AHC Mayor received correspondence from the Commission's Chair (**Appendix 1**) advising the following key matters:

- That the Commission had considered CCC's Proposal and had '...formed the view that the Proposal meets the requirements of Guideline 3 and the principles contained under section 26 of the Act'.
- On that basis the Commission had '...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.*'
- A cost estimate for the conduct of the Inquiry will be prepared and provided to CCC for consideration following the 2022 Local Government Election. The Inquiry will only proceed if the 'new' CCC provides a clear direction to do so including agreeing to fund the Inquiry as per the cost estimate.
- The Commission had prepared an overview of the matters that should be inquired into (the 'Inquiry Plan'), see **Appendix 2**. The Commission invites AHC's comment on the document by 29 August 2022.
- Other matters contained within the 30 July 2022 correspondence include:
  - An invitation to make any comments on the appointment of investigators to conduct the inquiry; and
  - A request to nominate a staff member in AHC who can act as the primary contact person for the Commission while considering the Proposal.

### AHC Boundary Change Committee

On 26 July 2022, Council resolved (179/22) to create a Boundary Change Committee (the 'Committee') under s41 of the *Local Government Act 1999* upon the 'trigger' event of the Boundaries Commission determining to inquire into the Proposal.

Upon the 'trigger' occurring and consistent with the provisions of Resolution 179/22, a Special Council Meeting was held on 9 August 2022 to consider a draft Terms of Reference (TOR) and the membership for the Committee.

At the 9 August 2022 meeting, Council resolved to adopt the proposed TOR (**Appendix 3**) and appointed the following membership until the November 2022 Local Government election:

- Deputy Mayor Nathan Daniell (Presiding Member)
- Cr Ian Bailey
- Cr John Kemp
- Cr Mark Osterstock
- Cr Kirsty Parkin

## 2. ANALYSIS

### ➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

#### *Strategic Plan 2020-24 – A brighter future*

Goal 5 A Progressive ORGANISATION

Objective O4 We actively represent our community

Priority O4.3 Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region

Priority O4.4 Explore council boundary reform options that best serve the community.

Objective O5 We are accountable, informed, and make decisions in the best interests of the whole community

Priority O5.1 Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

### ➤ Legal Implications

Council boundary reform provisions are contained within Chapter 3 - Constitution of councils, Part 2 – Reform proposals of the Local Government Act 1999 (the “Act”). The current iteration of these provisions came into effect on 1 January 2019.

Clause 4.3.1 of the Committee TOR provides (in part):

4.3 Where information is required to be provided to the Boundaries Commission or an associated party in a timeframe that does not reasonably allow:

4.3.1 the Committee to make a recommendation to Council, the Committee has the delegation to approve the provision of the requested information directly to the requesting party. A report will be provided to the next meeting of Council on the exercise of this delegation; or

### ➤ Risk Management Implications

Utilising opportunities to ensure that the CCC proposal is rigorously and prudently investigated will assist in mitigating the risk of:

*Realignment of Council boundaries (whether acquisition or relinquishment) leading to financial, resource allocation, social and representation changes*

Inherent Risk	Residual Risk	Target Risk
High (2B)	Medium (3C)	Medium

➤ **Financial and Resource Implications**

The resource implications associated with developing the Submission resulted in the deferral of planned works for the implementation of the Strategic Internal Audit Plan and the development of the Business Continuity Plan and impacted the timely provision of governance advice to Council Members. The further resource implications associated with finalisation and lodgement of the Submission is considered to be minimal.

There are no direct financial implications associated with the lodgement of the Submission.

To be clear and, as distinct from the above, the potential outcomes of the boundary reform proposal could have significant financial and resource implications.

➤ **Customer Service and Community/Cultural Implications**

It is anticipated that there is a high level of expectation from Council's customers (i.e. residents and ratepayers) that Council is fulsome and proactive in its interactions with the Boundaries Commission regarding the Proposal.

To be clear and, as distinct from the above, the potential outcomes of the boundary reform proposal could have significant community implications.

➤ **Sustainability Implications**

There are no direct sustainability implications associated with the development and lodgement of the Submission.

To be clear and, as distinct from the above, the potential outcomes of the boundary reform proposal could have significant sustainability implications.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* Council has had many workshops on the matter of the CCC Boundary Reform proposal but has not specifically workshopped the Inquiry Brief and Submission.

Some Council Members provided input into the development of the Submission.

*Advisory Groups:* Not Applicable

*External Agencies:* Not Applicable

*Community:* Some members of the affected community, via the Morialta Residents Association, have raised issues that have been incorporated into the Submission.

➤ **Additional Analysis**

As identified in the Legal Implications section, the Committee has the delegation in its TOR (clause 4.3.1) to allow for the provision of information directly to a requesting party (i.e. the Boundaries Commission) where timeframes do not allow for the standard practice of recommendations to the Council. Given the requirement for the Submission to be lodged by 29 August 2022, it is proposed that that Committee exercise its delegation under clause 4.3.1.

Consistent with the established protocol of correspondence between the Commission's Chair and Council's Mayor, it is further proposed that the final Submission will be incorporated into correspondence between the parties.

Whilst the content of the proposed correspondence is yet to be finalised, it is anticipated that it will cover the following topics:

- An expression of considerable concern in the Commission's determination to allow the Proposal's progression to an Inquiry;
- A reiteration of AHC's commitment to representing the views of the affected residents as evidenced in the two surveys undertaken;
- The Inquiry Brief Submission;
- Commentary on the required knowledge, skills and experience of investigators to adequately and appropriately undertake the Inquiry;
- The nomination of a staff member to liaise with the Commission in relation to the Inquiry; and
- An expression of hope that the incoming CCC ceases the Proposal.

The correspondence will be provided to the next Ordinary meeting of Council along with the formal notification of the exercising of the clause 4.3.1 delegation.

**3. OPTIONS**

The Committee has the following options:

- I. To approve the draft Inquiry Brief Submission, with or without amendment, for lodgement. (Recommended).
- II. To determine not to lodge an Inquiry Brief Submission to the Commission (Not Recommended).

**4. APPENDICES**

- (1) South Australian Boundaries Commission correspondence – 29 July 2022 – *Campbelltown City Council Stage 2 Boundary Change General Proposal*
- (2) South Australian Boundaries Commission correspondence – 29 July 2022 – *Campbelltown City Council General Proposal – Outline of matters to be investigated*
- (3) *Boundary Change Committee - Terms of Reference (adopted 9 August 2022)*
- (4) *Draft Inquiry Brief Submission – August 2022*



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# **Appendix 1**

*South Australian Boundaries Commission  
correspondence – 29 July 2022 –  
Campbelltown City Council Stage 2 Boundary  
Change General Proposal*

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29 July 2022

Mayor Jan-Claire Wisdom  
Adelaide Hills Council  
PO Box 44 WOODSIDE SA 5244

By email: [jcwisdom@ahc.sa.gov.au](mailto:jcwisdom@ahc.sa.gov.au)

Dear Mayor Wisdom

### **Campbelltown City Council 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 Campbelltown City Council. The Proposal relates to a boundary change between the Campbelltown City Council and the Adelaide Hills council in the areas of Rostrevor and Woodforde.

At its meetings on 18 May 2022 and 20 July 2022, the Commission considered the Campbelltown City Council's Proposal. Your correspondence of 15 July 2022 was noted by the Commission.

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 – Submitting a Proposal to the Commission* 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 this Proposal can only be made once the Commission has conducted and considered the findings of an inquiry.

Section 31(1)(b) of the Act enables the Commission to appoint one 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.

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.

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 **29 August 2022**.

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 before formally appointing investigators, you may also wish make comments on these appointments at this stage.

In accordance with *Guideline 8 - Costs*, the Commission's next step will be to obtain a cost estimate for the inquiry. It is anticipated that this will be provided to the Campbelltown City Council for its consideration following the conclusion of the 2022 periodic local government elections. As you may be aware, the inquiry will only proceed if the Campbelltown City Council provides a clear direction to do so, when it has considered this cost estimate.

I also note that, if the inquiry proceeds, 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 affected councils and their communities to ensure that the Commission is fully 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 the Adelaide Hills Council may wish to keep your community informed about the Proposal 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.

This will provide an opportunity for your Council to provide submissions to the Commission that may include the matters the Council has raised in previous correspondence to date.

As part of any inquiry, the Commission or the investigator(s) may request additional information from your Council in accordance with section 32A(1) of the Act and Guideline 4. This will allow the Commission to obtain the information it believes relevant to assist in undertaking 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.dit.sa.gov.au/local-government/boundaries-commission](http://www.dit.sa.gov.au/local-government/boundaries-commission).

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](mailto:boundaries.commission@sa.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rob Donaldson', with a stylized flourish at the end.

Rob Donaldson

**CHAIR**

**SOUTH AUSTRALIAN LOCAL GOVERNMENT BOUNDARIES COMMISSION**

Attachment: Outline of matters to be investigated – Campbelltown City Council Boundary Change General Proposal Inquiry Plan

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## **Appendix 2**

*South Australian Boundaries Commission  
correspondence – 29 July 2022 –  
Campbelltown City Council General Proposal –  
Outline of matters to be investigated*

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**South Australian Local Government Boundaries Commission**  
**Campbelltown City Council 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 areas into consideration to ensure that the affected councils and communities are provided with the opportunity to make their views known on all relevant matters.

The matters detailed below will be fully investigated in relation to the affected councils. The role and performance of similar (but not affected) councils may be included or referenced in the inquiry, so far as it informs the Commission's recommendations to the Minister for Local Government.

**1. Financial Matters**

Item number	Requirement	Reference in the Local Government 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.</li><li>• Future financial impacts (short and long-term) on all affected councils' operating budgets if a boundary change was implemented.</li><li>• Analysis of estimated total revenue against estimated total expenditure for affected councils.</li></ul>

Item number	Requirement	Reference in the Local Government Act/ Guideline	Matters that the investigation must cover
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 and those in the care, control and management of each affected council.</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 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 in the context of each council's Long-term Financial Plan.</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, 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 services (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>

Item number	Requirement	Reference in the Local Government Act/ Guideline	Matters that the investigation must cover
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	Matters that the investigation must cover
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 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– e.g. open space, stormwater, 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 how the affected councils could facilitate effective and sustainable planning, development and protection of the environment if a boundary change was implemented, having particular regard to the Adelaide Hills Face Zone management.</li> <li>Consider the impact of any existing land management agreements.</li> </ul>



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

Item number	Matter	Reference in the Act/ Guideline	Matters that the investigation must cover
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	Matters that the investigation must cover
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 or reviews relating to the affected councils, and whether these have any impact or relevance to potential change arising from this Proposal.</li><li>• Consider the most recent representation review completed for each council.</li></ul>

## **5. Community and Services**

Item number	Matter	Reference in the Act/ Guideline	Matters that the investigation must cover
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 *Local Government Act 1999* (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) of the Act 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 in relation to the Campbelltown City Council'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) of the Act.

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## **Appendix 3**

*Boundary Change Committee - Terms of Reference  
(adopted 9 August 2022)*

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# **ADELAIDE HILLS COUNCIL**

## **Boundary Change Committee**



### **TERMS OF REFERENCE**

#### **1. ESTABLISHMENT**

- 1.1 The Boundary Change Committee (the 'Committee') of Council is established under Section 41 of the *Local Government Act 1999* (the 'Act').
- 1.2 The Committee does not have executive powers or authority to implement actions in areas which management has responsibility.
- 1.3 The Committee and its Members do not have any delegations except as provided for in this Terms of Reference.

#### **2. ROLE**

- 2.1 The role of the Committee is to assist Council to fulfil its role and functions by providing advice regarding the operation and implications of Chapter 3 – Constitution of councils, Part 2 – Reform proposals of the Act associated with the Campbelltown City Council Woodforde/Rostrevor boundary change proposal.

#### **3. SPECIFIC FUNCTIONS**

- 3.1 Within the context of the role of the Committee, its specific functions are:
  - 3.1.1 To review and provide advice to Council regarding any correspondence or reports produced by the South Australian Boundaries Commission (the 'Boundaries Commission');
  - 3.1.2 To oversee and provide advice to Council on:
    - 3.1.2.1 the development of submissions to the Boundaries Commission or its associated parties; and
    - 3.1.2.2 the development of communications strategies to the affected residents and ratepayers.
  - 3.1.3 To seek legal and/or other professional advice to enable the Committee to discharge its role and functions within the limits of its applicable financial delegation.

#### **4. OTHER MATTERS**

- 4.1 The Committee shall:
  - 4.1.1 Have access to reasonable resources in order to carry out its duties, recognising the constraints within Council's Budget.
  - 4.1.2 Be provided with appropriate and timely training, both in the form of an induction programme for new committee members and on an ongoing basis for all committee members.

- 4.1.3 Have delegated financial responsibility as resolved by Council in Resolution 179/22 and any subsequent resolutions. Any procurement activity resulting from the Committee's use of its delegation will be undertaken by the Administration. For clarity, individual Committee Members do not have any authority to commit Council funds.
- 4.1.4 At least once in each full term, review its own performance and these Terms of Reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.
- 4.1.5 Upon being provided notification by the Boundaries Commission and/or the Minister for Local Government that the Campbelltown City Council Woodforde/Rostrevor boundary change proposal has either been withdrawn or will not be proceeding in a timely manner, the Committee will provide advice to the Council on the continuance of the Committee.
- 4.2 The Principal Member of Council will be the principal spokesperson for the Committee and for all matters associated with the Campbelltown City Council Woodforde /Rostrevor boundary change proposal. Consistent with clause 4.1 of the *Council Member Conduct Policy*, the Principal Member may delegate this role to another Council Member or Officer on agreed terms.
- 4.3 Where information is required to be provided to the Boundaries Commission or an associated party in a timeframe that does not reasonably allow:
  - 4.3.1 the Committee to make a recommendation to Council, the Committee has the delegation to approve the provision of the requested information directly to the requesting party. A report will be provided to the next meeting of Council on the exercise of this delegation; or
  - 4.3.2 the Committee to meet to consider the requested information, the Committee Presiding Member has the delegation, following consultation with the Mayor (or the Deputy Mayor if the Mayor is the Presiding Member) and CEO, to approve the provision of the requested information directly to the requesting party. A report will be provided to the next meeting of the Committee on the exercise of this delegation.

## **5. MEMBERSHIP**

- 5.1 The Committee will comprise five (5) members as follows:
  - 5.1.1 The Deputy Mayor of the Council; and
  - 5.1.2 Four (4) Council Members.
- 5.2 All members of the Committee will be appointed by the Council for a period of three (3) years but will expire at each periodic local government election.
- 5.3 It is desirable for the Council Members to be appointed to the Committee to have a sound understanding of provisions of Chapter 3, Part 2 of the Act and the Campbelltown City Council Woodforde/Rostrevor boundary change proposal.
- 5.4 In considering appointments to the Committee, Council should give consideration to the diversity of the membership.

5.5 Members of the Committee are eligible for reappointment at the expiration of their term of office.

5.6 The Committee may be assisted by independent advisors that the Committee may determine from time to time.

## **6. PRESIDING MEMBER**

6.1 The Council will appoint the Presiding Member of the Committee.

6.2 The Council authorises the Committee to determine if there will be a Deputy Presiding Member of the Committee and, if so, authorises the Committee to make the appointment to that position for a term determined by the Committee.

6.3 If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting. If there is no position of Deputy Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Committee are absent from a meeting of the Committee, then a member of the Committee chosen from those present will preside at the meeting until the Presiding Member (or Deputy Presiding Member, if relevant) is present.

6.4 The role of the Presiding Member includes:

6.4.1 overseeing and facilitating the conduct of meetings in accordance with the Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations); and

6.4.2 Ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner.

## **7. SITTING FEES**

7.1 No additional allowance will be paid to the Members of the Committee over and above the allowance already received by Council Members in accordance with the determination of the Remuneration Tribunal.

## **8. REPORTING RESPONSIBILITIES**

8.1 For the purposes of Section 41(8) of the Act, the Committee's reporting and accountability requirements are:

8.1.1 Minutes of a meeting of the Panel will be provided to all Committee members as soon as practicable after the meeting and, in accordance with the Act, to all Council members within five (5) days after the meeting. Minutes shall be presented to Council at the next Ordinary Council Meeting.

8.1.2 All resolutions of the Committee, including recording the names of those present will be minuted and the minutes will otherwise comply with the requirements of the Regulations.

8.1.3 Agendas and Reports of the Committee forwarded to the Committee will also be forwarded to Council members for their information prior to the Committee meeting, having regard for any confidentiality provisions that may apply.

- 8.1.4 The minutes of each Committee meeting will be included in the agenda papers of the next ordinary meeting of the Council;
- 8.1.5 Agenda, Reports and Minutes will be made available to the public consistent with legislative requirements.
- 8.1.6 The Presiding Member will attend a meeting of the Council at least once per annum to present a report on the activities of the Committee;
- 8.1.7 The Committee shall make whatever recommendations to the Council it deems appropriate on any area within these terms of reference where in its view action or improvement is needed; and
- 8.1.8 The Presiding Member may attend a Council meeting at any time that the Presiding Member sees fit to discuss any issue or concern relating to the Committee's functions. Depending on the nature of the matter, this may be held in confidence in accordance with Section 90 of the Act and staff may be requested to withdraw from the meeting.
- 8.1.9 The Committee shall report to Council on an as-needs basis or upon Council's request with a summary of its activities.

## **9. CONFLICTS OF INTEREST**

Where a member of the committee has a conflict of interest in a matter before the Committee, the member must act in accordance with the requirements of section 73 and 75 of the *Local Government Act 1999*.

## **10. QUORUM**

A quorum for a meeting of the Committee will be three (3) members. No business can be transacted at a meeting of the Committee unless a quorum is present.

## **11. MEETING PROCEDURE**

- 11.1 The meeting procedure for the Committee is as set out in the Act, Parts 1, 3 and 4 of the Regulations. Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.
- 11.2 In accordance with Section 90(7a) of the Act, one or more Committee members may participate in the meeting by telephone or other electronic means provided that members of the public can hear the discussion between all Committee members.
- 11.3 Only members of the Committee are entitled to vote in Committee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Committee for decision.
- 11.4 All decisions of the Committee shall be made on the basis of a majority decision of the Members present and in the event of a tied vote the matter be referred to the Council for decision.
- 11.5 Council Employees may attend any meeting as observers, to provide advice and/or be responsible for preparing papers for the Committee.



11.6 The Committee can request and/or engage other persons or organisations to make presentations and/or provide advice and/or respond to questions.

11.7 The Committee does not enjoy the delegation of any powers, functions and duties of the Council. All decisions of the Committee will, therefore, constitute recommendations to the Council.

## **12. SECRETARIAL RESOURCES**

12.1 The Chief Executive Officer shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.

## **13. FREQUENCY OF MEETINGS**

13.1 The Committee shall meet at least four times a year at appropriate times and places as determined by the Committee. A special meeting of the Committee may be called in accordance with the Act.

13.2 If after considering advice from the CEO or delegate, the Presiding Member of the Committee is authorised to cancel the respective Committee meeting, if it is clear that there is no business to transact for that designated meeting.

## **14. NOTICE OF MEETINGS**

14.1 Notice of the meetings of the Committee will be given in accordance with Sections 87 and 88 of the Act. Accordingly, notice will be given:

14.1.1 To members of the Committee by email or as otherwise agreed by Committee members; and

14.1.2 To the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's principle office and on the Council's website.

## **14.2 PUBLIC ACCESS TO MEETINGS & DOCUMENTS**

14.3 Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.

14.4 Members of the public have access to all documents relating to the Committee unless prohibited by resolution of the Committee under the confidentiality provisions of Section 91 of the Act.

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## **Appendix 4**

*Draft Inquiry Brief Submission – August 2022*

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29 August 2022

Mr Rob Donaldson  
Chair  
South Australian Local Government Boundaries Commission  
GPO Box 2329  
ADELAIDE SA 5001  
E: [boundaries.commission@sa.gov.au](mailto:boundaries.commission@sa.gov.au)

Dear Mr Donaldson

**Campbelltown City Council – Stage 2 Boundary Change General Proposal – Proposed Investigation Matters**

I refer to your correspondence dated 29 July 2022 (received 30 July 2022) advising that the Boundaries Commission has determined that an inquiry into the Campbelltown City Council (CCC) General Proposal may progress in accordance with Section 31 of the *Local Government Act 1999* (the 'Act') and *Guideline 4 – Investigations of General Proposal initiated by Councils* (the 'Guideline 4').

While the Adelaide Hills Council ('AHC') is familiar with the provisions of the boundary change legislation, it is with some considerable concern to recognise that, notwithstanding that CCC's proposal has been in train for over 3.5 years, and with three opportunities to put their case, this is the first time that AHC has been formally invited to provide comment on the process.

As you could reasonably anticipate, your advice was met with deep disappointment from the AHC and residents of the affected area. The decision appears to set a concerning precedent within the sector that a predatory council can undertake a poorly conceived, , and protracted boundary change process and yet still be entertained into the Inquiry stage of the process thereby perpetuating the uncertainty and angst experienced by the affected residents.

Upon reading your advice I turned to s 29(3) of the Act, which sets out the grounds upon which the Commission may refuse to inquire into a proposal. Of particular relevance is s29(3)(b) which states that the Commission can refuse to inquire into a proposal if it considers that it is not in the public interest to inquire into the proposal.

Information provided by CCC in their April 2022 Proposal Submission and by AHC on a number of occasions has identified that two community surveys have been undertaken (one by each council) and on both occasions an overwhelming majority of respondents indicated that they were not in favour of the proposal. It leaves both my Council and the affected residents puzzled as to how the Commission has weighed the public interest under subsection (3)(b) when there is core evidence to strongly suggest that an inquiry is not in the affected communities' interest.

Your correspondence of 29 July 2022 also provides information on the inquiry process including the draft *Outline of Matters to be Investigated* (the 'Inquiry Plan'). I would like to thank you for providing the Inquiry Plan and affording AHC the opportunity to make comments in relation to its contents.

However, prior to contemplating the individual matters that are in the Inquiry Plan and providing suggestions for refinements, along with comments on the appointments of suitable investigators, Council wishes to highlight two fundamental omissions, in the Inquiry Plan.

Section 31 (2)(b) of the Act requires an inquiry into a general proposal (in addition to the principles set out in s26) to consider the following:

- (ii) the extent of support the general proposal (in particular) and boundary reform in the area (in a general sense) within the community affected by the general proposal; and
- (iii) the extent of support for the general proposal of any council affected by the general proposal;

The Inquiry Plan does not contemplate in any manner how the above two subsections will be investigated. This is extremely concerning particularly given the apparent lack of attention given to the results of the two aforementioned surveys which have both concluded an absolute majority of respondents are not in favour of the Proposal.

In addition to the above, Council's feedback in relation to the individual items in the Inquiry Plan is at **Appendix A**.

Given the points identified by Council we believe that the Inquiry Plan will require significant augmentation to address this deficiency and we would appreciate being provided with the revised Plan prior to its adoption.

Council also has a deep interest in the knowledge, skills and experience of the investigators to be appointed to conduct the investigation as we believe that this is a complex undertaking and a broad range of specialist skills will be required. As such, we look forward to the Commission's further consultation on the proposed investigators prior to their appointment.

Your correspondence advises that the Commission will be preparing an Engagement and Communications Plan (the 'Engagement Plan'). The AHC has considerable expertise in relation to these fields as evidenced by our interactions with the residents affected by the Proposal. Our actions stand in stark contrast to the efforts of CCC in this matter. Again, we look forward to being consulted on the contents of the draft Engagement Plan prior to its approval.

You have asked for Council to nominate a staff member who can act as the primary contact person for the Commission and I am pleased to nominate Mr Lachlan Miller, Executive Manager Governance and Performance. He can be contacted on 8408 0400 or [lmiller@ahc.sa.gov.au](mailto:lmiller@ahc.sa.gov.au).

Notwithstanding Council's concern that this Proposal has progressed to the Inquiry stage and the specific matters identified in Council's feedback associated with the draft Inquiry Plan, I would like to again thank the Commission for the opportunity to provide formal feedback. The AHC continues to hope that the incoming Campbelltown City Council will demonstrate prudence and respect by ceasing this process.

Yours sincerely

**Dr Jan-Claire Wisdom**  
**Mayor**

## APPENDIX A – AHC Response to the draft Inquiry Plan

In relation to each of the sections contained in the Inquiry Plan, Council has the following feedback:

<b>Section1 – Financial Implications</b>	
<i>Items 1 - 7</i>	<p>The matters listed appear to be comprehensive and consistent with the Act and Guidelines.</p> <p>In terms of an appropriate investigator(s) to undertake this element of the inquiry in accordance with s31(2)(a), considerable acumen will be required in local government strategic and operational financial management, asset management and service provision across the broad portfolio of council services.</p>
<b>Section 2- Land Use and Planning Matters</b>	
<i>1 – Potential conflicts that may arise from existing patterns of land use if the proposal was implemented</i>	<p>While the matters listed appear to be comprehensive and consistent with the Act and Guidelines, additional matters to be considered should include:</p> <ul style="list-style-type: none"><li>• Identify the applicable CFS bushfire regions and the implications of the boundary change on these regions.</li><li>• Review the By-laws of each council and the implications of the differing provisions to the affected residents.</li><li>• Assess the disaster preparedness, response and recovery arrangements of each council in terms of their ability to adequately respond to emergency events susceptible in the affected area.</li><li>• Assess the biodiversity and environmental management requirements of the affected area and each councils' level of expertise.</li></ul> <p>In terms of an appropriate investigator(s) to undertake this element of the inquiry in accordance with s31(2)(a), considerable acumen will be required in local government infrastructure and asset management, strategic planning policy, development assessment, regulatory services, biodiversity and conservation, property management and emergency management.</p>

<b>Section 3 - Council Employee Matters</b>	
<i>1 – The impact on the various rights and interests of any council employees affected by the general proposal</i>	<p>Note: the reference to s31(3)(b)(v) is incorrect as it should be (iv), also Guideline 4 should be included.</p> <p>The matters listed appear to be comprehensive and consistent with the Act and Guidelines.</p>
<i>2 - Implications for council employees, including any proposed transfer of staff and conditions of employment</i>	<p>In terms of an appropriate investigator(s) to undertake this element of the inquiry in accordance with s31(2)(a), considerable acumen in the interpretation of the applicable Awards and corresponding enterprise agreements for each of the councils and in industrial relations more generally will be required.</p>
<b>Section 4 - Representation Matters</b>	
<i>1 - Impact on internal structure and representation of councils and how this will be dealt within the short and longer term</i>	<p>While the matters listed appear to be comprehensive and consistent with the Act and Guidelines, additional matters to be considered should include:</p> <ul style="list-style-type: none"> <li>• Consider the current and proposed federal and state electorate boundaries impacted by the proposal.</li> </ul> <p>In terms of an appropriate investigator(s) to undertake this element of the inquiry in accordance with s31(2)(a), considerable acumen will be required in relation to federal, state and local government electoral legislation.</p>
<b>Section 5 – Community and Services</b>	
<i>1 – Community of interest</i>	<p>Section 26(1)(c) is very specific that the Commission should have regard to a series of principles when making recommendations for the purpose of Chapter 3.</p> <p>The matters to be investigated, while addressing economic communities of interest, do not adequately recognise the provisions of subsection (1)(c)(vii) with respect to recreational, social, regional, or any other kind, of communities of interest. These communities of interest are fundamental to the person’s sense of place and belonging. Further, there does not appear to be sufficient recognition of the balance of subsection (3)(c)(vii) with respect to how the aforementioned communities of interest contribute to the ‘community structures, values, expectations and aspirations.’</p> <p>In terms of an appropriate investigator(s) to undertake this element of the inquiry in accordance with s31(2)(a), considerable acumen will be required in relation to social and cultural anthropology and sociology.</p>

## APPENDIX A – AHC Response to the draft Inquiry Plan

<i>2 - Ability of communities to access council services and relevant communication issues between councils and communities</i>	<p>While the matters listed appear to be comprehensive and consistent with the Act and Guidelines, additional matters to be considered should include:</p> <ul style="list-style-type: none"><li>• Resident accessibility to geographically (or regionally) based federal and state government funded support services (often provided through councils, e.g. HomeAssist).</li></ul> <p>In addition to the required skill sets required under s31 (2)(a), investigation of this matter will also require considerable acumen in local government community need's assessment, service design, implementation and evaluation.</p>
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