

Guidelines

May 2003



Public initiated submission for alteration to the external boundary of a Council

Local Government
Act 1999
Chapter 3, s.28 (4)(c)
and s.28 (9)(c)

Introduction

These guidelines have been issued by the Boundary Adjustment Facilitation Panel to assist community members wishing to prepare a public initiated submission to alter the external boundary of a council under section 28 of the Local Government Act 1999 ("the Act"). The guidelines explain the steps and the information needed to prepare an appropriate submission for consideration by a council and the Panel. You should also read the information sheet entitled General Information - Public initiated submission which outlines related matters involved with the preparation of a submission.

A submission **must** comply with the relevant provisions of the Act (which are referred to in this document, for example [section 28(3)]), and the guidelines. Advisory notes dealing with specific matters are provided to assist you in the preparation of a submission to ensure that the process is smooth as possible.

A submission may be made at any time, except within the two year period following the formation of a new council, (including through amalgamation), or in the same period following a change to a council's external boundaries as a result of a structural reform proposal made under the Act [section 28(3)].

Advisory Note:

You may wish to consider the timing of the making of your submission not to coincide with major local government events. For example, in the period leading up to the closure of the voters' rolls for a periodic council election (held in May every 3 years) and until after the election is completed.

How may boundaries be altered under section 28 of the Act

A public initiated submission may be made to alter the external boundaries of two or more councils [section 28(2)(a)] (for example, part of a council area [referred to in the guidelines as "the relinquishing council"] is removed and added to an adjoining council ["the receiving council"]), or to include an area of the State not within a council into the area of a council [section 28(2)(c)]. In the guidelines the area subject to change is called "the affected area".

Who can make a public initiated submission?

A public initiated submission can be made by a group of at least **twenty eligible electors** who are:

- in the case of a proposal to alter the boundaries of two or more councils: electors whose place of residence or rateable property is either within the area of the receiving council, or the affected area [section 28(1)(a)], or
- in the case of a proposal to include an area of the State not within a council area: a person, body corporate or group who or which would, if the proposal were to proceed, be an elector whose place of residence or rateable property would be in the incorporated council area [section 28(1)(c)].

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An **elector** is a person, body corporate or group of persons enrolled on the voters roll for a council [section 4 of the Local Government (Elections) Act 1999].

Advisory note:

Before lodging your submission you should contact the council to verify the eligibility of each elector making the submission.

Each eligible elector **must** complete and sign the declaration form accompanying these guidelines. The form may be photocopied but the details displayed at the top of the page must be completed for every copy.

Advisory note:

It is not necessary for more than 20 eligible electors to make the submission. However in some instances the proposed submission may have widespread support across the community. In those instances, you may wish to include some evidence in the submission that indicates the level of support for the proposal. For example, a petition or letter of support that were available for signing.

Nomination of Five Persons

A submission must nominate five persons who are willing to represent the interests of persons who would be directly affected by any proposal contained in the submission [section 28(4)(b)]. The submission should state the names, addresses, contact details, and if considered necessary, the capacity of each nominee. The names of the nominees should also be stated at the top of the declaration form.

Guidelines on the content of the submission

The following matters represent the guidelines as to what must be contained in a submission:

Outline of submission

Provide a brief explanation of the submission (generally this should not exceed one page in length). For example, "It is proposed that the area known as Jones Park West bounded by A, B, and C Roads be severed from the area of council X and be included in council Y". A suitable map or maps should be provided to clearly identify the affected area.

Basic Community Profile

Provide a brief commentary on the basic community profile of both the relinquishing council and the receiving council, and the affected area, covering such matters as:

- the size of population
- predominant land uses, for example residential, commercial, retail, industrial, rural
- identification of any major commercial/retail centres, industries and similar like businesses
- identification of major employers or community organisations
- any areas of social, cultural or environmental significance, for example community centres, recreation grounds, conservation parks
- any significant natural and man made features, for example main rivers and bridges, ranges of hills, arterial roads

Advisory Note:

The purpose of this section is to provide a general snapshot of both council areas, the affected area and the community. Information may be freely obtained from a number of sources to assist in the development of the profile. For example, the council's Development Plan, the public library, and street and local business directories. It is desirable that you indicate in the submission the source of your information.

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Current composition and structure of the relinquishing and receiving councils

Provide information on the current composition and representative structure of the relinquishing and receiving councils such as:

- whether the council has an elected mayor, or a chairperson chosen from amongst all the elected members
- the name of the wards, and the number and name of the elected members who currently represent each ward, if applicable
- the total number and the names of each elected member if there are no wards
- the composition and representative structure of the affected area
- details of any changes to the external boundaries of the relinquishing or the receiving councils within the previous three years

Specific details of the submission

Set out in detail what the submission wishes to achieve. You should focus on issues such as the way in which the proposed structural changes will provide improved delivery of services to the community, reflect communities of interest of an economic, social or regional kind, or overcome current dislocations within the community.

Advisory note:

Section 26 of the Act outlines the principles that the Panel should consider when arriving at recommendations for structural reform proposals. In assessing a submission for structural change, the Panel should give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a regional perspective.

While it is not expected that a public initiated submission will respond to each of the points in section 26 in detail, it is desirable that, where relevant, they are considered when outlining the details of your submission.

Grounds for making the submission, and for assessment

A submission must set out in general terms the grounds on which the submission is made, and the issues that you think should be considered in an assessment of the change to the council's external boundary [section 28(4)(a)].

For example, matters you think should be considered in any assessment may include better and fairer representation, the prospects for improved service delivery and the extent of community support for the proposal.

You should also comment on any negative outcomes you have identified that may impact on the affected councils or the community if the proposal proceeds. For example, the loss of rate revenue, the cost of servicing additional residents and businesses, and the possible impact on ward quotas.

Your submission should provide a fair presentation of both the advantages and disadvantages of the submission.

Outcome of prior discussion with the councils

The Panel will expect eligible electors or their representatives to have engaged in discussions with the councils, and for all parties to have made genuine efforts to resolve any perceived dissatisfaction with the relinquishing council in such matters as service delivery, representation by elected members, etc; differences of opinion as to budget or other priorities, rating or consultation policies, and like matters.

Submissions should briefly list matters discussed with the council and on which of these outcomes acceptable to all parties had been achieved.

Submissions should also report on any remaining areas of serious conflict or disagreement.

Community consultation

If community consultation is conducted within the relinquishing and the receiving council areas in relation to the submission, provide evidence of that consultation. You should specify any consultation methods and tools that were used to inform and consult the broad spectrum of the community about the matters addressed in the submission.

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Advisory note:

To provide evidence of community consultation your submission could include copies of newspaper articles, newsletters and/or leaflets distributed by the residents or the council together with the number of copies distributed plus dates and areas covered. Any details of letters to the editor and public notices in newspapers - reflecting arguments both in favour of and opposing the proposal - could also be included.

Evidence should be given about any public meetings held on the proposal, with details of approximate numbers of attendees, the views expressed, any motions passed, and other information of this kind.

Identify any concerns raised during the consultation process. Comment on the amount of support and opposition to the submission, and the basis for same.

Identification of organisations supporting the submission

Provide evidence of any resident, business, community or any other organisation or group that supports or opposes the submission. For each organisation or group, briefly describe the objects or purpose of the group, and the contact details of the secretary or other public officer to whom the council or the Panel may direct questions or correspondence.

Where to send your submission

Three copies of your submission [one copy in loose leaf format], should be sent addressed to the Chief Executive Officer of each affected council. Two copies of the submission [one copy in loose leaf format] should also be posted or delivered to the Executive Officer of the Panel, at the address shown on the front of these guidelines.

Advisory note:

Before you lodge your submission check to make sure it meets the following criteria and contains the following information:

- the submission has been made by at least twenty eligible electors
- five persons have been nominated to represent the interests of the persons affected by any proposal contained in the submission
- details of the eligible electors and the five nominated persons have been completed on each page of the declaration form
- a brief outline of what the submission proposes and a map showing the affected area
- the community profile covers the relinquishing and the receiving councils, and the affected area
- information on the current composition and structure of the relinquishing and receiving councils, and the affected area
- the submission sets out in detail what is to be achieved
- the submission sets out the grounds on which the submission is made, and the issues that should be considered in an assessment of the proposal.
- evidence of any discussion with the councils, the outcomes that are acceptable to all parties and any remaining areas of serious conflict or disagreement
- evidence of any community consultation
- evidence of any organisations or groups supporting or opposing the submission

Where can I obtain assistance to prepare the submission?

For further information and assistance contact the Panel's Executive Officer on 8204 8700.