



LOCAL GOVERNMENT CHANGE COMMISSION

REPORT ON A CHANGE TO THE EXTERNAL BOUNDARY OF THE AURUKUN SHIRE COUNCIL AND COOK SHIRE COUNCIL

JANUARY 2016



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REPORT ON A CHANGE TO THE EXTERNAL BOUNDARY OF THE AURUKUN SHIRE COUNCIL AND COOK SHIRE COUNCIL

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Electoral Commission Queensland
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Background

On the 4 May 2015, the Honourable Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade Jackie Trad MP, advised that the Department of Natural Resources and Mines had referred an anomaly between the Aurukun and Cook Shire Council's common boundary. Minister Trad in turn referred the application to consider the realignment of the common boundary between the Councils.

The application proposes a change to the common boundary between the local governments and involves the following lots—

- Lot 653 on Survey Plan SP178000, Holroyd River, Cook Shire Council; and
- Lot 211 on Survey Plan SP241404, Aurukun, Aurukun Shire Council.

Following a new survey of Lot 211 on Survey Plan SP241404 a portion of land (15 km²) will be transferred from the adjoining Lot 653 Survey Plan SP178000 to Lot 211, resulting in a portion of this lot being located in Cook Shire Council .

It is proposed that-

- Part of Lot 653 on Survey Plan SP178000 in Cook Shire Council that is now part of Lot 211 on Survey Plan SP241404;

be transferred to Aurukun Shire Council.

The Change Commission in this case is comprised of the Electoral Commissioner Mr Walter van der Merwe and a Casual Commissioner Mr Gregory Rowe, in accordance with Section 22 of the *Local Government Act 2009* (the Act). The Change Commission is responsible for assessing whether a proposed local government change is in the public interest. In doing so, the Change Commission must consider—

- whether the proposed local government change is consistent with the Act; and
- the views of the Minister about the proposed local government change; and
- any other matters prescribed under a regulation.

Section 19(3) of the Act provides that the Change Commission may conduct its assessment in any way that it considers appropriate including, for example—

- ask for submissions from any local government that would be affected by the proposed local government change; and
- hold a public hearing to ask the public for its views about the proposed local government change.

The Change Commission determined that a public hearing was unnecessary on this occasion.

Submissions

The Minister referred this matter to the Change Commission based on a submission received from the Department of Natural Resources and Mines. The Minister referred these matters expressing a view that the proposal was desirable (see Appendix A). The Council's submissions are included in Appendix B.

The Minister's referral also included information on a new survey that had been undertaken of Lot 211 and the reasons for the allocation of the portion of land from Lot 653 to Lot 211.

Both Council's are in support of the proposal to move the referred new part of Lot 211 into Aurukun Shire Council.

The Change Commission determined that it was unnecessary to call for further submissions on this occasion, as both the Council's were in support of the transfer.

Findings

After an assessment of the material submitted and having taken into account all considerations specified in the Act, it is recommended that—

- Part of Lot 653 (now part of Lot 211);

be moved from Cook Shire Council to Aurukun Shire Council.

The part of the lot is located in the locality of Holroyd River.

See Maps attached at Appendix C for details.

Reasons for Findings

The proposed boundary change is assessed as being consistent with the *Local Government Act 2009*.

The Change Commission supports the proposal to move the new part of the Lot 211 from Cook Shire Council to Aurukun Shire Council. This transfer is in the interests of the Councils and also for essential services, resulting in the entirety of the lots being included in the same locality and Council area. In doing so, this will help reduce the confusion caused when local government boundaries bisect lots.

The Change Commission's support for the referred changes to the lot has been made in the public interest.

Implementation

The Governor in Council may implement the Change Commission's recommendation under a regulation.

The regulation may provide for anything that is necessary or convenient to facilitate the implementation of the local government change.

Walter van der Merwe and Gregory Rowe
Local Government Change Commission

APPENDIX A

Minister's Referral



Hon Jackie Trad MP

Deputy Premier

Minister for Transport, Minister for Infrastructure,

Local Government and Planning and Minister for Trade

Our ref: MBN15/437

4 MAY 2015

Mr Walter van der Merwe
Electoral Commissioner
Electoral Commission Queensland
GPO Box 1393
BRISBANE QLD 4001

Dear Mr van der Merwe

I am writing to you in relation to correspondence I have received from the Department of Natural Resources and Mines (DNRM) dated 16 October 2014 advising of a boundary anomaly between Cook Shire Council (CSC) and Aurukun Shire Council (ASC). The anomaly was identified following a resurvey of Lot 211 on SP241404 which is located in ASC, and involves two parcels of land being Lot 653 on SP178000 and Lot 211 on SP241404.

DNRM advised the anomaly was identified following a re-survey of Lot 211 which identified a reference (in this case, a survey reference tree marked C153375) on the south-eastern corner of the Parish of Dunleath but did not identify a survey mark for the south-western corner for the Parish of Dunning. The highlighted parts of the enclosed survey plans detail the relevant area.

Accordingly, the new survey has removed the reference to the western corner and has just used the reference to the tree for the joint boundary for both parishes.

The result of this new survey of Lot 211 is that a portion of land (approximately 15 km²) from the adjoining Lot 653 in CSC will be transferred to Lot 211 in ASC. A change to the local government boundaries for both ASC and CSC is therefore desirable.

Both CSC and ASC have advised me that they support the proposal to change the local government boundaries involving the two parcels of land being Lot 653 on SP178000 and Lot 211 on SP241404.

Having considered the matter, I consider it appropriate under section 18 of the *Local Government Act 2009* to refer the proposal to you for independent assessment and determination by the Local Government Change Commission.

Level 12 Executive Building
100 George Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3719 7100
Email deputy.premier@ministerial.qld.gov.au

If you require any further information, I encourage you to contact Mr Max Barrie, Director, Program Implementation and Review in the Department on (07) 3452 6704 or max.barrie@dlgcr.qld.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Jackie Trad', written over a vertical line.

JACKIE TRAD MP
DEPUTY PREMIER
Minister for Transport, Minister for Infrastructure,
Local Government and Planning and Minister for Trade

Enc (1)



APPENDIX B

Council's Submissions



AURUKUN SHIRE COUNCIL

ABN 3233 849 0426
Email: council@aurukun.qld.gov.au

18th March 2015



Your reference DGBN15/37

Mr Stephen Johnston
Acting Director-General
Department of Infrastructure, Local Government and Planning
PO Box 15009
City East QLD 4002
Email: steve.johnson@dlgcr.qld.gov.au

Dear Mr Johnston

At its Ordinary meeting of 17th March 2015, Aurukun Shire Council passed the following resolution:

That Council agrees to

- 1) the possible referral to the Local Government Change Commission for determination of a boundary anomaly between Cook Shire Council and Aurukun Shire Council involving two parcels of land being Lot 653 on SP178000 and Lot 211 on SP241404, and
- 2) advise the Department of Infrastructure, Local Government and Planning accordingly.

Council is willing to provide any further information and looks forward to receiving a further response from you on this matter.

Yours faithfully

Bernie McCarthy
Chief Executive Officer

Aurukun Shire Council – growing respect, community and leaders!

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6770

Finance Office: 351 Sheridan Street, Cairns Qld

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CM 16-17-18 March 2015

Our Ref: MJE 2.501.34; 2.502.5; 2.650.34; 2.965.43; D15/3272

Your Ref: DGBN 15/37

18 March 2015

Acting Director-General

Department of Local Government, Community Recovery and Resilience

PO Box 15009

CITY EAST QLD 4002

Att. Max Barrie

Dear Sir,

**RE: BOUNDARY ANOMALY BETWEEN AURUKUN SHIRE COUNCIL
AND COOK SHIRE COUNCIL – LOT 211 ON SP241404 AND LOT 653
ON SP178000; PARISHES OF DUNLEATH AND DUNNING.**

I refer to your letter dated 6 February 2015 regarding the above.

Council considered the matter at its March 2015 meeting when it resolved to support the correction of the boundary anomaly of Lot 211 on SP2411404 and Lot 653 on SP178000 as depicted on attached plan SP241404, and a change to the local government boundaries of Aurukun Shire Council and Cook Shire Council.

Should you have any further enquiries with regard to this matter, please contact Leonie Dowding, Council's Land Tenure Officer on (07) 4082 0512.

Please quote Council's file reference number in any correspondence and/or enquiry.

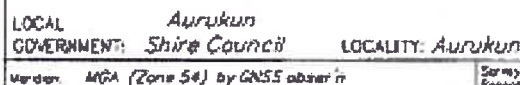
Regards

Bruce Davidson
Chief Executive Officer

Att.

Plan SP241404

Federal Supervisor Date



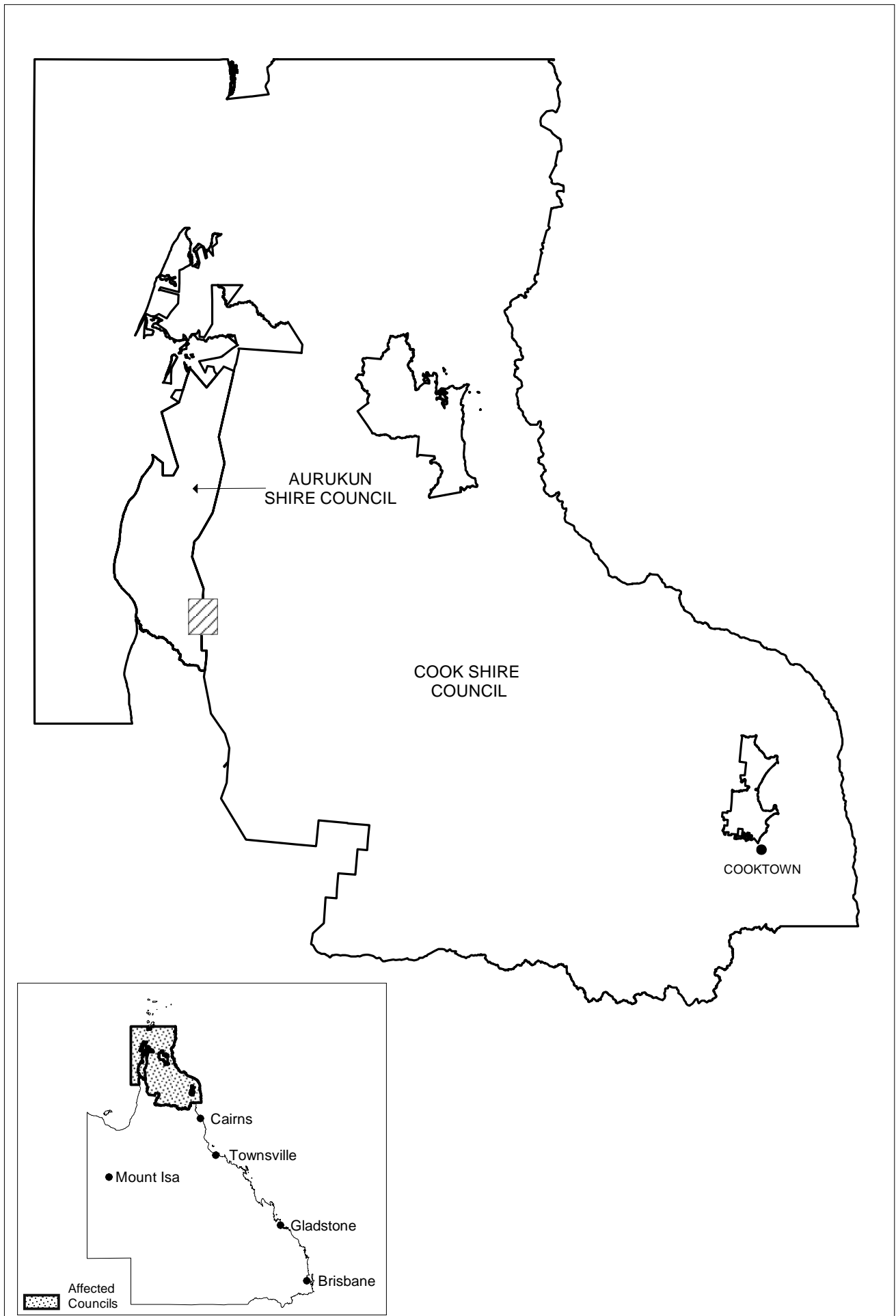
SP241404

APPENDIX C

Maps

Overview Map

Aurukun Aboriginal Shire Council and Cook Shire Council



— Local Government Boundary

 Review Area

Detailed Map : Lot 2 on Plan SP241404 and Lot 6 Plan SP178000

