



LOCAL GOVERNMENT CHANGE COMMISSION

REPORT ON A CHANGE TO THE EXTERNAL BOUNDARIES OF THE COOK SHIRE COUNCIL AND LOCKHART RIVER ABORIGINAL SHIRE COUNCIL

OCTOBER 2015

LOCAL GOVERNMENT CHANGE COMMISSION

**REPORT ON A CHANGE
TO THE EXTERNAL BOUNDARIES OF THE
COOK SHIRE COUNCIL
AND
LOCKHART RIVER
ABORIGINAL SHIRE COUNCIL**

OCTOBER 2015

Electoral Commission of Queensland
Level 6, 160 Mary Street, Brisbane Qld 4000
GPO Box 1393, Brisbane Qld 4001

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Background

On the 8 April 2015, the Honourable Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade Jackie Trad MP, referred Councils' application for consideration to be given to the realignment of the common boundary between the Cook Shire Council and Lockhart River Aboriginal Shire Council.

The application proposes a change to the common boundary between the local governments and involves the following lots currently located in Cook Shire Council —

- Lot 2 on Plan WMT26, the Lockhart Airport; and
- Lot 6 on Plan WMT54, known as Line Hill.

It is proposed that—

- Lot 2 on Crown Plan WMT26, Lockhart River; and
- Lot 6 on Crown Plan WMT54, Lockhart River.

be transferred to the Lockhart River Aboriginal Shire Council.

The Change Commission in this case is comprised of the Electoral Commissioner and a Casual Commissioner 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 has determined that the holding of a public hearing is, on this occasion, unnecessary.

Submissions

The Minister referred this matter to the Change Commission based on a submission she had received from the Cook Shire Council and the Lockhart River Aboriginal Shire Council. The Minister referred these matters without expressing a view for or against the proposal. The referral is included at Appendix A; council submissions are included at Appendix B.

The Minister's referral also included correspondence from the Lockhart River Aerodrome Company which currently holds a 20 year term lease (commencing 23/10/2007) on Lot 2 WMT26. The Lockhart River Aerodrome Company supported the proposed transfer of this Lot to the Lockhart River Aboriginal Shire Council.

The Change Commission has determined that the calling for further submissions, on this occasion, was unnecessary, as all affected parties are in support of the transfer.

All parties have expressed agreement that the two Lots should be moved into Lockhart River Aboriginal Shire Council.

Findings

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

- Lot 2 on Plan WMT26; and
- Lot 6 on Plan WMT54.

be moved from Cook Shire Council to Lockhart River Aboriginal Shire Council. Both these lots are located in the locality of Lockhart River. See Maps attached at Appendix C for details.

Reasons for Findings

The two lots under review are located in the northern area of the Cook Shire Council. The eastern border of Lot 6 WMT54 is Lloyd Bay and the property is freehold, owned by the Lockhart River Aboriginal Shire Council.

Lot 2 WMT26 (Lockhart Airport) is located to the west of the Lockhart River Township and emergent services are attended to by the Lockhart River Aboriginal Shire Council. Currently, a 20 year lease agreement with Lockhart River Aerodrome Company is in place over this property.

Further to the transfer of the two lots, the Change Commission recommends the inclusion of the eastern road adjacent to the aerodrome, Lockhart River Mission Road, and the esplanade located on the eastern boundary of Lot 6 to be included within the transfer.

It should be noted that, after transfer, the two lots will be subject to an Alcohol Management Plan.

All parties to this matter are in agreement with the proposed change to the common boundary.

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

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: MC14/3642

08 APR 2015

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

Dear Mr van der Merwe

I refer to the enclosed applications from Cook Shire Council and Lockhart River Aboriginal Shire Council (LRASC) dated 25 September and 9 October 2014 respectively, requesting a review of the boundary between the two Councils.

In accordance with Chapter 2, Part 3 of the *Local Government Act 2009*, I refer Councils' applications for assessment of a boundary change to exclude Lot 2 on WMT26 (Lockhart Airport) and Lot 6 on WMT54 (known as Line Hill) from the Cook Shire Council area and have them included within the LRASC area.

I have also enclosed a map prepared by the Department of Natural Resources and Mines which delineates the current northern boundary of LRASC and the proposed new boundary should the change be approved. Inclusion of the road adjacent to the airport and the esplanade on the eastern boundary of Line Hill as part of the boundary change is considered a practical way to rectify the boundary alignment between both Councils.

For your information, LRASC owns both the Lockhart River Aerodrome Company Pty Ltd (which holds a 20 year lease over the Lockhart aerodrome) and Line Hill which is a freehold property. I have attached a letter from the Lockhart River Aerodrome Company supporting the boundary change. In addition, I am advised there are no residents on either property, and that the proposed boundary change will not affect the number of electors in either local government area.

It should be noted that, as the LRASC area is currently subject to an Alcohol Management Plan (AMP), the plan will automatically apply to the new LRASC area should the boundary change be approved.

All parties are aware of the effect of extending the AMP as a result of the proposed boundary change, including Ports North as the controlling entity of the Quintell Beach barge ramp and landing facility adjacent to the esplanade and Line Hill.

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 further information, I encourage you to contact Jo Stephenson, Regional Director, Northern Region on (07) 4758 3419 or by email at jo.stephenson@dlgcr.qld.gov.au.

Yours sincerely



**JACKIE TRAD MP
DEPUTY PREMIER**

**Minister for Transport, Minister for Infrastructure,
Local Government and Planning and Minister for Trade**

Enc (4)

APPENDIX B

Council's Submissions



**Cook Shire
COUNCIL**

The heart of Cape York Peninsula

COPY



Our Ref: SW:rn D14/10861
25 September 2014

The Hon David Crisafulli, MP
Minister for Local Government, Community, Recovery and Resilience
PO Box 10531
CITY EAST QLD 4002

Dear Minister

RE: LOCAL GOVERNMENT CHANGE

A request has been received from the Lockhart River Aboriginal Shire Council (LRASC) for minor boundary changes between that Council and Cook Shire Council.

LRASC requested that –

1. Property described as Lot 2 on Plan WMT 26, the Lockhart Airport; and
 2. Property described as Lot 6 on Plan WMT 54, known as Line Hill,
- be transferred to LRASC.

These matters were dealt with by Council at its September 2014 meeting when Council resolved to request you to propose these changes to the change commission in accordance with Chapter 2 Part 3 of the *Local Government Act 2009*.

Council considered all the matters required by Chapter 2 Part 2 of the *Local Government Regulation 2012*. Copies of the reports submitted to Council are enclosed.

For any further enquiries concerning this matter please contact Council's Executive Assistant, Bob Norris, on (07)40695444.

Yours sincerely

Stephen Wilton
Chief Executive Officer

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at the
Administration Building 10 Furneaux Street, Cooktown
15-16-17 September 2014**

30837	APPLICATION FOR A LOCAL GOVERNMENT CHANGE – MINOR BOUNDARY CHANGE LOCKHART RIVER ABORIGINAL SHIRE COUNCIL – LOT 2 ON PLAN WMT26	
	<i>Report No.D14/9599 from Chief Executive Officer</i>	

Cr P Johnson moved; seconded Cr G Shephard

That Council request the Minister for Local Government, Community, Recovery and Resilience to make a formal application to the Local Government Change Commission to change the local government boundaries between Cook Shire Council and Lockhart River Aboriginal Shire Council by transferring the land described as Lot 2 on Plan WMT26, Parish Lloyd, County Weymouth from the Cook Shire Council Local Government area to Lockhart River Aboriginal Shire Council Local Government area.

CARRIED

Précis

A report from the Chief Executive Officer recommending that an application be made to the Local Government Change Commission for a minor boundary change between Cook Shire Council and Lockhart River Aboriginal Shire Council.

Commentary

Lockhart River Aboriginal Shire Council requested that the land of the Lockhart Airport be transferred from the Cook Shire Local Government area to the Lockhart River Aboriginal Shire Local Government area. Meetings have previously been held concerning this matter between Cook Shire and Lockhart River Aboriginal Councils.

The land is described as Lot 2 on Plan WMT26, Parish Lloyd, County Weymouth and consists an area of 100.4 hectares. The Valuer Generals unimproved value for the parcel is \$240,000 and the current annual rates levy by Cook Shire is \$2,836.56.

The land is an area of Cook Shire that is an island surrounded by the area of the Lockhart River Shire Council. The whole of the area is used as the Lockhart River Aerodrome. The aerodrome is operated by the Lockhart River Aerodrome Ltd that is an enterprise of the Lockhart River Shire Council.

Section 18(3) of the Local Government Act 2009 allows a Local Government to make an application for a boundary change to the Local Government Change Commission. The Local Government Change Commission will assess the application in accordance with Section 19(2) of the LG Act and Division 1 Part 2 Chapter 2 of the Local Government Regulation 2012.

Matters that will be considered by the Local Government Change Commission when assessing an application that relates to a change of the boundaries of a local government area are listed in the following sections of the Regulation.

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at the
Administration Building 10 Furneaux Street, Cooktown
15-16-17 September 2014**

S.9 Community of interest

(1) The external boundaries of a local government area should be drawn in a way that has regard to communities of interest, including that the local government area should generally—

- (a) reflect local communities, for example, the geographical pattern of human activities (where people live, work and engage in leisure activities), and the linkages between local communities; and
- (b) have a centre, or centres, of administration and service easily accessible to its population; and
- (c) ensure effective elected representation for residents and ratepayers; and
- (d) have external boundaries that—
 - (i) do not divide local neighbourhoods or adjacent rural and urban areas with common interests or interdependencies, including, for example, economic, cultural and ethnic interests or interdependencies; and
 - (ii) subject to the water catchment principle—follow the natural geographical features and non-natural features separating different communities; and
 - (iii) do not dissect properties.

(2) The *water catchment principle* is the principle that water catchment areas should generally be included in the local government area they service.

S.10 Joint arrangements

(1) Regard should be had to whether or not a joint arrangement should be established instead of, or in combination with, a change to the external boundaries of a local government area.

(2) A *joint arrangement* includes the following—

- (a) a joint standing committee;
- (b) joint action by agreement;
- (c) the joint exercise of local government jurisdiction or the joint operation of an activity, facility or service;
- (d) an agreement on, or extension of, an activity, facility or service outside a local government area;
- (e) a contribution for the operation of an activity, facility or service outside a local government area;
- (f) resource sharing by local governments;
- (g) any other type of arrangement of a joint nature the change commission considers appropriate, including an arrangement not dealt with under the Act.

S.11 Planning

The external boundaries of a local government area should be drawn in a way that—

- (a) helps in—
 - (i) the planning and development for the benefit of the local government area; and
 - (ii) the efficient and effective operation of its facilities, services and activities; and
- (b) has regard to existing and expected population growth.

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at the
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S.12 Resource base sufficiency

A local government should have a sufficient resource base—

- (a) to be able to efficiently and effectively exercise its jurisdiction and operate facilities, services and activities; and
- (b) to be flexible and responsive in the exercise of its jurisdiction and the operation of its activities, facilities and services.

Cook Shire's assessment of these matters is as follows;

Community of Interest – The community of interest for the land rests with the Lockhart community given its proximity to the town of Lockhart River and the fact that the area is surrounded by Lockhart River Aboriginal Shire area. The land is located in the Lockhart River water catchment area.

Joint Arrangements – Due to the isolation from the administrative base of Cook Shire Council (Cooktown) and the close proximity to Lockhart River Aboriginal Shire Council's administrative base at Lockhart River it is not practical to enter into joint arrangements for the administration of local government services for the land.

Planning – The area of the subject land is currently fully utilised in the operations of the Lockhart River Aerodrome and if the boundary alteration were not to occur any future increase in these activities may be hampered by the cross boundary considerations that may be present.

Resource Base Sufficiency – Lockhart River Aboriginal Shire Council currently provides all local government services and administration to the surrounding area. The proposed boundary change will not negatively affect the current resource base of that Council. In fact the Lockhart River Aboriginal Shire Council would be able to levy a rate on the land which would improve the Council's resource base.

Link to Corporate Plan

Address the issue of immediate concern by regularising boundaries with neighbouring Councils

Consultation

Lockhart River Aboriginal Shire Council

Legal Implications (Statutory, basis, legal risks)

Local Government Act 2009 and Local Government Regulation 2012.

Policy Implications

Nil

Financial and Resource Implications (Budgetary)

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at the
Administration Building 10 Furneaux Street, Cooktown
15-16-17 September 2014**

Future loss of rate revenue currently \$2,836.56 per annum.

RECOMMENDATION

That Council make a formal application to the Local Government Change Commission to change the local government boundaries between Cook Shire Council and Lockhart River Aboriginal Shire Council by transferring the land described as Lot 2 on Plan WMT26, Parish Lloyd, County Weymouth from the Cook Shire Council Local Government area to Lockhart River Aboriginal Shire Council Local Government area.

**Minutes of the Ordinary Meeting of the Council of the Shire of Cook held at the
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30838	APPLICATION FOR A LOCAL GOVERNMENT CHANGE – MINOR BOUNDARY CHANGE LOCKHART RIVER ABORIGINAL SHIRE COUNCIL – LOT 6 ON PLAN WMT54 – LINE HILL	
	<i>Report No.D14/9601 from Chief Executive Officer</i>	

Cr A Wilson moved; seconded Cr G Shephard

That Council request the Minister for Local Government, Community, Recovery and Resilience to make a formal application to the Local Government Change Commission to change the local government boundaries between Cook Shire Council and Lockhart River Aboriginal Shire Council by transferring the land described as Lot 6 on Plan WMT54, Parish Lloyd, County Weymouth from the Cook Shire Council Local Government area to Lockhart River Aboriginal Shire Council Local Government area.

CARRIED

Précis

A report from the Chief Executive Officer recommending that an application be made to the Local Government Change Commission for a minor boundary change between Cook Shire Council and Lockhart River Aboriginal Shire Council.

Commentary

Lockhart River Aboriginal Shire Council requested that the land known as “Line Hill” be transferred from the Cook Shire Local Government area to the Lockhart River Aboriginal Shire Local Government area.

The land is described as Lot 6 on Plan WMT54, Parish Lloyd, County Weymouth and consists an area of 3009 hectares. The Valuer Generals unimproved value for the parcel is \$900,000 and the current annual rates levy by Cook Shire is \$6,738.80. The land is freehold and is owned by Lockhart River Aboriginal Shire Council.

The land is adjacent to the town of Lockhart River and is contiguous with the Lockhart River Aboriginal Council boundary.

Section 18(3) of the Local Government Act 2009 allows a Local Government to make an application for a boundary change to the Local Government Change Commission. The Local Government Change Commission will assess the application in accordance with Section 19(2) of the LG Act and Division 1 Part 2 Chapter 2 of the Local Government Regulation 2012.

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Cook Shire's assessment of these matters is as follows;

Community of Interest – The community of interest for the land rests with the Lockhart community given its proximity to the town of Lockhart River and the fact that the area is contiguous to the Lockhart River Aboriginal Shire area. The land is located in the Lockhart River water catchment area and is owned by the Lockhart River Aboriginal Shire Council.

Joint Arrangements – Due to the isolation from the administrative base of Cook Shire Council (Cooktown) and the close proximity to Lockhart River Aboriginal Shire Council's administrative base at Lockhart River it is not practical to enter into joint arrangements for the administration of local government services for the land.

Planning – The area of the subject land is currently fully utilised in the operations of the Lockhart River Aboriginal Shire Council and if the boundary alteration were not to occur any future increase in these activities may be hampered by the cross boundary considerations that may be present.

Resource Base Sufficiency – Lockhart River Aboriginal Shire Council currently provides all local government services and administration to the surrounding area. The proposed boundary change will not negatively affect the current resource base of that Council. In fact the Lockhart River Aboriginal Shire Council would be able to levy a rate on the land which would improve the Council's resource base.

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Address the issue of immediate concern by regularising boundaries with neighbouring Councils

Consultation

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Legal Implications (Statutory, basis, legal risks)

Local Government Act 2009 and Local Government Regulation 2012.

Policy Implications

Nil

Financial and Resource Implications (Budgetary)

Future loss of rate revenue currently \$6,738.80 per annum.

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RECOMMENDATION

That Council make a formal application to the Local Government Change Commission to change the local government boundaries between Cook Shire Council and Lockhart River Aboriginal Shire Council by transferring the land described as Lot 6 on Plan WMT54, Parish Lloyd, County Weymouth from the Cook Shire Council Local Government area to Lockhart River Aboriginal Shire Council Local Government area.

30839	COMMITTEE OF THE WHOLE	
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Cr A Wilson moved; seconded Cr R Bowman

That the meeting resolve into Committee of the Whole at 3.05 pm on 16 September 2014 to discuss native title, renewal of lease, requests for rebate of water charges, request to defer interest on arrears of rates, and refunds of rates and charges.

CARRIED

30840	COMMITTEE OF THE WHOLE	
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Cr P Johnson moved; seconded Cr R Bowman

That the meeting revert to the ordinary meeting of Council at 4.07 pm after discussing native title, renewal of lease, requests for rebate of water charges, request to defer interest on arrears of rates, and refunds of rates and charges.

CARRIED

LAND TENURE

Cr R Bowman declared a conflict of interest in the following matter in that he was a member of the executive of the applicant association and left the chamber at 3.17pm on 16 September 2014.

30841	APPLICATION TO RENEW TERM LEASE SL 14/48713 BEING LOT 82 ON PLAN BS246 – RESERVE FOR RECREATION (GAME FISHING CLUB); WEBBER ESPLANADE, COOKTOWN.	
	<i>Report No.D14/9723 from Chief Executive Officer File No. 2.169.07; 2.512.3</i>	

Cr S Clark moved; seconded Cr P Johnson

In view of the waterfront timeframes, the Mayor and the Chief Executive Officer be and are hereby authorised to make a decision on the agreement between Council and the Cooktown Blue Water Club Inc. lessees of Term Lease SL14/48713 Lot82 on BS246.

CARRIED

Cr R Bowman did not vote on the above motion and all persons entitled to vote on the matter voted for the motion.

Cr Bowman resumed his seat in the Chamber at 3.20 pm on 16 September 2014

COPY

LOCKHART RIVER ABORIGINAL SHIRE COUNCIL

ABN 55 631 460 952



09 October 2014

The Hon David Crisafulli, MP
Minister for Local Government, Community Recovery and Resilience
P O Box 10531
CITY EAST QLD 4002

Dear Minister

My Council has been discussing a boundary change with the Cook Shire for a number of years and the discussions have centred around the transfer of the Lockhart River Aerodrome (Lot 2 on WMT26), from the Cook Shire, into Lockhart River Aboriginal Shire Council's area.

As you are in no doubt aware, this infrastructure is critical to the people of Lockhart River all year round and of course it provides our only means of transportation and resupply during the wet. In practical terms, the airport is not administered from Cooktown, which is over 500km away by road, and the Lockhart River Council has always attended to any immediate issues relating to the airport and access from the Township of Lockhart River.

More recently, we have also discussed with Cook Shire, the transfer into Lockhart River Shire area of an additional property known as 'Line Hill' (Lot 6 WMT54) which is a freehold parcel of land immediately to the north of Lockhart River Township and is owned by my Council.

At Council's August Meeting, it was resolved to write to the Cook Shire about formalizing the transfer of these two lots between the two Councils. I am advised the Cook Shire Council have now considered the matter and agreed to write to you for a boundary change to include both the Aerodrome and Line Hill.

My Council is very pleased with this outcome and I now wish to formally request you as Minister for Local Government to propose a boundary change to the Change Commissioner in accordance with the Local Government Act 2009.

As an additional matter, I would also ask for the proposed boundary change to include the road adjacent to the aerodrome and the esplanade adjacent to the eastern boundary of Line Hill as this would be a practical outcome when redrawing the local government boundary in this instance.

The Council would also like to thank the Department's Cairns office for assisting in this matter.

Yours sincerely;

A handwritten signature in black ink, appearing to read "Wayne Butcher", is written over a horizontal line.

WAYNE BUTCHER
Mayor
Lockhart River Aboriginal Shire Council

Lockhart River Office:
C/- Post Office, Lockhart River QLD 4892
14 Maathuy St, Lockhart River QLD 4892
PHONE: (07) 4060 7144 FAX: (07) 4060 7139
EMAIL: ceo@lockhart.qld.gov.au

Accounts Department - Cairns:
PO Box 1037, North Cairns QLD 4870
8/7 Anderson Street, Manunda QLD 4870
PHONE (07) 4031 0155 FAX (07) 4031 5720
EMAIL: accountant@lockhart.qld.gov.au

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**Lockhart River
Aerodrome Company**
ABN 95 061 972 978 ACN 061 972 978

**1 Airport Road
Lockhart River QLD 4871**
Phone: (07) 4060 7121
Fax: (07) 4060 7103

18 December 2014

Mr M Kelleher
A/Principal Advisor
Department of Local Government, Community Recovery and Resilience
Level 11, 15 Lake Street
Cairns, Queensland 4870

Dear Mr Kelleher

Reference: ***Lockhart River Aerodrome Lease***

After discussion the Lockhart River Aerodrome Company has decided to endorse the proposal to include the Aerodrome Lease into an expanded Lockhart River Aboriginal Shire Council local government area.

As an ASIC registered company owned by the people of Lockhart River this makes common sense to the Directors of the Aerodrome Company.

Yours sincerely

Wayne Butcher
Chairman



Cook Shire & Lockhart River Aboriginal Shire, October 2014

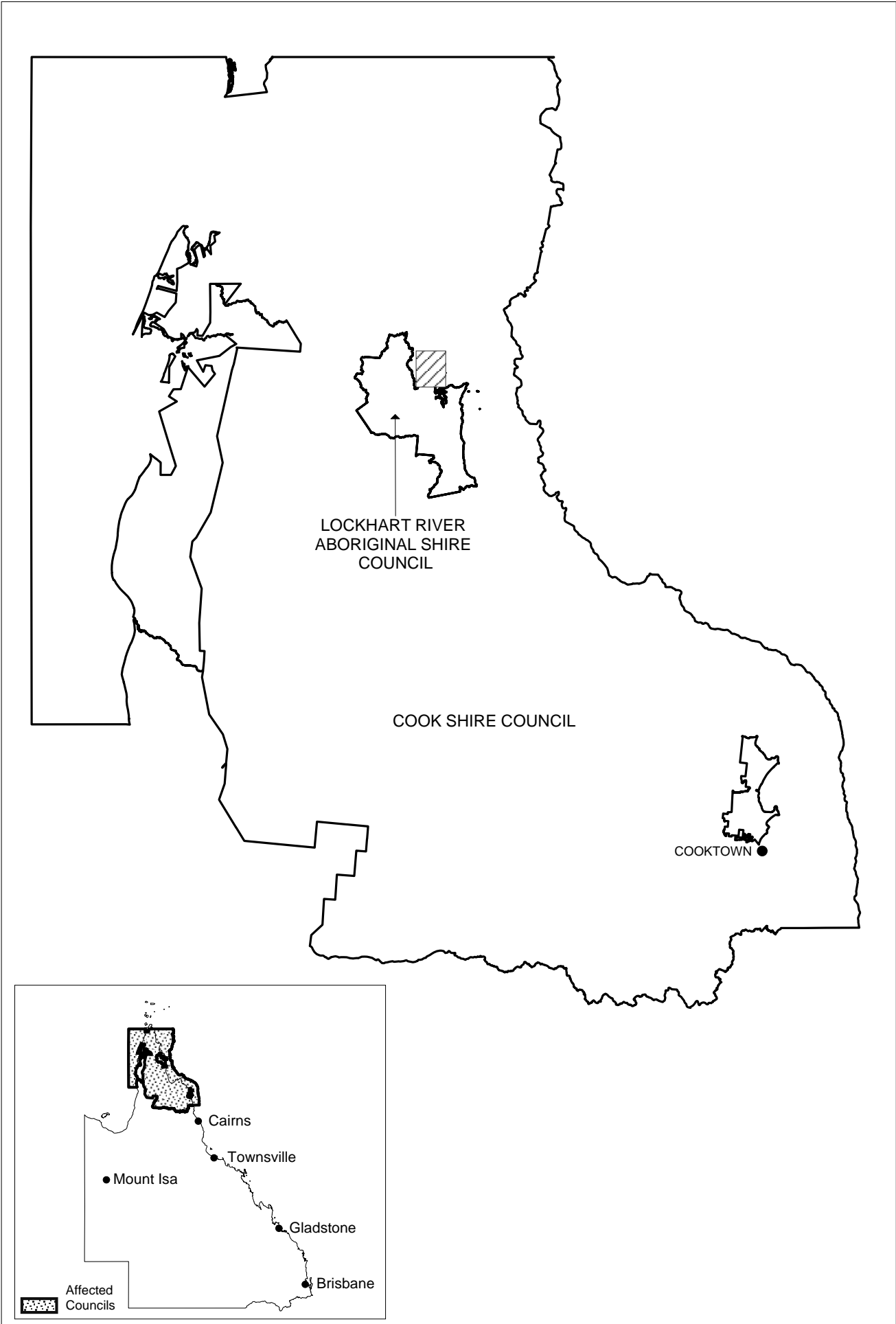


APPENDIX C

Maps

Overview Map

Cook Shire Council and Lockhart River Aboriginal Shire Council



Detailed Map : Lot 2 on Plan WMT26 and Lot 6 Plan WMT54

