	COUNCIL MEETING BRIEF	
	MEETING DATE	17 MAY 2022
	AGENDA ITEM	10.7 UNINCORPORATED AREAS RESPONSE
	REPORT TITLE	UNINCORPORATED AREAS – RESPONSE TO DCMC
	FILE REFERENCE	Governance/Boundary Reform

1. BACKGROUND

Incorporation of unincorporated areas in the NT was previously proposed in 2007-08 as a Top End Shire and again in 2010 to amalgamate the Wagait Shire, Belyuen Community Government Council (Belyuen), Litchfield Council (Litchfield) and Coomalie Community Government Council (Coomalie) areas. Wagait Shire Council and community response to this was documented in a letter to the then Minister for Local Government the Hon Elliot McAdam, rejecting the proposal on grounds of compatibility with the areas proposed under the amalgamation.

In July 2014, council made a submission to the NT Planning Scheme requesting support to develop a land use plan and apply for boundary revision to extend shite boundaries and include the freehold area created by the Kenbi Land Trust, once the land claim is resolved.

In 2017 Wagait Shire Council prepared a submission to the Minister for Infrastructure, again requesting support to undertake local area planning within the shire.

In 2019-20 Coomalie and Belyuen Council's, made a joint approach to NT Government DLGHCD to discuss a merger proposal that would also include adjacent unincorporated areas and were provided support to continue investigation into local government reform. After much consultation a proposal was submitted to the former Minister for Local Government, however the amalgamation option was not progressed.

2. CURRENT ISSUE

The Northern Territory Government commenced a consultation process on 24 March 2022 regarding the incorporation of unincorporated areas of the Cox-Daly and Murrumbidgee-Douglas-Daly regions. The discussion paper states that any changes to the unincorporated areas or any adjacent areas will not occur before 1 July 2023.

Wagait Shire Council has been invited to participate in the process and make a submission, due through the Have Your Say website or directly to the Department of the Chief Minister and Cabinet by **Friday 20th May 2022**. As timelines for submissions are very tight and strict and at this stage the Northern Territory Government has requested a principle-based submission only. There is no requirement to complete comprehensive feasibility studies or business cases.

Attached for Council's information is the relevant Discussion Paper and further information can be obtained through the [Have Your Say website](#).

Concurrently open for submissions is the new Local government Representation Review, which is a scheduled independent process of consideration by a committee appointed by the Minister and legislated under the Local Government Act 2019. The committee identifies and proposes changes to local government areas that might include:

- Number of representatives
- Boundary reform
- Introduction of wards

The current review is underway and an information sheet with areas of focus has been provided. There are no identified areas of focus for Wagait Shire Council.

3. CONSULTATION / DISCUSSION

Since the March 2022 announcement, council has consulted with community, NT Government representatives and other key stakeholders including:

- Coomalie Community Government council
- Belyuen community government Council
- Litchfield Council
- Kenbi Rangers (NLC)
- Larrakia Development Corporation

Wagait Shire President and CEO attended preliminary discussions at the invitation of Belyuen and Coomalie Council's with regard to progressing a joint submission that might propose an amalgamation of the three councils and include adjacent unincorporated areas.

The Coomalie Council seeks endorsement of the following key principles that will be included in their joint submission;

- Council seeks to extend its current boundaries through joining with adjacent existing local government areas of Belyuen Community Government Council and Wagait Shire Council;
- Council is of the view that combining the existing three Shire Councils into a newly formed Regional Council is the most sustainable and viable option;
- Council seeks to include the following unincorporated areas into the new Regional Council
 - Dundee Beach
 - Dundee Downs
 - Dundee Forrest
 - Bynoe
 - Charlotte
 - Litchfield National Park
 - Rakula
 - and areas within Margaret River, Mount Bundy and surrounds that utilise Council and community facilities.
- Council supports Belyuen CGC request to retain the provision of aged care;
- Council supports Belyuen CGC request to retain commercial community activities such as the Community Store; and
- Council does not support amalgamation with Litchfield Council.

Wagait Shire Council has engaged with and consulted with the Wagait Beach community and other key stakeholders regarding a proposal to expand its boundaries or amalgamate with other council areas or unincorporated areas.

Key takings from the community consultation are that:

- Wagait Shire residents see themselves now as living in a unique incorporated area that is self-sufficient and engaged with its local government.
- There is significant concern from residents that becoming part of a larger regional council will undermine or compromise the lifestyle, local decision making, and fiscal integrity.
- Residents overwhelmingly do not want to become amalgamated into a larger regional council and wish to preserve these things they currently have and value greatly.

- There are legacy issues with residential and rural developments in adjoining unincorporated areas that would be a significant liability to council, and current community ratepayers do not want to take responsibility for.
- There are no commonalities with regard to land use and planning, zoning or residential lifestyle priorities with other incorporated areas.
- Wagait Shire residents see themselves into the future more as a 'West Darwin' development that expands business and services but maintains the integrity of a sustainable local government and local decision making and its unique coastal-rural environment and lifestyle.

Initial consultation with other significant owners of unincorporated land in the area has confirmed a preference for maintaining a more discreet local government area in the north of Cox Peninsula, which might include Wagait Shire Council, Talc Head and all the NT freehold land provided to Kenbi on the northern side of Charles Point Rd. There was no desire from these parties to be incorporated into a much larger regional council such as that proposed by Coomalie and Belyuen councils.

Wagait Shire Council proposes a process of consultation with key stakeholders in Kenbi and Larrakia Development Corporation to extend the shire boundaries to include the freehold and NT freehold land.

4. IMPACTS & RISKS


The table below represents risks in preparing the response to the discussion paper, not the risks and impacts associated with merging unincorporated areas. Further impact and risk assessments will be undertaken when outcomes of the discussion paper are known.

Potential Impact	Risk Level	Responsibility
Financial:	Nil	Council /CEO
Governance:	Nil	Council /CEO
Community:	Nil	Council /CEO
Legislative: Local Government Act 2019	Nil	Minister

5. DECISION / MOTION / RECOMMENDATION

That council:

- a. receives and notes the report on Incorporation of Unincorporated Lands Cox-Daly and Marrakai-Douglas Daly Regions; and
- b. endorses a response to the *Bringing Local Government to the Cox-Daly and Marrakai-Douglas Daly Areas* consultation process by the due date of Friday 20th May 2022, that supports community sentiment for a proposal to extend Wagait Shire Council boundaries to include all of the freehold and NT freehold land in the northern part of the Cox Peninsula, and not include any existing incorporated areas.

Edited WSC CEO	Renita Glencross		Date	19/05/2022
Approved Council	Resolution 2022/089		Date	17/05/2022