

Information sheet

MINOR MUNICIPAL BOUNDARY ADJUSTMENTS

April 2021

Section 16(4A) of the *Local Government Act 1993* provides that a minor municipal boundary adjustment may be recommended by the Director of Local Government (DoLG), if the owners of the land affected by the adjustment have been consulted by the relevant councils, and have given written consent to the adjustment.

Background

This Information Sheet outlines the steps involved in making minor boundary adjustments to municipalities in Tasmania. Significant boundary adjustments are made through the Local Government Board and are described separately.

The *Local Government Act 1993* provides guidance regarding the key decision points in the process. However, there are a number of administrative processes involved, along with multiple Government agencies.

What is minor?

Minor boundary adjustments typically involve one or two landowners and two councils. An example could be a property owned by one person, but separated by municipal boundaries.

Process

The minor municipal boundary adjustment process can be triggered by:

- a. either land owner(s) approaching council to adjust the municipal boundary;
- b. councils approaching the Local Government Division or the Minister for Local Government;
- c. another agency (such as the Department of Primary Industries, Parks, Water and Environment's (DPIPWE) Surveyor General) approaching the Local Government Division.

Before approaching the DoLG, the council/s initiating the proposed adjustment should consider:

- *Are there historical reasons for the boundary being the way it is?*
- *Are there natural boundaries that would be superseded by the proposed adjustments?*
- *Are there access issues from one or other municipal area?*
- *How is the property currently zoned, and what would be the new zoning of the property?*
- *Would the proposed amendment affect State and Federal boundaries?*
- *What are the rate impacts of the adjustment for the relevant councils?*

The relevant councils must also consult with all landowners affected by the proposed adjustment, seeking written consent to the adjustment.

Councils should prepare a draft proposal plan/s clearly and unambiguously depicting the proposed change/s to the municipal boundaries. Plans should be prepared to a standard capable of registration in the Central Plan Register held by DPIPW. Plan preparation advice or services can be obtained from Land Tasmania, DPIPW by email at listhelp@dpiw.tas.gov.au or by phone on 61 65 4444.

Councils should provide the DoLG with:

- Draft proposal plan/s;
- Outcomes of the consideration of the above questions; and
- Confirmation that all land owners affected by the proposed adjustment have been consulted and have provided written consent to the adjustment.

After reviewing the information provided by the councils, the DoLG may make a recommendation to the Minister for Local Government, in support of the adjustment.

The DoLG has discretion to consider whether or not to recommend the adjustment.

The Minister for Local Government may then recommend to the Governor that an order be made to make the boundary adjustment.

The councils should arrange for the preparation of new municipal area plans to depict the full extent of each amended municipality. The plans must also be prepared to a standard capable of registration in the Central Plan Register. Land Tasmania can prepare the new municipal area plans if the council require (fees apply)

Once drawn, councils should register the final change proposal plan, together with the new municipal area plans, in the Central Plan Register with Land Tasmania, DPIPW, who in turn provides the councils with CPR plan numbers (plan registration fees apply).

Once the council provides the new CPR plan number to the DoLG, an Order will be drafted for the Governor's approval. Once signed it will be gazetted.

Upon gazettal, the DoLG will formally notify:

- a. the landowners that the boundary adjustment has been approved;
- b. relevant councils that the boundary adjustment has been approved;
- c. the Manager, Spatial Data Section, Land Tasmania, DPIPW so the LIST LGA layer can be adjusted accordingly; and
- d. the Office of the Valuer-General requesting an amendment to the Valuation Roll, enclosing a copy of the Order and a plan of the amended municipal boundary, to enable any necessary valuations to be undertaken by supplementary action.

The new valuations and details will then be issued back to the relevant councils, who in turn can issue the rate adjustment notice to the landowners.

Costs

A council affected by a municipal boundary adjustment is responsible for covering any costs associated with the adjustment.