

# Local Government Legislation (Boundary Changes) Amendment Regulation 2016

Explanatory notes for SL 2016 No. 195

made under the

*City of Brisbane Act 2010*  
*Local Government Act 2009*

## General Outline

### Short title

*Local Government Legislation (Boundary Changes) Amendment Regulation 2016*

### Authorising law

Sections 22 and 252 of the *City of Brisbane Act 2010* and sections 20 and 270 of the *Local Government Act 2009*.

### Policy objectives and the reasons for them

Under the *Local Government Act 2009* (LGA), the Local Government Change Commission (the Commission) has jurisdiction to assess and make recommendations in relation to applications for local government changes. Local government changes are changes to a local government's boundaries, divisions (other than the City of Brisbane), number of councillors, name and classification.

Chapter 2 part 3 of the LGA governs the process for making a local government change. Similarly, chapter 2 part 4 of the *City of Brisbane Act 2010* (COBA) governs the process for making a change to the boundaries of Brisbane or any ward of Brisbane.

Only the Minister for Local Government may propose a local government change to the Commission under the LGA (section 18), whereas under COBA (section 20) the Brisbane City Council, the Minister for Local Government or the Electoral Commission of Queensland may propose a change to the boundaries/wards of Brisbane to the Commission for assessment.

The Deputy Premier, Minister for Infrastructure, Local Government and Planning and Minister for Trade and Investment, referred four local government external boundary change applications to the Commission for assessment. The applications sought

realignment of the following common local government boundaries to correct boundary anomalies identified by the Department of Natural Resources and Mines:

- Goondiwindi Regional Council and Western Downs Regional Council (referred on 8 April 2015)
- Brisbane City Council and Moreton Bay Regional Council (referred on 8 April 2015)
- Maranoa Regional Council and Western Downs Regional Council (referred on 8 April 2015)
- Aurukun Shire Council and Cook Shire Council (referred on 4 May 2015).

In November 2015 and January 2016 the Commission recommended that the common boundaries be realigned.

Section 20 of the LGA and section 22 of COBA provide that the Governor in Council may implement the Commission's recommendation under a regulation and that the regulation may provide for anything that is necessary or convenient to facilitate the implementation of the local government/boundary change.

The objectives of the regulation are to implement the Commission's recommendations to alter the above common local government boundaries and to facilitate the implementation of the boundary changes.

In addition, the local government area map titles for Balonne Shire Council, Bundaberg Regional Council, Cook Shire Council, Lockhart River Aboriginal Shire Council, Mareeba Shire Council and Tablelands Regional Council require updating. In December 2015 a regulation was made to implement external boundary change recommendations for these councils for the purposes of the March 2016 local government elections, however, the related maps (except those for Balonne and Bundaberg) were unable to be finalised before the electoral rolls needed to be developed. The regulation was made at the time on the understanding that the local government area maps would be updated at a later stage. For the Balonne and Bundaberg local government areas, the maps that were produced did not fully reflect the recommendations of the Commission and have since been corrected.

## **Achievement of policy objectives**

The regulation achieves the policy objectives by implementing the Commission's recommendations, as follows.

### *Goondiwindi Regional Council and Western Downs Regional Council*

That Part of Lot 8 on Crown Plan CVN344, Flinton and Part of Lot 1 on Survey Plan SP254479, Southwood be moved from Western Downs Regional Council to Goondiwindi Regional Council.

### *Brisbane City Council and Moreton Bay Regional Council*

That Part of Lot 1 on Plan MPH20165, Enoggera Reservoir and Part of Lot 220 on Plan SL8499, Camp Mountain be moved from Moreton Bay Regional Council to Brisbane City Council; and that the Moreton Bay Regional Council seaward boundary in Hays Inlet be extended to include the Ted Smout Bridge.

### *Maranoa Regional Council and Western Downs Regional Council*

That Lot 9 on Survey Plan SP236780, Wallumbilla North and Lot 43 on Crown Plan EG130, Teelba be wholly incorporated within Western Downs Regional Council; and that Lot 22 on Survey Plan SP248280, Clifford, Lot 368 on Crown Plan FTY535, in both Clifford and Bundi, Lot 70 on Crown Plan WV631, Clifford and Lot 1 on Crown Plan AB110, Waikola be wholly incorporated within Maranoa Regional Council.

*Aurukun Shire Council and Cook Shire Council*

That Part of Lot 653 on Survey Plan SP178000, Holroyd River (now part of Lot 211 on Survey Plan SP241404, Aurukun) be moved from Cook Shire Council to Aurukun Shire Council.

Section 6(1) of the *Local Government Regulation 2012* (LGR) states the boundaries of each local government area, and any divisions of the area, are shown on its area map mentioned in schedule 1 column 3.

Section 8 of the regulation amends schedule 1 column 3 of the LGR to reflect the updated local government area maps – Aurukun Shire Council (LGB 2), Balonne Shire Council (LGB 3 edition 3), Bundaberg Regional Council (LGB 11 edition 3), Cook Shire Council (LGB 20 edition 2), Goondiwindi Regional Council (LGB 31 edition 2), Lockhart River Aboriginal Shire Council (LGB 38 edition 2), Maranoa Regional Council (LGB 59 edition 3), Mareeba Shire Council (LGB 77 edition 2), Moreton Bay Regional Council (LGB 50 edition 4), Tablelands Regional Council (LGB 64 edition 3), and Western Downs Regional Council (LGB 22 edition 3).

The LGR section 13B states that schedule 3 part 1 implements the local government changes mentioned in it, and schedule 3 part 2 makes provision for facilitating the implementation of each local government change mentioned in schedule 3 part 1.

Section 10 of the regulation amends schedule 3 part 1 of the LGR to detail the changes in the common boundaries between Aurukun Shire Council and Cook Shire Council, Brisbane City Council and Moreton Bay Regional Council, Goondiwindi Regional Council and Western Downs Regional Council, and Maranoa Regional Council and Western Downs Regional Council. The change to the external boundary for Moreton Bay Regional Council with respect to the Ted Smout Memorial Bridge is also described. The changes take effect on the commencement of the regulation. These amendments implement the boundary changes and enable the matters ancillary to boundary changes listed in schedule 3 part 2 of the LGR to facilitate the implementation of the boundary changes. These matters include unfinished actions of the former local government and the continuation of planning schemes for persons affected by boundary changes.

Section 3(1) of the *City of Brisbane Regulation 2012* (CBR) states the external boundaries of Brisbane are shown on map LGB 1, sheet 1.

Section 3 of the regulation amends section 3(1) of the CBR to reflect the realignment of the common boundary between Brisbane City Council and Moreton Bay Regional Council by updating the map title from LGB 1, sheet 1 to LGB 1 edition 2, sheet 1.

Consequently, sections 4, 5 and 6 of the regulation amend sections 4, 5 and schedule 1 of the CBR to correct the map title.

Section 9 of the regulation corrects a typographical error in current schedule 3, section 1A(2) of the LGR.

## **Consistency with policy objectives of authorising law**

The regulation is consistent with the policy objectives of the authorising laws.

## **Inconsistency with policy objectives of other legislation**

The regulation is consistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The costs to government as a result of the proposed amendments are negligible.

## **Consistency with fundamental legislative principles**

The regulation has been drafted with regard to the fundamental legislative principles as defined in the *Legislative Standards Act 1992* and is consistent with these principles.

## **Consultation**

Under section 19 of the LGA and section 21 of COBA, the Commission determined that the holding of public hearings or to call for further submissions about the proposed boundary changes was unnecessary.

In making its assessment, the Commission noted:

- support from the affected councils and landowners for the proposed boundary changes;
- the proposed boundary changes are in the interests of the affected councils and landowners and also for essential services with the entirety of the lots in question being included in the same locality and council area; and
- the proposed changes are consistent with the LGA.

Copies of the Commission's external boundary change reports were provided to the Minister for Local Government. Public notice of the Commission's recommendations were also published in the Queensland Government Gazette, in local newspapers and on the Electoral Commission of Queensland's website, [www.ecq.qld.gov.au](http://www.ecq.qld.gov.au).

The Department of Natural Resources and Mines was consulted to ensure the availability of updated local government area maps for public inspection as required under section 6 of the LGR and section 5 of the CBR from the commencement of the regulation.