



LOCAL GOVERNMENT CHANGE COMMISSION

REPORT ON A CHANGE TO THE EXTERNAL BOUNDARIES OF THE MORETON BAY REGIONAL COUNCIL AND SUNSHINE COAST REGIONAL COUNCIL

SEPTEMBER 2012

LOCAL GOVERNMENT CHANGE COMMISSION

REPORT ON A CHANGE TO THE EXTERNAL BOUNDARIES OF THE MORETON BAY REGIONAL COUNCIL AND SUNSHINE COAST REGIONAL COUNCIL

September 2012

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

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Background

The then Honourable the Attorney General, Minister for Local Government and Special Minister of State asked me to consider the realignment of the common boundaries of the Moreton Bay Regional Council and Sunshine Coast Regional Council.

This matter encompasses proposed changes to the common boundary between the local governments including-

- Lot 5 on Survey Plan 242747, County of Lennox, Parish of Conondale situated at Postman's Track, Conondale (Sunshine Coast Regional Council) and Bellthorpe (Moreton Bay Regional Council) where the current boundary splits the lot leaving a very small part of the property in the Moreton Bay Regional Council area.
- The adjoining road reserve known as Postman's Track also has two small anomalies where the current boundary now splits the road following road works.
- As a secondary consideration the Commission has been asked to assess which Council should have the responsibility for the maintenance of the road reserve and to adjust the boundary accordingly.

It is proposed that—

- Lot 5 on Survey Plan 242747, County of Lennox, Parish of Conondale be included within the Sunshine Coast Regional Council.
- The road reserve known as Postman's Track be included within the Sunshine Coast Regional Council.

The Change Commission in this case is comprised of the Electoral 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 received submissions from Moreton Bay Regional Council and Sunshine Coast Regional Council following correspondence from the Department of Environment and Resource Management (DERM) pointing out several boundary anomalies associated with Lot 5 on

Survey Plan 242747. The Council's in their submissions agreed that the impacted Lot and the two pieces of road reserve should be located together in the one Council area. The Council's however differed on who should be responsible for the road reserve known as Postman's Track (see Appendix A).

The Minister referred these matters expressing the view that the Councils were unable agree on the most appropriate proposal to address the anomalies raised by DERM.

Findings

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

- Lot 5 on Survey Plan 242747, County of Lennox, Parish of Conondale be included within the Sunshine Coast Regional Council.
- The road reserve known as Postman's Track be included within the Sunshine Coast Regional Council.

Maps of the proposed boundary changes are included in Appendix B.

The Commission notes that councils' submissions identified that road maintenance implications relate to the proposal.

Reasons for Findings

Firstly, a single parcel of land being Lot 5 on Survey Plan 242747, County of Lennox, Parish of Conondale is intersected by the common boundary between Sunshine Coast Regional Council and Moreton Bay Regional Council. The greater proportion of land is contained within Sunshine Coast Regional Council. Access to the land is predominantly from Sunshine Coast Regional Council.

Secondly, the placement of all parts of the road reserve into one Council area makes common sense.

All parties to this matter; both councils and the landholder, are in agreement with these proposed change to the common boundary.

Thirdly, as the Councils were unable to come to an agreement on who should be responsible for the road reserve, I have determined that it will be placed within the Sunshine Coast Regional Council. The Council's ratepayers and electors have direct access to this portion of road, the Council would derive revenue that would go towards the maintenance of the road and the Council would be the appropriate primary contact point for residents that are concerned with issues associated with the road. The Council also has had previous history in dealing with matters associated with the road.

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.

David Kerslake
Electoral Commissioner

APPENDIX A

Council submissions

27 September 2011

Officer: Debra Iezzi
Direct Telephone: (07) 54441 8294
Response Address: Locked Bag 72, SCMC OLD 4560
Email: debra.iezzi@sunshinecoast.qld.gov.au

The Hon. Paul Lucas
Minister for Local Government and Planning
PO Box 15009
City East QLD 4002

COPY



Dear Minister

RE Local Government Boundary Anomaly

On the 19 May 2011 Sunshine Coast Council was advised by the Department of Environment and Resource Management of a Local Government Boundary Anomaly whereby the boundary between Sunshine Coast Regional Council and Moreton Bay Regional Council bisects a property. The property is Lot 5 on SP242747 Parish of Conondale, County of Lennox (refer to Appendix 1).

It is my understanding that the Moreton Bay Regional Council received similar advice from the department on this matter.

In accordance with s17 of the *Queensland Local Government Act 2009* Council requests that the Minister apply to the Change Commission for a local government change to correct the boundary anomaly.

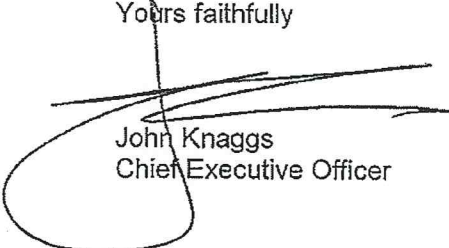
In addition, Council also requests a further boundary change as a result of alterations made to Postmans Track road which fronts the aforementioned property. Postman's Track road is within the Moreton Bay Regional Council however two areas of new road are within the Sunshine Coast Regional Council (refer to Appendix 2).

The position of Sunshine Coast Regional Council is that the area of Postman's Track road fronting Lot 5 SP242747 Parish of Conondale, County of Lennox, remain within the Moreton Bay Regional Council inclusive of the two new areas of road and the boundary between the Moreton Bay Regional Council and Sunshine Coast Regional Council be changed accordingly.

Council's application is in accordance with the attached report and Council's resolution from its Ordinary Meeting on 14 September 2011 (refer to Appendix 3).

In the event you require any additional information in relation to this matter please do not hesitate to contact my office.

Yours faithfully



John Knaggs
Chief Executive Officer

Appendices

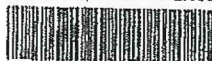
Appendix 1 – Property and boundary map

Appendix 2 – New road map

Appendix 3 – Report and Resolution from Ordinary Meeting

Appendix 1 - Property and Boundary Map

SQRC CORRESPONDENCE



B0367313

Author – Ross Norman
File / Ref Number – NAM/002028
P.O. Box 573
NAMBOUR Q 4560
Phone (07) 5451 2252



Queensland
Government

19 May 2011

Mr John Knaggs
Chief Executive Officer
Sunshine Coast Regional Council
Locked Bag 72
SUNSHINE COAST MAIL CENTRE Qld 4560



Department of
Environment and Resource
Management

Dear Mr Knaggs

Local Government Boundary Anomaly – Sunshine Coast Regional Council

The Minister for Local Government is responsible for formalising local government boundaries within the State under the *Local Government Act 1993*.

The Minister for Environment and Resource Management is responsible for formalising the suburb/locality boundaries within the State under the *Place Names Act 1994*.

The Department of Environment and Resource Management has identified an anomaly pertaining to the Sunshine Coast Regional Council Local Government boundaries. This anomaly has a direct effect on maintaining correct suburb/locality boundaries, which are essential for the delivery of business and emergency services.

The anomalies occur when a local government boundary bisects property lots, effectively dividing the parcel of land between two different council areas. As a consequence, these properties are sometimes split into two different suburbs or localities, which cause further confusion for landowners, councils and essential services etcetera.

The anomaly identified along the Sunshine Coast Regional Council boundary is delineated on the enclosed plan:

- CHQ024459/683 – Lot 5 on SP242747 – Sunshine Coast Regional Council (Locality of Conondale) and Moreton Bay Regional Council (Locality of Bellthorpe)

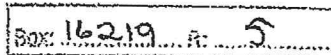
The Department of Local Government has advised that local councils involved with boundary anomalies, such as the above, should seek a determination as a limited reviewable local government matter by the Electoral Commissioner of Queensland under the *Local Government Act 1993*.

Should you require further information on this matter, please contact the author on telephone (07) 5451 2252 or contact Mr Peter Carman, Principal Project Officer, Department of Infrastructure and Planning on telephone (07) 3237 1731.

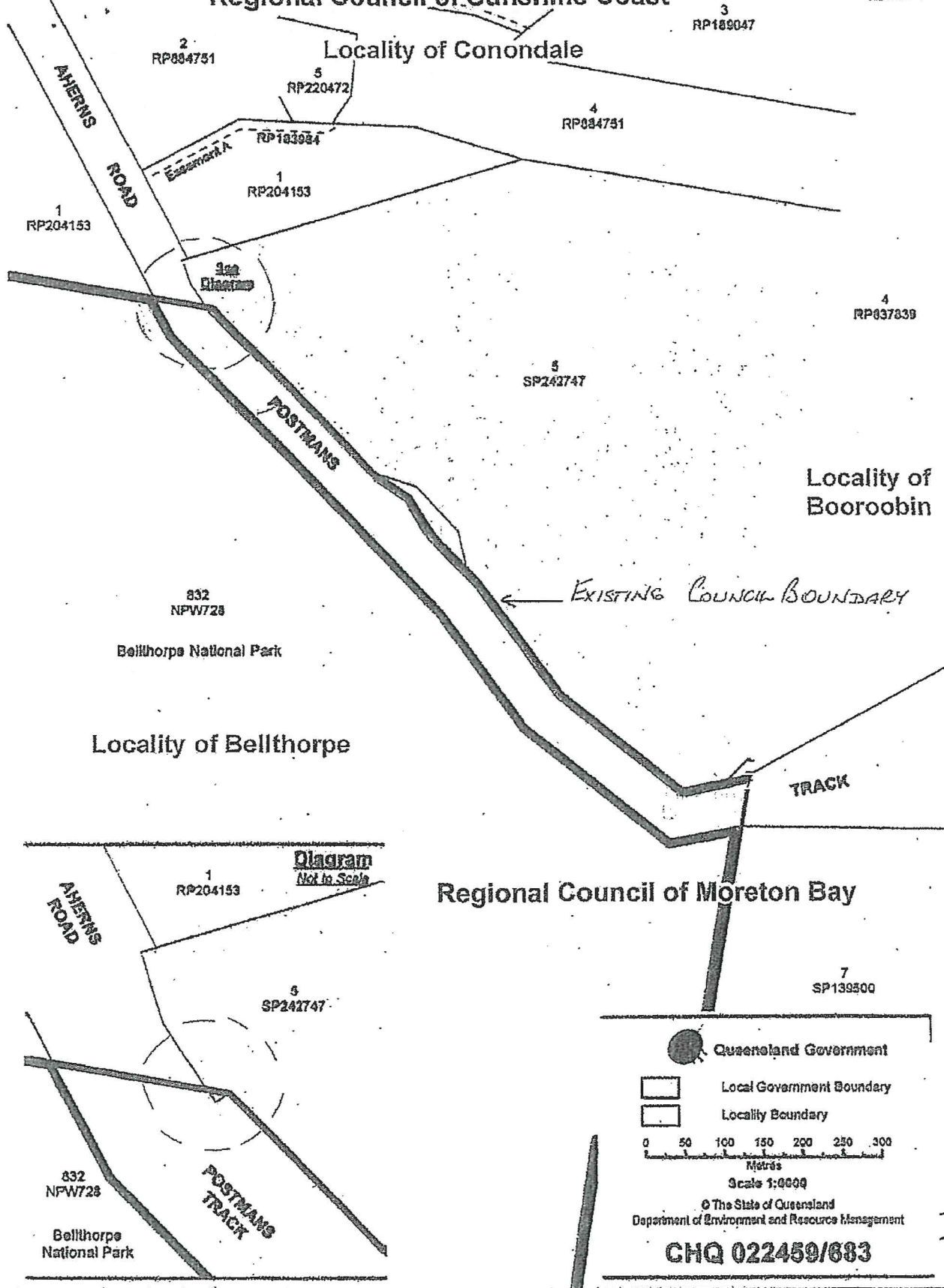
Thanking you for your cooperation.

Ross Norman
Senior Spatial Information Officer
Nambour Office

642



Appendix 1 Property and Boundary Map Regional Council of Sunshine Coast

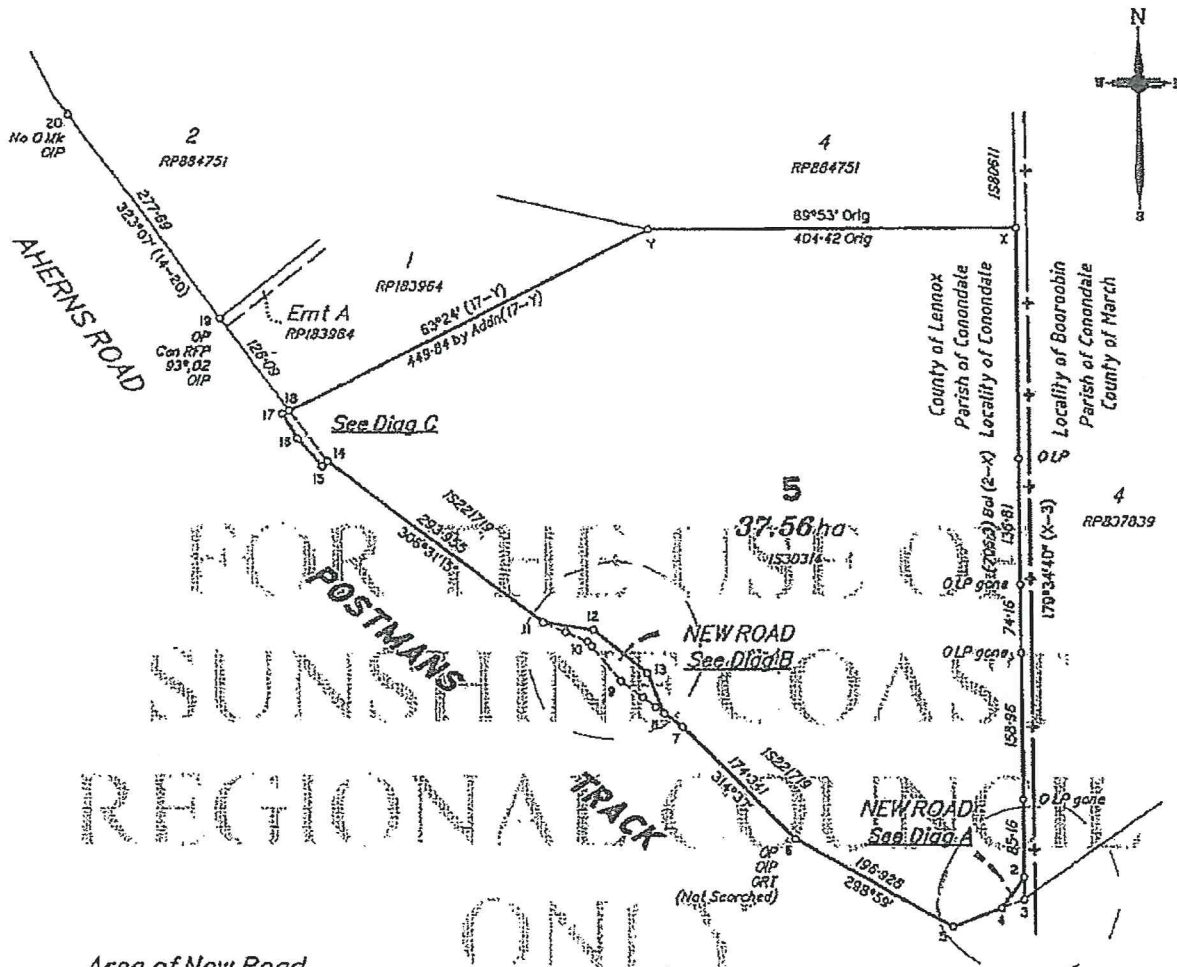


Appendix 2 - New road map

Land Title Act 1994: Land Act 1994
Form 21 Version 2

SURVEY PLAN

Sheet 1 of 2



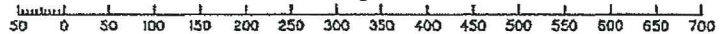
Area of New Road
(2-3-4-2) 291 m²
(8-9-10-11-12-13-8) 2397 m²
Total Area of New Road 2688 m²

Area of Closed Road
(14-15-16-17-18-14) 731 m²

Original Information compiled from
RP160901 in the Department of
Environment and Resource Management

Peg placed at all new corners
unless stated otherwise.

Scale 1:5000 - Lengths are in Metres.



DEFIDUM PTY LTD ACK NO 244 144 hereby certify that the land
complicated in this plan was surveyed by the corporation, by
Jeffrey Charles Sheppard, Registered Surveying Associate, for
whose work the corporation accepts responsibility, under the
supervision of Gary Andrew Trench, Registered Surveyor, and that
this plan is accurate, that the said survey was performed in
accordance with the Survey and Mapping Infrastructure Act 2003
and Surveyors Act 2003 and associated Regulations and
Standards and that the survey was completed by 14/12/10.

DEFIDUM
PT LTD
14/12/10 244 144
Director

22-2-2011
Date

Plan of Lot 5
Cancelling Lot 3 on RP160901
and USL being Part of Postmans Track
Adjoining Lot 3 on RP160901

PARISH: CONONDALE COUNTY: Lennox

MapId: RP160901

F/N: NO

Scale: 1:5000


Format: STANDARD



SP242747

Plan Status:

Appendix 2 - New road map

<p style="font-size: 1.2em; margin: 0;">713837756</p> <p style="margin: 0;">NO FEE</p> <p style="margin: 0;">05/05/2011 15:22</p> <p style="margin: 0;">NR 495</p>		<p style="font-size: 0.8em; margin: 0;">WARNING : Folded or Mutilated Plans will not be accepted. Plans may be rolled. Information may not be placed in the outer margins.</p>																												
<p>1. Certificate of Registered Owners or Lessees.</p> <p>I/We</p> <p>(Names in full)</p> <p>as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.</p> <p>as Lessees of this land agree to this plan.</p> <p>Signature of Registered Owners Lessees</p> <p>Rule out whichever is inapplicable</p>		<p>2. Local Government Approval.</p> <p>hereby approves this plan in accordance with the:</p> <p>% Integrated Planning Act 1997</p> <p>Dated this day of</p> <p>Insert the name of the Local Government % Insert Integrated Planning Act 1997 or Insert designation of signatory or delegation Local Government (Planning & Environment) Act 1990</p>																												
<p>3. Plans with Community Management Statement:</p> <p>CMS Number:</p> <p>Name:</p>		<p>4. References:</p> <p>Dept File: 2010/2625</p> <p>Local Govt:</p> <p>Surveyor: 12073</p>																												
<p>5. Lodged by NR 2340</p> <p>M.D Sharpe</p> <p>Dept of Environment and Resource Management</p> <p>PO Box 573</p> <p>Nambour Q 4560 Ph: 5451 2231</p> <p>(Include address, phone number, reference, and Lodger Code)</p>		<p>6. Existing</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Title Reference</th> <th>Lot</th> <th>Plan</th> <th>Lots</th> <th>Emts</th> <th>Covs</th> <th>Road</th> </tr> <tr> <td>50727863</td> <td>3</td> <td>RP160901</td> <td>5</td> <td>-</td> <td>-</td> <td>New Rd</td> </tr> <tr> <td>USL</td> <td>-</td> <td>-</td> <td>5</td> <td>-</td> <td>-</td> <td>-</td> </tr> </table> <p style="text-align: center; margin-top: 10px;">MORTGAGE ALLOCATIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Mortgage</th> <th>Lots Fully Encumbered</th> <th>Lots Partially Encumbered</th> </tr> <tr> <td>713095755</td> <td>-</td> <td>5</td> </tr> </table>		Title Reference	Lot	Plan	Lots	Emts	Covs	Road	50727863	3	RP160901	5	-	-	New Rd	USL	-	-	5	-	-	-	Mortgage	Lots Fully Encumbered	Lots Partially Encumbered	713095755	-	5
Title Reference	Lot	Plan	Lots	Emts	Covs	Road																								
50727863	3	RP160901	5	-	-	New Rd																								
USL	-	-	5	-	-	-																								
Mortgage	Lots Fully Encumbered	Lots Partially Encumbered																												
713095755	-	5																												
<p>7. Portion Allocation:</p> <p>a. Map Reference:</p> <p style="text-align: center;">9444-31122</p> <p>a. Locality:</p> <p style="text-align: center;">CONONDALE</p> <p>a. Local Government:</p> <p style="text-align: center;">SUNSHINE COAST REGIONAL COUNCIL</p> <p>11. Passed & Endorsed:</p> <p>By: Definium Pty Ltd ACN 109 244 144</p> <p>Date: 22-2-2011</p> <p>Signed: </p> <p>Designation: Cadastral Surveyor/Director</p>		<p>8. Building Format Plans only.</p> <p>I certify that:</p> <p>As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road.</p> <p>Part of the building shown on this plan encroaches onto adjoining lots and road</p> <p>Cadastral Surveyor/Director Date</p> <p>date words not required</p> <p>12. Lodgement Fees:</p> <p>Survey Deposit \$</p> <p>Lodgement \$ 286.30</p> <p>New Titles \$</p> <p>Photocopy \$</p> <p>Postage \$</p> <p>TOTAL \$ 286.30</p> <p>Receipt 3953059</p> <p>14. Insert Plan Number SP242747</p>																												

Land Title Act 1994; Land Act 1994
Form 21A Version 1

ADDITIONAL SHEET

Sheet	of
2	2

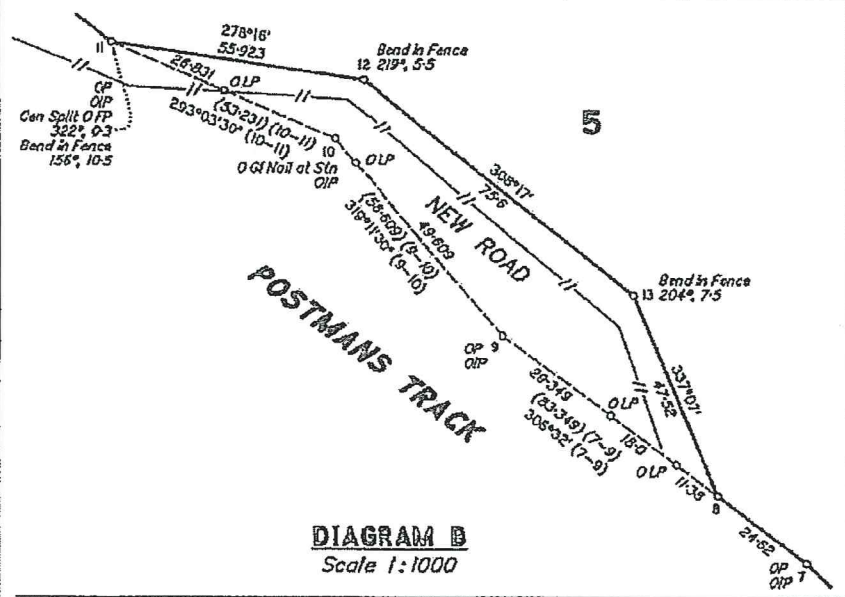
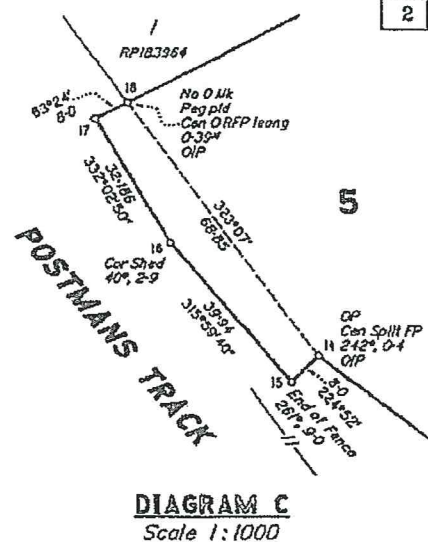
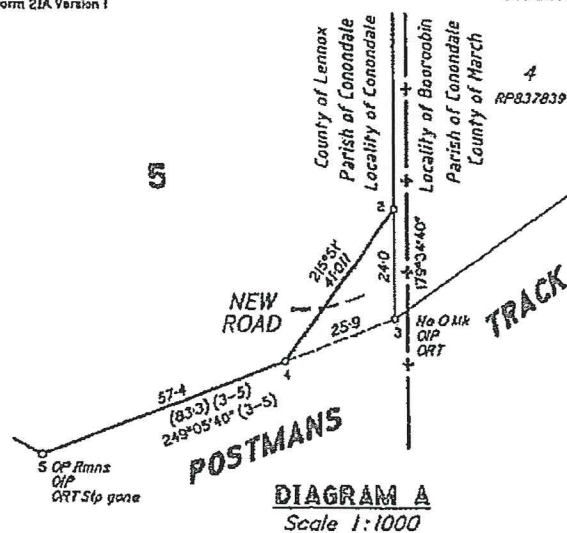


DIAGRAM B
Scale 1:1000

REFERENCE SURVEY MARKS

STN	TO	BEARING	DISTANCE	ORIGIN
3	QIP	251°18'40"	2-035	6/RP160901
3	ORT	282°58'40"	3-13	6/RP160901
4	Ph	60°53'20"	26-925	
4	QIP	165°18'40"	1-0	7/RP160901
5	ORT Slip gons	56°02'40"	13-48	2/LX1154
6	QIP	201°50'	1-0	0/IS30314
6	ORT (Not searched)	253°58'	6-53	3/LX1154
6	Ph	230°48'40"	13-062	
7	QIP	30°20'	1-487	2/IS221719
7	Ph	229°19'30"	6-831	
8	Ph	34°45'	1-191	
9	QIP	122°54'	0-69	6/IS30314
10	QIP	211°37'	4-427	4/IS221719
11	QIP	209°47'	0-695	5/IS30314
12	Ph	135°55'	0-578	
12	Ph	253°02'35"	9-977	
13	Ph	224°09'	0-953	
13	Ph	234°16'	7-713	
14	QIP	33°26'15"	1-03	2a/RP160901
15	Ph	233°37'	0-796	
15	Ph	306°01'	5-202	
17	Ph	226°31'30"	6-285	
18	QIP (New Ref)	57°35'	0-985	2/RP160901
19	QIP (New Ref)	37°21'	1-164	2/RP163984
20	QIP	85°30"	1-185	1/RP160901
20	Ph	262°58'10"	28-608	
80	Ph	78°03'	0-795	

PERMANENT SURVEY MARKS

PSW	ORIGIN	BEARING	DIST	NO	TYPE
5-PSW	-	164°56'	20-413	185162	SPK1 in Conc Collar
18-PSW	-	291°30'15"	25-523	185181	SPK1 in Conc Collar

Scale 1:1000 - Lengths are in Metres.

State copyright reserved.

Insert
Plan
Number **SP242747**

LOCAL GOVERNMENT BOUNDARY ANOMALY

File No: ECM 6 September 2011
Author: Manager Council Services and Business Integration
Finance and Business
Appendices: App A - DERM Letter (PSC Att Pg)
App B - Survey Plan (PSC Att Pg)
App C - MBRC Letter 060611 (PSC Att Pg)
Attachment: Att 1 - Overview Map (PSC Att Pg)

PURPOSE

This report concerns an amendment to the Local Government boundary of Sunshine Coast Regional Council and seeks Council's approval to request an assessment of the proposed amendment by the Change Commission. The report also seeks Council's response to the letter from the Moreton Bay Regional Council seeking Sunshine Coast Council's response to the proposal to amend the boundary to include all the area of the Postmans Track Road bordering Lot 5 on SP242747 within the Sunshine Coast Regional Council.

EXECUTIVE SUMMARY

The Department of Environment and Resource Management (DERM) has identified an anomaly pertaining to the Sunshine Coast Regional Council Local Government boundary (refer to Appendix A). This anomaly is identified by the department as having a direct effect on maintaining correct external and suburb/locality boundaries which are essential for the delivery of business and emergency services.

The Department of Environment and Resource Management has also corresponded with the Moreton Bay Regional Council on this anomaly.

The Chief Executive Officer of Moreton Bay Regional Council has written to Sunshine Coast Regional Council (refer to Appendix C) seeking the views of Sunshine Coast Council on this boundary anomaly, and requesting that a further boundary amendment is made. This anomaly also has a direct effect on maintaining correct suburb/locality boundaries which are essential for the delivery of business and emergency services. Moreton Bay Regional Council wishes to make application to the Change Commission for a determination on this boundary amendment.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Local Government Boundary Anomaly";
- (b) authorise the Chief Executive Officer to write to the Moreton Bay Regional Council advising:
 - (i) Council's support to seek a local government change to the Council boundary (Appendix A) which would result in Lot 5 on SP242747 being within the Sunshine Coast Regional Council;
 - (ii) that the proposal by Moreton Bay Regional Council (Appendix C) for a further boundary amendment to include the section on Postmans Track fronting Lot 5

on SP242747 into the Sunshine Coast Regional Council is not supported and that Council's position is that a further boundary amendment be made to include this area of road (which includes two new areas of road) within the Moreton Bay Regional Council; and

- (c) authorise the Chief Executive Officer to apply to the Minister for Local Government and the Change Commission to seek an assessment under the Local Government Act 2009 on the boundary anomaly, in accordance with recommendation (b) (i), and recommend that the section of Postmans Track fronting Lot 5 on SP242747 and including the areas of new road remain and respectively be included in the Moreton Bay Regional Council.

FINANCE AND RESOURCING

There are no financial implications relating to this report. Council currently does not maintain the Postmans Track Road. If, however, sections of the road were to remain within the Sunshine Coast region then Council's responsibilities regarding maintenance of the road would need to be resolved.

CORPORATE PLAN

Corporate Plan Theme: *Great Governance*

Emerging Priority: 8.1 Ethical, accountable and transparent decision-making
Strategy: 8.1.2 Ensure legislative compliance and awareness

CONSULTATION

Internal Consultation

- Manager Transport and Engineering Services, Infrastructure Services.
- Manager Property, Finance and Business.
- The Divisional Councillor has been briefed.

External Consultation

- Senior Spatial Information Officer, Nambour Office, Department of Environment and Resource Management.
- Coordinator Executive Services, CEO's Office, Moreton Bay Regional Council.

Community Engagement

There has been no community engagement undertaken in relation to this report.

PROPOSAL

The Department of Environment and Resource Management (DERM) has identified an anomaly pertaining to the Sunshine Coast Regional Council Local Government boundary (refer to Appendix A - letter dated 19 May 2011). This anomaly is identified by the department as having a direct effect on maintaining correct external and suburb/locality boundaries which are essential for the delivery of business and emergency services.

The anomalies occur when a local government boundary bisects property lots, effectively dividing the parcel of land between two different Council areas (as in this case). As a consequence, these properties are sometimes split into two different suburbs or a locality which causes further confusion for landowners, Councils and emergency services.

The Department of Local Government has advised that Councils involved with boundary anomalies, such as the above, should seek agreement between the two Councils and then seek an assessment from the Change Commission under the *Local Government Act 2009* to assess whether the changes should be made.

The anomaly is as follows:

CHQ024459/683 – Lot 5 on SP242747 – Sunshine Coast Regional Council (Locality of Conondale) and Moreton Bay Regional Council (Locality of Bellthorpe).

It is delineated on the plan appearing in Appendix A. The anomaly occurs because the Council boundary divides the lot.

In addition, a recent change to Postmans Track Road associated with the reconfiguration of Lot 5 on SP242747 has resulted in two areas of new road sitting within the Sunshine Coast region while the majority of Postmans Track Road lies within the Moreton Bay region. The existing Council boundary and areas of new road are shown on Appendices A and B respectively.

The recent reconfiguration of the lot and changes to Postmans Track Road are the result of complex and lengthy negotiations between the property owner and Sunshine Coast Council to resolve issues relating to the constructed road and averting community outrage to a possible road closure.

Advice has been received from the Chief Executive Officer of Moreton Bay Regional Council as follows:

That Moreton Bay Regional Council, when considering the matter, resolved that a further boundary amendment be made to include the section of Postmans Track fronting Lot 5 on SP242747 into the Sunshine Coast Regional Council and that Moreton Bay Regional Council seek the views of Sunshine Coast Regional Council in relation to the proposed amendment.

Moreton Bay Regional Council is seeking Council's view to include the entire road in the Sunshine Coast Regional Council area.

Legal

A change to the boundary of the local government area is termed a local government change under S 17 of the *Local Government Act 2009*. The Minister for Local Government is responsible for applying to the Change Commission to formalise local government boundaries within the State (S18). The process for making a local government change is as follows:

- the Change Commission assesses whether a proposed local government change is in the public interest; and
- the Governor in Council implements the local government change (S19).

The Minister for Environment and Resource Management is responsible for formalising the suburb/locality boundaries within the State under the *Place Names Act 1994*.

The Principal Project Officer, Department of Infrastructure and Planning has recommended that there be agreement between the Councils in any submission for change and that Councils work to resolve any issues.

Policy

There is no relevant Council policy relating to this report.

Risk

The property Lot 5 on SP242747 is currently divided by two local government areas which could cause confusion for the landowner, Council and emergency services.

With the recent reconfiguration of the lot and the addition to the Postmans Track Road to include two areas of new road, the existing Council boundary leaves the areas of new road in the Sunshine Coast region. This is impracticable from a management point of view especially given the majority of the road currently is within the Moreton Bay Regional Council and in relation to maintaining the road and Council's legal responsibilities.

Previous Council Resolution

There are no previous Council resolutions relating to this report.

Related Documentation

Letter of 19 May 2011 from the Senior Spatial Information Officer, Department of Environment and Resource Management.

Letter of 6 June 2011 from the Chief Executive Officer, Moreton Bay Regional Council.

Critical Dates

It is desirable that the matter be resolved so that any local government change is completed prior to the next local government election.

Implementation

The Chief Executive Officer, Sunshine Coast Regional Council write to the Moreton Bay Regional Council advising of Council's decision.

Council seek an assessment from the Minister for Local Government and the Change Commission under the *Local Government Act 2009* to assess whether a change should be made on the boundary anomaly and suggest to the commission that the area of Postmans Track Road fronting Lot 5 on RP 242747 be included in the Moreton Bay Regional Council.

Resolution from Ordinary Meeting held on 14 September 2011

(PSC) ITEM 4.1.1 LOCAL GOVERNMENT BOUNDARY ANOMALY

Council Resolution (OM11/217)

That Council:

- (a) *receive and note the report titled "Local Government Boundary Anomaly";*
- (b) *authorise the Chief Executive Officer to write to the Moreton Bay Regional Council advising:*

- (i) *Council's support to seek a local government change to the Council boundary (Appendix A) which would result in Lot 5 on SP242747 being within the Sunshine Coast Regional Council;*
- (ii) *that the proposal by Moreton Bay Regional Council (Appendix C) for a further boundary amendment to include the section on Postmans Track fronting Lot 5 on SP242747 into the Sunshine Coast Regional Council is not supported and that Council's position is that a further boundary amendment be made to include this area of road (which includes two new areas of road) within the Moreton Bay Regional Council; and*
- (c) *authorise the Chief Executive Officer to apply to the Minister for Local Government and the Change Commission to seek an assessment under the Local Government Act 2009 on the boundary anomaly, in accordance with recommendation (b) (i), and recommend that the section of Postmans Track fronting Lot 5 on SP242747 and including the areas of new road remain and respectively be included in the Moreton Bay Regional Council.*

Office of the CEO



Enquiries: Mr. Russell Garske
Phone: (07) 3480 6564
Fax: (07) 3480 6758

Our Ref: A6224212 RG:erd
Your Ref: -
Date: 8 November 2011

The Hon. Paul Lucas MP
Minister for Local Government & Planning
PO Box 15009
CITY EAST QLD 4002

Dear Minister,

Local Government Boundary Anomaly – Moreton Bay Regional Council – Postman's Track – Division 12

Advice was received from the Department of Environment & Resource Management that a boundary anomaly existed in Postman's Track as indicated on Attachment 1 of this correspondence.

Council, when giving consideration to this anomaly, was of the view that the boundary in this location should be amended to incorporate the section of Postman's Track in the Sunshine Coast area. The reason for this decision was that the residents of this area access this road from the Sunshine Coast area. Attachment 2 depicts the properties in this area.

In accordance with s17 of the *Local Government Act 2009*, Council requests your consideration to making an application to the Change Commissioner for a local government change to correct the boundary as outlined in Attachment 3.

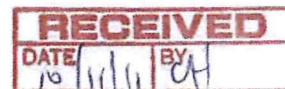
I await your advice in regard to this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read "John Rauber", written over a light blue horizontal line.

John Rauber
Chief Executive Officer

Att: – Attachments 1, 2, 3



Customer Service Contacts

PO Box 159 Caboolture QLD 4510 • T 3205 0555 • F 3205 0599 | E mbrc@moretonbay.qld.gov.au | W www.moretonbay.qld.gov.au

Sunshine Coast Council

Sunshine Coast Regional Council ABN 37 878 973 913
Locked Bag 72 Sunshine Coast Mail Centre Qld 4560
T 07 5475 7272 F 07 5475 7277 mail@sunshinecoast.qld.gov.au
www.sunshinecoast.qld.gov.au

26 September 2011

Officer: Debra Iezzi
Direct Telephone: (07) 54441 8294
Response Address: Locked Bag 72, SCMC QLD 4560
Email: debra.iezzi@sunshinecoast.qld.gov.au

John Rauber
Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
Caboolture 4510

Moreton Bay Regional Council
RECORDS MANAGEMENT

09 OCT 2011

OBJ ID: _____

Dear John

RE Local Government Boundary Anomaly

I refer to your letter dated 6 June 2011 seeking Council's views relating to:


- The anomaly which has occurred with Lot 5 SP242747 Parish of Conondale, County of Lennox being divided by the boundary between our two regions; and
- A further proposed boundary amendment to include the section of Postmans Track fronting the aforementioned Lot, into the Sunshine Coast Regional Council.

Council has considered your request and I advise the following:

- In relation to the boundary anomaly which has occurred with the Lot 5 SP242747 being divided, Sunshine Coast Regional Council supports a local government change (in accordance with s17 of the *Queensland Local Government Act 2009*) to the Council boundary which would result in the Lot being within the Sunshine Coast Regional Council (refer to Appendix 1); and
- In relation to your proposal for a further boundary amendment to include the section of Postmans Track fronting Lot 5 on SP242747 into the Sunshine Coast Regional Council, this proposal is not supported. Council's position is that the area of road which includes two new areas of road (as highlighted in Appendix 2) remain and respectively be included within the Moreton Bay Regional Council.

It is Council's intention to apply to The Hon. Paul Lucas, Minister for Local Government and Planning for a *local government change* in accordance with s 17 of the *Queensland Local Government Act 2009* in relation to both a. and b. above.

Yours sincerely


John Knaggs
Chief Executive Officer

Appendices

- Appendix 1 – Property and boundary map
- Appendix 2 – New road map

Appendix 1 - Property and Boundary Map

Author - Ross Norman
File / Ref Number - NAM/002028
P.O. Box 573
NAMBOUR Q 4560
Phone (07) 5451 2252

80367313

Queensland
Government

19 May 2011

Mr John Knaggs
Chief Executive Officer
Sunshine Coast Regional Council
Locked Bag 72
SUNSHINE COAST MAIL CENTRE Qld 4560



Department of
Environment and Resource
Management

Dear Mr Knaggs

Local Government Boundary Anomaly - Sunshine Coast Regional Council

The Minister for Local Government is responsible for formalising local government boundaries within the State under the *Local Government Act 1993*.

The Minister for Environment and Resource Management is responsible for formalising the suburb/locality boundaries within the State under the *Place Names Act 1994*.

The Department of Environment and Resource Management has identified an anomaly pertaining to the Sunshine Coast Regional Council Local Government boundaries. This anomaly has a direct effect on maintaining correct suburb/locality boundaries, which are essential for the delivery of business and emergency services.

The anomalies occur when a local government boundary bisects property lots, effectively dividing the parcel of land between two different council areas. As a consequence, these properties are sometimes split into two different suburbs or localities, which cause further confusion for landowners, councils and essential services etcetera.

The anomaly identified along the Sunshine Coast Regional Council boundary is delineated on the enclosed plan:

- CHQ024459/883 - Lot 5 on SP242747 - Sunshine Coast Regional Council (Locality of Conondale) and Moreton Bay Regional Council (Locality of Bellthorpe)

The Department of Local Government has advised that local councils involved with boundary anomalies, such as the above, should seek a determination as a limited reviewable local government matter by the Electoral Commissioner of Queensland under the *Local Government Act 1993*.

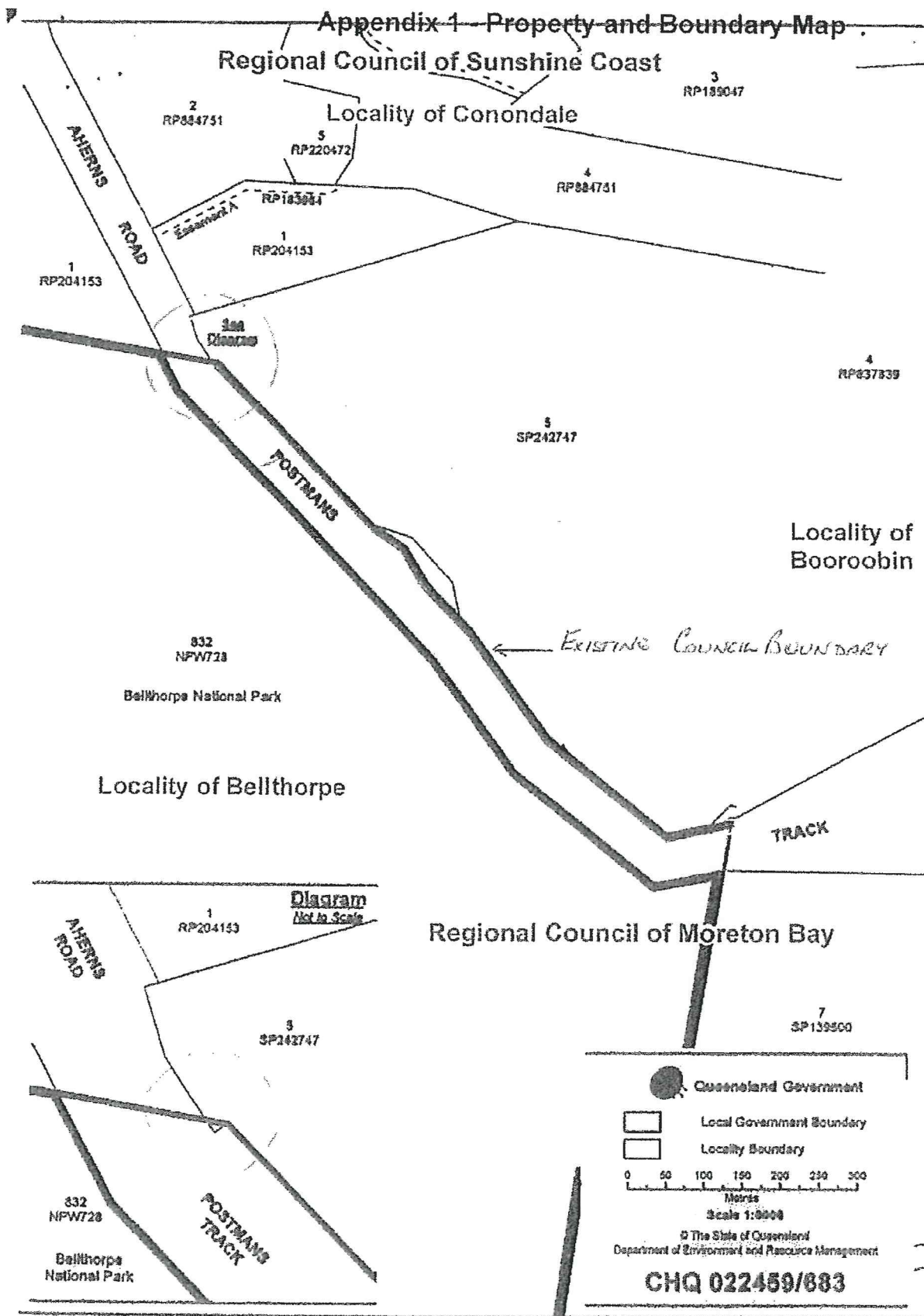
Should you require further information on this matter, please contact the author on telephone (07) 5451 2252 or contact Mr Peter Carman, Principal Project Officer, Department of Infrastructure and Planning on telephone (07) 3237 1731.

Thanking you for your cooperation.

Ross Norman
Senior Spatial Information Officer
Nambour Office

642

Box 16219 PC 5

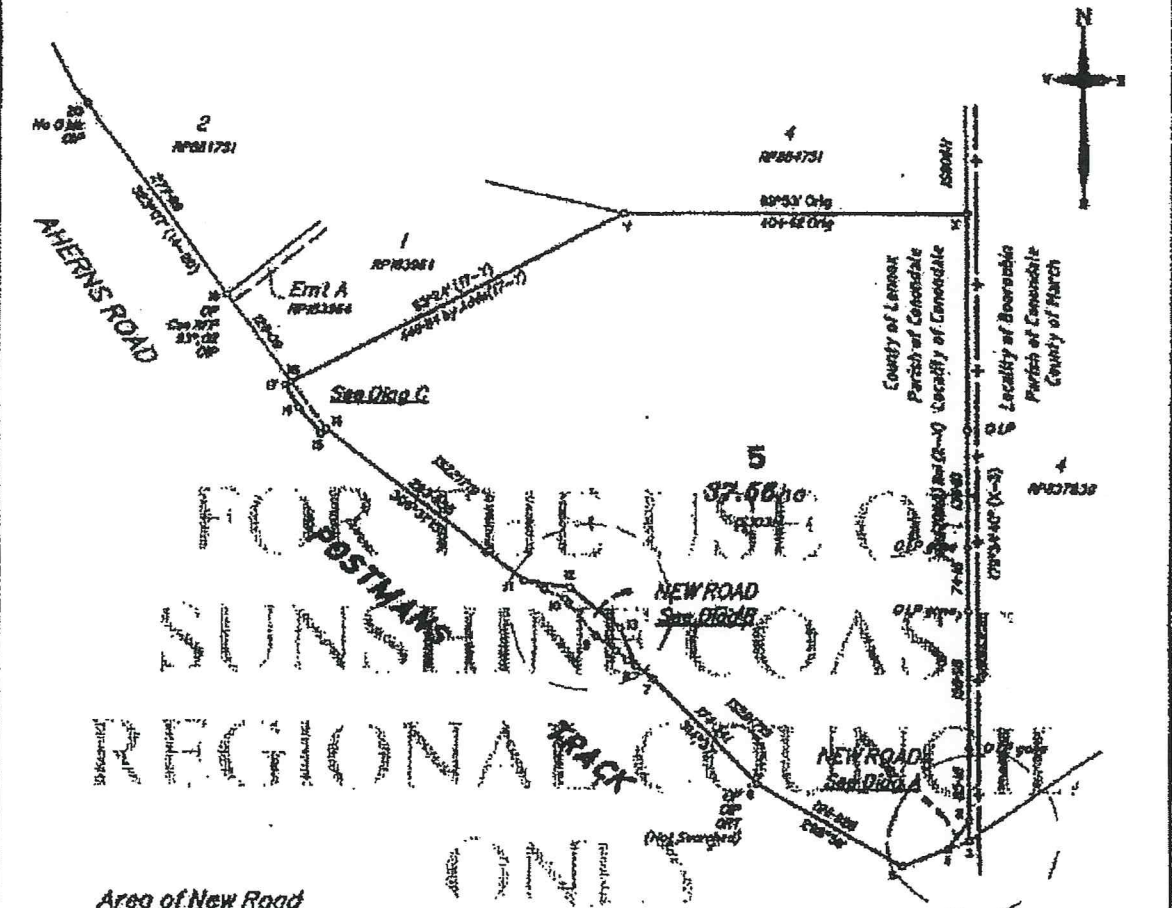


Appendix 2 - New road map

Land Title Act 1994: Land Act 1994
Form 21 Version 2

SURVEY PLAN

Sheet 1 of 2



Area of New Road
(2-3-4-2) 291 m²
(8-9-10-11-12-13-8) 2397 m²
Total Area of New Road 2688 m²

Area of Closed Road
(14-15-16-17-18-14) 731 m²

Original information compiled from
RP160901 in the Department of
Environment and Resource Management

Peg placed at all new corners
unless stated otherwise.

Scale 1:5000 - Lengths are in Metres.
30 60 90 120 150 180 210 240 270 300 330 360 390 420 450 480 510 540 570 600 630 660 690 720

NOTES: THIS PLAN AND THE 2-14-14 hereby certify that the land comprised in this plan was surveyed by the Surveyor-General under the provisions of the Survey Act 1994, and that the survey was conducted in accordance with the Survey Act 1994 and the Survey Regulations 1994, and that the survey was conducted in accordance with the Survey Act 1994 and the Survey Regulations 1994, and that the survey was conducted in accordance with the Survey Act 1994 and the Survey Regulations 1994.



22-2-2011

Plan of Lot 5
Cancelling Lot 3 on RP160901
and USL being Part of Postmans Track
Adjoining Lot 3 on RP160901

PARISH: CONONDALE COUNTY: Lennox

Volume: RP160901

T/A/N: NO

Scale: 1:5000
Format: STANDARD



SP242747

Plan Status:

Appendix 2 - New road map

<p style="font-size: 1.2em; margin: 0;">713837756</p> <p style="margin: 0;">NO FEE 09/05/2011 13:23</p> <p style="margin: 0;">NR 495</p>		<p style="font-size: 0.8em; margin: 0;">WARNING : Folded or Multifolded Plans will not be accepted.</p> <p style="margin: 0;">Plans may be rolled.</p> <p style="margin: 0;">Information may not be placed in the outer margins.</p>	
<p>Registered</p>		<p>Lodged by NR 2340 M.D. Sharpe Dept of Environment and Resource Management PO Box 573 Nambour Q4540 Ph: 5457 2231 <small>(Include address, phone number, reference, and Lodger Code)</small></p>	

<p>1. Certificate of Registered Owners or Lessees.</p> <p>I/we _____</p> <p style="font-size: 0.8em;">as Registered Owners of this land agree to this plan and dedicate the Public Use Land on above burden in accordance with Section 50 of the Land Title Act 1984.</p> <p style="font-size: 0.8em;">as Lessees of this land agree to this plan.</p> <p>_____ Signatures of Registered Owners Lessees</p> <p style="font-size: 0.8em; margin-top: 20px;">Full not otherwise is inapplicable</p>							
<p>2. Local Government Approval.</p> <p>_____ I hereby approve this plan in accordance with the:</p> <p><input checked="" type="checkbox"/> Integrated Planning Act 1987</p> <p style="font-size: 0.8em; margin-top: 20px;">Dated this _____ day of _____</p> <p style="font-size: 0.8em; margin-top: 20px;">I bear the name of the Local Government. <input checked="" type="checkbox"/> I bear Integrated Planning Act 1987 or Insert designation of signatory or delegation Local Government (Planning & Environment) Act 1987</p>							

<p>Existing</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">Title Reference</th> <th style="width: 10%;">Lot</th> <th style="width: 20%;">Plan</th> <th style="width: 20%;">Lots</th> <th style="width: 10%;">Units</th> <th style="width: 10%;">Civic</th> <th style="width: 10%;">Road</th> </tr> <tr> <td>50727883</td> <td>3</td> <td>NP18090</td> <td>5</td> <td>-</td> <td>-</td> <td>New Rd</td> </tr> <tr> <td>USA</td> <td>-</td> <td>-</td> <td>5</td> <td>-</td> <td>-</td> <td>-</td> </tr> </table>		Title Reference	Lot	Plan	Lots	Units	Civic	Road	50727883	3	NP18090	5	-	-	New Rd	USA	-	-	5	-	-	-	<p>Created</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">Title Reference</th> <th style="width: 10%;">Lot</th> <th style="width: 20%;">Plan</th> <th style="width: 20%;">Lots</th> <th style="width: 10%;">Units</th> <th style="width: 10%;">Civic</th> <th style="width: 10%;">Road</th> </tr> <tr> <td>50727883</td> <td>3</td> <td>NP18090</td> <td>5</td> <td>-</td> <td>-</td> <td>New Rd</td> </tr> <tr> <td>USA</td> <td>-</td> <td>-</td> <td>5</td> <td>-</td> <td>-</td> <td>-</td> </tr> </table>		Title Reference	Lot	Plan	Lots	Units	Civic	Road	50727883	3	NP18090	5	-	-	New Rd	USA	-	-	5	-	-	-
Title Reference	Lot	Plan	Lots	Units	Civic	Road																																							
50727883	3	NP18090	5	-	-	New Rd																																							
USA	-	-	5	-	-	-																																							
Title Reference	Lot	Plan	Lots	Units	Civic	Road																																							
50727883	3	NP18090	5	-	-	New Rd																																							
USA	-	-	5	-	-	-																																							

MORTGAGE ALLOCATIONS		
Mortgage	Lots Fully Encumbered	Lots Partially Encumbered
713085755	-	5

<p>3. Portion Allocation:</p> <p>a. Map Reference: 9444-31122</p> <p>b. Locality: CONONDALE</p> <p>c. Local Government: SUNSHINE COAST REGIONAL COUNCIL</p> <p>d. Posed & Endorsed: By: <u>Deakin Pty Ltd</u> Date: <u>21-2-2011</u> Designation: <u>Director</u></p>	<p>4. Building Form Plans only.</p> <p>I certify that: As far as it is practical to determine, no part of the building shown on this plan encroaches on to adjoining lots or roads. Part of the building shown on this plan encroaches onto adjoining lots and road</p> <p>_____ Certified Surveyor/Director <small>date words not required</small></p>	<p>5. Lodgement Fees:</p> <p>Survey Deposit \$ _____</p> <p>Lodgement \$ <u>286.30</u></p> <p>Plan Titles \$ _____</p> <p>Photocopy \$ _____</p> <p>Postage \$ _____</p> <p>TOTAL \$ <u>286.30</u></p> <p>Receipt # <u>3953059</u></p> <p style="text-align: right;">M. Ward Plan Number SP242747</p>
--	--	---

<p>6. Plans with Community Management Statement:</p> <p>CMS Number: _____</p> <p>Name: _____</p>	<p>7. References:</p> <p>Dept File: <u>2010/2635</u></p> <p>Local Govt: _____</p> <p>Surveyor: <u>12073</u></p>
---	--

Appendix 2 - New road map

Land Title Act 1924; Land Act 1994
Form 21A Version 1

ADDITIONAL SHEET

Sheet 2 of 2

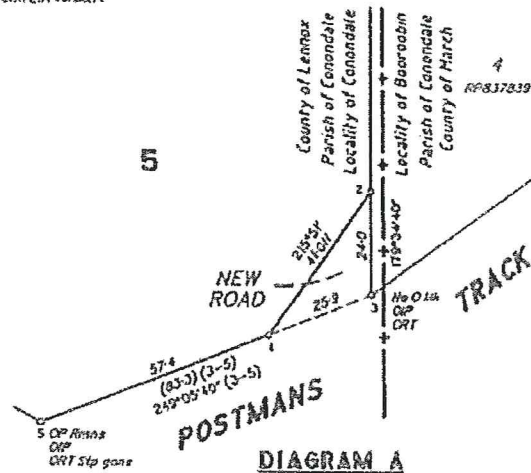


DIAGRAM A
Scale 1:1000



DIAGRAM C
Scale 1:1000

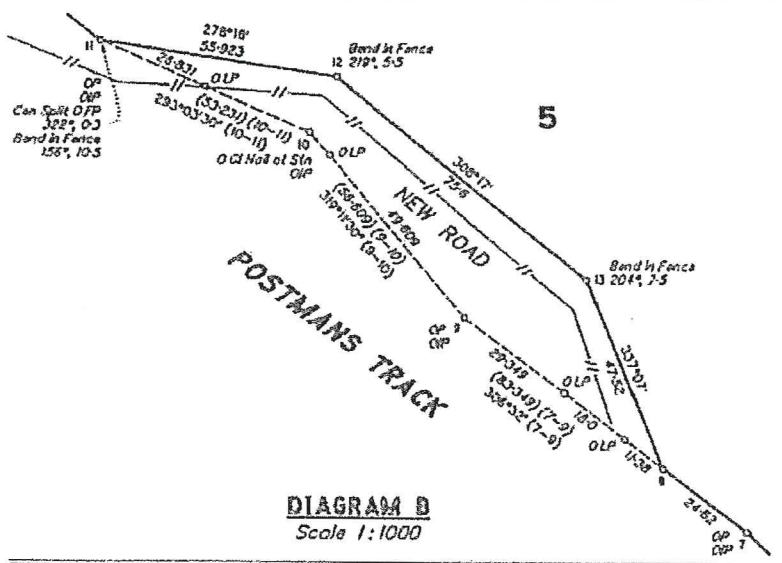


DIAGRAM B
Scale 1:1000



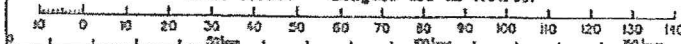
REFERENCE SURVEY MARKS

STN	TO	BEARING	DISTANCE	ORIGIN
3	OP	251°18'40"	2.035	6/RP180901
3	ORT	282°58'40"	3.13	6/RP180901
4	Pin	60°53'20"	26.925	
5	OP	165°18'40"	10	7/RP180901
5	ORT Slp gone	66°02'40"	13.48	2/LX1154
6	OP	201°50'	10	8/1530314
6	ORT (Not attached)	253°15'	6.538	3/LX1154
6	Pin	230°48'40"	13.082	
7	OP	90°20'	1.487	2/15221719
7	Pin	229°19'30"	6.831	
8	Pin	34°45'	1.191	
9	OP	122°45'	0.48	6/1530314
10	OP	211°37'	4.427	4/15221719
11	OP	209°17'	0.625	4/1530314
12	Pin	135°45'	0.578	
12	Pin	253°02'35"	9.977	
13	Pin	224°09'	0.953	
13	Pin	234°18'	7.713	
14	OP	38°28'15"	1.03	2a/RP180901
15	Pin	233°37'	0.796	
15	Pin	306°01'	6.202	
17	Pin	226°31'30"	6.285	
18	OP (New Ref)	57°35'	0.965	2/RP180901
19	OP (New Ref)	37°21'	1.184	2/RP1833564
20	OP	65°30'	1.185	1/RP180901
20	Pin	252°58'10"	28.408	
20	Pin	78°03'	0.795	

PERMANENT SURVEY MARKS

PSM	ORIGIN	BEARING	DIST	NO	TYPE
5-PSM	-	184°56"	20.413	185162	5 Pkt in Conc Collar
18-PSM	-	291°30'15"	25.523	185181	5 Pkt in Conc Collar

Scale 1:1000 - Lengths are in Metres.



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Insert
Plan
Number **SP242747**

Office of the CEO



Enquiries: Mr. Russell Garske
Phone: (07) 3480 6564
Fax: (07) 3480 6758

Our Ref: A6484625 RG:djr
Your Ref: -
Date: 1 February 2012

The Hon. Paul Lucas MP
Minister for Local Government & Planning
PO Box 15009
CITY EAST QLD 4002

Dear Minister,

Local Government Boundary Anomaly – Moreton Bay Regional Council – Postman's Track – Division 12 – CHQ024459/683 – Lot 5 on SP242747

I refer to my previous letter dated 8 November 2011 regarding the above matter and wish to advise that in accordance with s17 of the *Local Government Act 2009*, Council requests your consideration to making an application to the Change Commissioner for a local government change to correct the boundary as outlined in the attached document.

To further support Council's application to have Postman's Track included in the Sunshine Coast Regional Council area, the previous Caloundra City Council sealed this section of roadway. Whilst Council has not been able to come to agreement in relation to this boundary amendment with Sunshine Coast Regional Council, it is requested that you make the determination.

I await your advice in regard to this matter.

Yours sincerely

A handwritten signature in blue ink, appearing to read "John Rauber", is written over a light blue circular stamp.

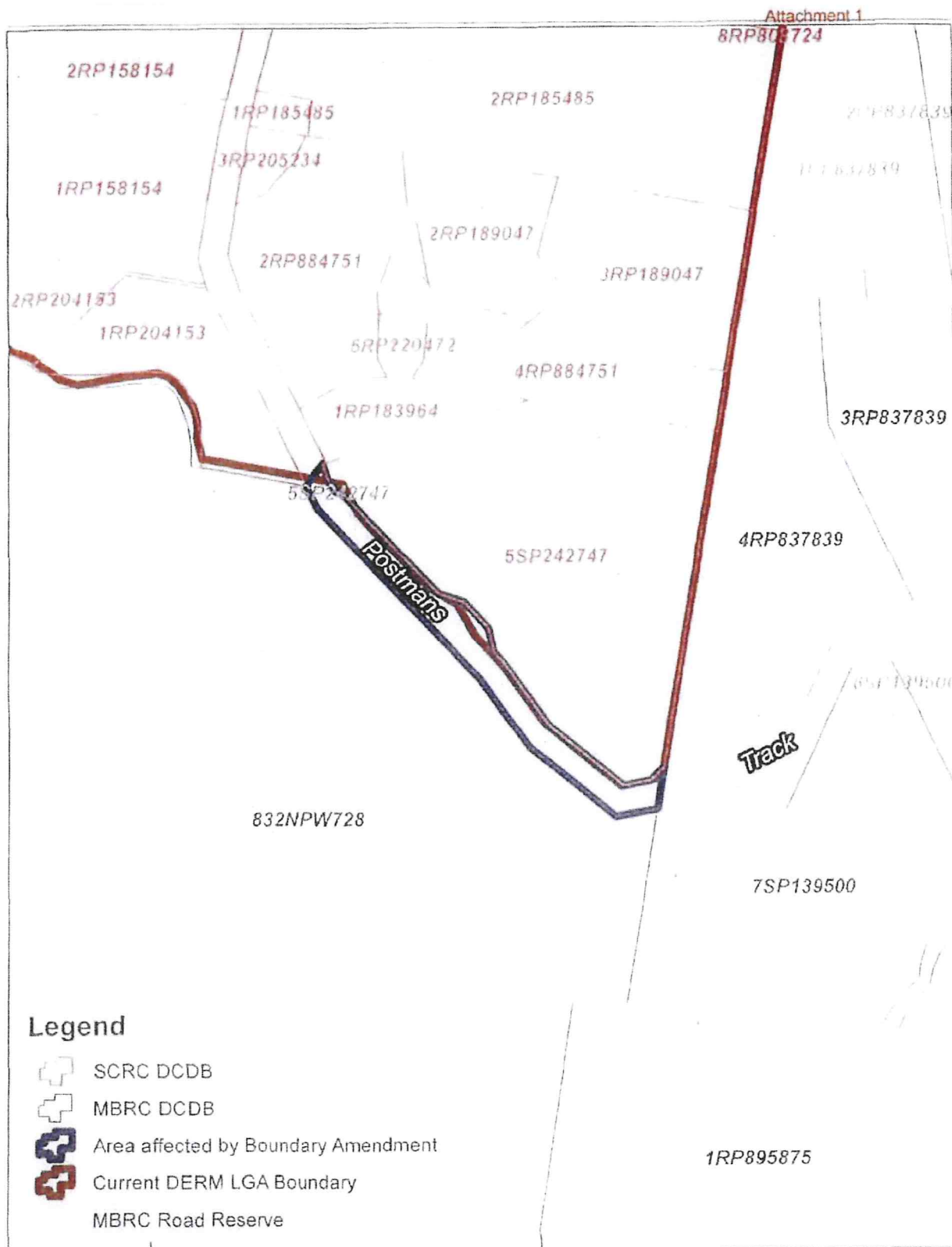
John Rauber
Chief Executive Officer

Attached:



Customer Service Contacts

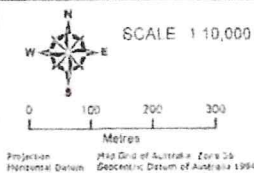
PO Box 159 Caboolture QLD 4510 | T 3205 0555 | F 3205 0599 | E mbrcc@moretonbay.qld.gov.au | W www.moretonbay.qld.gov.au



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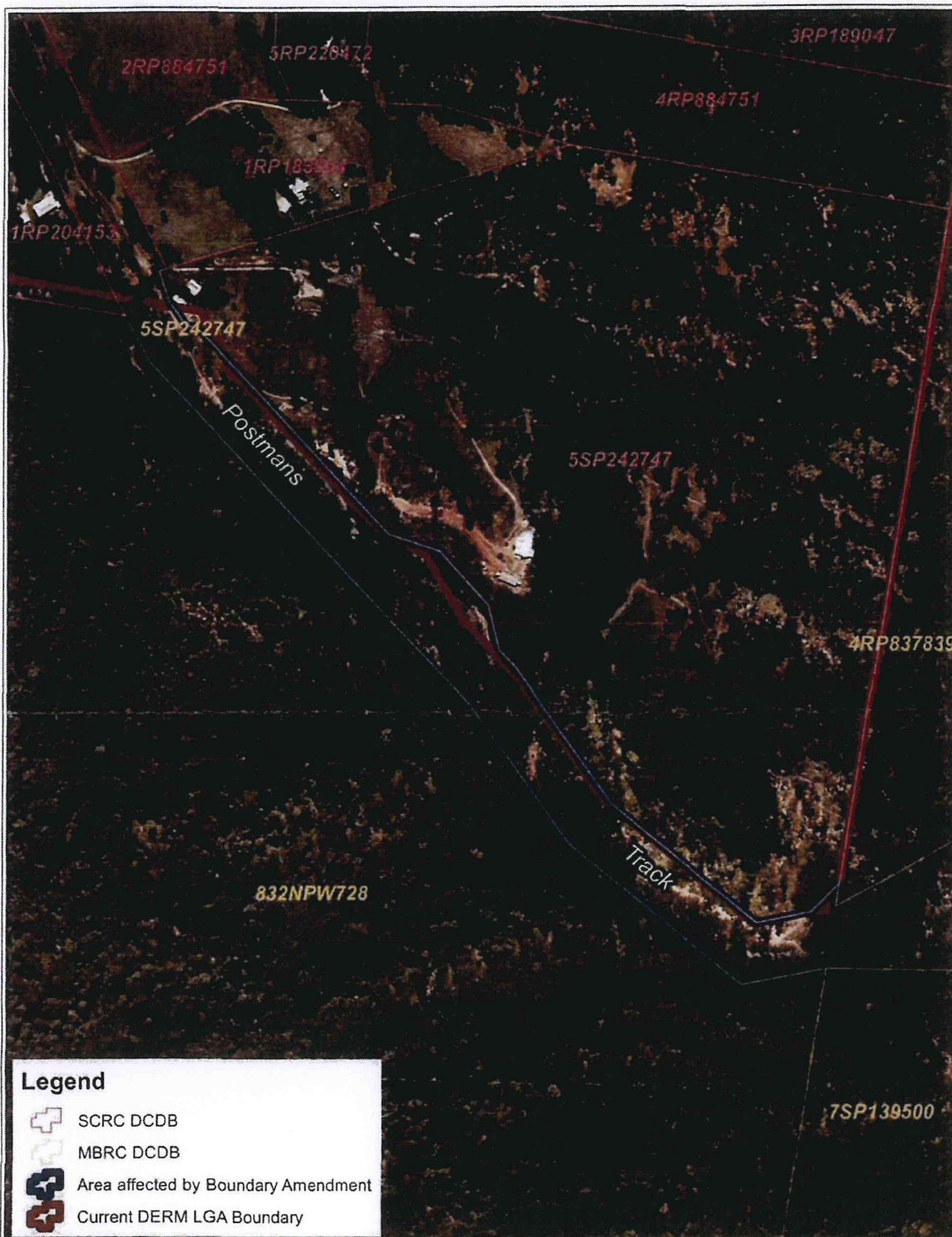


Moreton Bay

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Email: gis@moretonbay.qld.gov.au
Web: www.moretonbay.qld.gov.au

MBRC / SCRC Boundary Anomaly Postmans Track @ Bellthorpe / Conondale

PRODUCED BY: GEOGRAPHICAL INFORMATION SERVICES
UNIT LOCATION: Pine Rivers District Office, Stalpine Qld
COMPILED BY: Stuart Easton
DATE PRODUCED: 9 June 2011



Legend



SCRC DCDB



MBRC DCDB



Area affected by Boundary Amendment



Current DERM LGA Boundary

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SCALE 1:5,000

0 50 100 150
Metres

Projection: Map Grid of Australia, Zone 56
Horizontal Datum: Geocentric Datum of Australia 1994



Moreton Bay Regional Council
PO Box 159
Caboolture QLD 4500
Ph: (07) 3205 0555
Fax: (07) 3205 6710
Email: gis@moretonbay.qld.gov.au
Web: www.moretonbay.qld.gov.au

MBRC / SCRC Boundary Anomaly Postmans Track @ Bellthorpe / Conondale

PRODUCED BY:
UNIT LOCATION:
COMPILED BY:
DATE PRODUCED:

GEOGRAPHICAL INFORMATION SERVICES
Pine Rivers District Office, Stathpine QLD
Stuart Easton
9 June 2011



Officer:
Direct Telephone:
Response Address:
Email:
Our Reference:
Your Reference

Debra Iezzi
(07) 5441 8294
Locked Bag 72, SCMC QLD 4560
debra.iezzi@sunshinecoast.qld.gov.au
BO422288

13 February 2012

The Hon. Paul Lucas
Minister for Local Government & Planning
PO Box 15009
CITY EAST QLD 4002

Dear Minister

Re: Local Government boundary anomaly between Sunshine Coast Regional Council and Moreton Bay Regional Council

I refer to your letter dated 14 November 2011 which strongly encourages Sunshine Coast Regional Council (SCRC) and Moreton Bay Regional Council (MBRC) to negotiate a mutually suitable proposal to correct the boundary anomaly which exists in relation to Lot 5 SP 242747, whereby the lot is bisected between the council areas.

I advise that SCRC has further considered the matter and communications have occurred with MBRC. Unfortunately, the matter has not been resolved and Council requests that the Minister refer the matter to the Change Commission. Council's request is supported by its previous submission dated 27 September 2011 (copy attached).

In summary, SCRC supports that the whole of Lot 5 be within the SCRC area, however, it does not support the inclusion of the area of Postmans Track Road, including the two areas of new road (shown in diagrams A & C on Attachment B of Council's submission) to come within the SCRC area. The area of Postmans Track Road adjoining the lot is within the MBRC area and although there have been two added areas of new road, SCRC believes that the section of road should remain within the Moreton Bay Regional Council area.

In the event you require any additional information in relation to this matter please do not hesitate to contact my office.

Yours faithfully



John Knaggs | Chief Executive Officer
Sunshine Coast Council

Attach's.

Enquiries: Mr. Russell Garske
Phone: (07) 3480 6564
Fax: (07) 3480 6758

Our Ref: A7134159 RG:djr
Your Ref: LG/000524
Date: 26 July 2012

Mr. D. Kerslake
Change Commissioner
Electoral Commission Queensland
GPO Box 1393
BRISBANE QLD 4001

Dear Mr. Kerslake,

Local Government Change Review – Postman's Track

Further to your letter dated 16 July 2012, I wish to confirm my previous advice that Council is of the view that the boundary should be amended to incorporate the section of Postman's Track referred to in the attached map, into the Sunshine Coast Regional area.

In further support of this, there are no residences in this area of road on the Moreton Bay Council Regional side. There are two residences on the Sunshine Coast Regional Council side of the road which obtain their services from the Sunshine Coast Region.

As well as normal day to day services, waste services are provided by the Sunshine Coast Regional Council to these residences. In order to ensure these services could be provided continually, the previous Caloundra city Council sealed this portion of road, even though it was located in the Caboolture Shire Council area.

In view of this additional information it would be appreciated if you could reconsider this matter with a view to changing the boundary to the opposite side of Postman's Track.

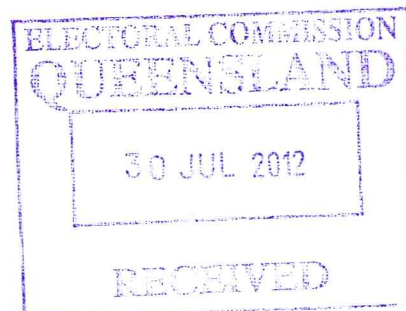
I await your advice in regard to this matter.

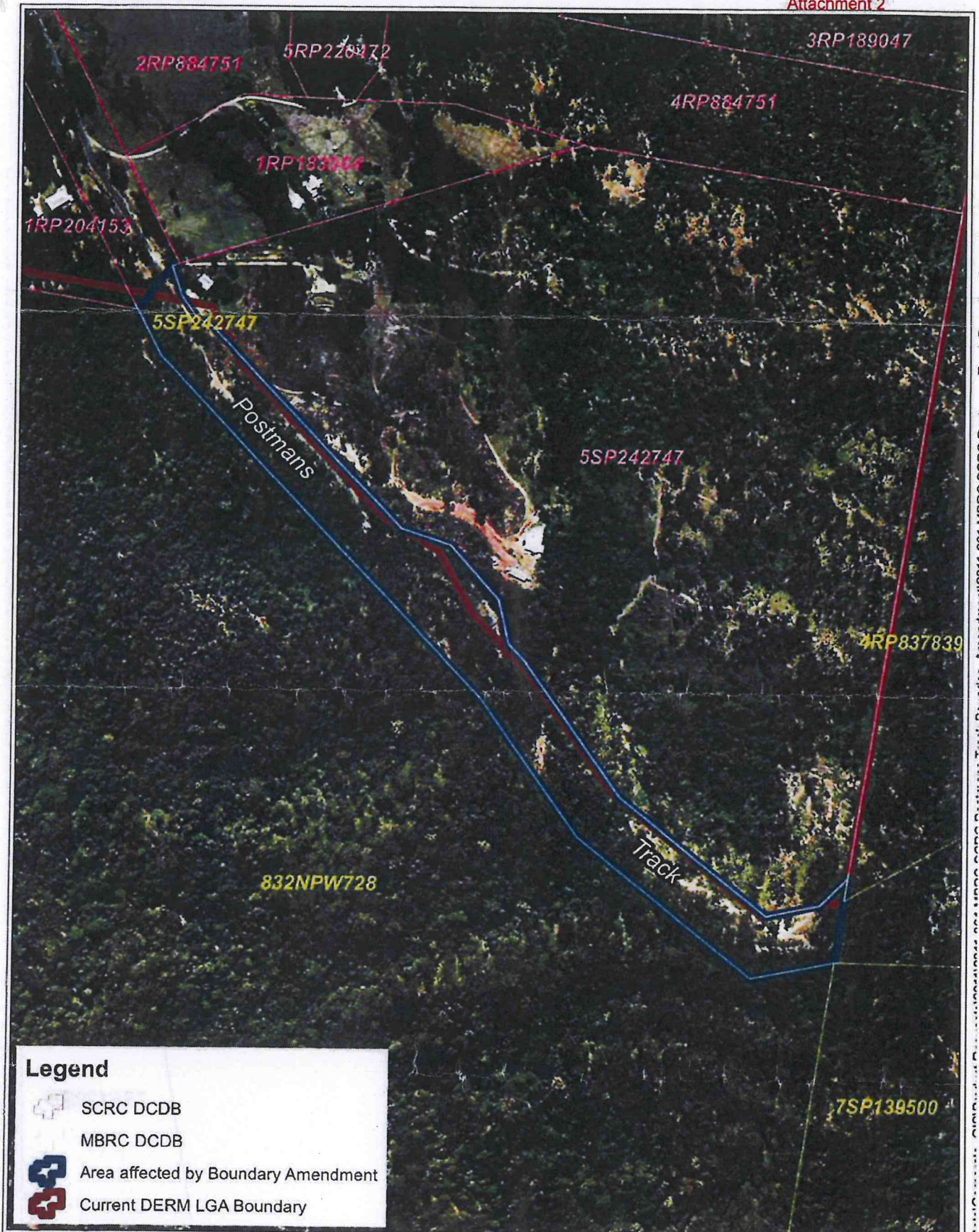
Yours sincerely,



Daryl Hitzman
Acting Chief Executive Officer

Attached:





Legend



SCRC DCDB



MBRC DCDB



Area affected by Boundary Amendment



Current DERM LGA Boundary

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SCALE 1:5,000

0 50 100 150
Metres

Project on: Map Grid of Australia, Zone 56
Horizontal Datum: Geocentric Datum of Australia 1994

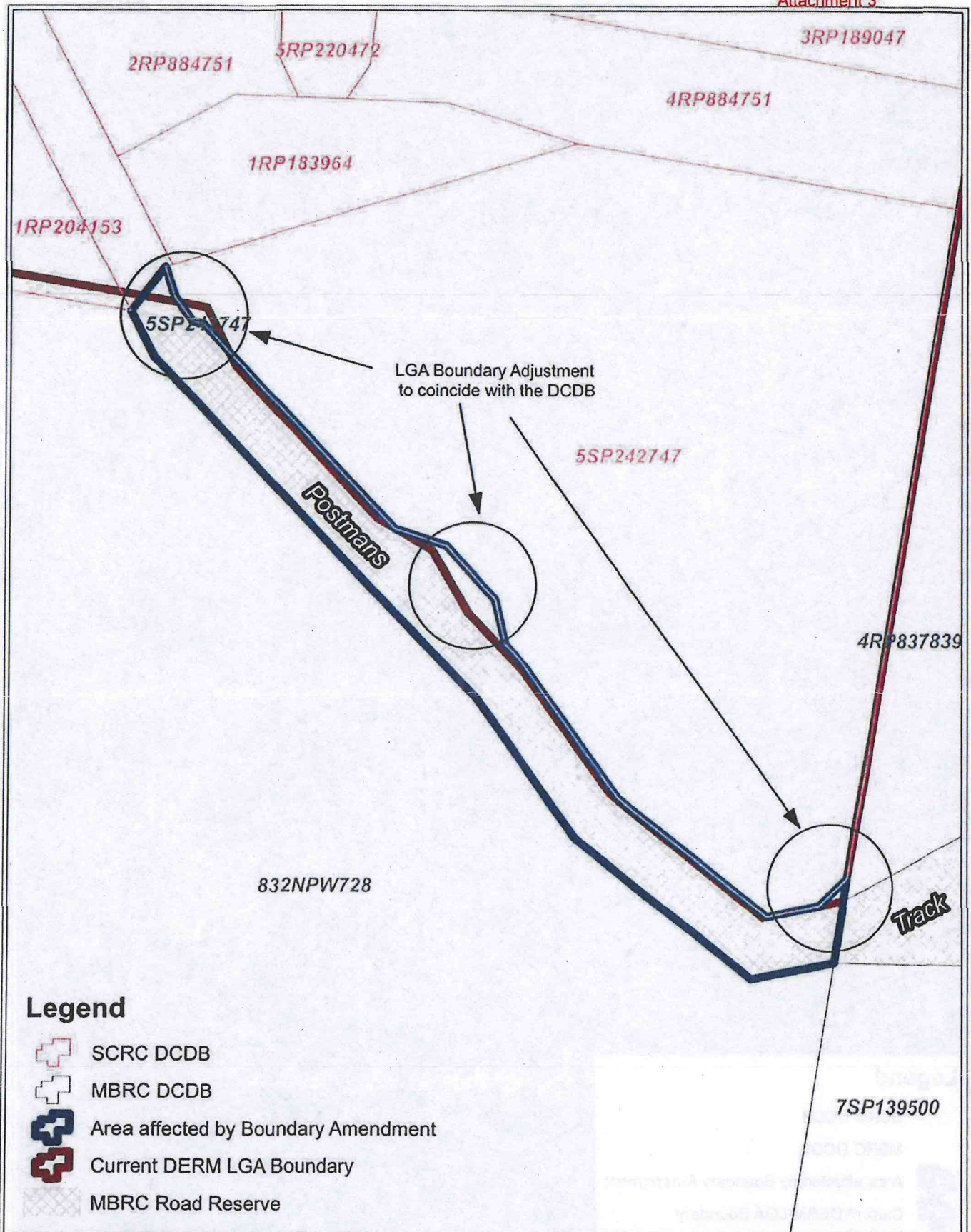


Moreton Bay Regional Council
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Ph: (07) 3205 0555
Fax: (07) 3480 5710
Email: gm@moretonbay.qld.gov.au
Web: www.moretonbay.qld.gov.au






MBRC / SCRC Boundary Anomaly Postmans Track @ Bellthorpe / Conondale

PRODUCED BY:
UNIT LOCATION:
COMPILED BY:
DATE PRODUCED:

GEOGRAPHICAL INFORMATION SERVICES
Pine Rivers District Office, Stathpine QLD
Stuart Easton
9 June 2011



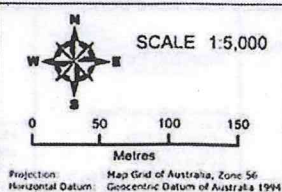
Legend

-  SCRC DCDB
-  MBRC DCDB
-  Area affected by Boundary Amendment
-  Current DERM LGA Boundary
-  MBRC Road Reserve

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Fax: (07) 3480 6710
Email: gid@moretonbay.qld.gov.au
Web: www.moretonbay.qld.gov.au

MBRC / SCRC Boundary Anomaly Postmans Track @ Bellthorpe / Conondale

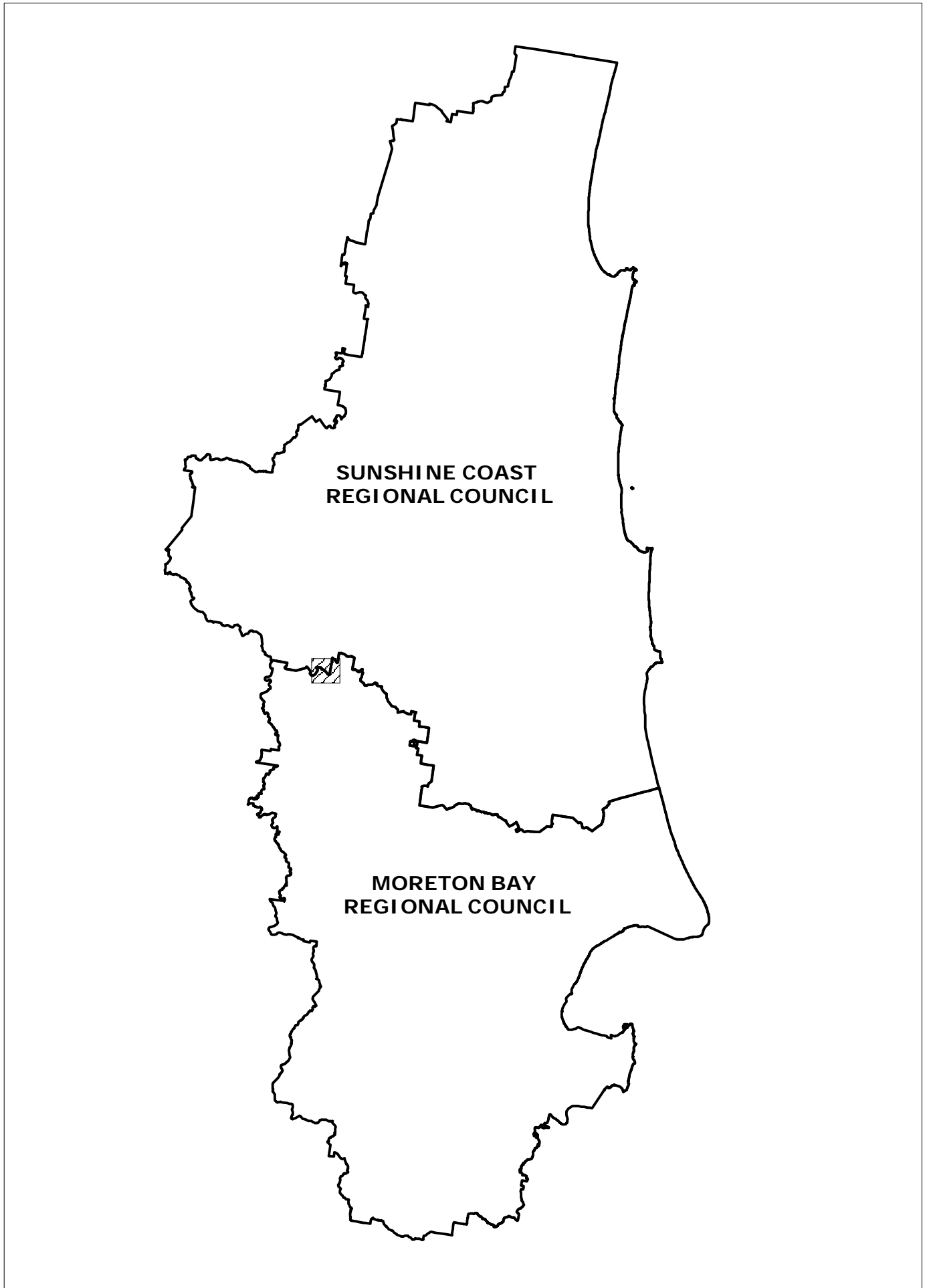
PRODUCED BY: GEOGRAPHICAL INFORMATION SERVICES
UNIT LOCATION: Pine Rivers District Office, Stalpine QLD
COMPILED BY: Stuart Easton
DATE PRODUCED: 9 June 2011

APPENDIX B

Maps – Proposed boundary changes

Overview Map

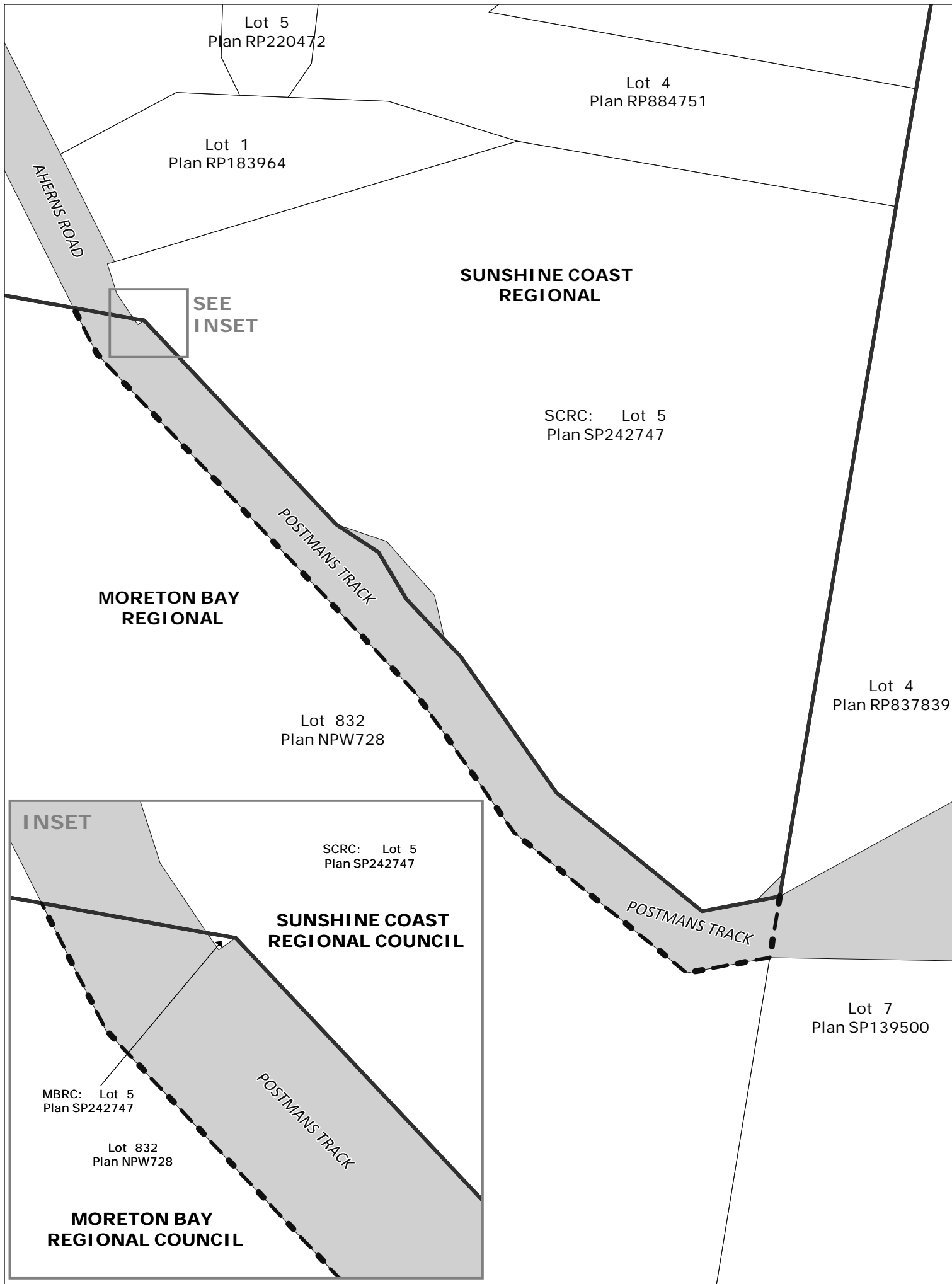
Sunshine Coast Regional Council and Moreton Bay Regional Council



— Local Government
Boundary

 Review Area

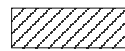
Detailed Map : Lot 5 Plan SP242747



Local Government Boundary
Proposed Boundary



Property Boundary



Review Area