



LOCAL GOVERNMENT CHANGE COMMISSION

REPORT ON A CHANGE TO THE EXTERNAL BOUNDARY OF THE BRISBANE CITY COUNCIL AND MORETON BAY REGIONAL COUNCIL

NOVEMBER 2015



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Electoral Commission Queensland
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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 Brisbane City Council and Moreton Bay Regional Council.

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

- Part of Lot 1 on Plan MPH20165; and
- Part of Lot 220 on Plan SL8499.

Further the reference refers to extension of the Moreton Bay Regional Council seaward boundary in Hays Inlet to include the Ted Smout Bridge.

It is proposed that—

- Part of Lot 1 on Plan MPH20165, Enoggera Reservoir; and
- Part of Lot 220 on Plan SL8499, Camp Mountain

be transferred to the Brisbane City Council.

It is also proposed that the Moreton Bay Regional Council seaward boundary in Hays Inlet be extended to include the Ted Smout Bridge which is currently unallocated to a Local Government Area.

The Change Commission in this case is comprised of the Electoral Commissioner Mr Walter van der Merwe and a Casual Commissioner Mr Gregory Rowe, 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 determined that a public hearing was unnecessary on this occasion.

Submissions

The Minister referred this matter to the Change Commission based on a submission received from the Moreton Bay Regional Council. The Minister referred these matters without expressing a view for or against the proposal (see Appendix A). The Council's submissions are included in Appendix B.

The Minister's referral also included correspondence from the Brisbane City Council supporting the Moreton Bay Regional Council's proposal to move the referred lots into the one Council area.

Both Council's expressed agreement that the two Lots should be moved into Brisbane City Council.

The private owner of Lot 1 on Plan MPH20165 was unable to be contacted by the Change Commission. The area of land involved is approximately 4,412 square metres. The land is undeveloped. Lot 220 on Plan SL8499 is a reserve for scenic purposes.

The Change Commission determined that it was unnecessary to call for further submissions on this occasion, as both Council's are in support of the transfer.

Moreton Bay Regional Council's submission also included a proposal that its seaward boundary in Hays Inlet be extended to include the Ted Smout Bridge which is currently unallocated to a Local Government Area.

Both these anomalies were submitted to the Minister and the Change Commission based upon advice from the then Department of Environment and Resource Management.

Findings

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

- Part of Lot 1 on Plan MPH20165; and
- Part of Lot 220 on Plan SL8499

be moved from Moreton Bay Regional Council to Brisbane City Council. The lots are located in the localities of Enoggera Reservoir and Camp Mountain respectively.

Secondly, it is recommended that the Moreton Bay Regional Council seaward boundary in Hays Inlet be extended to include the Ted Smout Bridge.

See Maps attached at Appendix C for details.

Reasons for Findings

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

The Change Commission supports the Council's submissions to move parts of the two lots from Moreton Bay Regional Council to Brisbane City Council. This transfer is in the interests of the landowners, the Councils and also for essential services, as it will result in the entirety of the lots being included in the same locality and Council area. In doing so, this will help reduce the confusion caused when local government boundaries bisect lots.

The movement of the Moreton Bay Regional Council's seaward boundary in Hays Inlet to include the Ted Smout Bridge is in the interest of the public to ensure that the bridge is included in the appropriate local government area.

The Change Commission's support for the referred changes to address both of the lots and seaward boundary anomalies, have been made in the public interest.

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: MC14/4940

08 APR 2015

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

Dear Mr van der Merwe

I refer to the enclosed application from Moreton Bay Regional Council (MBRC) of 15 December 2014 requesting a review of its boundaries with Brisbane City Council (BCC) and a portion of its seaward boundary adjacent to the Ted Smout Bridge.

In accordance with the *Local Government Act 2009* and the *City of Brisbane Act 2010*, I refer MBRC's application for assessment of the following boundary changes to:

- exclude part of Lot 1 on MPH20165 and part of Lot 220 on SL8499 from the MBRC area and have it included within the BCC area
- move the MBRC seaward boundary to include the Ted Smout Bridge within the MBRC area.

The enclosed application also includes documentation showing BCC's support for MBRC's proposal for the change to their common boundaries.

If you require further information, I encourage you to contact Ms Jennie O'Connor, Acting Regional Director, Southern Region of the Department on (07) 3452 6772 or by email at jennie.o'connor@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 (1)



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100 George Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3719 7100
Email deputy.premier@ministerial.qld.gov.au

APPENDIX B

Council's Submissions

Office of the CEO

Enquiries: Mr. Russell Garske
Phone: 3480 6564
Date: 15 December 2014

Our Ref: A10189313 RG:DJR
Your Ref: -

The Hon. David Crisafulli, MP
Minister for Local Government, Community
Recovery and Resilience
PO Box 15031
CITY EAST QLD 4002

Dear Minister,

Local Government Boundary Anomalies – Moreton Bay Regional Council

I wish to advise that two anomalies have been identified along the Moreton Bay Region boundaries.

These anomalies are as follows:

1. The boundary across Hayes Inlet – the boundary is currently east of the old Houghton Highway Bridge, however the Ted Smout Bridge is not located in any local government area.
2. CHQ024459/668 – Lot 1 on MPH20165 and Lot 220 on SL8499 – City of Brisbane (Locality of Enoggera Reservoir) and Moreton Bay Regional Council (Locality of Camp Mountain) – Lot 220 on SL8499 is a Reserve for Scenic Purposes and Lot 1 on MPH20165 is a privately owned block of land.

Plans and Maps showing these locations are attached.

In relation to **Anomaly No. 1 (Hayes Inlet)**, there are no adjoining local government areas involved.

In relation to **Anomaly No. 2 (Enoggera Reservoir and Camp Mountain)**, approval has been obtained from Brisbane City Council to proceed with the amendment.

A copy of Minute Pages where both Anomaly No. 1 and No. 2 were considered by Council are attached, along with Brisbane City Council's response in relation to Anomaly No. 2.

I further wish to advise that with regard to the Moreton Bay Region boundaries, there are also locations where the high water mark has changed and this area should be identified and amended to incorporate the current high water mark. There are no other adjoining local government areas involved.

It would be appreciated if you could arrange for these anomalies to be rectified.

Yours sincerely,



Daryl Hitman
Chief Executive Officer
Enc.

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

YSCC

SESSION: CO-ORDINATION**CHAIRPERSON – CR ALLAN SUTHERLAND (MAYOR)****ITEM 1****LOCAL GOVERNMENT BOUNDARY ANOMALY - MORETON BAY REGIONAL COUNCIL - REGIONAL**

Meeting / Session: CO-ORDINATION
Reference: A4767975 : 25 January 2011 - **Refer Attachments (A4777981)**
Responsible Officer: RG, Co-ordinator Executive Services (CEOs Office)

Executive Summary

This report concerns the amendment to the Local Government boundary between Brisbane City Council and Moreton Bay Regional Council and seeks Council's approval to seek an assessment by the Change Commission.

1. Background

Advice has been received from the Department of Environment and Resource Management that they have identified an anomaly pertaining to the Moreton Bay 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.

2. Explanation of Item

The anomaly identified along the Moreton Bay Regional Council boundary is delineated on the plan appearing in the Attachments and is as follows:

- **CHQ024459/668** – Lot 1 on MPH20165 and Lot 220 on SL8499 – City of Brisbane (Locality of Enoggera Reservoir) and Moreton Bay Regional Council (Locality of Camp Mountain).

Lot 220 on SL8499 is a Reserve for Scenic Purposes and Lot 1 on MPH20165 is a privately owned block of land.

The Department of Local Government has advised that local Councils involved with boundary anomalies, such as the above, should seek an assessment from the Change Commission under the Local Government Act 2009 to assess whether the change should be made.

3. Strategic Implications**3.1 Legislative/Legal Implications**

Amendments to be undertaken in accordance with the relevant Act.

3.2 Corporate Plan / Operational Plan

Governance & Leadership: Strong leadership and governance that upholds corporate values and builds trust within the community.

3.3 Policy Implications

N/A

3.4 Delegated Authority Implications

N/A

*ITEM 1 LOCAL GOVERNMENT BOUNDARY ANOMALY - MORETON BAY REGIONAL COUNCIL - REGIONAL
- A4767975 (Cont.)*

3.5 Financial Implications

There may be some minor costs associated with amending signage.

3.6 Consultation / Communication

Consultation with Council Officers. The Divisional Councillor has been briefed.

4. Conclusion

Council seek an assessment from the Change Commission under the Local Government Act 2009 to assess whether the change should be made on the boundary anomaly between Brisbane City Council and Moreton Bay Regional Council.

RECOMMENDATION

That the Chief Executive Officer apply to the Change Commission seeking an assessment under the Local Government Act 2009 on the boundary anomaly between Brisbane City Council and Moreton Bay Regional Council.

COMMITTEE RECOMMENDATION

That the Officer's recommendation be adopted.

REPORT

LOCAL GOVERNMENT BOUNDARY ANOMALIES - MORETON BAY REGIONAL COUNCIL - REGIONAL

Meeting / Session: CO-ORDINATION
Reference: A4827909 : 14 February 2011 - **Refer Attachments**
Responsible Officer: RG, Co-ordinator Executive Services (CEOs Office)

Executive Summary

This report concerns amendments to the Local Government boundaries of Moreton Bay Regional Council and seeks Council's approval to seek an assessment of the amendments by the Change Commission.

1. Background

Advice has been received from the Department of Environment and Resource Management that they have identified two anomalies pertaining to the Moreton Bay Regional Council Local Government Boundaries. These anomalies have a direct effect on maintaining correct external and suburb/locality boundaries, which are essential for the delivery of business and emergency services.

These anomalies are as follows:

1. The boundary across Hayes Inlet.
2. A piece of land between Moreton Bay Regional Council and Brisbane City Council at the end of Ferny Way, Ferny Hills.

These anomalies are delineated on the satellite pictures appearing in the Attachments.

2. Explanation of Item

1. The Boundary across Hayes Inlet
The boundary across Hayes Inlet currently is east of the old Houghton Highway Bridge, however the newly constructed Ted Smout Bridge is not located in any local government area.
2. Piece of land at end of Ferny Way, Ferny Hills
The Kedron Brook has changed its course over many years resulting in this piece of land not being included in either of the local government areas of Brisbane City Council and Moreton Bay Regional Council.

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

3. Strategic Implications

- 3.1 Legislative/Legal Implications
Amendments to be undertaken in accordance with the relevant Act.
- 3.2 Corporate Plan / Operational Plan
Governance & Leadership: Strong leadership and governance that upholds corporate values and builds trust within the community.
- 3.3 Policy Implications
N/A
- 3.4 Delegated Authority Implications
N/A
- 3.5 Financial Implications
There may be some minor costs associated with amending signage.
- 3.6 Consultation / Communication
Consultation with Council Officers. The Divisional Councillors have been briefed.

4. Conclusion

Council seek an assessment from the Change Commission under the Local Government Act 2009 to assess whether changes should be made on the boundary anomalies to include both areas in the Moreton Bay Regional Council area.

RECOMMENDATION

That the Chief Executive Officer apply to the Change Commission seeking an assessment under the Local Government Act 2009 on the boundary anomalies to include both areas in the Moreton Bay Regional Council.

COMMITTEE RECOMMENDATION

That the Officer's recommendation be adopted.

CONSIDERED BY COUNCIL AS DETAILED ABOVE

Meeting Date: 22 February 2011

Committee: Coordination

Minute Page: 11/199

Agenda Item & Title: Item 3 - LOCAL GOVERNMENT BOUNDARY ANOMALIES - MORETON BAY REGIONAL COUNCIL - REGIONAL

Do not place any text/images after this paragraph –this area for deletion by Meeting Support
FOR RUNNING SHEET PREPARATION: Estimated time required for consideration – [mins]mins

PLEASE COMPLETE THE FOLLOWING STEPS:

Step 1 - *Save this document in RIO (mandatory) - release into draft mode before completing Step 2*

Step 2 - After Step 1, *double click arrow icon* to insert RIO document reference into report "➡"

(for completion by CEO/Director or PA only)

Authorised by:

Russell Garske

Co-ordinator Executive Services

14 February 2011

Endorsed by:

John Rauber

Chief Executive Officer

16 February 2011



Dedicated to a better Brisbane

Brisbane City Council 4814 72 062 765 745

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T 07 3403 8888 F 07 3334 0043
www.brisbane.qld.gov.au

10 December 2013

Mr Daryl Hitzman
Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Moreton Bay Regional Council
RECORDS MANAGEMENT

11 DEC 2013

OBJ ID: _____

Dear Mr Hitzman

Re: Local Government Boundary Anomaly off Mount Nebo Road, Locality of Camp Mountain

I refer to your letters dated 7 April 2011 and 1 May 2013, in which you requested Brisbane City Council's (Council) advice in relation to the above boundary anomaly. In your correspondence you supported amendment of the shared Local Government boundary to follow the northern alignment of Lot 1 MPH20165 and Lot 220 SL8499 (see attached map, CHQ 022459/668). This action would fully include both allotments into the Brisbane City Council area.

Following meetings between Council and Moreton Bay Regional Council (MBRC) officers and further internal consideration, Council agrees with your assessment. Complete inclusion of the properties within one LGA would:

- assist delivery of essential and emergency services by reducing confusion with addresses;
- facilitate management of Reserve 2841 by allowing consistent application of policy and communication for water catchment management, control of fire, weeds and feral animals;
- simplify the approval process for both properties, with only one set of Council requirements; and
- comply with the *City of Brisbane Regulation 2012*, which stipulates that the external boundaries of Brisbane 'do not dissect properties' (7(1)(d)(iii) of Part 2).

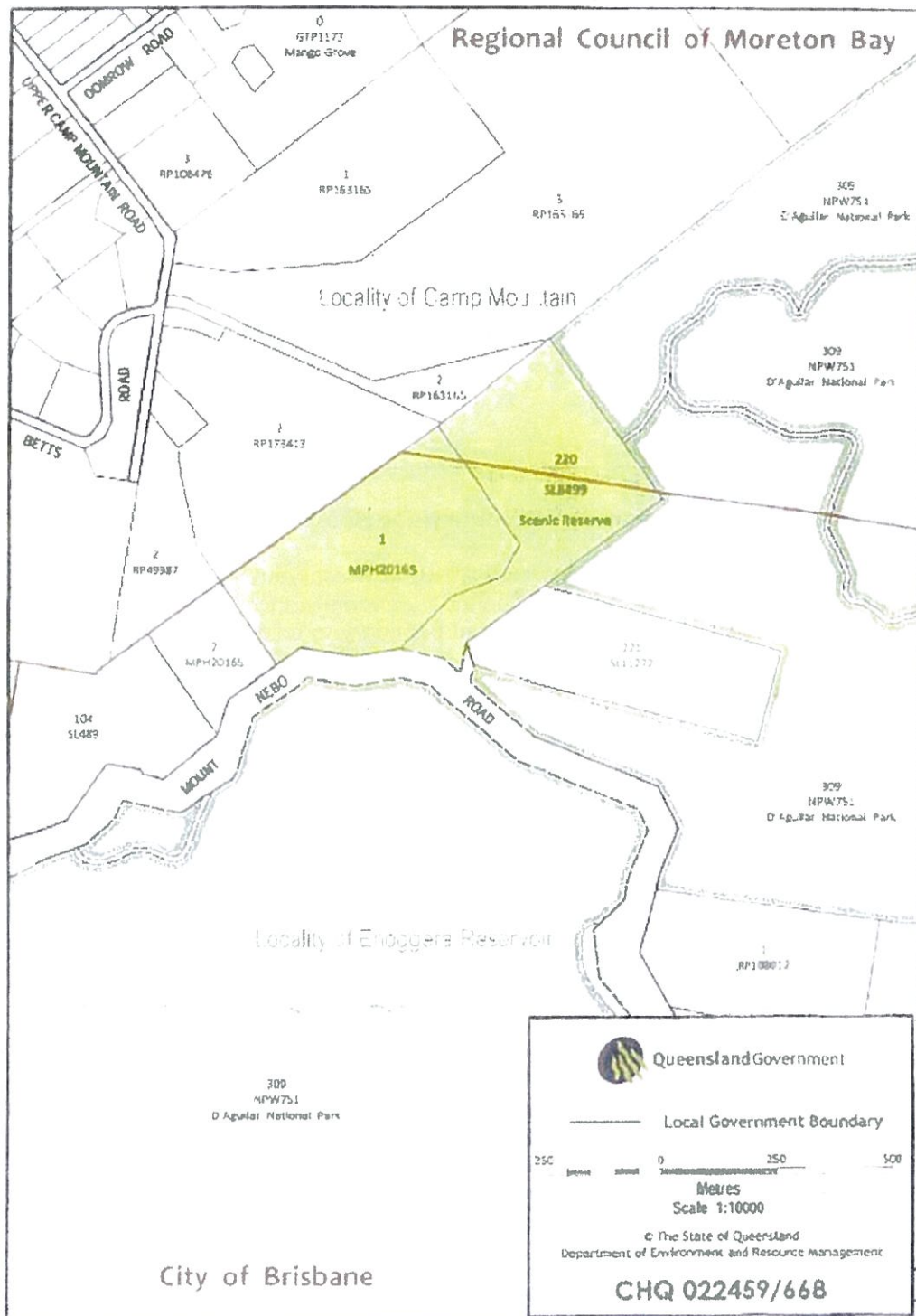
In light of the above and as offered in your original letter dated 7 April 2011, please take action to request the Change Commissioner to consult with the affected owners and assess the proposed change to the boundary as recommended (i.e. following the northern alignment of Lot 1 MPH20165 and Lot 220 SL8499 as shown on attached map CHQ 022459/668).

Thank you for collaboration in this matter. Should you wish to discuss this matter, please contact Sherry McGowan, Urban Planner, City Planning and Economic Development Branch on 07 3403 5057.

Yours sincerely

Colin Jensen
CHIEF EXECUTIVE OFFICER

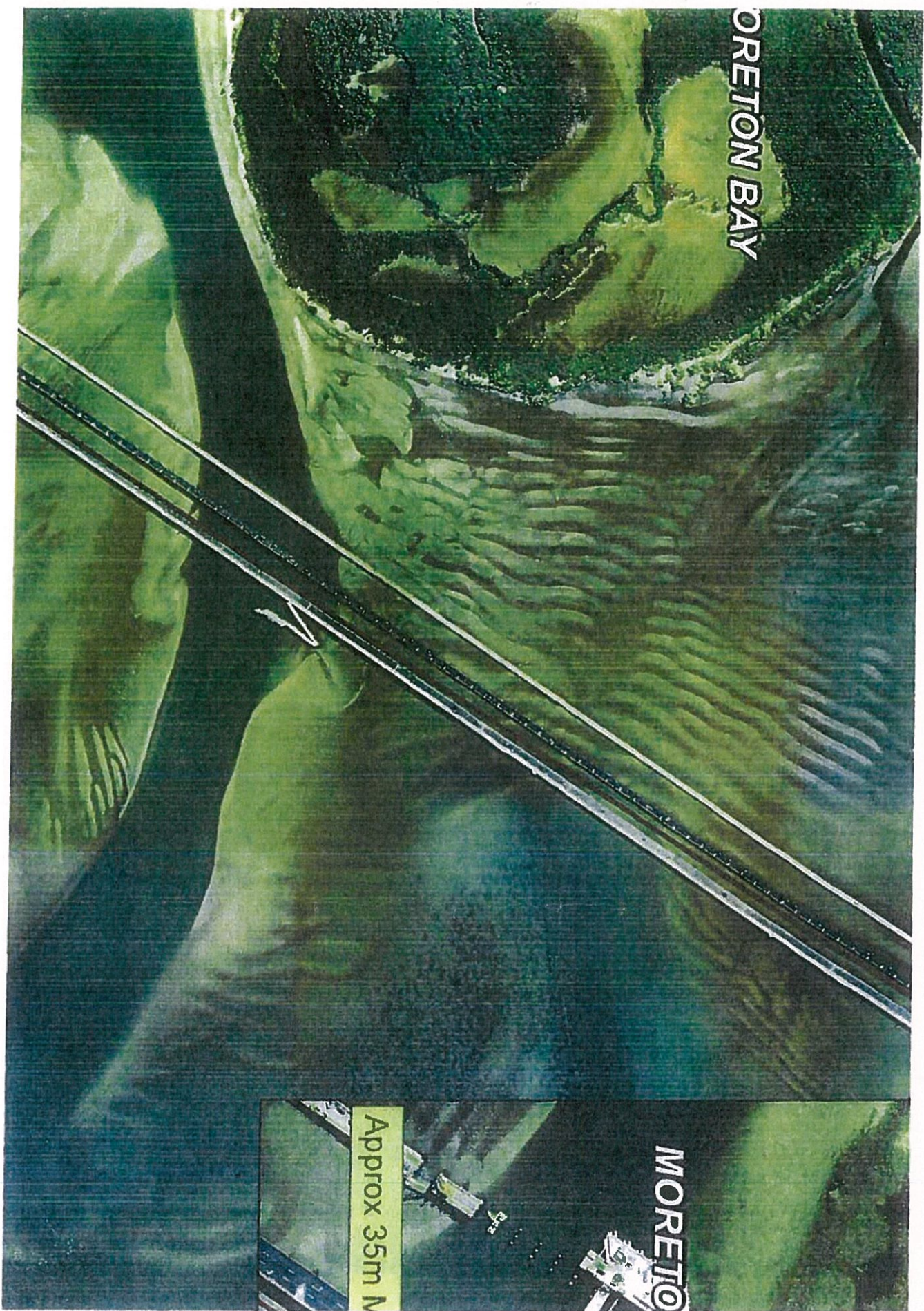
Att.
cc: Ross Norman, Department of Natural Resources and Mines



ORETON BAY

MORETO

Approx 35m N

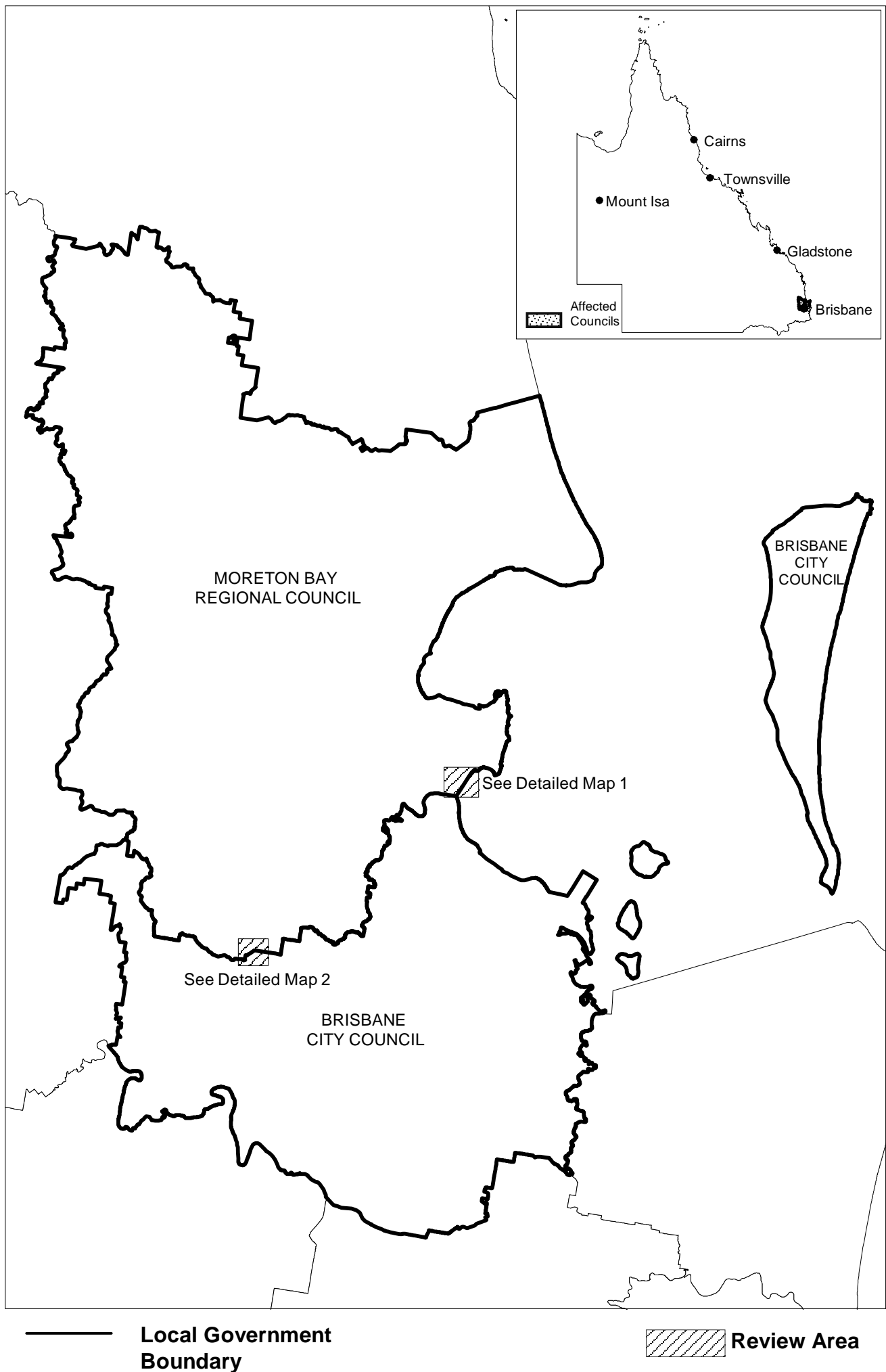


APPENDIX C

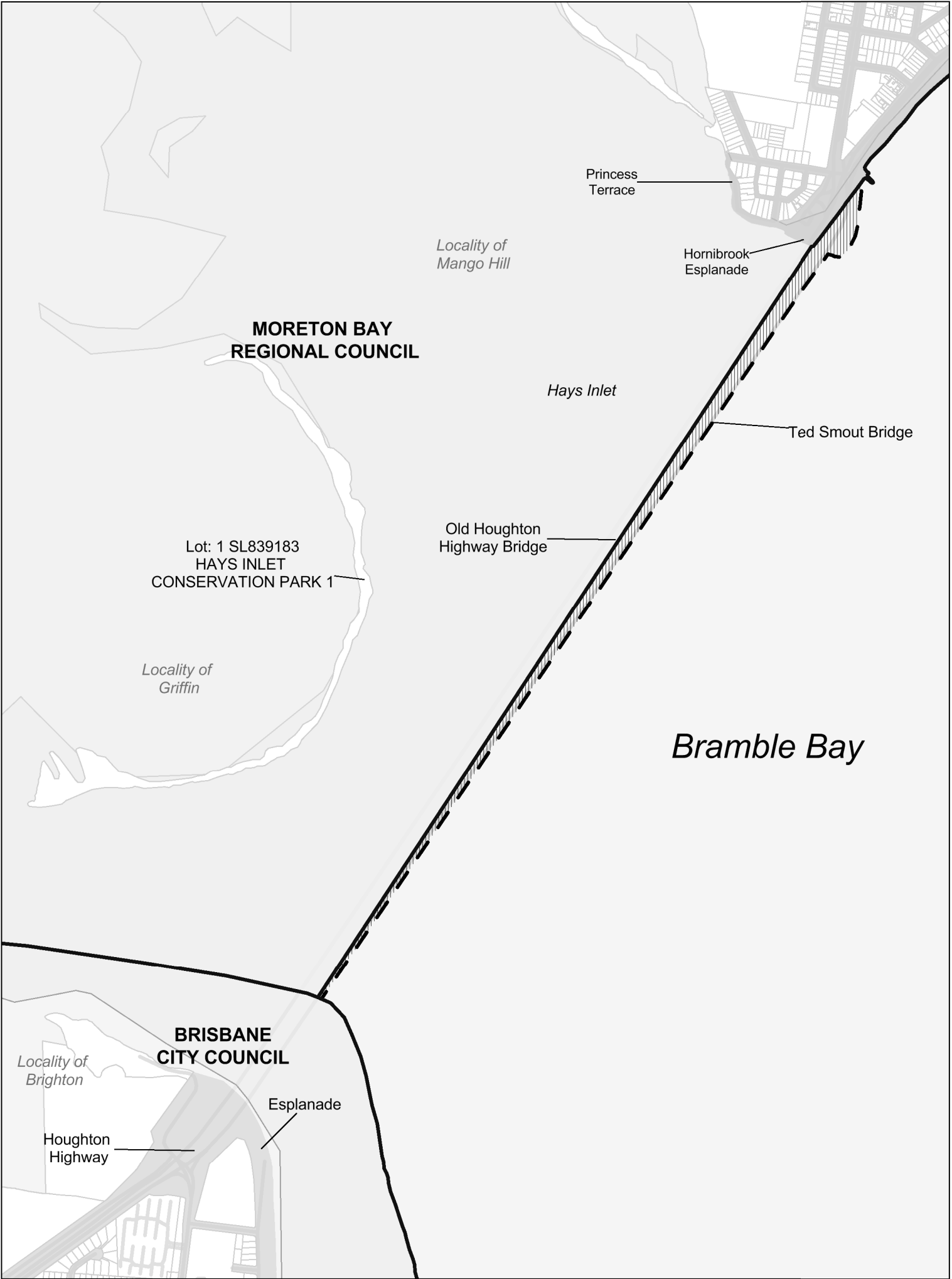
Maps

Overview Map

Brisbane City Council and Moreton Bay Regional Council



Detailed Map 1: Ted Smout Bridge across Hayes Inlet



Detailed Map 2: Lot 1 Plan MPH20165 and Lot 220 Plan SL8499

