



LOCAL GOVERNMENT CHANGE COMMISSION

REPORT CHANGE TO THE EXTERNAL BOUNDARIES TOOWOOMBA REGIONAL COUNCIL AND SOUTHERN DOWNS REGIONAL COUNCIL

April 2015

LOCAL GOVERNMENT CHANGE COMMISSION

REPORT

CHANGE TO THE EXTERNAL BOUNDARIES

TOOWOOMBA REGIONAL COUNCIL

AND

SOUTHERN DOWNS REGIONAL COUNCIL

April 2015

Electoral Commission of Queensland
Level 6, 160 Mary Street, Brisbane Qld 4000
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Executive Summary

In March 2013, the Honourable the Minister for Local Government requested the Local Government Change Commissioner consider the realignment of the common boundaries of the Toowoomba Regional Council (TRC) and Southern Downs Regional Council (SDRC).

This request proposed a change to the common boundary shared by the two local governments and affecting the following Lots—

- **Lot 1199** on Crown Plan AG3273 in Southern Downs Regional Council, **Lot 1** on Survey Plan 109865 and **Lot 1691** on Crown Plan A34934 located in Toowoomba Regional Council.
All properties are in the County of Aubigny, Parish of Pilton, situated at Upper Pilton. The properties are currently owned by John Anthony Stark.
- **Lot 1** on Crown Plan A34796 and **Lot 2** Registered Plan 29954 located in Southern Downs Regional Council.
Both properties are in the County of Aubigny, Parish of Pilton, situated at Upper Pilton. The properties are currently owned by Pidgeons and Company Pty Ltd.
- **Lot 49** on Crown Plan A342594 and **Lot 32** on Crown Plan CC935 located in Toowoomba Regional Council.
Lot 1987 on Crown Plan A341487 and **Lot 36** on Crown Plan AG682 in Southern Downs Regional Council.
All properties are in the County of Aubigny, Parish of Pilton, situated at Upper Pilton. The properties are currently owned by Brett and Lynette Milne.

It is proposed the following properties be moved to Toowoomba Regional Council—

- Lot 1199 on Crown Plan AG3273
- Lot 1 on Crown Plan A34796
- Lot 2 Registered Plan 29954
- Lot 1987 on Crown Plan A341487
- Lot 36 on Crown Plan AG682.

This report is prepared in accordance with the *Local Government Act 2009*.

Legislative Authority

The Change Commission 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.

Assessment

Submissions

The Minister for Local Government received a submission from Mrs Stark on behalf of the Stark, Pidgeon and Milne families. Subsequently, the Minister referred this submission to the Change Commission for consideration.

The matter was referred without expressing a view for or against the proposal. The referral and submission are included at Appendix A.

The Change Commission sought submissions from Toowoomba Regional Council (TRC) and Southern Downs Regional Council (SDRC) based on the Ministers referral and the initial submission from Mrs Stark.

The TRC advised position is “neutral” and makes the observation that the alignment of the southern aspect lots to the TRC would be more convenient and serviceable to the property owners.

The SDRC in its response dated 30 May 2013, advised that at this stage the change of boundaries “...*is not considered a practical request for this Council to accede to...*”. No further explanation on this position was provided.

Detailed submissions from the two local councils are included at Appendix B.

Public Hearing

On this occasion, the Change Commission has determined that the holding of a public hearing is unnecessary. This is due to the assessed direct impact to other local property owners to be of no bearing to the proceedings and the judged absence of general public interest.

Commission's Findings

The matter as referred to the Change Commission by the Minister for Local Government concerned multiple lots owned by three separate entities which spanned across two local government areas, namely Toowoomba Regional Council and Southern Downs Regional Council.

The Commission has been formally requested to assess the viability of a change the boundary of the TRC and SDRC in the parish of Pilton. Five Lots currently located within the SDRC are affected by this proposal.

A change to the boundary of a local government area may only be recommended by the Change Commission after careful consideration of three criteria.

- The proposed local government change is consistent with a Local Government Act;
- The views of the Minister are considered; and
- Any other matters as established by Regulation (*Local Government Regulation 2012*) covering,
 - *Community of Interest*
 - *Joint Arrangements*
 - *Planning*
 - *Resource Base Sufficiency*

The Change Commission confirms this proposed local government change is within the legislative bounds of the *Local Government Act 2009*.

On this occasion the Minister for Local Government has referred this matter to the Change Commission for assessment and determination; no further view has been expressed.

The matter of community interest is broadly defined within the *Local Government Regulation 2012*. This gives the Commission wide scope to determine the impact to communities.

The land holdings under assessment are owned by three separate family land owners, namely Stark, Pidgeon and Milne. The land holdings are located in County of Aubigny, Parish of Pilton, situated at Upper Pilton in Queensland's south east corner.

Geographically, the area under assessment is largely rural with the populous sparsely scattered on large agricultural land holdings. The Pilton Valley is bordered by the Great Dividing Range to the north east. The closest main centres are the city of Toowoomba 63 kilometres north, the township of Warwick 63 kilometres south and the township of Clifton, 25 kilometres west.

The three land holdings comprise of nine lots; five lots are located south of the west-east running King's Creek and four north. At present, King's Creek is the natural boundary between TRC and SCRC in the Pilton Valley area. As the boundaries currently stand, the Starks and Milne's land holdings fall into both the TRC and SDRC, divided by King's Creek.

Maps at Appendix C provide graphical detail.

One of the defined indicators of community interest under the Regulation is the physical connection and interdependencies the properties owners have with their community. This can be best represented by linkages to local services for work, recreation and residing purposes.

At the time of assessment, all three properties could only be accessed from the north via the Pilton Valley Road as the southern access road, Teleton Road (SDRC), has been indefinitely closed due to poor condition. Pilton Valley Road is maintained by TRC.

The Starks, at the request of the TRC have established a dry weather access road through their property (Lot 1691 A34934) giving dry weather access from Pilton Valley Road to Pidgeon Road which lies south of King's Creek. Both Pidgeon and Milne properties are accessed by this route and the track gives connectivity between properties north and south of King's Creek.

It must be noted that a new property easement for the access road was surveyed and registered on plan A34934 at the expense of the Stark family to comply with a request from the TRC to provide a road or easement to link Pilton Valley Road and Pigeons Road (Council endorsed submission provided to Change Commission 26 June 2013). The Pidgeon family also upgraded the creek crossing on the road to Council standards at their own expense. The TRC submitted that the provision of an easement and the possible maintenance of the creek crossing by the landholders was a condition of a change of boundaries to the lot holdings being included within the TRC.

The Starks access their southern positioned Lot (1199 AG3273) via a private access track from Pilton Valley Road (TRC) and not by Teleton Road (SDRC) to the south.

Limited accessibility from the south means that the three families are most connected to the north and to the major centre of Toowoomba which in comparison to the major centre of Warwick in the south, provides greater access to a broader range of services.

Community interest is also represented by the amalgamation of individual land or lot holdings – in this particular case, lots falling into two separate local council areas does not reflect cohesive activities or management. For example, the Stark and Milne families pay two separate rates charges to the TRC and SDRC due to the division of their land holdings, but the majority of community activity is concentrated within the TRC.

It is also observed that the current local government boundaries are inconsistent with electoral boundaries, rural fire brigade service areas, water catchment area for King's Creek and mineral field boundaries.

The Commission did not identify any considerations with regard to planning, resource efficiency or potential joint arrangements which would impact upon this position.

Geographically, while a natural boundary exists (King's Creek) it is the Commission's conclusion that this boundary is not the most practical. The alignment of the local council boundary to the southern property holders boundary provides the most practical and serviceable outcome for the three families. The proposed boundary would follow the southern ridgeline including the whole valley in this area into TRC.

In coming to its conclusion, the Commission has given fair and balanced consideration to all material forming part of this review.

Recommendation

After a thorough assessment of the material submitted, site inspection, discussions with property owners and having taken account of all considerations specified in the Act, it is recommended that the following land holdings be moved from Southern Downs Regional Council to Toowoomba Regional Council—

- Lot 1199 on Crown Plan AG3273 (Stark)
- Lot 1 on Crown Plan A34796 (Pidgeon)
- Lot 2 Registered Plan 29954 (Pidgeon)
- Lot 1987 on Crown Plan A341487 (Milne)
- Lot 36 on Crown Plan AG682 (Milne).

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

Local Government Change Commissioner

APPENDIX A

- **Ministers Referral**
- **Owners Submission**



Hon David Crisafulli MP
Minister for Local Government

Level 18 Mineral House
41 George Street Brisbane
PO Box 15031 City East
Queensland 4002 Australia
Telephone +61 7 3234 1870
Facsimile +61 7 3012 8901
Email localgovt@ministerial.qld.gov.au

Our ref: MC12/1866

- 6 MAR 2013

Mr David Kerslake
Electoral Commissioner
Electoral Commission of Queensland
GPO Box 1393
Brisbane QLD 4001

Dear Mr Kerslake

David

I refer to a submission from Ms Desaree Stark dated 12 June 2012 requesting I consider a proposal to alter the local government boundary between the Toowoomba Regional Council (TRC) and Southern Downs Regional Council (SDRC).

The submission, lodged on behalf JA & DD Stark, I & M Pidgeon and B & L Milne, requested that the boundary be altered so that the following properties are all within the TRC area:

- Stark: L1199 on AG3273 in the Southern Downs Regional Council (SDRC) and L1 on SP109865 and L1691 on A34934 in the Toowoomba Regional Council (TRC)
- Pidgeon: L1 on A34796 and L2 on RP29954 in the SDRC
- Milne: L49 on A342594 and L32 on CC935 in the TRC and L1987 on A341487 and L36 on AG682 within the SDRC.

A copy of the submission and relevant map is attached.

After consideration of the submission, I am of the opinion the proposed boundary change should be referred to the Local Government Change Commission (the Change Commission) for assessment and determination.

I look forward to receiving your report once the Change Commission has finished its review of the proposed boundary change.



If you require further information, please contact Gary Kleidon, Acting Director, Southern Region, on 3225 8660 or gary.kleidon@dlg.qld.gov.au, who will be pleased to assist.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Crisafulli', with a long horizontal flourish extending from the end of the name.

David Crisafulli MP
Minister for Local Government

Enc.

Tuesday, 12 June 2012

D.D. Stark

105 Stark Rd

Upper Pilton

Clifton Qld 4361

To The Minister for Local Government,

The Hon. David Crisafulli,

PO BOX 15216

City East Qld 4002

Dear Sir,

Please find enclosed a copy of our request to the Toowoomba Regional Council (TRC) and the Southern Downs Council (SDC) to change part of the Shire Boundary in the Upper Pilton Valley, by three property owners B&L Milne, I&M Pidgeon, JA Stark and DD Stark. This request was presented to 2 members of staff of the Queensland Government, one being with the Department of Infrastructure and Planning, the other with the Department of Local Government and Planning at a discussion held at Oakey on the 14th March, 2011. Included are copies of all correspondence with the TRC, SDC, as well as the proposal submitted at meeting in Oakey.

By changing the shire boundary from King's Creek to the ridge dividing the Upper Pilton and Goomburra valleys, the boundary would conform with the County, Parish, Mineral Field, Rural Fire Brigade and Electoral Boundaries. This would be a more equitable arrangement for the three property owners.

This boundary change is considered to be impractical by the SDC despite the SD councillors being invited verbal to inspect the situation, they have refused the invitation, and so have no idea of the geographical boundary we are referring to.

Thank you for time in regard to considering our request, hoping that you can put forward a more workable solution to our problem. If you would like to come and meet with us, see the problem and solution that we have suggested, we would welcome you at your convenience.

Thank you

Desaree Stark

D Stark
105 Stark Rd
Upper Pilton, Via Clifton
Qld 4361

To The C.E.O.
Toowoomba Regional Council
Po Box 3031
Toowoomba Village Fair
Qld 4350

Dear Sir,

This is a request for a change of Council boundaries in the Upper Pilton Valley by three property owners B.B. & L.M. Milne – L 36AG 682 and L 1987 A3341487; in the S.D.Shire, I. & M. Pidgeon, - L1 Plan A A34796, and L2 RP 29954; in the S.D. Shire, and J. A. Stark and D. D. Stark –L1199 AG3273, in the S.D.Shire, from The Southern Downs Shire to the Toowoomba Regional Shire. These properties are in the southeast corner of the T.R.Shire and the northeast corner of the S.D.Shire, with Kings Creek being the boundary between the two Shires. All three properties adjoin, share the same access road and have land in S.D.Shire of T.R.Shire or a combination.

All three properties are run as cattle breeding and fattening enterprises with some grain also grown. All produce leaves these properties via the Pilton Valley Road. All incoming commodities including fodder, seed fertiliser, cattle and fuel must also be brought in via this road. We all need to have a serviceable access road to handle semi-trailers, truck and dog combinations to bring in required commodities and to sell and move livestock and grain.

Due to the topographical nature of the Pilton valley the only commercial access is via the Pilton Valley Road. This road runs the full length of the Pilton valley and is serviced and maintained by the T.R.C [Clifton Depot]. Although the T.R.Council provides all the maintenance, they receive only a small rate contribution from two of the three properties.

B.B. & L.M. Milne

553 Mount Mort Road,
Grandchester. Qld 4340

We are writing to make a formal request for a proposed property boundary change to have all of our business enterprise "YABRAGUNYAH", Upper Pilton, in one shire, namely the Toowoomba Regional Shire. We pay Rates and Levies to both Councils, but receive no service at all from the S. D. Council.

The road we use to access our Upper Pilton property is via the Pilton Valley Road and a road built and maintained by I. & M. Pidgeon through their property. This road is a 4WD dry weather only, accessible road.

Thank you for your consideration on this matter, awaiting your written reply.

B. & L. Milne

Pidgeon I. & M.

MS 117,

Allora, Qld 4362

Our house and infrastructure is situated 3.4 km from the closest trafficable road in the S.D.Shire, at the North Branch Goomburra Road. The road to there crosses a mountain ridge, is very rough and steep and accessibly only to 4WD vehicles. We don't expect the SD Council to provide access for transport of livestock, fuel, ect, via this road as it would entail substantial work and cost.

Meanwhile all infrastructure is only 200 metres from the T.R. Shire boundary and 2 Km from the well maintained part of the Pilton Valley Road, which is well kept by the T.R.C. This 2km stretch of road is only accessible in dry weather. It was formed in 1978 by the then Allora Shire Council for education access. Since then it has periodically had a small amount of upkeep by the T.R.C. All goods, power and telephone lines come via this road.

According to the Electoral Council of Queensland our property is in the Condamine State Electoral District which then follows that it is in the T.R.C. enclosed are copies of our Electoral District information.

By changing the shire boundary to conform with the County, Parish, Mineral Field, Rural Fire Brigade and Electoral Boundary, this would be a more equitable agreement, for us and the T.R.C., who provide road services and other facilities. As the T.R. Council provides us with a reasonable access for our business necessities, we feel it only fair to contribute to their maintenance program. We would also like to thank the Clifton Depot for giving us a temporary crossing over Kings Creek after the January floods. It was our only means of access for quite a long period.

Thanking you for your consideration on this matter. Awaiting your written reply.

I & M Pidgeon

J.A. Stark and D.D. Stark,

105 Stark Road,
Upper Pilton, Clifton.

Qld 4361

We are writing to make a formal request for a proposed property boundary change, to a property owned by us with land in both T.R.C and S.D. Shire that is Lot 1 SP 109865, Lot 1691 A 34934, Lot 1 RP 46161, in the T.R.C and L1199 AG 3273 in the S.D.S. I first wrote to the Clifton Shire Council in 2006 in regards to this proposal, however because of the pending Shire amalgamations proposal this matter was left until post amalgamation. As it is now some time since amalgamation, we are again making a request for a property boundary change so that all of this property called "Glencoe" is in the T. R. Shire.

It is our request to have all of our business enterprise in one shire, namely the T.R. Shire. Our reasons for this request are

- This would enable us to pay our rates to one Shire, with one transaction
- Our whole business enterprise called "Glencoe" would be in one shire
- The access to the block in the S.D. Shire is via an access track, put in at our expense off the Pilton Valley Road. This has been the actual access used by us since 1979, and was also used for many years by the previous owners
- All produce and supplies enter and leave via the Pilton Valley Road
- All amenities, house, phone, power, cattle yards, sheds, silos ect. Are on block L2 RP 46160 in the T.R. Shire
- The T.R.Shire services and maintains the Pilton Valley Road, the road used to access this block and the rest of the property
- Currently we pay 2 road charges, 2 Rural Fire Levies, 2 Refuse charges, but receive services from the T.R.C. only
- To have our property "Glencoe" in two Shires is from our information based on issues of some 40 plus years ago, it would make this property easier to work and manage, if it was all in the one Shire, namely T.R. Shire

Thank you for your consideration on this matter, awaiting your written reply.

J. A. Stark and D. D. Stark

105 Stark Road,

Upper Pilton,
Clifton Qld 4361

To The C.E.O.
Toowoomba Regional Council,
PO BOX 3021
Toowoomba Village Fair,
QLD 4350

Dear Sir,

In 1978 a Link Road was formed by the Allora Shire Council to allow access to I. & M. Pidgeon for them to access a School Bus Run for their eldest child to begin his education. To my knowledge, the then Clifton Shire Council maintained and serviced this section of the road when they maintained and serviced the Upper Pilton Valley Road.

We are quite agreeable to grant legal right of access to their properties, that is "Barnstable" at this time owned by I. & M. Pidgeon, and "Yabragunyah" at this time owned by B. & L. Milne. This access is through L1691 A34934 of the Toowoomba Regional Shire, the most practical access to these properties from the Pilton Valley Road.

Please contact us by written correspondence if more information is required.

Yours faithfully,

J.A. Stark and D.D. Stark



Q14180841/022
VALMA M PIDGEON
346 PIDGEONS RD
GOOMBURRA QLD 4362

642

State Electoral District:
CONDAMINE

State Roll Number:
24261

Local Government Area:
TOOWOOMBA REGIONAL CNCL

Dear Voter

On Saturday, 24 March 2012 voters in Queensland will elect their representatives to the Queensland Parliament. Following this, the Local Government election will be held on Saturday, 28 April 2012.

To ensure that you are able to vote quickly and easily at both elections, please take the card below to the polling booth to assist in marking your name off the electoral roll.

Voting Options

- (1) **On Polling Day**
Polling booths are open from 8.00am to 6.00pm for both State and Local Government elections.
POLLING BOOTH LOCATIONS FOR THE STATE ELECTION ARE LISTED ON THE BACK OF THIS PAGE*
- (2) **Postal Voting**
If you cannot attend a polling booth you can apply for a Postal Vote or for an electoral official to visit your home if you need special assistance.

Postal Vote Application forms are available from the Electoral Commission's website at www.ecq.qld.gov.au. If you require a postal vote for both State and Local Government elections, you must fill out a separate form for each election.
 - The deadline for applying for a State postal vote is 6.00pm on Thursday, 22 March 2012.
 - The deadline for applying for a Local Government postal vote is 6.00pm on Wednesday, 25 April 2012.
 (NB: If your local council's election is being conducted as a postal ballot only, your ballot papers will automatically be posted to you).
- (3) **Pre-poll in Person Voting**
Please visit the website to check your nearest pre-poll centre, or call us for details.
- (4) **Hospital, Nursing Homes Voting**
Electoral officials will visit some hospitals, nursing homes and homes for the aged. Contact your facility's administration to find out if visits have been arranged.
- (5) **Absent Voting**
For the **State Election only** you may cast an absent vote at any polling booth in Queensland.
NB: For Local Government elections, absent voting is NOT allowed outside the Local Government area. If you are absent from the area on polling day you will need to consider one of the other options above.

If you require further information please visit the Electoral Commission of Queensland website www.ecq.qld.gov.au or call the Voters' Helpline on 1300 881 665 (Monday to Friday 8am – 8pm, Saturday 8am – 6pm).



For the Translating and Interpreting Service call 13 14 50.

Detach this card confirming your enrolment details and bring it with you to a polling booth on both polling days

Yours sincerely



David Kerslake
Electoral Commissioner

ENROLMENT DETAILS

Qld State General Election – Saturday, 24 March 2012
Local Government Election – Saturday, 28 April 2012
This card confirms that you are enrolled for the

State District of CONDAMINE
LGA Area of TOOWOOMBA REGIONAL CNCL
Your enrolment details are:
Roll No.: 24261
Surname: PIDGEON
Given Names: Valma Mary Margaret
Enrolled Address: 1923 PILTON VALLEY RD
UPPER PILTON QLD

— REMEMBER —
VOTING IN BOTH ELECTIONS IS COMPULSORY

IMPORTANT

ENSURE YOU FILL OUT PART 2 & YOUR
WITNESS PART 3 IN ACCORDANCE WITH
INSTRUCTIONS OVERLEAF



Q14180841

MRS VALMA MARY MARGARET PIDGEON
346 PIDGEONS RD
GOOMBURRA QLD 4362

POSTAL VOTING

Queensland



DECLARATION ENVELOPE (DVE 1)

PART 1 VOTER DETAILS - Please use **PRINT** or **LABEL**

ENROLLED IN	Toowoomba Regional Council
SURNAME	PIDGEON
GIVEN NAMES	MRS VALMA MARY MARGARET
DATE OF BIRTH	7/12/1936
ENROLLED ADDRESS	1923 PILTON VALLEY RD UPPER PILTON 4361

Form No. 10/15/2012

DO NOT DETACH FLAP

BALLOT PAPER/S

Our ref: OUT11/2972

13 APR 2011

Mr Ian and Mrs Mary Pidgeon, Mr Graham and Mrs Desaree Stark,
and Mr and Mrs B and L Milne
Upper Pilton Primary Producers
c/- 105 Stark Road
Upper Pilton Via Clifton QLD 4361

Dear Mr and Mrs Pidgeon, Mr and Mrs Stark and Mr and Mrs Milne

Thank you for meeting with officers of the Department of Local Government and Planning (DLGP) at the Toowoomba Community Cabinet meeting on 14 March 2011, to discuss your interest in a change to the Council boundaries of the Toowoomba Regional Council and the Southern Downs Regional Council.

During the discussions, you indicated that your proposal would affect three properties, with two of those properties paying rates to both Councils. You further indicated that you believed the Southern Downs Regional Council did not provide any services to these properties, nor maintain the access road.

The preferred option you have identified is for the three properties to be transferred from Southern Downs Regional Council to Toowoomba Regional Council.

As explained to you at the meeting, the process to alter a Local Government boundary is for a formal request to be made to both Councils together with supporting material and evidence of significant community support. Both Councils would need to identify and agree to the possible boundary relocation and make a submission to the Minister for Local Government.

On receipt of the submission, the Minister for Local Government would be required to consider the evidence and if the proposed change appears to be in the public interest, make an application to the Change Commission for an independent assessment of the proposed change.

Executive Building
100 George Street
PO Box 15009
City East Queensland 4002
Telephone +61 7 3227 8548
Facsimile +61 7 3224 4683
Website www.dlgp.qld.gov.au

As a part of the assessment, the Change Commission must ask for submissions from the two Local Governments affected by the proposed change, and hold a public hearing to ask the public for its views about the proposed change. After the Commission has completed its assessment, it must let the public know the results of its assessment and the reasons for the results by publishing the notice of the results in a local newspaper, the Queensland Government Gazette and on the Queensland Electoral Commission's website. The Commission must also give the results of its assessment to the Minister for Local Government.

If the assessment of the Change Commission is to recommend the change, it may then recommend that the Governor in Council implement its assessment, which may be done under a regulation to provide for anything that is necessary or convenient to facilitate the implementation of the change.

I understand that you have suggested the Southern Downs Regional Council may not be supportive of such a boundary change. However, you indicated to the DLGP officers that you would write to the Minister for Local Government to formally request that the Minister take the matter up with Council as a first step to ascertain their support or otherwise for the boundary change. Your letter should include reference to your preparedness to grant formal access, or an easement, for road purposes to the Pidgeon property from the Stark property.

I note the submission you left with officers forms the basis of your proposal to change the boundary.

If you require any further information, please contact Mr Tony Williams, Principal Advisor, Southern Region, Regional Services Division, Strategy and Governance Group, Department of Local Government and Planning, on 4616 1987 who will be pleased to assist.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Noye', followed by a horizontal line.

Jack Noye
Acting Director-General
Department of Local Government and Planning

Discussion Notes for Meeting to be held on,
Monday 14th March 2011 at 9:30 am
Oakey Cultural Centre
62 Campbell Street
Oakey

People present /Involved:

Paul Lowe (Acting Director General)

Upper Pilton Primary Producers; Including

Graham and Desaree Stark (105 Stark Rd Upper Pilton via Clifton)

(Ph 07 46964523)

Ian and Mary Pidgeon (Pilton Valley Rd, Upper Pilton via Clifton)

(Ph 0746964533)

Brett Milne (Unable to attend)

Topic:

Proposed Change to part of council boundary between Toowoomba Regional Council (TRC) and Southern Downs Council (SDC) to County Boundary, as per map.

Due to the topographic nature of Pilton Valley, SDC provides nil services, for transport of property commodities. The only commercial access is via Pilton Valley Road, which is maintained by TRC.

Discussion Summary;

- Realignment of Council Boundary; to bring local council boundaries into alignment with County, Parish, Mineral Field, Upper Pilton Rural Fire Brigade and Electoral Boundaries.
- 3 Rural Properties Involved
- Situation; All three properties are adjoining each other. All share the same access road, have land in either TRC or SDC, or a combination of both.
- Rates Contribution; As the TRC maintain the road access and amenities, and not the SDC we would prefer to pay all rates to the TRC
- Road Access; At present the TRC (Clifton Depot) provide and maintain a dry weather access road to all three properties. The SDC provides no access to any of the Properties concerned

We are here to discuss a change to part of the boundary between Toowoomba Regional Council (TRC) and Southern Downs Council (SDC), to line up with the current County, Parish, Mineral Field, Upper Pilton Rural Fire Brigade and Electoral Boundaries (As Per Map 1).

The properties concerned (as marked on Map 1) are owned by G & D Stark, I & M Pidgeon, and B Milne. These properties are in the South-East corner of the TRC and the North-East corner of the SDC, with Kings Creek being the boundary between the two councils.

All three properties are run as cattle breeding and fattening enterprises, with some grain being grown as well by their owners. All produce including Cattle and Grain leaves the properties via the Pilton Valley Road. All incoming commodities, including fodder, seed, fertiliser and fuel must also be brought in via the same road. We all need to have a serviceable all weather access road to handle semi-trailers, truck and dog combinations to be able to bring in required commodities, and to sell, move livestock and grain.

The only commercial access is via the Pilton Valley Road, due to the topographic nature of the Pilton Valley. This road runs the full length of the Pilton Valley and is serviced and maintained by the TRC (Clifton Depot). Although all of the maintenance is provided by the TRC, they receive only a small rate contribution from two of the three properties. All three properties

have very limited dry weather only road access. (Please refer to Map and Photos).

B. Milne;

Brett pays Rate to both local councils, (Please see copy of Rate Notices). The access road used by Brett is through the property owned by I & M Pidgeon. This road has been built and maintained by the property owner Ian. This road is a dry weather, 4wd only road.

Due to work Commitments Brett is unable to attend this meeting today.

Please Consider our Combined Request

Thanks Brett Milne

I & M Pidgeon;

Our House and amenities are 3.4 km from the closest trafficable road in the SDC, at the North Branch Goomburra Rd. The road to there crosses a mountain ridge and is very rough and steep, only accessible to 4wd. We wouldn't expect the council to provide access via this road for transport of Livestock, fuel, and grain etc. As it would entail substantial work and cost to provide a suitable road.

Meanwhile our house is only 200 metres from the TRC boundary and 2 Kilometres to the well-maintained Pilton Valley Road that finishes at the neighbour's house, the last property in the TRC shire. This two-kilometre road is only accessible to all vehicles in dry weather. It was last gravelled in 1978, with very little maintenance since. This is not conducive to

running a business as, if it rains; booked transport has to be cancelled for both incoming and outgoing goods. All goods, power and phone lines come via this road in the TRC shire.

According to the Electoral Roll we are in the Cunningham Electorate, not the Darling Downs Electorate as are the rest of the ratepayers in the SDC.

Please consider our request

Thanks Ian & Mary Pidgeon

“Glencoe”; D Stark

Block –Lot 1199AG3273, is 412 Hectares (SDC shire) in part of a grazing and Agricultural Property, the other part is in the TRC shire.

Access to this block is supposed to be via Herron’s Rd (Please see map and Photos) a gazetted but unformed road reserve through I & M Pidgeon’s property. WE would have to travel in excess of 5 Km through their property, including through one of their cultivation paddocks to access this block via proper access road.

I have owned this land since 1979, and have always accessed it via the Pilton Valley Road, approximately 200 tonne of produce is marketed off this block per year in the form of Cattle and Grain.

All infrastructures, i.e. House, Cattle Yards, silos and Sheds on this property are the TRC shire. The SDC provides us with no usable road access to this property. As per copies of rate notices enclosed TRC charges \$ 1191.41 rates per year (2010-2011) for 447 hectares. The SDC charged \$3153.90 for the same period for 412 hectares. Included in these

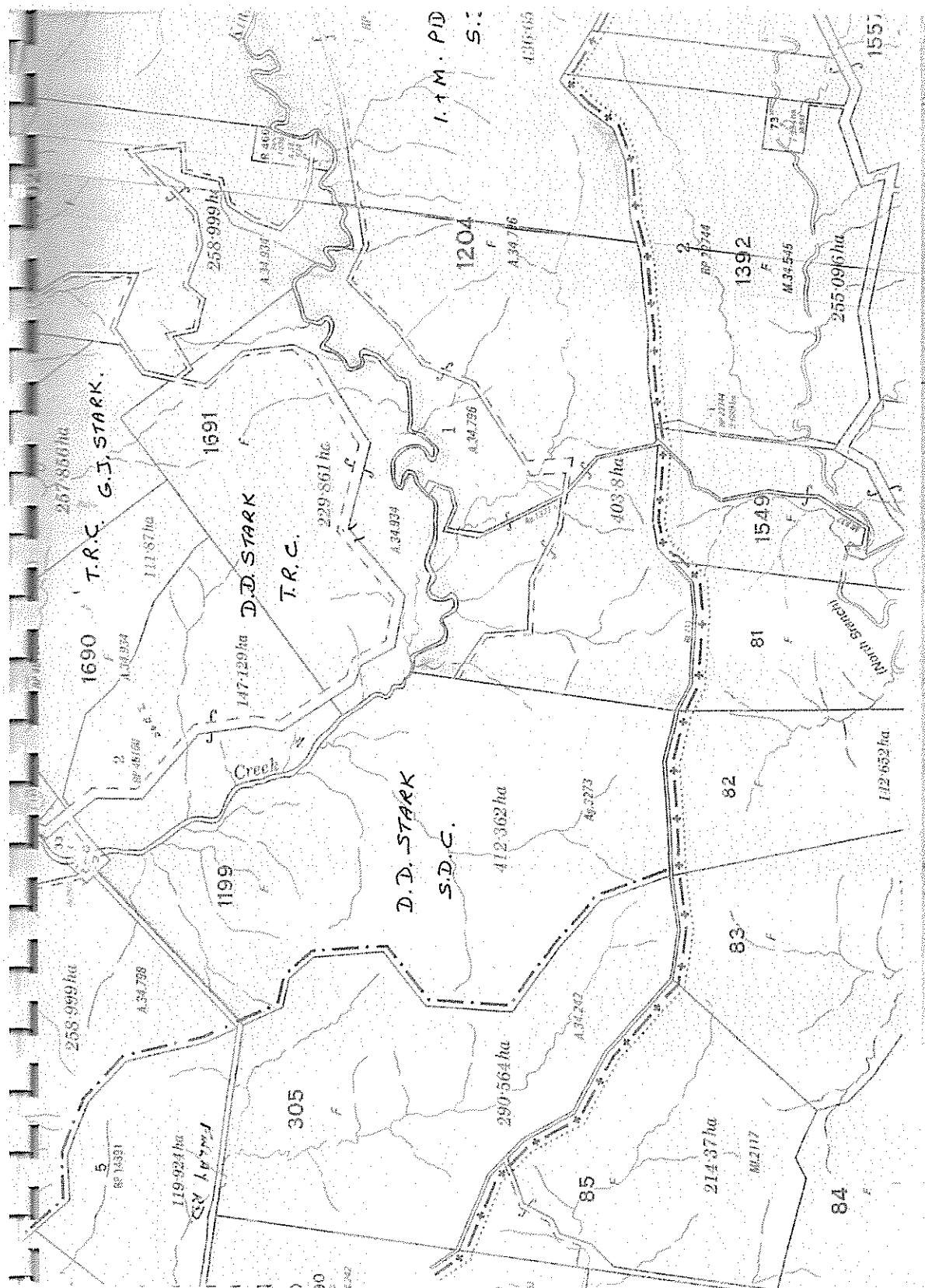
charges are a road charge and a waste facilities charge (refuge tip), as per rates notices. A grossly elevated rate contribution for no road or waste facilities access. The TRC services and maintains the Pilton Valley Rd, supplies us with a waste Facilities area that we can access for a lot lower rate contribution.

By changing the shire boundary to conform with the County, Parish, Mineral Field, Rural Fire Brigade and electoral Boundary this would be a more equitable arrangement for both us and the TRC, who provide both the Road service and other Facilities.

Please consider our Request for boundary Realignment

Thanks G & D Stark

- Map 1: Parish Map.
 - a. Please Note the three properties concerned.
 - b. The existing council boundary
 - c. The County, Parish and the Mineral Field boundary
- Photo 1 & 2, Road Access to Brett Milne's property
- Photo 3,4 & 6, the road access maintained by Ian Pidgeon to meet up with the North Branch Goomburra Rd.
- Photo 5, the start of Herron's Rd where it heads through the cultivation Paddock.
- Photo 7 & 8, Photo of Kings Creek, including the Crossing maintained by the TRC, for access to Pigeons Property via Pilton Valley Rd.
- Photo 9. Road Access to Glencoe via Spring Creek, Boundary between TRC and SDC
- Photo 10. Road access to Glencoe, road maintained by TRC
- Photo 11. View of land in Glencoe on Block in TRC
- Photo 12. View of Land in Glencoe on Block in SDC
- Photo 13. Access to Glencoe from Pilton Valley Rd
- Photo 14. Access to Pidgeons via Pilton Valley Rd
- Photo 15 & 16 Access to Glencoe from Pilton Valley Rd, Road built and maintained by property owner
- Rate Notice's Brett Milne, one for TRC and one for SDC
- Rate Notice's Glencoe, one for TRC and one for SDC
- Previous Correspondence from Clifton Shire Council, Warwick Shire Council and TRC



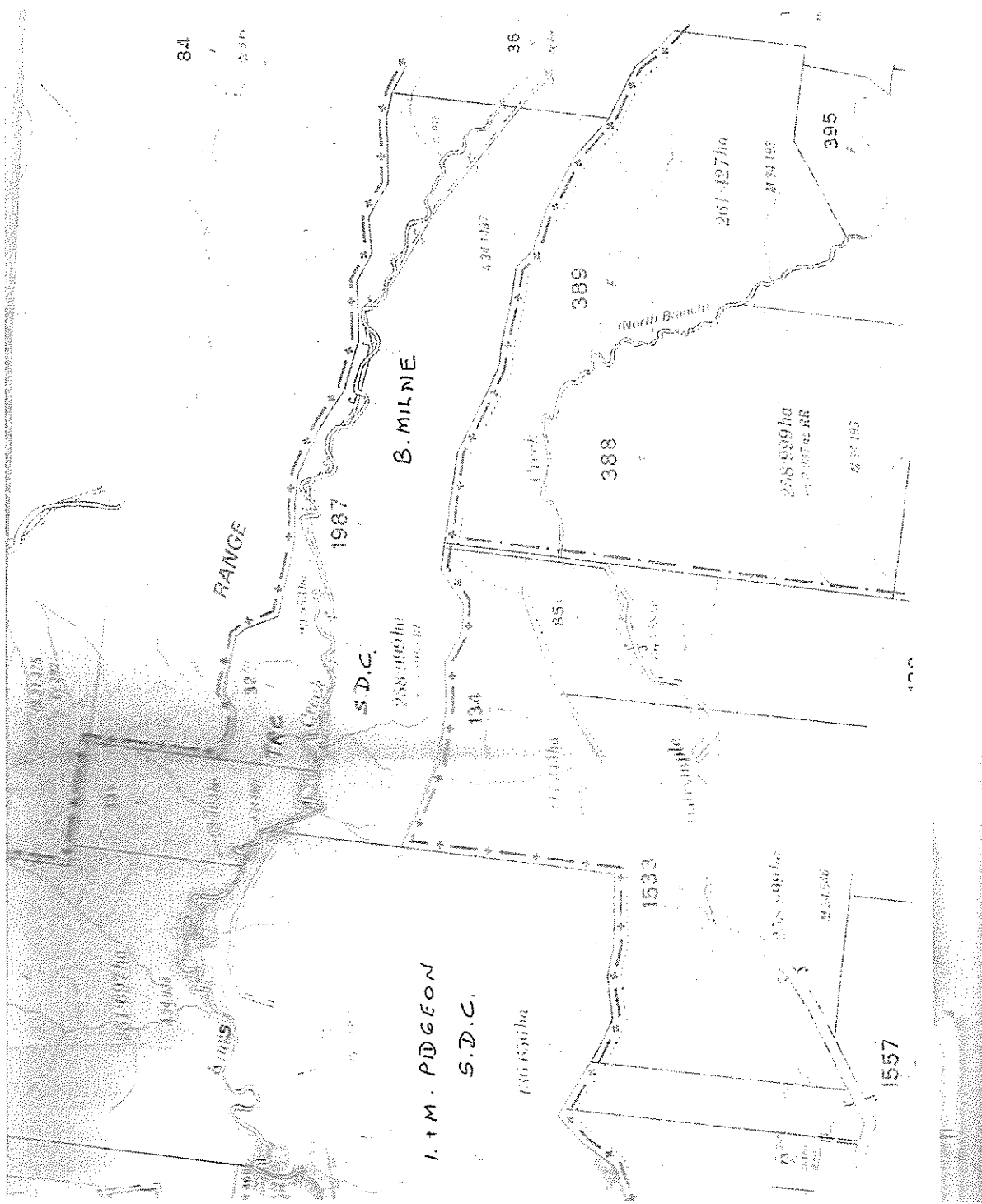








PHOTO 7



PHOTO 8







PHOTO 13



PHOTO 14



PHOTO 15



PHOTO 16





Our Ref: AI:YA/1123816

10 February 2011

Please address all
communications to:
The Chief Executive Officer
Southern Downs
Regional Council
PO Box 26
Warwick Qld 4370

mail@southerndowns.qld.gov.au
www.southerndowns.qld.gov.au
atn 59 786 792 651

Warwick Office
64 Fitzroy Street
Warwick Qld 4370
t 07 4661 0300
f 07 4661 0333

Stanthorpe Office
61 Marsh Street
Stanthorpe Qld 4380
t 07 4681 5500
f 07 4681 5540

JA & DD Stark
105 Stark Road
Upper Pilton
CLIFTON QLD 4361

Dear Sir & Madam

Proposal to Change Regional Boundary

I refer to your letter dated 18 July 2011 requesting Council to consider a request to include your property into the Toowoomba Regional Council area. While Toowoomba Regional Council was advised of Council's decision, I understand that you have not received a response to your request and I sincerely apologise for the oversight.

Council considered this matter at its General Meeting held on 28 September 2011 and resolved that as the geographical boundary is clearly defined, by allowing this application it would have implications for other areas within the Southern Downs Region. Therefore at this stage, it is not considered a practical request for this Council to accede to.

If you have any questions please contact Peter See, Director Engineering Services on 4661 0395.

Yours faithfully

Andrew Ireland
Acting Chief Executive Officer



Southern Downs
REGIONAL COUNCIL

Our Ref: TEF/0050825

18 August 2011

Please address all
communications to:

The Chief Executive Officer
Southern Downs
Regional Council
PO Box 26
Warwick Qld 4370

mail@southerndowns.qld.gov.au
www.southerndowns.qld.gov.au

abn 59 786 792 651

Warwick Office

64 Fitzroy Street
Warwick Qld 4370
t 07 4661 0300
f 07 4661 0333

Stanthorpe Office

61 Marsh Street
Stanthorpe Qld 4380
t 07 4681 5500
f 07 4681 5540

J.A & D.D Stark
105 Stark Road
Upper Pilton
CLIFTON QLD 4361

Dear Mr & Mrs Stark

Proposed Regional Boundary Realignment

I acknowledge receipt of your request for Council's consideration of a proposed regional boundary realignment, which if approved, will result in your property forming part of the Toowoomba Regional Council area.

A report to Council is currently being prepared to seek its views on the proposal. This report will be presented to Council's September meeting, following which you will be advised of the outcome of that consideration, including details any further action required in relation to the proposal.

If you have any questions regarding the process, please contact me on telephone 4661 0439.

Yours faithfully

Trudy Fraser has left. - Cassie

Trudy Fraser
Manager Executive Services



Our Reference: 4759296

Contact Officer: Norm Garsden

Telephone: 07 4688 6964

2 August 2011

J.A. & D.D. Stark
105 Stark Road
UPPER PILTON OLD 4361

Dear Sir/Madam,

Thank you for your letter seeking to change the boundary between Toowoomba and Southern Downs Regional Councils.

As you are aware, there cannot be any changes to Council boundaries until both Councils and all land owners agree and consent is given by the Minister for Local Government to refer this matter to the Local Government Change Commission.

I have previously raised this matter with Southern Downs Regional Council (SDRC) however the SDRC have not agreed to consider the proposed changes. I appreciate your circumstances however Toowoomba Regional Council is not able to progress the matter unless the SDRC are in agreement.

At your discretion, I propose to forward this letter to SDRC asking whether they will consider investigating this matter further.

If you have any queries in relation to this matter, please contact me on 07 4688 6964 or norm.garsden@toowoombaRC.qld.gov.au.

Yours faithfully

A. Gauss

Norm Garsden
Manager, Governance

Ref: NG: MM: 3402330



11 June 2009

Mrs Desley Stark
"Glenrive"
MS 544
Clifton QLD 4361

Dear Mrs Stark,

Proposed Changes to the Toowoomba Regional Council Boundary

I am writing to update you on your request to change the boundary between the Toowoomba and Southern Downs Regional Councils.

Council recently considered this matter and decided to:

- o Undertake minor preliminary research to establish the level of desire in the various communities for change, prior to undertaking more extensive consultation.
- o Prepare background information on the various proposals as the basis for community consultation.
- o Approach the Minister and her Department seeking information on the level of consultation expected to be undertaken by Council, should a formal application be made to her Department.

I have also been in contact with the Department of Infrastructure and Planning regarding this matter and am waiting on their advice on how to best progress this issue. I will contact you again, once I receive this advice.

Please do not hesitate to contact me again if you wish to discuss any additional matter.

Yours faithfully

A handwritten signature in blue ink, appearing to read "N Garsden".

Norm Garsden
Manager, Governance and Administration

Toowoomba Regional Council
PO Box 3021
Toowoomba Village Fair QLD 4350
T 07 4688 6611 F 07 4631 9292
E info@toowoombaRC.qld.gov.au
W www.toowoombaRC.qld.gov.au

SERVICE CENTRES

CLIFTON

95 King Street
Clifton Q 4361
T 07 4697 4222

CROWS NEST

25 Emu Creek Road
Crows Nest Q 4355
T 07 4698 1155

GOOMBUNGEE

89 Mocatta Street
Goombungee Q 4354
T 07 4696 7900

GREENMOUNT

54 Hodgson Street
Greenmount Q 4359
T 07 4697 0200

HIGHFIELDS

Q'Brien Road
Highfields Q 4352
T 07 4630 8925

MILLMERRAN

2-16 Campbell Street
Millmerran Q 4357
T 07 4695 1399

OAKEY

64 Campbell Street
Oakey Q 4401
T 07 4691 1386

PITTSWORTH

85 Yandilla Street
Pittsworth Q 4356
T 07 4619 8000

TOOWOOMBA

153 Herries Street or
543 Rutven Street
Toowoomba Q 4350
T 07 4688 6611

ABN 997 8830 5360

Our Ref NG: MM: 3354003



6 April 2009

Mrs D Stark
"Glenrive"
MS 544
CLIFTON QLD 4361


Dear Mrs Stark

Possible Change to the Toowoomba Regional Council Boundary

I refer to the previous correspondence regarding the possibility of changing the Toowoomba Regional Council boundary to include your property.

I wish to advise you that Council will be considering an update to the proposal at its April 2009 meeting. I will update you on Council's position shortly thereafter.

If you wish to discuss this or any related matter, I can be contacted on 4688 6964 or at norm.garsden@toowoombaRC.qld.gov.au.

Yours faithfully



Norm Garsden
Manager, Governance and Administration

Toowoomba Regional Council
PO Box 3021
Toowoomba Village Fair QLD 4350
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Oakey Q 4401
T 07 4691 1388

PITTSWORTH

65 Yandilla Street
Pittsworth Q 4356
T 07 4619 8000

TOOWOOMBA

153 Herries Street or
543 Ruthven Street
Toowoomba Q 4350
T 07 4686 6611

ABN 997 8830 5360

Our Ref: NG:AC: 3146111
When replying to this letter please quote reference (as above)



18 June 2008

Mrs D Stark,
"Glenrive",
MS 544,
CLIFTON QLD 4361

Dear Mrs Stark,

Local Government Reviewable Matters – Possible Change to the Toowoomba Regional Council Boundary

I refer to the previous correspondence regarding the possibility of changing the Toowoomba Regional Council's external boundary to include your property.

Council, at its recent meeting authorised me to initiate discussions with the Southern Downs Regional Council, government departments and affected landowners with the view to preparing a more detailed report on the possible transferring of properties in the Upper Pilton area from the Southern Downs Regional Council to the Toowoomba Regional Council.

I will keep you informed on the progress in this matter; however, if you wish to discuss any related issues, I can be contacted on 07 4688 6964, or at norm.garsden@toowoombaRC.qld.gov.au.

Yours faithfully

A handwritten signature in black ink, appearing to read "N Garsden".

**NORM GARDEN
ACTING MANAGER, GOVERNANCE AND ADMINISTRATION**

Toowoomba Regional Council
PO Box 3021
Toowoomba Village Fair QLD 4350
T 07 4688 6611 F 07 4631 9292
E info@toowoombaRC.qld.gov.au
W www.toowoombaRC.qld.gov.au

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Oakey Q 4401
T 07 4691 1388

PITTSWORTH

85 Yandilla Street
Pittsworth Q 4356
T 07 4619 8000

TOOWOOMBA

153 Herries Street or
543 Ruthven Street
Toowoomba Q 4350
T 07 4688 6611

ABN 997 8830 5360

Our Ref: NG:AC: 3116325
When replying to this letter please quote reference (as above)

9 May 2008

Mrs D Stark,
"Glenrive",
MS 544,
CLIFTON QLD 4361

Dear Mrs Stark,

Incorporation of your property into the Toowoomba Regional Council

Thank you for your letter seeking Council's consideration to incorporate your property (Lot 1199 AG3273) into the Toowoomba Regional Council. The Chief Executive Officer has requested me to reply on his behalf.

As you are no doubt aware, the Local Government Reform Commission in its recommendation to the Minister identified a number of ongoing boundary anomalies, which require future attention. Although these matters did not specifically include your property, I will prepare a preliminary report for Council addressing all known relevant boundary issues.

I anticipate that Council will consider this report at its June 2008 meeting. If further action were authorised, I would contact the Southern Downs Regional Council and surrounding neighbours before writing a specific report addressing the situation prior to approaching the Minister to initiate a formal review and approval.

I will update you on the Council's decision following the meeting.

Yours faithfully



NORM GARDEN
ACTING MANAGER, GOVERNANCE AND ADMINISTRATION



Toowoomba Regional Council
PO Box 3023
Toowoomba Village Fair QLD 4350
T 07 4688 6611 F 07 4631 9292
E info@toowoombaRC.qld.gov.au
W www.toowoombaRC.qld.gov.au

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TOOWOOMBA

153 Herries Street or
543 Ruthven Street
Toowoomba Q 4350
T 07 4688 6611

ABN 997 8830 5360

G.J. & D.D. Stark,
"Glenrive",
M.S. 544,
Clifton. 4361.
0746964523.

To The C.E.O.,
Toowoomba Regional Council,
Toowoomba.
Dear Sir,

Congratulations to the new Mayor and Councillors of the new Shire, I wish you all success and the ability to make the amalgamations work.

I wish to ask for the consideration of a property boundary realignment in regard to property owned by me in the previous Warwick Shire. The block in question is a grazing and agricultural block, Lot 1199AG3273, 412 hectares, the other portion of the property is in the previous Clifton Shire. The access is via Herrons Road, a gazetted but unformed road through our neighbour's property, it is very steep and inaccessible. We would have to travel an extra 7-10 kms, to access this block via this way, since we have owned this property we access this block via the Pilton Valley Road. The other part of the property is in the previous Clifton Shire, 1719 Pilton Valley Road, Upper Pilton, area of 382.53 hectares. Lot 1691 A34934, L1 RP46161 and L1 SP109865 all in the Parish of Pilton. All produce of cattle and grain has to travel out through the previous Clifton Shire, all livestock, seed, fertilizer and fuel etc. come to this block via the same way.

It would be more convenient for us to work this property, if this block could be added to the rest of the property, all in one Shire. I have spoken and written to both the C.E.O.'s of the previous Clifton and Warwick Shires in August of 2006, because of the pending Shire Amalgamations nothing further was done until the amalgamations issue was resolved. I ask that this boundary alignment be considered at the Council's earliest convenience.

Yours faithfully,
Desaree Stark.

Delivered to Timba 26-03-08

4 October 2006

Mr G & Mrs D Stark
"Glenrive"
MS 544
CLIFTON QLD 4361

Dear Mr & Mrs Stark

Request for Shire Boundary Re-alignment

I presented your letter regards the above at Council's General Meeting held on 27 September 2006.

Council has asked for a report to be prepared on your request, noting that other landholders would be in the same situation. It is expected this report will be presented to the November General Meeting.

Please note if any alterations were to happen, there is quite a deal of process involved between the two local authorities, Minister for Local Government and the Queensland Electoral Office not to mention public consultation before a final decision is made, so it would not be happening in the near future.


Upon consideration of the report, Council will make a decision to either take no further action or to commence discussions with Clifton Shire. I will keep you informed of decisions made.

With regard to the Rural Fire Brigade Levy Council considers this is a Rural Fire Services issue that should be resolved between the relevant brigades. Council acts as the middleman in collecting the levy and passing that on to the District Committee for distribution, so it should be the decision of that committee as to where the funds are distributed.

I suggest you contact Committee Secretary Paul Storrs on 4667 4936 to discuss this matter.

Please contact me if you have any questions regards the above.

Yours faithfully



Rod Ferguson
Chief Executive Officer



Proudly supporting the Warwick Rodeo

24 – 29 October, 2006
(For more information contact 4661 9060)

TELEPHONE 0874 4661 0500 FACSIMILE (07) 4661 0553
EMAIL mail@warwick.qld.gov.au
INTERNET www.warwick.qld.gov.au

ADMINISTRATION BUILDING, 64 FITZROY STREET, WARWICK

ALL COMMUNICATIONS TO BE ADDRESSED TO
THE CHIEF EXECUTIVE OFFICER

P.O. BOX 26, WARWICK, QLD 4370

G.J. & D.D. Stark,
"Glenrive",
M.S. 544,
Clifton. 4361.

To The C.E.O.,
Warwick Shire Council,
P.O. Box 26,
Warwick, Q'ld. 4370.

Dear Sir,

This is in regard to property owned by myself in the Warwick Shire. The block is a grazing and agricultural block, Lot 1199 AG 3273. According to Warwick Shire access is via Herrons Road, this is a gazetted but unformed road, it is very steep and inaccessible, we would have to travel an extra 7 to 10 klms through our Neighbours property to access our property via this way, Warwick Shire provides no other usable access road to this block. This block is part of a property, the rest of which is in the Clifton Shire. All produce has to go out through the Clifton Shire. Approx. 200 Tonnes of produce between cattle and grain are sent off this block, but fuel, seed, fertilizer and livestock have to come onto this block via the Clifton Shire road network too. The house, sheds, silos, and cattle yards on this property are all in the Clifton Shire. This puts this block in an anomaly situation in regard to the "Road Charge and the Waste Management Charge" as we already pay these charges to the Clifton Shire.

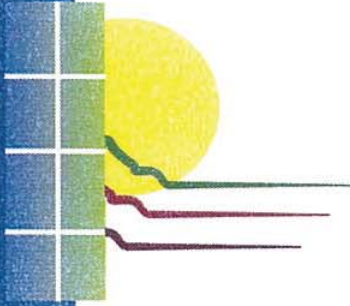
As per our conversation via the telephone on the 17th of August, 2006, we ask that a property boundary realignment be considered by The Warwick Shire Council. It would be more convenient for us if this block could be added to the rest of the property in the Clifton Shire.

There are three properties that are affected by the Rural Fire Brigade Levy in the Warwick Shire that are in the Upper Pilton Rural Fire Brigade area. It would be appreciated if the Levy's from these could be directed to the Upper Pilton Rural Fire Brigade. These properties are owned by B. Milne, Pidgeon & Co., and D.D. Stark.

Yoursfaithfully,
Desaree D. Stark.

POSTED 18-8-06

CLIFTON SHIRE COUNCIL



GJ & DD Stark
"Glenrive"
MS 544
CLIFTON QLD 4361

Ref: A2
August 25, 2006

Dear Sir/Madam

Thank you for your letter regarding your desire to have your property (Lot 1199 AG3273) included in the Clifton Shire.

Most of the local governments on the Darling Downs have recently embarked on a 'Regional Sustainability Plan' that is designed to identify the appropriate level of services and infrastructure and how to best deliver them within the region. Both Warwick and Clifton Shires are participating in this project, which could result in boundary changes.

I shall ensure that your thoughts are considered in this project and that you are invited to any public meetings to discuss the issue.

Yours faithfully

A handwritten signature in blue ink that reads "NA GarSDen".

NA GARSDEN
Chief Executive Officer

Acres of
Opportunity

G.J. & D.D. Stark,
"Glenrive",
M.S. 544,
Clifton, 4361.

To The C.E.O.,
Clifton Shire Council,
P.O. Box 74,
Clifton, Q'ld. 4361.

Dear Sir,

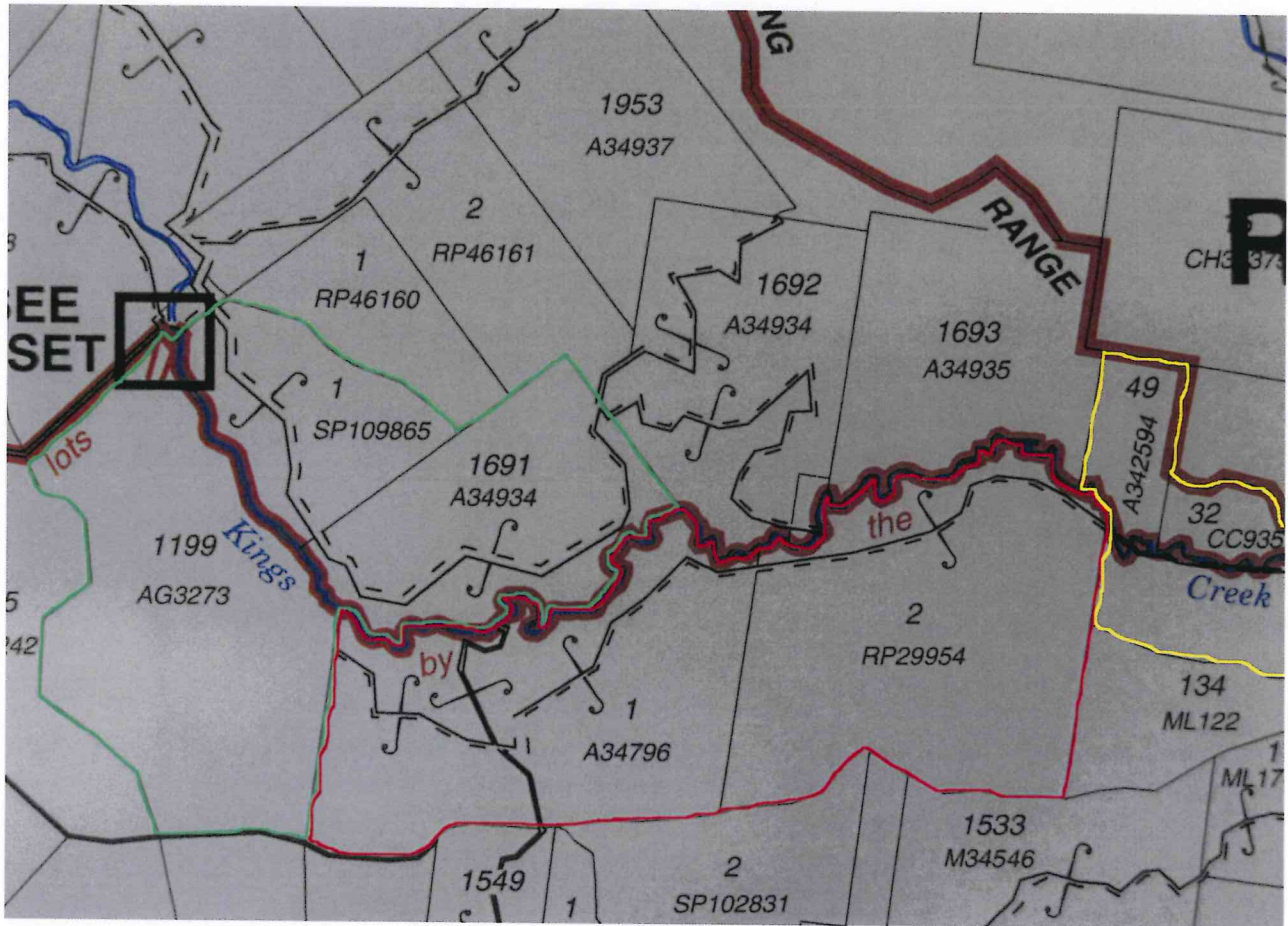
This is in regard to property owned by myself in the Warwick Shire. The block is a grazing and agricultural block, Lot 1199 AG 3273. According to Warwick Shire access is via Herrons Road, this is a gazetted but unformed road, it is very steep and inaccessible, we would have to travel an extra 7 to 10 klms through our Neighbours property to access our property via this way, Warwick Shire provides no other usable access road to this block. This block is part of a property, the rest of which is in the Clifton Shire. All produce has to go out through the Clifton Shire. Approx. 200 Tonnes of produce between cattle and grain are sent off this block, but fuel, seed, fertilizer and livestock have to come onto this block via the Clifton Shire road network too. The house, sheds, silos, and cattle yards on this property are all in the Clifton Shire. This puts this block in an anomaly situation in regard to the "Road Charge and the Waste Management Charge" as we already pay these charges to the Clifton Shire.

As per our conversation via the telephone on the 17th of August, 2006, we ask that a property boundary realignment be considered by The Warwick Shire Council. It would be more convenient for us if this block could be added to the rest of the property in the Clifton Shire.

Yoursfaithfully,
Desaree D. Stark.

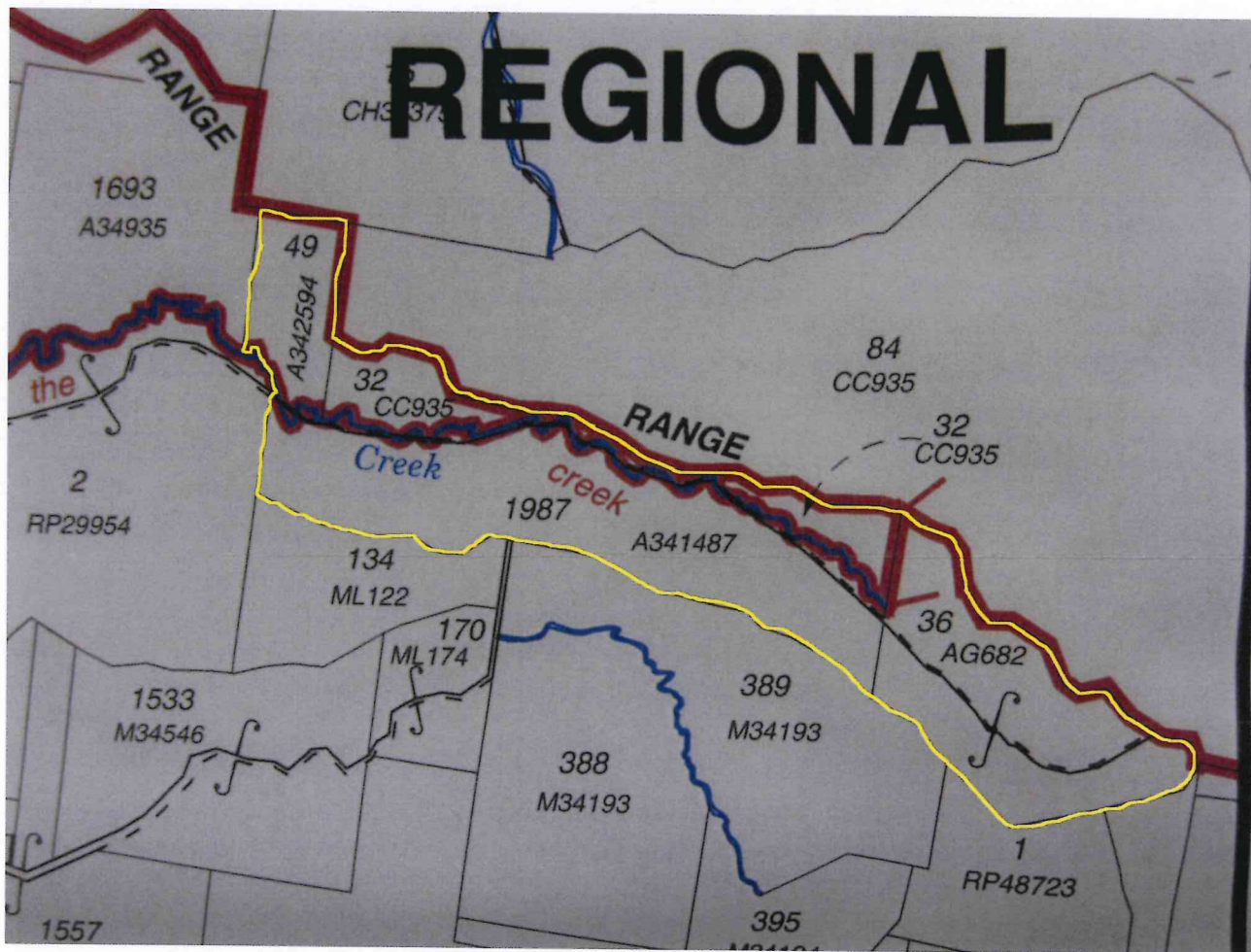
11-08-06

South-East corner of Toowoomba Regional Council, North-East corner of Southern Downs Regional Council – bordering Lockyer Valley Regional Council



Green bordered property – Stark
Red bordered property – Pidgeon
Yellow bordered property – Milne (see following map as well)

South-East corner of Toowoomba Regional Council, North-East corner of Southern Downs Regional Council – bordering Lockyer Valley Regional Council



APPENDIX B

Local Government Submissions



Southern Downs
REGIONAL COUNCIL

Our Ref: AR:MES/1411122
Your Ref: LG/000530/1

30 May 2013

Please address all
communications to:

The Chief Executive Officer
Southern Downs
Regional Council
PO Box 26
Warwick Qld 4370

mail@southerndowns.qld.gov.au
www.southerndowns.qld.gov.au

abn 59 786 792 651

Warwick Office

64 Fitzroy Street
Warwick Qld 4370

t 07 4661 0300
f 07 4661 0333

Stanthorpe Office

61 Marsh Street
Stanthorpe Qld 4380

t 07 4681 5500
f 07 4681 5540

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

Dear Sir

Re: Proposal to Alter Local Government Boundary - Stark, Pidgeon & Milne

I refer to your letter dated 15 May 2013 seeking Council's submission on the proposed change to the Local Government Boundary submitted on behalf of JA & DD Stark, I & M Pidgeon and B & L Milne.

This matter came before Council in September 2011 as a result of a request from Toowoomba Regional Council following a request from the abovenamed ratepayers to alter the boundary between Southern Downs and Toowoomba Regional Councils.

A Confidential Report was prepared by Council's Director Corporate Services covering various issues, including resource base sufficiency, planning and regulatory issues, services and joint arrangements and assets liabilities and staffing.

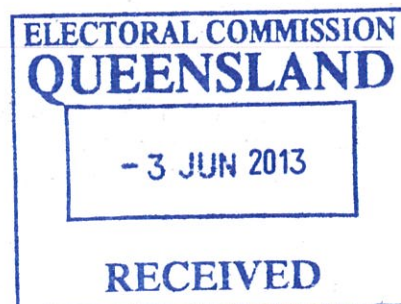
After consideration of the matter, Council subsequently resolved at its General Meeting on 28 September 2011 that:-

"...as the geographical boundary was clearly defined, by allowing this application it would have implications for other areas within the Southern Downs region and therefore at this stage, it is not considered a practical request for this Council to accede to and Toowoomba Regional Council be advised of this decision."

Given the recent consideration of this matter, Council would be unlikely to change its position on this proposed change.

Yours faithfully

Andrew Roach
Chief Executive Officer



Mr Walter van der Merwe
Change Commissioner
GPO Box 1393
BRISBANE QLD 4001

W. O. M.
16/7/13

ELECTORAL COMMISSION
QUEENSLAND
16 JUL 2013
RECEIVED

Submission to Change Commission

Proposal for Boundary Change

Toowoomba Regional Council / Southern Downs Regional Council

Submission

The Toowoomba Regional Council, at its meeting of 18 June 2013 agreed to make a submission to the Local Government Change Commissioner with respect to the reference from the Minister for Local Government proposing a boundary change between Toowoomba Regional Council and Southern Downs Regional Council.

The land affected by the application, is described in Schedule 1.

Executive Summary

Council's initial position may be best described as 'neutral' in regard to the proposed boundary change. Based on information available this time, the inclusion of the subject land at Upper Pilton into the Toowoomba Regional Council area would:

- align the subject land with the Kings Creek catchment, Mineral Field, Rural Fire Brigade, County, Parish and State Electoral boundaries;
- confirm the existing community of interest with Clifton and Toowoomba;
- not impose any additional demand on the existing road network or waste management facilities; and
- allow consistent planning controls to be applied within the Kings Creek catchment area.

However, there is no connectivity between the TRC and SDRC road networks in this area and these lots would not have a practical and legally enforceable access to the Pilton Valley Road unless land was dedicated as road to link Pigeons Road to Pilton Valley Road or the necessary easements were granted.

Should the proposal be successful and the subject land included in the Toowoomba Regional Council Area, Council believe that it would be prudent to impose, as a minimum, a condition requiring appropriate easements over the relevant land to allow Council and landowners the right to travel between Pigeons Road and Pilton Valley Road.

Background

In August 2006, DD Stark wrote to the Clifton Shire Council seeking to have Lot 1199 on AG3273 excluded from the Warwick Shire Council and included in the Clifton Shire Council area. As both Councils had embarked on developing a Regional Sustainability Plan as part of the "Size, Shape and Sustainability" project, the proposal was not pursued.

Since amalgamation in 2008, the Starks have approached the Toowoomba and Southern Downs Regional Councils on a number of occasions seeking a change to the local government boundaries, however although Toowoomba Regional Council was willing to consider the proposal, it is understood that it was not progressed as the Southern Downs Regional Council would not entertain the proposal.

Following a submission to the Minister for Local Government (by G & D Stark, I & M Pidgeon and B & L Milne) and subsequent referral of the matter to the Change Commissioner, Council has been requested to make a submission as part of the assessment process.

Issues

The Council considered the following issues in making this submission:

Topography, Geography and other Boundaries

Upper Pilton is located on Kings Creek about 100km west-southwest of Brisbane, 35km south of Toowoomba and 38km north of Warwick. It sits on the western slopes of the Great Dividing Range at an altitude of approximately 547m. The landscape is characterised by steep hills, undulating rises and permeable soils. It also contains areas of important remnant habitat and prone to erosion, ground water contamination and salinity (particularly on the lower slopes).

The subject lots are used for cattle grazing (breeding and fattening) and cropping as a part of viable working farms. The proposed boundary change would align the land to the Kings Creek catchment, Mineral Field, Rural Fire Brigade, County, Parish and State Electoral boundaries.

Community of Interest

As all the subject land is currently being accessed from the Pilton Valley Road, the properties have natural linkages to the village of Pilton and towns of Clifton and Allora. Toowoomba and Warwick can be accessed from the properties via the New England Highway and are almost equidistant; however, Toowoomba is able to provide greater access to higher level services compared to Warwick. Distances to these centres are included in the following table:

Table 1 – Distances (by Road) from Upper Pilton to local Centres:

Distance (by road) from	To	Km
Upper Pilton	Pilton	6km
Upper Pilton	Clifton	21km
Upper Pilton	Allora	26km
Upper Pilton	Warwick	49km
Upper Pilton	Toowoomba	51km

Road Network and Access

Three roads in the Southern Downs Regional Council area (Pidgeons Road, Herrons Road and an unnamed road) provide access to the subject land; however Pidgeons Road is cut by the North Branch of the Dalrymple Creek (Goomburra Valley) and at the date of this request is untrafficable at that point. A sign at the entrance to Pidgeons Road (at its intersection with North Branch Road - Southern Downs Regional Council) indicated that the road was closed to traffic. The other road reserves are largely unconstructed and traverse difficult terrain, notwithstanding this some access tracks have developed by the land owners.

Physical access to the subject land is currently being obtained from Pilton Valley Road (Toowoomba Regional Council) and then traversing over approximately 150m of Stark's property, a crossing of Kings Creek and then another 100m of Pidgeon's property to link to Pidgeons Road. This provides dry weather access only and the creek crossing is not of a standard that is typical of a constructed road.

Should the assessment by the Change Commission recommend an amendment to the local government boundaries, it is not envisaged that the existing road network currently in the Southern Downs local government area would warrant construction, but to provide a legally enforceable access to the properties to the south of the creek, the informal arrangement between the owners for access from Pilton Valley Road may need to be formalised by either:

- having an easement registered on the respective titles; or
- the opening of a new road reserve to link Pilton Valley Road to Pidgeons Road.

Should an easement be granted over Stark's land and a further easement over Pidgeon's land, Council would not be responsible for construction or maintenance of the creek crossing or approaches.

Should the relevant land be dedicated as a road, it would be prudent for Council to ensure that the creek crossing and approaches met the accepted engineering standards prior to the boundary changes taking effect. Given that these properties have not made any contribution to the Toowoomba Regional Council (having previously paid their rates to the Southern Downs Regional Council), it seems reasonable for either the landowners or the Southern Downs Regional Council to make a contribution towards this work. Although these costs have not been determined, they are estimated at between \$15,000 and \$20,000.

Planning

Should the subject properties be transferred to the Toowoomba Regional Council, action would be taken to include the properties in the Rural Zone, consistent with the balance land.

Rates

The addition of these properties to Council's rate base would not have a material impact on rates. It is estimated that Council's rates revenue would increase by approximately \$4,000 pa, or 0.004% of the general rates.

Waste

No waste collection service is provided to this area and the nearest waste disposal area is located at Clifton (21km away). No material changes to the existing waste disposal arrangements are anticipated.

Joint Arrangements

Joint arrangement between Toowoomba Regional Council and Southern Downs Regional Council are not regarded as a viable or practical alternative.

Schedule 1

Details of land located in the Southern Downs Regional Council local government area subject to the application:

John Anthony Stark
Lot 1199 on AG3273.
Total area – 412.4 HA
Use: Cattle Grazing Breeding and Fattening; Cropping

Brett Bernard Milne and Lynette Maree Milne
Lot 1987 on A341487; and lot 36 on AG682.
Total area – 432.4 HA
Use: Cattle Grazing Breeding and Fattening; Cropping

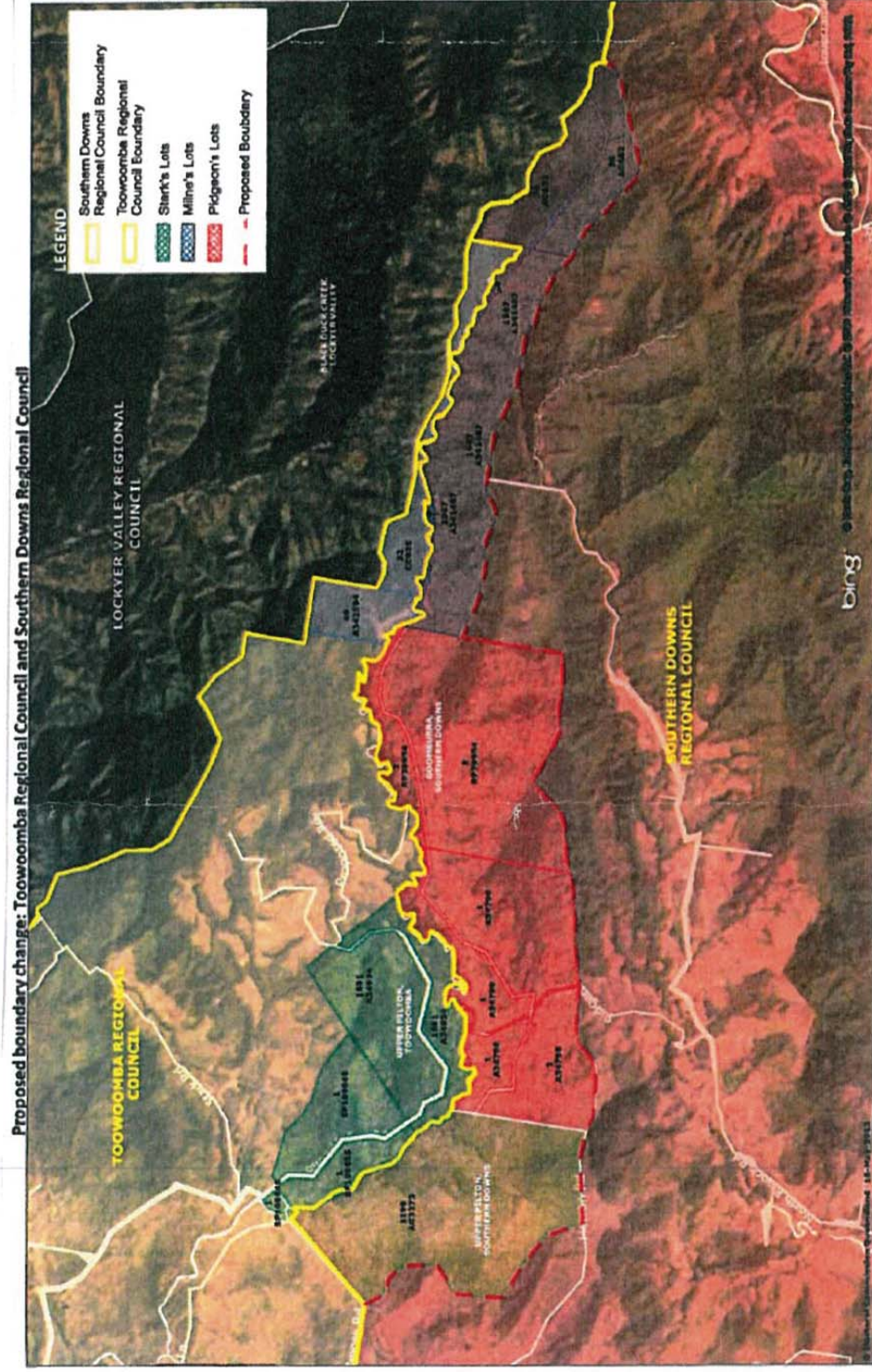
Pidgeon and Co Pty Ltd
Lot 1 on A34796; and Lot 2 on RP29954.
Total area – 840.5 HA
Use: Cattle Grazing Breeding and Fattening; Cropping

Land located in the Toowoomba Regional Council Area owned by applicants:

John Anthony Stark
Lot 1 SP109865; Lot 1691 A34934; and Lot 1 RP46161.
Total area – 382.5205 HA
Use: Cattle Grazing Breeding and Fattening; Cropping

Brett Bernard Milne and Lynette Maree Milne
Lot 49 A342594; and Lot 32 CC935.
Total area - 162.016 HA
Use: Cattle Grazing Breeding and Fattening; Cropping

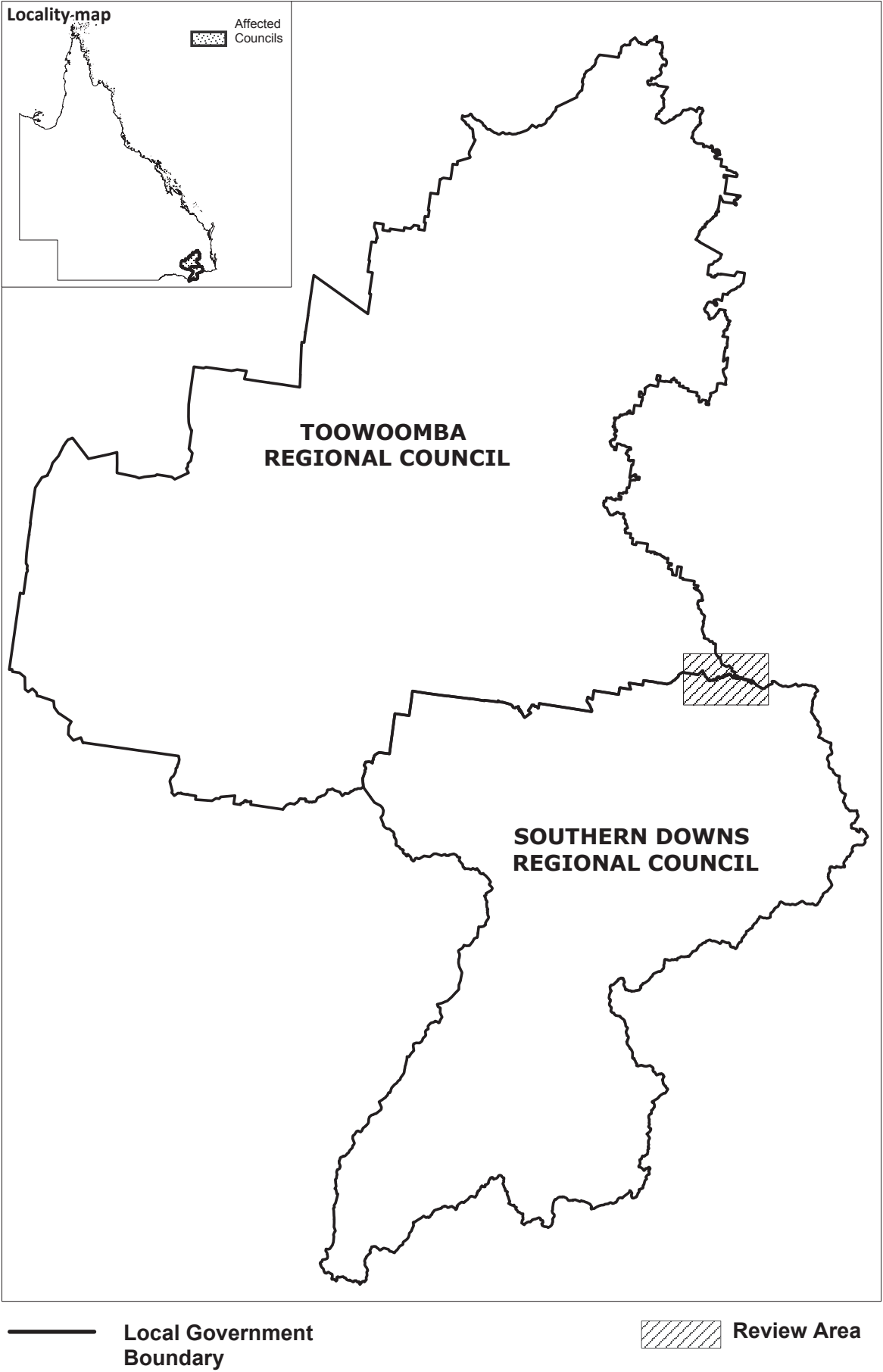
Schedule 2 — Proposed Boundary Change: Toowoomba Regional Council and Southern Downs Regional Council



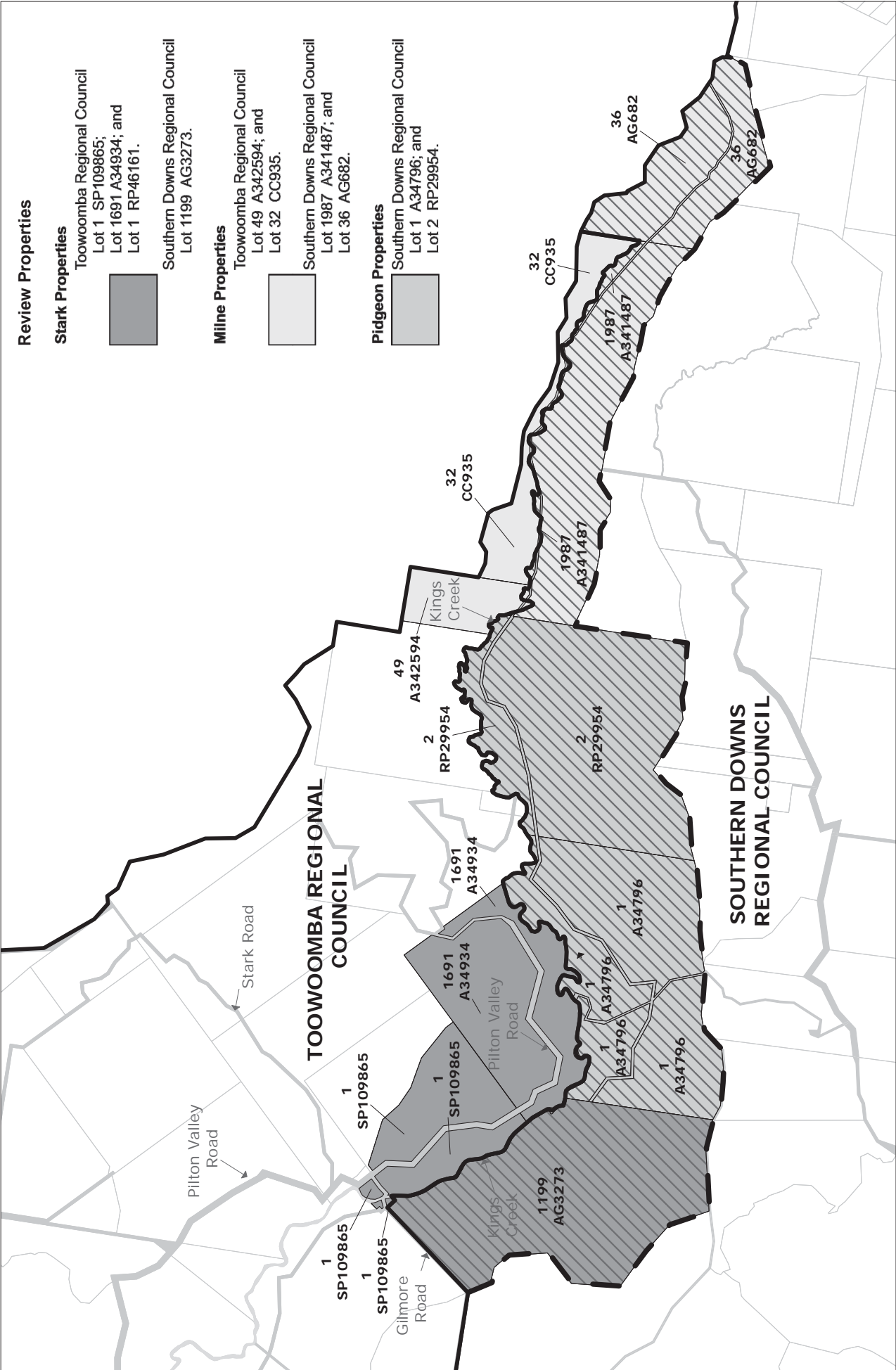
APPENDIX C

Maps

Overview Map
Toowoomba Regional Council and Southern Downs Regional Council



Detailed Map



Review Properties

Stark Properties

Toowoomba Regional Council
Lot 1 SP109865;
Lot 1691 A34934; and
Lot 1 RP46161.

Southern Downs Regional Council
Lot 1199 AG3273.

Milne Properties

Toowoomba Regional Council
Lot 49 A342594; and
Lot 32 CC935.

Southern Downs Regional Council
Lot 1987 A341487; and
Lot 36 AG682.

Pidgeon Properties

Southern Downs Regional Council
Lot 1 A34796; and
Lot 2 RP29954.

Local Government Boundary

Property Boundary

Affected Area

Proposed Boundary

Affected Area

Property Boundary

Local Government Boundary
Proposed Boundary