



LOCAL GOVERNMENT CHANGE COMMISSION

REPORT ON A CHANGE TO THE EXTERNAL BOUNDARY OF THE MAREEBA SHIRE COUNCIL AND TABLELANDS REGIONAL COUNCIL

OCTOBER 2015



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Electoral Commission Queensland
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Background

The Honourable the Minister for Local Government, asked Change Commission in April 2015 to consider realignment of the common boundaries of the Mareeba Shire Council and Tablelands Regional Council.

This matter encompasses a proposed change to the common boundary in two areas between the local governments including the following lots moving in their entirety into Tablelands Regional Council —

- Lot 2 on RP868846, Forty Mile
- Lot 9 on Crown Plan GU44, Forty Mile
- Lot 1 on RP845179, Forty Mile
- Lot 8 on Crown Plan GU42, Forty Mile
- Lot 4 on SP248416, Forty Mile
- Lot 3 on RP845178, Forty Mile
- Lot 154 on Crown Plan OL32, Munderra
- Lot 137 on Crown Plan OL31, Munderra

It is further proposed that the following lot be moved in its entirety into Mareeba Shire Council —

- Lot 250 on SP116768, Minnamoolka

It is proposed that no change occur in the common boundary for the following lot —

- Lot 142 on SP123888, Walkamin

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 has determined that the holding of a public hearing is, on this occasion, unnecessary. There may be several electors affected by the proposed change by moving from Mareeba Shire Council to Tablelands Regional Council.

Submissions

The Minister for Local Government referred the matter to the Change Commission based on a submission she had received from Mareeba Shire and Tablelands Regional Councils. The Minister referred these matters without expressing a view for or against the proposal. The referral is included in Appendix A.

The submission from Mareeba Shire Council was accompanied by a map of the affected area and a similar submission from Tablelands Regional Council. The submission was based on issues that arose following the deamalgamation of Mareeba Shire along its old boundary prior to amalgamation into Tablelands Regional Council. The submissions are included in Appendix B. It should be noted that Tableland's submission refers to Lot 142 on SP123888, which is not in the Mareeba Shire submission. The Minister also refers to this situation in her referral.

The Change Commission determined that calling for submissions from the Council's concerned was unnecessary on this occasion, as they are included in the original submission forwarded by the Minister.

The submissions showed that the Councils agreed on the proposed changes for all the lots, except for a single lot mentioned earlier: Lot 142 on SP123888.

Findings

After an assessment of the material submitted and having taken into account all considerations specified in the *Act*.

It is recommended that the following lots whose parts are in Mareeba Shire Council be transferred in their entirety to Tablelands Regional Council—

- Lot 2 on RP868846, Forty Mile
- Lot 9 on Crown Plan GU44, Forty Mile
- Lot 1 on RP845179, Forty Mile
- Lot 8 on Crown Plan GU42, Forty Mile
- Lot 4 on SP248416, Forty Mile
- Lot 3 on RP845178, Forty Mile
- Lot 154 on Crown Plan OL32, Munderra
- Lot 137 on Crown Plan OL31, Munderra

It is further determined that the following parts of the lot be moved in its entirety into Mareeba Shire Council —

- Lot 250 on SP116768, Minnamoolka

It is also determined that no change occur in the boundary for the following lot —

- Lot 142 on SP123888, Walkamin

See Maps attached at Appendix C for details.

The Change Commission would like the Councils' and the Minister to consider an additional review to move Lot 1 on RP868846. It is suggested that this lot, which is currently located in Mareeba Shire but on the eastern side of the Kennedy Highway and is owned by Telstra, should be moved into Tablelands Regional Council to give a continuous boundary along the Kennedy Highway.

Reasons for Findings

The following factors are in support of the argument to move nine of the ten lot areas that were referred:-

- Both Councils are in agreement;
- Property Owners are in agreement;
- Proposed boundary maps have been completed by Electoral Commission Queensland staff which reflects the supplied maps from Mareeba Shire;
- Title searches confirm the owners;
- The movements of the lots are logical and make sense as it is better if the whole of the lot is in one Council area;
- Supports argument put forward by both Councils;
- Road frontages to the properties are to be included in the relevant Council; and
- The proposed boundary change is assessed as being consistent with the *Local Government Act 2009*.

The part of Lot 142 on SP123888 in Tablelands Regional Council's area differed from the other areas under review, in that there was some level of agreement from the property owner and the Tablelands Regional Council, while there were some concerns from Mareeba Shire Council about the need to change the boundary in this area.

Further discussions were held with both Councils in an endeavour to resolve the matter. Three options were being considered. Either all parts of the lot could be moved into Mareeba Shire Council, or conversely all could shift into Tablelands Regional Council. Alternatively, there was the option of maintaining the status quo.

The Change Commission determined that the boundary should be left as it is. Granite Creek makes a good natural boundary and the property owner will not be disadvantaged by paying rates to both Councils, as their interest and access comes from the Tablelands Regional Council side of the boundary. The layout of the lots, roads, water channels and location of the homestead were all considered in reaching this decision.

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: MBN15/403

08 APR 2015

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

Dear Mr van der Merwe

I am writing to you in relation to correspondence I have received from Mareeba Shire Council (MSC) on 20 February 2015 and Tablelands Regional Council (TRC) on 16 February 2015 requesting a local government change to ensure properties dissected by the recent de-amalgamation process are wholly within the same local government area (copies are enclosed).

As you know, on 1 January 2014, MSC was de-amalgamated from the TRC. The de-amalgamation occurred along the former boundary of MSC that was in place prior to amalgamation on 14 March 2008.

MSC and TRC have been contacted by a number of ratepayers whose properties were dissected between the two local governments following de-amalgamation regarding the financial hardship they are experiencing associated with paying rates and charges to both local governments. There are 10 properties which have been identified as being affected, which are identified in the respective councils' submissions.

Both local governments have advised me that they substantively support the proposal to move the properties so that they are wholly within one local government area and that they have consulted with the affected property owners who are all supportive of the proposed local government change. The property identified as Lot 142 on SP123888 is proposed by TRC to be moved wholly into MRC and this is supported by the affected property owner whilst the MRC advises that this property should remain as it is currently i.e. within both local government areas.

Having considered the matter, I consider it appropriate under section 18 of the *Local Government Act 2009* to refer the proposal to you for independent assessment and determination by the Local Government Change Commission.

Level 12 Executive Building
100 George Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3719 7100
Email deputy.premier@ministerial.qld.gov.au

If you require any further information, I encourage you to contact Mr Max Barrie, Director, Program Implementation and Review in the Department on (07) 3452 6704 or by email at max.barrie@dlgcr.qld.gov.au, who will be pleased to assist.

Yours sincerely



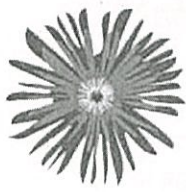
**JACKIE TRAD MP
DEPUTY PREMIER**

**Minister for Transport, Minister for Infrastructure,
Local Government and Planning and Minister for Trade**

Enc (2)

APPENDIX B

Council's Submissions



Mareeba

SHIRE COUNCIL

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461
F: 07 4092 3323

W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

Council Ref: FIN-GEN-GEN/ET

Your Ref:

COPY

20 February 2015

Hon Jackie Trad
Minister for Infrastructure, Local Government
and Planning
PO Box 15031
CITY EAST QLD 4002

RECEIVED

25 FEB 2015

Dear Minister

CONSIDERATION OF PROPERTIES DISSECTED BY THE BOUNDARY BETWEEN MAREEBA SHIRE COUNCIL AND TABLELANDS REGIONAL COUNCIL

I refer to former Minister Crisafulli's letter of 24 September 2014 to Council requesting that any boundary change recommendations be made directly to the Minister by 1 March 2015.

The Mayors of both Mareeba Shire Council (MSC) and Tablelands Regional Council (TRC) have been contacted by a number of ratepayers whose properties are dissected by the boundary line between the two local government areas since de-amalgamation. The owners are concerned about the additional financial hardship this causes by duplication of levies and the impact of minimum general rates in some circumstances. Some of the owners have requested the Councils undertake a review to find a more equitable way to levy the rates in these circumstances.

I advise that MSC considered the matter at its 4 February 2015 Meeting.

Council resolved:

"That Council work with Tablelands Regional Council and jointly apply to the Minister for Local Government Community Resilience and Recovery for a boundary realignment:

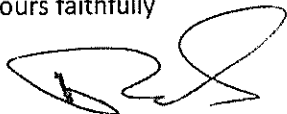
- i. Fully to Tablelands Regional Council local government area lots:
 - a. 2 on RP868846
 - b. 9 on GU44
 - c. 1 on RP845179
 - d. 8 on GU42
 - e. 4 on SP248416
 - f. 3 on RP845178
 - g. 154 on OL32
 - h. 137 on OL31
- ii. Fully to Mareeba Shire Council local government area lot:
 - a. 250 on SP116768."

When contacted, all property owners listed in the resolution have advised of agreement to the change. Tablelands Regional Council has also made the same resolution.

**CONSIDERATION OF PROPERTIES DISSECTED BY THE BOUNDARY BETWEEN MAREEBA SHIRE
COUNCIL AND TABLELANDS REGIONAL COUNCIL**

In addition, Council requests that when considering drafting the boundaries that the road frontage to the property also be transferred to the relevant Council.

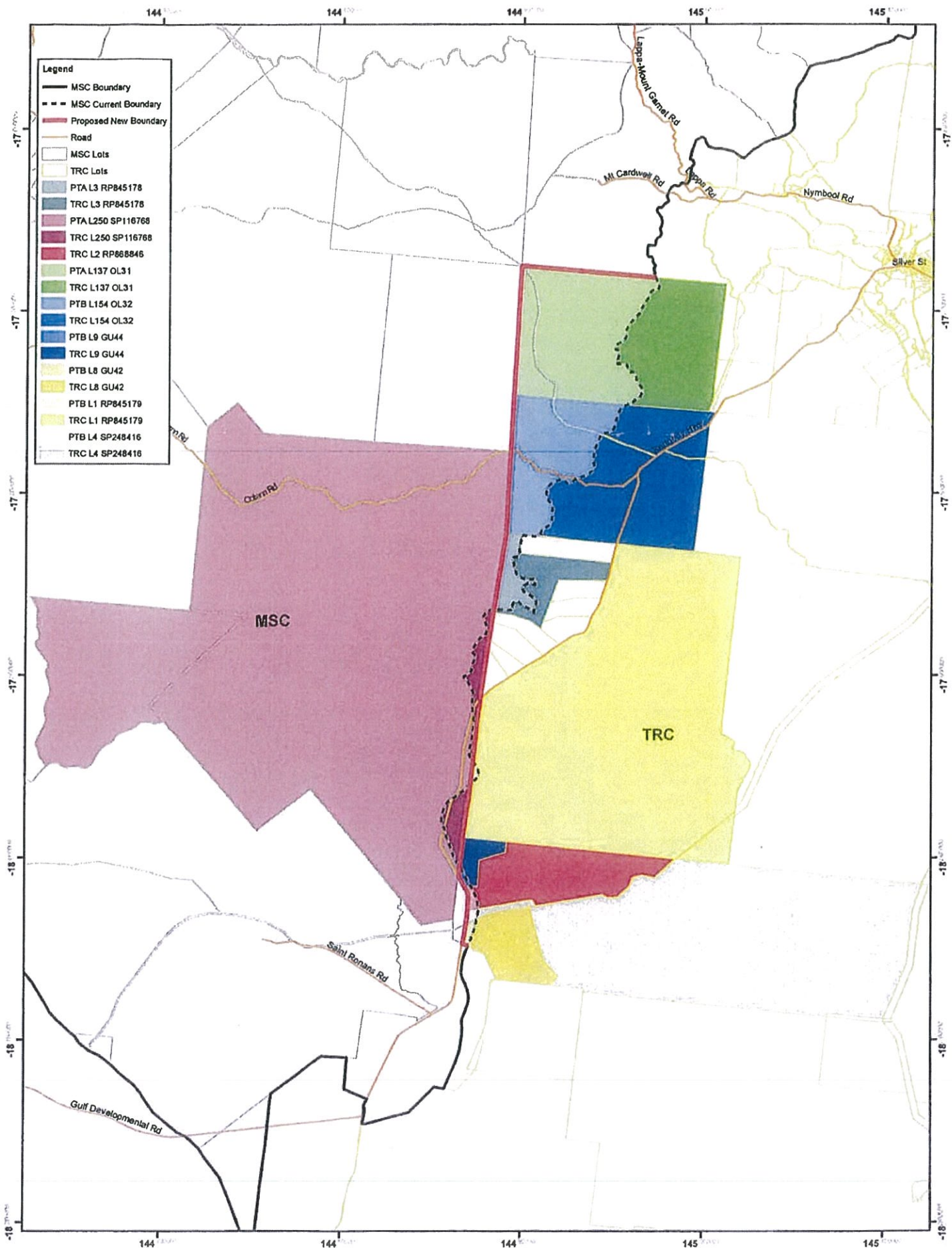
Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Franks', with a stylized flourish at the end.

**PETER FRANKS
CHIEF EXECUTIVE OFFICER**

Attachment

Map of Properties that fall over the MSC/TRC Boundary



Properties that fall over the MSC/TRC Boundary



Coordinate System: GCS GDA 1984
Datum: GDA 1984

0 50 100 150 200 Kilometres

©2014 Mareeba Shire Council (MSC). Based on or contains data provided by MSC and the State of Queensland Department of Natural Resources & Mines (QDRM) (2014). In consideration of these agencies providing the data, you acknowledge and agree that these agencies give no warranty in relation to the data (including accuracy, reliability, completeness, ownership or quality) and accept no liability (including in tort, contract, negligence or otherwise) for any loss, damage or costs (including consequential damage) resulting from any use of the data. Data must not be used for direct marketing or be used in breach of the privacy law.

Tablelands Regional Council

Atherton Service Centre
PO Box 573, Atherton QLD 4883
Telephone: 1300 362 242

Department of Organisational Services
Matthew Hyde
Deputy Chief Executive Officer
Telephone: (07) 4089 2302
Facsimile: (07) 4091 4300
Email: info@trc.qld.gov.au

File Ref: RAT-EXE/RAT-FIR MEH:MN
Your Ref: MC14/4263

16 February 2015

Hon Jackie Trad
Minister for Infrastructure, Local Government
and Planning
PO Box 15031
CITY EAST QLD 4002

Dear Minister

**CONSIDERATION OF PROPERTIES DISSECTED BY THE BOUNDARY BETWEEN
TABLELANDS REGIONAL COUNCIL AND MAREEBA SHIRE COUNCIL**

I refer to former Minister Crisafulli's letter of 24 September 2015 to Council requesting that any boundary change recommendations be made directly to the Minister by 1 March 2015.

The Mayors of both Tablelands Regional Council (TRC) and Mareeba Shire Council (MSC) have been contacted by a number of ratepayers whose properties are dissected by the boundary line between the two local government areas since de-amalgamation. The owners are concerned about the additional financial hardship this causes by duplication of levies and the impact of minimum general rates in some circumstances. Some of the owners have requested the Councils undertake a review to find a more equitable way to levy the rates in these circumstances.

I advise that TRC considered the matter at its 5 February 2015 Meeting.

Council resolved:

"That Council agree to work with Mareeba Shire Council and recommend to the State to ensure a more equitable outcome for properties that are over the boundaries between Tablelands Regional Council and Mareeba Shire Council so the owners do not experience hardship through a financial disadvantage.

More specifically that in relation to properties over boundaries between Tablelands Regional Council and Mareeba Shire Council that Council take the following action in conjunction with Mareeba Shire Council jointly apply to the Minister for Local Government Community Resilience and Recovery for a boundary realignment:

1. Fully to Tablelands Regional Council local government area lots:
 - a. 2 on RP868846
 - b. 9 on GU44
 - c. 1 on RP845179
 - d. 8 on GU42
 - e. 4 on SP248416
 - f. Lot 3 on RP 845178
 - g. Lot 154 on OL32
 - h. Lot 137 on OL31

2. *Fully to Mareeba Shire Council local government area lot:*
 - a. 250 on SP116768
 - b. Lot 142 on SP123888."

When contacted by phone, all property owners listed in the resolution have advised of agreement to the change. Mareeba Shire Council has also made the same resolution.

In addition, Council requests that when considering drafting the boundaries that the road frontage to the property also be transferred to the relevant Council.

Should you have any further questions please contact the undersigned on 4089 2302.

Yours faithfully

**MATTHEW HYDE
DEPUTY CHIEF EXECUTIVE OFFICER**

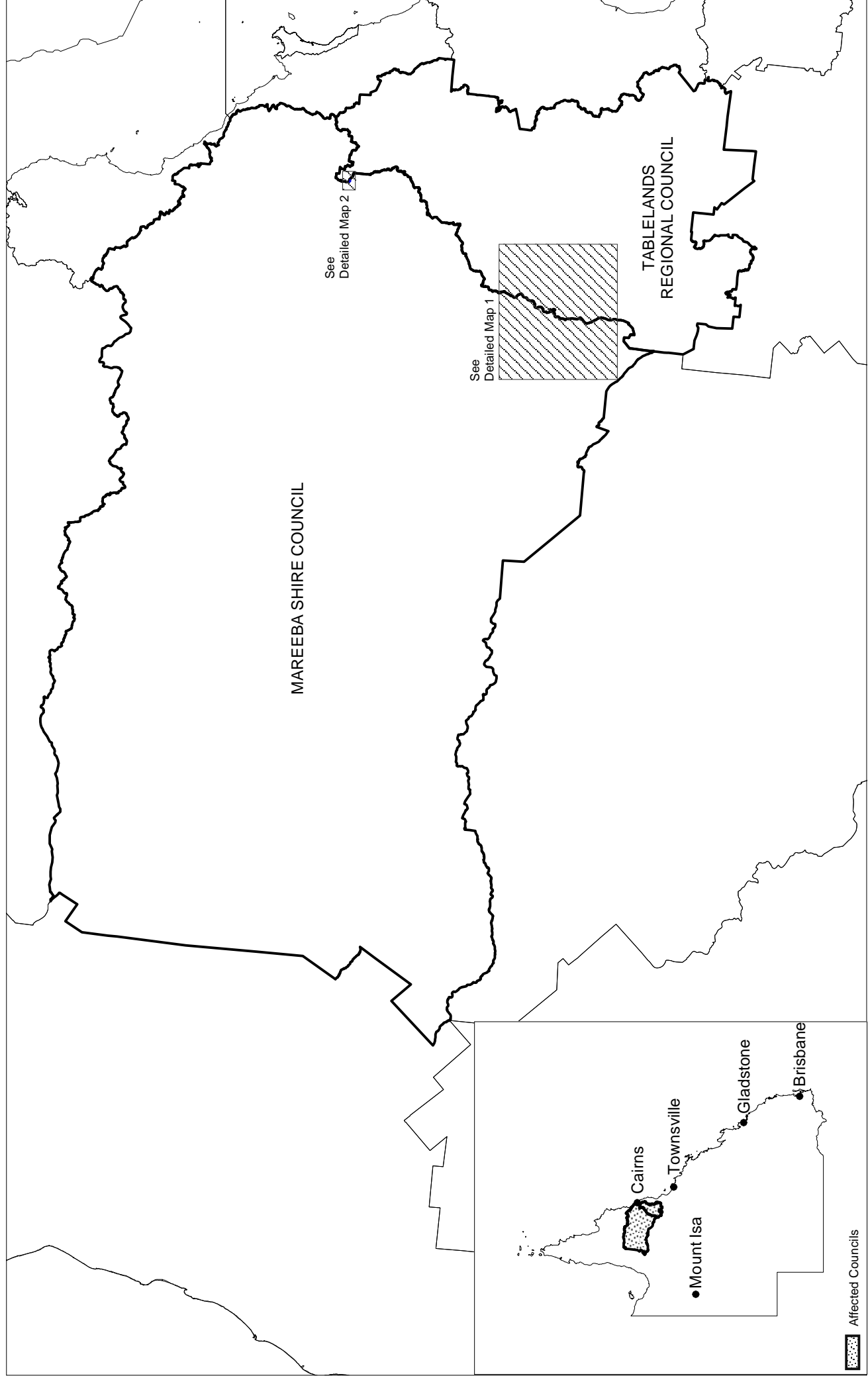


APPENDIX C

Maps

Overview Map

Mareeba Shire Council and Tablelands Regional Council



Detailed Map 1: Mareeba Shire Council and Tablelands Regional Council

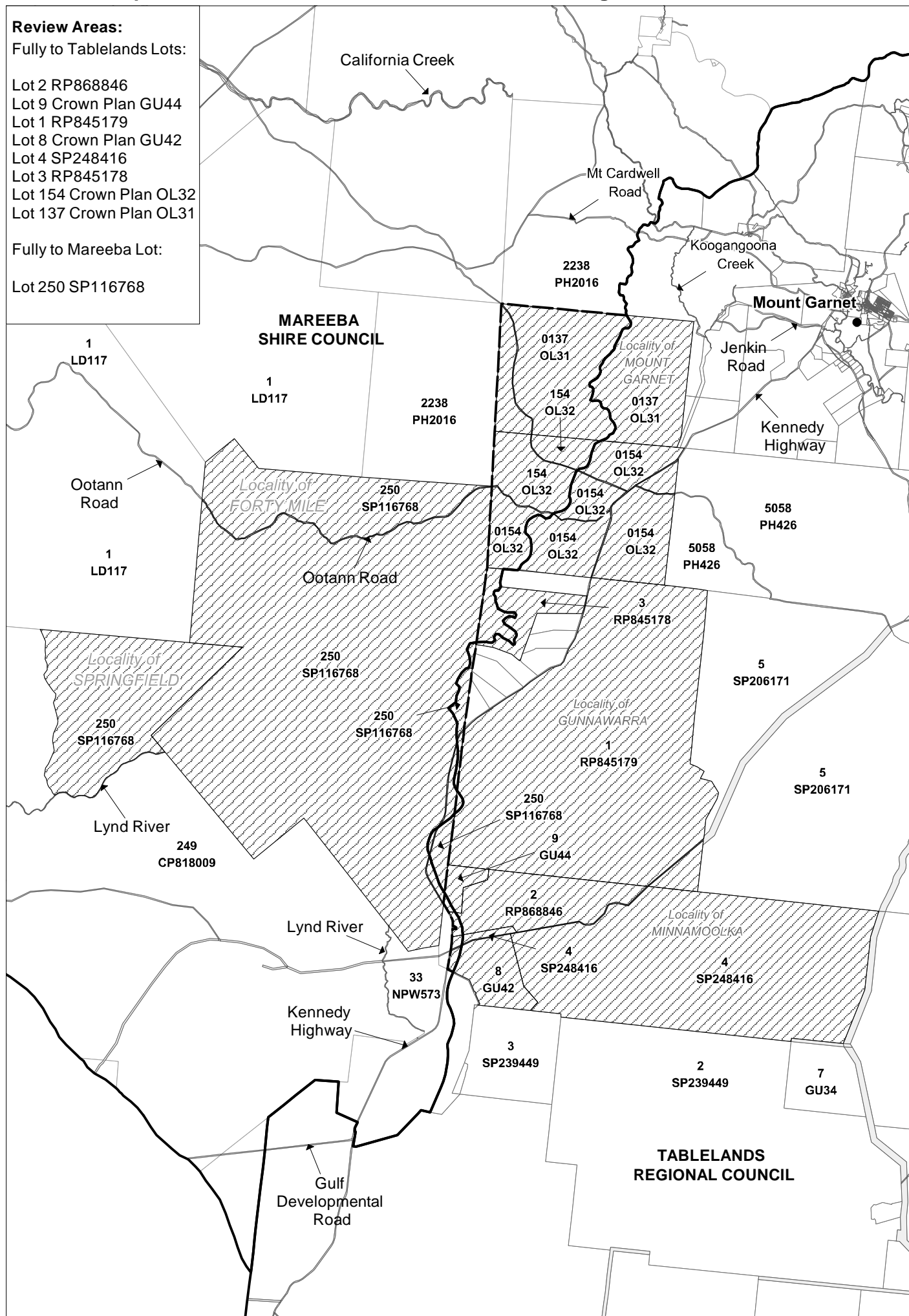
Review Areas:

Fully to Tablelands Lots:

Lot 2 RP868846
 Lot 9 Crown Plan GU44
 Lot 1 RP845179
 Lot 8 Crown Plan GU42
 Lot 4 SP248416
 Lot 3 RP845178
 Lot 154 Crown Plan OL32
 Lot 137 Crown Plan OL31

Fully to Mareeba Lot:

Lot 250 SP116768



———— Local Government Boundary
 - - - - - Proposed Boundary

□ Property Boundary

▨ Review Area

Detailed Map 2:
Lot 142 Plan SP123888 - Mareeba Shire Council and Tablelands Regional Council

