

LOCAL GOVERNMENT
CHANGE COMMISSION

External Boundary Review

MAY 2023

SOUTH BURNETT REGIONAL
COUNCIL – GYMPIE
REGIONAL COUNCIL

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INTRODUCTION

The Local Government Change Commission (Change Commission) is an independent body established under the *Local Government Act 2009*. The Change Commission is responsible for assessing whether a proposed local government change, such as a change of local government boundaries or electoral arrangements, is in the public interest. In doing so, the Change Commission must consider:

- whether the proposed change is consistent with a Local Government Act,¹
- the views of the Minister², and
- any other matters prescribed under a regulation³.

Except in relation to changes proposed to Brisbane City Council boundaries, the Change Commission may only assess local government changes proposed by the Minister responsible for Local Government.

The Change Commission has finalised its assessment of a proposed change referred by the Minister for Local Government to the external boundary between the South Burnett Regional Council and the Gympie Regional Council. This report outlines the recommended placement of Lot 66 on RP825862 and sets out the reasons for the Change Commission's decision.

The Change Commission for this review consists of:

- Pat Vidgen PSM, Electoral Commissioner; and
- Wade Lewis GAICD, Casual Commissioner.

Mr Lewis was appointed as a casual commissioner by the Governor in Council on 28 November 2021.

Background

On 13 October 2022, the Honourable Dr Steven Miles MP, Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning and the Minister Assisting the Premier on Olympic and Paralympic Games Infrastructure (the Minister), referred a proposed change to the common boundary between the South Burnett Regional Council and the Gympie Regional Council (refer to **Appendix 1**).

The referral is to assess a proposed change to transfer Lot 66 on RP825862 located in the South Burnett Regional Council into the Gympie Regional Council. This will align a number of properties owned by a single landholder who also owns Lot 37 on RP825862 and Lot 36 on FY607, both of which are located within the Gympie Regional Council but adjoin Lot 66.

In the referral, the Minister did not provide a directive for how the Change Commission was to conduct its assessment.

¹ *Local Government Act 2009*, s.19(2)(a)

² *Local Government Act 2009*, s.19(2)(b)

³ *Local Government Act 2009*, s.19(2)(c)

The process for the Change Commission's external boundary review is as follows:

- review correspondence from the Minister and the councils (including both councils' resolutions supporting the change)
- consult the landholder
- publish the Change Commission's report, and
- provide the report to the Minister for implementation by the Governor in Council.

ASSESSMENT

REGULATORY FRAMEWORK

A proposed local government change referred by the Minister must be assessed by the Change Commission to determine whether it is in the public interest⁴, in accordance with the requirements of the *Local Government Act 2009*.

In assessing the proposed change, the Change Commission gave consideration to the Local Government Regulation 2012. Of relevance to this review, the Change Commission gave regard to the communities of interest considerations outlined in section 9 of the Local Government Regulation 2012, and ensuring that the external boundaries of a local government do not divide local neighbourhoods or adjacent rural and urban areas with common interests or interdependencies, including economic, cultural and ethnic interests⁵.

The Change Commission considers the economic interests of the landholder to be a relevant consideration to this review, particularly noting that the majority of the area of the landholder's property is located within the Gympie Regional Council (refer to maps at **Appendix 5**).

In discharging its responsibilities under the *Local Government Act 2009*, the Change Commission must perform its functions in accordance with the 'local government principles' which include using transparent and effective processes⁶.

SOUTH BURNETT REGIONAL COUNCIL

At its ordinary meeting on 22 September 2021, the South Burnett Regional Council reviewed the proposed local government boundary change between South Burnett and Gympie Regional Council. The Council resolved, unopposed, to support the proposed change to transfer Lot 66 on RP825862 from the South Burnett Regional Council to the Gympie Regional Council (refer to **Appendix 2**).

GYMPIE REGIONAL COUNCIL

At its ordinary meeting on 27 April 2022, the Gympie Regional Council reviewed the proposed local government boundary change. The Gympie Regional Council resolved to support, unopposed, the proposed local government area boundary change to transfer Lot 66 on RP825862 from the South Burnett Regional Council to the Gympie Regional Council (refer to **Appendix 3**).

⁴ *Local Government Act 2009*, s. 19(1)

⁵ *Local Government Regulation 2012*, s. 9(d)(i)

⁶ *Local Government Act 2009*, s. 4

LANDHOLDER

On 13 December 2022, the Change Commission wrote to the landholder of Lot 66 advising that a referral from the Minister had been received. The Change Commission requested that the landholder advise whether they support the transfer of the land parcel to the Gympie Regional Council at their earliest convenience.

On 15 December 2022, the landholder wrote to the Change Commission to advise that they are supportive of the transfer of Lot 66 on RP825862 from the South Burnett Regional Council to the Gympie Regional Council (refer to **Appendix 4**).

RECOMMENDATION

The Change Commission is required to form an independent view of the merits of a proposed change.

As both councils and the landholder agree Lot 66 on RP825862 should be transferred into the Gympie Regional Council, the Change Commission supports this change. Noting the wishes of landholder of Lot 66 on RP825862, who identified the desirability of uniting Lot 66 with Lot 37 on RP825862 and Lot 36 on FY607 in the Gympie Regional Council, the Change Commission finds the proposed change to be in the public interest and is consistent with the *Local Government Act 2009*. The Change Commission recommends that Lot 66 on RP825862 be transferred into the Gympie Regional Council.

By uniting the lots in question within the Gympie Regional Council, the external boundaries of the two local government areas will no longer divide economic interests, which is consistent with section 9 of the Local Government Regulation 2012.

An overview and detailed maps of the recommended changes are provided in **Appendix 5**.

Implementation

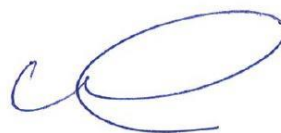
The Change Commission has provided the report of its assessment to the Minister. In accordance with the *Local Government Act 2009*, the Change Commission will publish a notice of results in the Government Gazette and on the ECQ website.⁷

The Governor in Council may implement the Change Commission's recommendation under a regulation.⁸

The regulation may provide for anything that is necessary or convenient to facilitate the implementation of the local government boundary change.⁹



Pat Vidgen PSM
Electoral Commissioner



Wade Lewis GAICD
Casual Commissioner

⁷ *Local Government Act 2009*, s.19(6)(c)

⁸ *Local Government Act 2009*, s.20(1)

⁹ *Local Government Act 2009*, s.20(2)

APPENDICES

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APPENDIX 1

Ministerial referral



Hon Steven Miles MP
Deputy Premier
Minister for State Development, Infrastructure,
Local Government and Planning
Minister Assisting the Premier on Olympics Infrastructure

Our ref: MBN21/1162

13 October 2022

1 William Street
Brisbane Queensland 4000
PO Box 15009
City East Queensland 4002
Telephone [REDACTED]
Email [REDACTED]
Website www.statedevelopment.qld.gov.au

ABN 65 959 415 158

Mr Pat Vidgen PSM
Electoral Commissioner
Local Government Change Commissioner
Electoral Commission of Queensland
[REDACTED]

Dear Mr Vidgen

I refer to the enclosed application from the South Burnett Regional Council requesting a transfer of Lot 66 on RP825862 from the South Burnett Regional Council to the Gympie Regional Council. The property affected by the existing boundary was initially identified by the former Department of Natural Resources, Mines and Energy because this property straddles two local government areas.

In accordance with Chapter 2, Part 3 of the *Local Government Act 2009*, I refer the South Burnett Regional Council's application for assessment of the boundary changes.

The application includes documentation showing support for this proposal from both the South Burnett Regional Council and the Gympie Regional Council.

If you require any further information regarding this matter, please contact [REDACTED], Chief of Staff in my office, by email at [REDACTED] or by telephone on [REDACTED]

Yours sincerely

STEVEN MILES MP
DEPUTY PREMIER
Minister for State Development,
Infrastructure, Local Government and Planning
Minister Assisting the Premier on Olympics Infrastructure

Enc (4)

APPENDIX 2

South Burnett Regional Council ordinary meeting extract

11 PORTFOLIO – COMMUNITY, ARTS, HERITAGE, SPORT & RECREATION**11.1 FORMATION OF A SOUTH BURNETT REGIONAL COUNCIL YOUTH COUNCIL**

RESOLUTION 2021/166

Moved: Cr Danita Potter

Seconded: Cr Roz Frohloff

That South Burnett Regional Council:

1. support the establishment of a South Burnett Regional Council Youth Council; and
2. that a Terms of Reference be developed and brought back to Council for adoption.

In Favour: Crs Brett Otto, Gavin Jones, Kathy Duff, Roz Frohloff, Danita Potter, Kirstie Schumacher and Scott Henschen

Against: Nil

CARRIED 7/0**12 PORTFOLIO – RURAL SERVICES, NATURAL RESOURCE MANAGEMENT, PLANNING & COMPLIANCE SERVICES****12.1 LGAQ NATURAL ASSETS AND NRM ADVISORY GROUP**

RESOLUTION 2021/167

Moved: Cr Gavin Jones

Seconded: Cr Danita Potter

That approval be granted for Councillor Henschen to submit an Expression of Interest (Eoi) for the LGAQ Natural Assets and NRM advisory group.

In Favour: Crs Brett Otto, Gavin Jones, Kathy Duff, Roz Frohloff, Danita Potter, Kirstie Schumacher and Scott Henschen

Against: Nil

CARRIED 7/0**12.2 REQUESTING COUNCIL REVIEW A MINOR LOCAL GOVERNMENT BOUNDARY CHANGE BETWEEN SOUTH BURNETT AND GYMPIE REGIONAL COUNCIL**

RESOLUTION 2021/168

Moved: Cr Roz Frohloff

Seconded: Cr Danita Potter

That Council offer no objection to a minor local government boundary change between Gympie Regional Council and South Burnett Regional Council to transfer Lot 66 on RP825862 from South Burnett Regional Council to Gympie Regional Council.

In Favour: Crs Brett Otto, Gavin Jones, Kathy Duff, Roz Frohloff, Danita Potter, Kirstie Schumacher and Scott Henschen

Against: Nil

CARRIED 7/0

APPENDIX 3

Gympie Regional Council
ordinary meeting extract

SECTION 4: OFFICE OF THE CEO

4.1 Request for Boundary Realignment - South Burnett Regional Council

PORTFOLIO: Governance

DIRECTORATE: Office of the CEO

DOC ID:

LINKS TO CORPORATE/OPERATIONAL PLAN

STRATEGIC THEMES:

5. Our Organisation - accountable, responsive, efficient and innovative

1. BACKGROUND AND PREVIOUS COUNCIL CONSIDERATION

The Department of Natural Resources, Mines and Energy on behalf of South Burnett Regional Council (SBRC) is seeking to align the Local Government boundaries between SBRC and Gympie Regional Council with the property boundary of Lot66 of RP825862. The request is to align a number of properties owned by one landowner into one local government area.

2. REPORT

The Department of Natural Resources, Mines and Energy on behalf of South Burnett Regional Council (SBRC) is seeking to align the Local Government boundaries between SBRC and Gympie Regional Council with the property boundary of Lot 66 of RP825862.

The Department of State Development, Infrastructure, Local Government and Planning (the department) is seeking Council's formal advice regarding this proposal. The attached map outlines the proposed boundary changes to assist

Before the department provides advice to the Deputy Premier, the Honourable Steven Miles MP, Minister for State Development, Infrastructure, Local Government and Planning for consideration of a referral to the Local Government Change Commission, confirmation of councils support via a Council resolution is sought on the proposed boundary changes.

3. BUDGET IMPLICATIONS

There are no budget implications associated with this request.

4. POLICY IMPLICATIONS

Section 9, Subsection (1)(d)(i) of the *Local Government Regulation 2012* requires that the external boundaries of a local government area should be drawn in such a way that has regard to communities of interest, including that the local government area should generally have boundaries that do not divide local neighbourhoods or adjacent rural and urban areas with common interests or interdependencies.

5. CONSULTATION

There has been no internal or external consultation associated with the recommendation of this report.

6. CONCLUSION

The recommendation of this report aligns with the request from South Burnett Regional Council and Section 9, Subsection (1)(d)(i) of the *Local Government Regulation 2012*.

ATTACHMENTS

↓1. Property Map

M02/04/22

Moved Cr HT Smerdon

Seconded Cr DH Stewart

That Council resolve that in accordance with Section 9, Subsection (1)(d)(i) of the *Local Government Regulation 2012* to support the request received from South Burnett Regional Council for a proposed local government area boundary change in relation to Lot 66 on RP825862 from the South Burnett Regional Council LGA to the Gympie Regional Council LGA to align a number of properties owned by one land owner into one local government area.

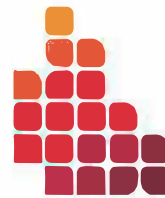
Carried

FOR: Cr HT Smerdon, Cr DH Stewart, Cr RA Fredman, Cr GC Hartwig, Cr SA Waldock, Cr WA Polley, Cr BM Devereaux and Cr J Milne

AGAINST: Nil

APPENDIX 4

Landholder correspondence



**Electoral
Commission**
QUEENSLAND

13 December 2022

[REDACTED]
[REDACTED]
[REDACTED]

Email: [REDACTED]

Dear [REDACTED]

I am writing to you in my capacity as Commissioner of the Local Government Change Commission (Change Commission), an independent body established under the *Local Government Act 2009* to assess proposed changes to local government areas in Queensland.

On 13 October 2022, I received a referral from the Honourable Dr Steven Miles, Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning, and Minister Assisting the Premier on Olympics and Paralympic Games Infrastructure, requesting the Change Commission assess the request for transfer of Lot 66 on RP825865 from the South Burnett Regional Council to the Gympie Regional Council.

The South Burnett Regional Council has advised that you are the owner of this land and are supportive of the proposed boundary change. It would be appreciated if you could confirm that you do support the transfer of this land parcel to the Gympie Regional Council.

Please provide your written response to the Change Commission at LGBoundaries@ecq.qld.gov.au or GPO Box 1393, Brisbane Qld 4001 at your earliest convenience.

Once we have received your response, and following additional research and consultation, the Change Commission will finalise its assessment and advise of the result. If a response is not received, a decision will be made based on the information available to the Change Commission.

Should you require further information regarding this matter, please contact Ms Kylie Guthrie, Principal Project Officer, Strategy Policy and Governance, ECQ on [REDACTED] or at LGBoundaries@ecq.qld.gov.au.

Yours sincerely


Pat Vidgen PSM
Electoral Commissioner

[REDACTED]

From: [REDACTED]
Sent: Thursday, 15 December 2022 4:43 PM
To: LG Boundaries
Subject: [REDACTED] Transfer Lot 66
Attachments: [REDACTED] - LGCC - transfer of Lot 66 on RP825865 from South Burnett Regional Council to Gympie Regional Council (1).pdf

Good Afternoon

I refer to attached correspondence regarding transfer of Lot 66 RP825865 .

I am supportive of this proposed transfer of Lot 66 on RP825865 from South Burnett Regional Council to Gympie Regional Council .

Regards

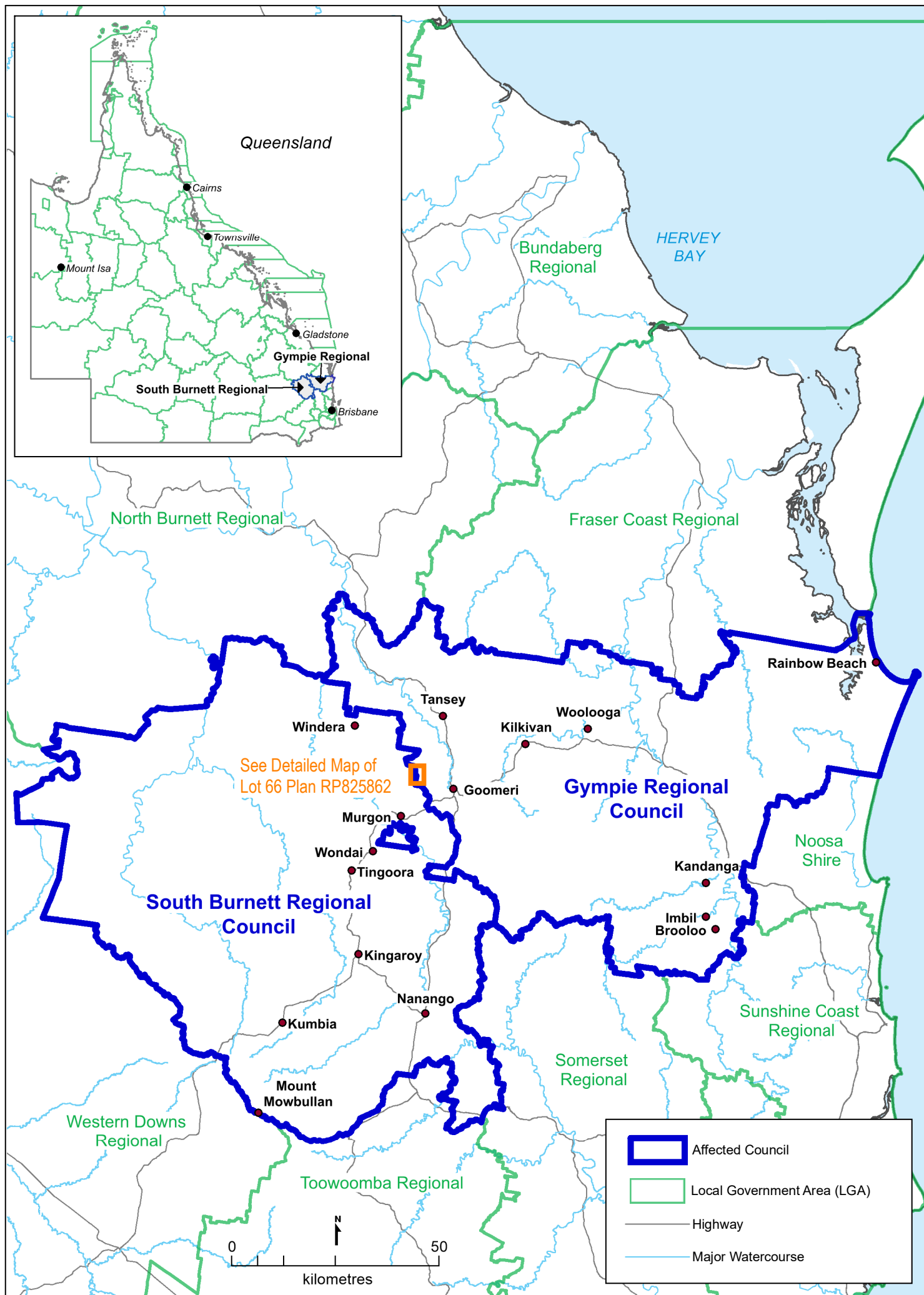
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

APPENDIX 5

Maps

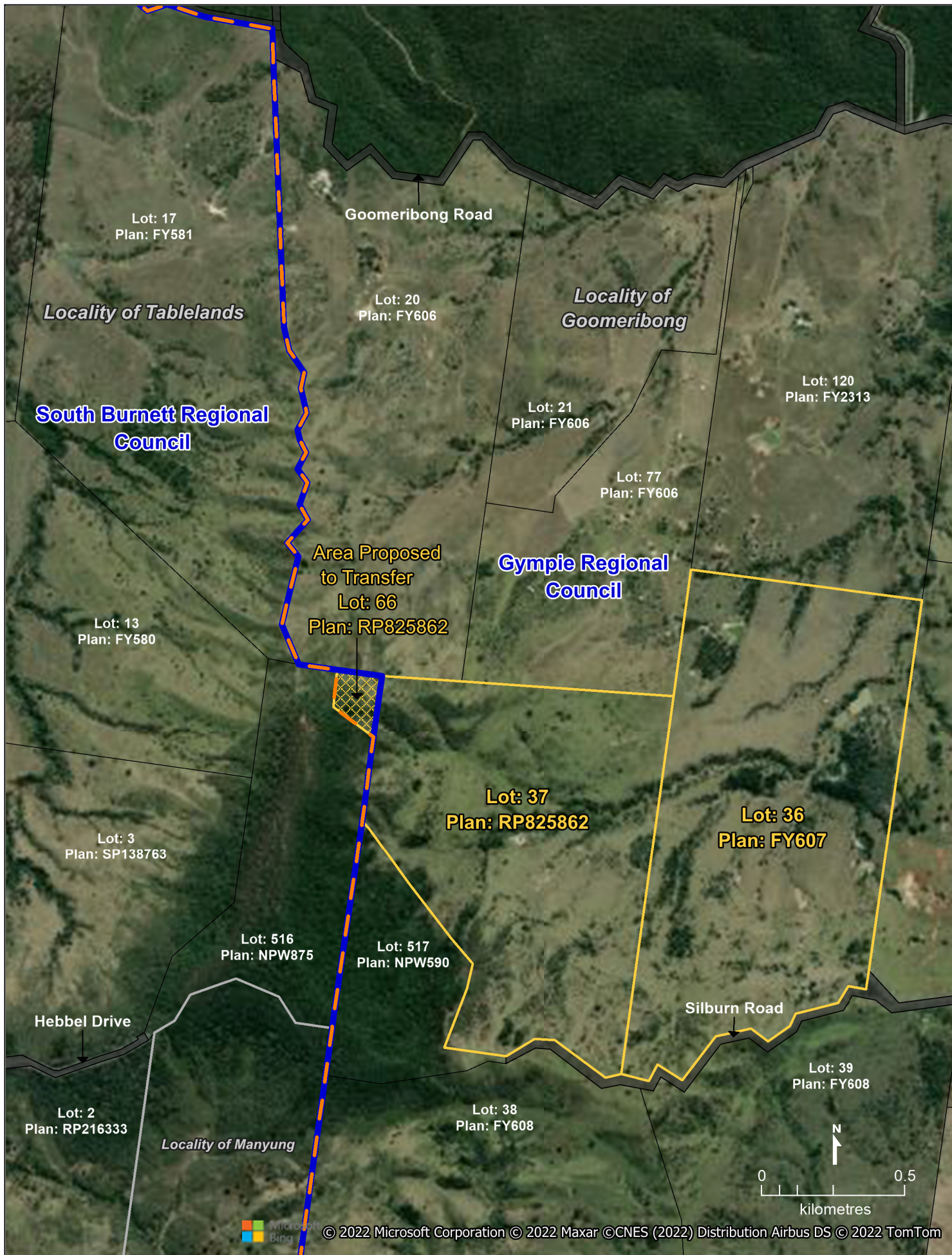
Overview Map:

Transfer Lot 66 Plan RP825862 from South Burnett Regional Council to Gympie Regional Council



Detailed Map Lot 66 Plan RP825862:

Proposed Transfer Lot 66 Plan RP825862 from South Burnett Regional Council to Gympie Regional Council



LOCAL GOVERNMENT CHANGE COMMISSION

W: www.ecq.qld.gov.au

E: LGBoundaries@ecq.qld.gov.au

T: 1300 881 665

P: Local Government Change Commission
GPO Box 1393
BRISBANE QLD 4001