

LOCAL GOVERNMENT
CHANGE COMMISSION

External Boundary Review

2021 FINAL DETERMINATION
TOOWOOMBA REGIONAL COUNCIL AND
WESTERN DOWNS REGIONAL COUNCIL

Table of Contents

INTRODUCTION.....	2
Background	2
ASSESSMENT	3
Placement of Lot 3 on RP24469	3
Placement of Lot 75 on AG613	3
DECISION	3
RECOMMENDATION.....	4
IMPLEMENTATION.....	4

APPENDIX A	Minister's Referral and Council's Change Request
APPENDIX B	Council Correspondence
APPENDIX C	Landholder Correspondence and Supporting Documentation
APPENDIX D	Overview and Detailed Maps

INTRODUCTION

The Local Government Change Commission (Change Commission) is an independent body established under the *Local Government Act 2009 (Qld)*. 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 the Act
- the views of the Minister, and
- any other matters prescribed under a regulation.

The Change Commission finalised its assessment of the Toowoomba Regional Council and Western Downs Regional Council external boundaries on Tuesday, 21 September 2021. This report outlines the recommended placement of two lots and sets out the reasons for the Change Commission's decision.

The Change Commission for this review consists of Mr Pat Vidgen PSM, Electoral Commissioner, Mr Wade Lewis, Casual Commissioner, and Mr Peter McGraw, Casual Commissioner.

The casual commissioners were appointed by the Governor in Council on 1 November 2018.

Background

On 20 November 2019, the then Minister responsible for Local Government, the Honourable Stirling Hinchliffe MP, Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs, referred a proposed change to the common boundary between the Western Downs Regional Council and the Toowoomba Regional Council (Appendix A). The Change Commission determined and advised the Minister and both councils that this assessment would be completed following the delivery of 2020 election activities.

The common boundary between the local government areas currently dissects Lot 3 on RP24469 and Lot 75 on AG613. The proposed boundary change was for —

- Lot 75 on AG613 to be united within the Toowoomba Regional Council, and
- Lot 3 on RP24469 to be united within the Western Downs Regional Council.

In the referral, the Minister did not provide a directive for how the Change Commission was to conduct its assessment, however recommended the Change Commission consult with the affected landholders. Following changes to Ministerial responsibilities after the 2020 State general election, the current Minister responsible for Local Government, the Honourable Dr Steven Miles, Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning, was consulted and did not provide any additional directions.

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

1. Review correspondence from the Minister and the councils.
2. Consult with the landholders and other stakeholders.
3. Publish the Change Commission's final determination report.
4. Provide the final determination report to the Minister responsible for Local Government for implementation by the Governor in Council.

ASSESSMENT

Placement of Lot 3 on RP24469

On 17 July 2020, the Change Commission wrote to both councils requesting they distribute letters from the Change Commission to the impacted landholders of Lot 3 on RP24469 and Lot 75 on AG613 (Appendix B). The letters included maps of the current and proposed boundaries and sought the landholders' position on the proposed changes (Appendix C).

In August 2020, the landholder of Lot 3 on RP24469 replied to the Change Commission and advised their preference for Lot 3 to be united within the Toowoomba Regional Council, noting this would keep Lots 1, 2 and 3 of RP24469 within the same local government area. This information was again confirmed in correspondence from the landholder in June 2021.

Noting the Lot 3 landholder's preference differed from the proposed change, the Change Commission sought the views of both councils. The Toowoomba Regional Council expressed support for the landholder's preferred placement of Lot 3 on RP24469. The Western Downs Regional Council maintained its preference for the lot to be united within its own boundaries.

The Change Commission also sought the Department of Resources' views on the landholder's preferred placement of Lot 3 on RP24469. On 25 June 2021, the Department advised its support for the landholder's views, noting the majority of lots in common ownership that have common boundaries already lie within the Toowoomba Regional Council.

Placement of Lot 75 on AG613

The Change Commission's attempts to consult with the landholder of Lot 75 on AG613 were unsuccessful. No response was received to its letter dated 17 July 2020, which was sent through the Councils, or to its letter dated 8 July 2021, which was sent to a property address provided by the Department of Resources. It was noted that council attempts to consult with the landholder also received no response, as shown in the referral documentation.

DECISION

The Change Commission is required to form an independent view of the merits of a proposed change. Section 9 of the *Local Government Regulation 2012* notes the external boundaries of a local government area should have regard for communities of interest and should not divide adjacent rural areas with common interests nor dissect properties.

As both councils agree Lot 75 on AG613 should be united in the Toowoomba Regional Council, the Change Commission supports this change. Noting the wishes of the landholder of Lot 3 on RP24469, who identified the desirability of uniting Lot 3 with Lots 1 and 2 of RP24469 in the Toowoomba Regional Council, the Change Commission finds this alternative placement to be in the public interest. While noting the preference of the Western Downs Regional Council to unite Lot 3 within its own boundaries, given the landholder's views and the support of the Toowoomba Regional Council, the Change Commission was persuaded this was the best outcome. The proposed boundary change is therefore assessed as being consistent with the *Local Government Act*.

RECOMMENDATION

The Change Commission has provided its assessment to the Minister responsible for Local Government and recommends the Governor in Council implement its final decision.

The Change Commission's final recommendation is as follows:

- The portion of Lot 3 on RP24469 currently located within the Western Downs Regional Council be transferred so the entire property is in the Toowoomba Regional Council.
- The portion of Lot 75 on AG613 currently located within the Western Downs Regional Council be transferred so the entire property is in the Toowoomba Regional Council.

By uniting the two lots in question within the Toowoomba Regional Council, the shared boundary will no longer dissect the two lots, helping to reduce the administrative burden of the landholders holding property interests within two local governments.

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

In accordance with the *Local Government Act*, the Change Commission has published a notice of results in the Government Gazette and on the ECQ website.

IMPLEMENTATION

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

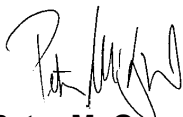
The regulation may provide for anything that is necessary or convenient to facilitate the implementation of the local government change.



Pat Vidgen PSM
Electoral Commissioner



Wade Lewis
Casual Commissioner



Peter McGraw
Casual Commissioner

APPENDIX A

Minister's Referral and Council's Change Request



Minister for Local Government,
Minister for Racing and
Minister for Multicultural Affairs

Our ref: MC19/5372

20 NOV 2019

1 William Street
Brisbane Queensland 4000
PO Box 15009
City East Queensland 4002
Telephone +61 7 3719 7560
Email lgma@ministerial.qld.gov.au
Website www.dlgrma.qld.gov.au

ABN 65 959 415 158

Mr Pat Vidgen PSM
Electoral Commissioner
Electoral Commission Queensland
GPO Box 1393
BRISBANE QLD 4001

Dear Pat

I refer to the enclosed application of 10 October 2019 from the Western Downs Regional Council requesting a review of its boundaries with the Toowoomba Regional Council.

In accordance with Chapter 2, Part 3 of the *Local Government Act 2009*, I refer the Western Downs Regional Council's application for assessment of the following boundary changes:

- Lot 75 on AG613 to be wholly incorporated within the Toowoomba Regional Council
- Lot 3 on RP24469 to be wholly incorporated within the Western Downs Regional Council.

The enclosed application includes documentation showing support for this proposal from the Toowoomba Regional Council as the other affected Local Government and the affected landholders. I note that consultation with landholders appears to have occurred in 2014. I trust that you will consult with affected landholders as part of your consideration on this matter, as you deem appropriate.

I have asked for [REDACTED], Principal Regional Advisor, Local Government Division in the Department of Local Government, Racing and Multicultural Affairs to assist you with any further queries. You may wish to contact Mr Meadows on [REDACTED] or by email at [REDACTED].

Yours sincerely

STIRLING HINCHLIFFE MP
Minister for Local Government,
Minister for Racing and
Minister for Multicultural Affairs

Enc

RECEIVED

17 OCT 2019

ENQUIRIES TO:



FILE REF:
LG13.3.1

ST:JM

10 October 2019

The Minister
Department of Local Government, Racing and Multicultural Affairs
PO Box 15009
BRISBANE CITY EAST QLD 4002

Dear Mr Hinchcliffe,

**BOUNDARY CHANGES BETWEEN WESTERN DOWNS REGIONAL COUNCIL AND TOOWOOMBA REGIONAL COUNCIL
- LOT 75 ON AG613 AND LOT 3 ON RP24469**

The then Department of Natural Resources and Mines advised of the following boundary anomalies by correspondence dated 4 March 2014:

- CHQ024459/903 - Lot 75 on AG613 - Western Downs Regional Council (Locality of Moola) and Toowoomba Regional Council (Locality of Irvingdale); and
- CHQ024459/904 - Lot 3 on RP24469 - Western Downs Regional Council (Locality of Irvingdale) and Toowoomba Regional Council (Locality of Irvingdale).

A copy of this letter is **attached** for ease of reference.

Western Downs Regional Council ("WDRC") decided at its meeting held 3 December 2014 to accept the recommendations from the Officer's Report regarding the resolution of this boundary anomaly as follows:

- Lot 75 on AG613 to be entirely within Toowoomba Regional Council's region; and
- Lot 3 on RP24469 to be entirely within WDRC's region.

The Officer's Report and extract of meeting minutes are **attached** for your information. You will note that the Officer's report details the consultation carried out with the affected landholders by Council, including conducting a postal survey.

Customer Contact

1300 COUNCIL (1300 268 624)

07 4679 4000

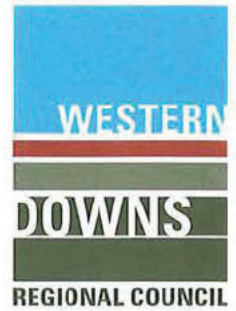
www.wdrc.qld.gov.au

OUR COMMUNITIES

OUR FUTURE

Address all correspondence
to the Chief Executive Officer
PO Box 551, DALBY, QLD 4405

info@wdrc.qld.gov.au



Toowoomba Regional Council ("TRC") recommended at its Finance and Business Strategy Committee meeting:

"That Council notify the Department of Natural Resources and Mines that it agrees with the proposal by Western Downs Regional Council for Lot 75 AG613 to become part of the Toowoomba Regional Council area and Lot 3 RP24469 being included in the Western Downs Regional Council area."

This recommendation was adopted by TRC at its meeting held on 21 October 2014. The extract of the relevant Finance and Business Strategy Committee meeting minutes are **attached**.

The executed joint letter has been forwarded to you, the Department of Local Government, for the required referral to the Change Commission (Electoral Commission of Queensland) for consideration of the proposed boundary changes.

Should you have any queries regarding the above, please do not hesitate to contact [REDACTED] General Counsel WDRC, on [REDACTED]

Yours faithfully

Fol: 

Ross Musgrove
CHIEF EXECUTIVE OFFICER
Western Downs Regional Council

1. Executed Joint Letter dated 2 May 2019
2. Letter from DNRM dated 4 March 2014
3. WDRC Officer's report dated 25 November 2014
4. Extract WDRC Council meeting minutes 3 December 2014
5. Extract TRC Finance and Business Strategy Committee meeting minutes dated 15 October 2014

Our Reference: DM 8656583
Your Reference: CRN 1189766
Contact Officer: LG13.3.1
Telephone: [REDACTED]

24 May 2019

Chief Executive Officer
Western Downs Regional Council
PO Box 551
DALBY QLD 4405

Ross
Dear Mr Musgrove

**BOUNDARY CHANGES BETWEEN WESTERN DOWNS REGIONAL COUNCIL AND
TOOWOOMBA REGIONAL COUNCIL - LOT 75 ON PLAN AG613 AND LOT 3 ON
REGISTERED PLAN 24469**

Thank you for your letter dated 2 May 2019.

As requested I attach documentation that I have endorsed to be forwarded to the Department of Local Government, Racing and Multicultural Affairs for referral to the Change Commission (Electoral Commission of Queensland) to enable the proposed boundary changes to be considered.

Should you have any questions or queries regarding this matter, please do not hesitate to contact [REDACTED] on [REDACTED]

Yours sincerely


Brian Pidgeon
Chief Executive Officer

W.D.R.C RECEIVED		
Post/Hand/Original		
Time: 1:00 PM		
03 JUN 2019		
Officer	Frt	Task
Emma	✓	
Retention	P	
ECM	9316	

1189766 3853946

ENQUIRIES TO:



FILE REF:
LG13.3.1

ECM DOC SET: 3883946

ST:EM

2 May 2019

Chief Executive Officer
Toowoomba Regional Council
PO Box 3021
TOOWOOMBA QLD 4405

Dear Mr Pidgeon,

BRIAN

**BOUNDARY CHANGES BETWEEN WESTERN DOWNS REGIONAL COUNCIL AND TOOWOOMBA REGIONAL COUNCIL
- LOT 75 ON AG613 AND LOT 3 ON RP24469**

The then Department of Natural Resources and Mines advised of the following boundary anomalies by correspondence dated 4 March 2014:

- CHQ024459/903 - Lot 75 on AG613 - Western Downs Regional Council (Locality of Moola) and Toowoomba Regional Council (Locality of Irvingdale); and
- CHQ024459/904 - Lot 3 on RP24469 - Western Downs Regional Council (Locality of Irvingdale) and Toowoomba Regional Council (Locality of Irvingdale).

A copy of this letter is **attached** for ease of reference.

Western Downs Regional Council decided at its meeting held 3 December 2014 to accept the recommendations from the Officer's Report regarding the resolution of this boundary anomaly as follows:

- Lot 75 on AG613 to be entirely within TRC's region; and
- Lot 3 on RP24469 to be entirely within WDRC's region.

The Officer's Report and extract of meeting minutes are **attached** for your information. You will note that the Officer's report details the consultation carried out with the affected landholders by Council, including conducting a postal survey.

TRC recommended at its Finance and Business Strategy Committee meeting:

Customer Contact

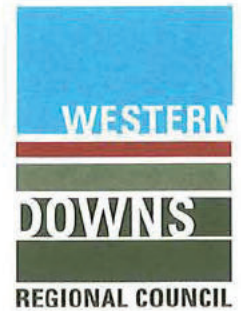
1300 COUNCIL (1300 268 624)
07 4679 4000

www.wdrc.qld.gov.au

OUR COMMUNITIES

OUR FUTURE

Address all correspondence
to the Chief Executive Officer
PO Box 551, DALBY, QLD 4405
info@wdrc.qld.gov.au



TOOWOOMBA MAIL ROOM

- 9 MAY 2019

"That Council notify the Department of Natural Resources and Mines that it agrees with the proposal by Western Downs Regional Council for Lot 75 AG613 to become part of the Toowoomba Regional Council area and Lot 3 RP24469 being included in the Western Downs Regional Council area."

This recommendation was adopted by TRC at its meeting held on 21 October 2014. The extract of the relevant Finance and Business Strategy Committee meeting minutes are **attached**.

It is WDRC's position that the date for the transition for rates, local laws and planning scheme should be as at the date of effect of the boundary change.

If TRC agrees with this position, we ask that you endorse the letter as provided for below and for this letter (including annexures) to be forwarded to the Department of Local Government for the required referral to the Change Commission (Electoral Commission of Queensland) for consideration of the proposed boundary changes.

Signed for and on behalf Toowoomba Regional Council:



(signature of authorised representative)

Brian Stanley Pidgeon
Chief Executive Officer

(name of authorised representative)

Dated: 30 May 2019

In the presence of:


(signature of witness)

Jenny Somerset

(name of witness)

Should you have any queries regarding the above, please do not hesitate to contact [REDACTED], Senior Legal Adviser, on [REDACTED]

Yours faithfully



Ross Musgrove
CHIEF EXECUTIVE OFFICER

1. Letter from DNRM dated 4 March 2014
2. WDRC Officer's report dated 25 November 2014
3. Extract WDRC Council meeting minutes 3 December 2014
4. Extract TRC Finance and Business Strategy Committee meeting minutes dated 15 October 2014

Title Corporate and Community Support Report Local Government Boundary Anomalies

To P.A. Berting, CHIEF EXECUTIVE OFFICER

File No 14/3/1

Date 25 November 2014

Authored by [REDACTED], GOVERNANCE AND INFORMATION SUPPORT MANAGER

Responsible Manager [REDACTED], CORPORATE AND COMMUNITY SUPPORT GENERAL MANAGER

Responsible General Manager [REDACTED], CORPORATE AND COMMUNITY SUPPORT GENERAL MANAGER

Summary/Purpose

The purpose of this Report is to seek Council's consideration of proposed changes to its local government area boundaries following advice of historic anomalies from the Department Natural Resources and Mines.

Council has been considering a number of anomalies pertaining to the Western Downs Regional Council local government boundary adjacent to the Banana Shire Council, Maranoa Regional Council, Toowoomba Regional Council, Goondiwindi Regional Council and Balonne Shire Council local government boundary.

Employee Material Personal Interest/Conflict of Interest

Nil

Councillor Material Personal Interest/Conflict of Interest

Nil

Officer's Recommendation

That this Report be received and that Council:

1. Confirms and supports the proposed boundary changes; and
2. Forwards a copy of the Resolution to the Department of Local Government and each of the affected Councils to enable the Department of Local Government to coordinate the proposed boundary changes submission to the Minister.

Justification

Nil

Link to Corporate Plan

Strategic Theme 1: Effective and Inclusive Governance

Western Downs Regional Council can be relied on to govern its communities and manage its business with strategic vision, equity, transparency, collaboration and financial responsibility.

Background Information

Council received correspondence from Department of Natural Resources and Mines on 30 October 2013 and 4 March 2014 identifying local government boundary anomalies pertaining to Western Downs Regional Council and five (5) neighbouring Councils.

Council has consulted with the affected land owners and neighbouring Councils to arrive at a consensus prior to making a recommendation for change.

At the Ordinary Meeting of 2 April 2014 Council was asked to consider local government boundary anomalies as identified by the Department of Natural Resources and Mines.

The anomalies occur where the Council boundary bisects property lots, effectively dividing the parcel of land between two (2) different Council areas. As a consequence these properties are sometimes split into two (2) different localities which cause further confusion for landowners, Council and essential services.

MOVED by Cr. I.J. Rasmussen and seconded by Cr. C.T. Tillman

That this Report be received and that:

Council establishes a Steering Group with membership of two (2) Councillors being Councillors R.C. Brown and I.J. Rasmussen plus staff appointed by the Chief Executive Officer to facilitate negotiations with neighbouring Councils and consultation with affected landowners and to Report proposed outcomes back to Council.

CARRIED

Report

The appointed Steering Group has consulted with the affected land owners and neighbouring Councils to arrive at a consensus prior to making recommendations on boundary adjustments.

The affected neighbouring Councils are Banana Shire Council, Maranoa Regional Council, Toowoomba Regional Council, Goondiwindi Regional Council and Balonne Shire Council.

Western Downs Regional Council has completed an assessment of the boundary anomalies as notified by the Department Natural Resources and Mines and considered in its assessment access roads to the property, the location of the majority of the area of the lot, and feedback from the affected property owners, and the summary table below details the agreed position arrived at after consultation with the landowners and the neighbouring Councils. In some cases the agreed position was not the survey response of the land owner, but in consultation with our neighbouring Councils there were compelling reasons why the agreed position was made.(ie the property owner had considerable property in one area v's another, or their road access was in the agreed Council area).

Map Ref	Property Description	Survey Response	WDRC Position	Neighbouring Council Response	Agreed Position	Approx % each way (WDRC 1st)	Bordering Council
A 3	Lot 75 AG613	NIL	TRC	TRC	TRC	70/30	Toowoomba
H	Lot 3 RP24469	TRC	WDRC	WDRC	WDRC	50/50	Toowoomba

Asset Management

There will be an overall loss of road infrastructure if the recommendations are implemented, as indicated in the Attachment 1.

Workplace Health and Safety Implications

Nil

Organisational Considerations

Nil

Consultation (Internal/External)

All affected landowners were contacted by letter asking for their preferred options as follows:-

- Remain unchanged; or
- Total property to be in Western Downs Regional Council area; or
- Total property to be in neighbouring Council area.

Three (3) of the 17 affected landowners did not respond, despite repeated attempts.

All five (5) neighbouring Councils were consulted.

Council's Steering Group - Cr. R.C. Brown, Cr. I.J. Rasmussen, Corporate and Community Support General Manager and Governance and Information Support Manager.

Revenue Coordinator.

Asset and GIS Coordinator for road infrastructure information.

Legal Implications

This is not a compulsory process in relation to legislation, merely an opportunity for neighbouring Councils to better align properties between Councils.

Local Government Act 2009 Part 3 - Changing a local government area, name or representation, Division 2 - The process for change.

Risk Implications

There are no strategic or operational risks identified.

Conclusion

That Council resolve to adopt the Officer's Recommendations and send a Submission to the Department of Natural Resources and Mines.

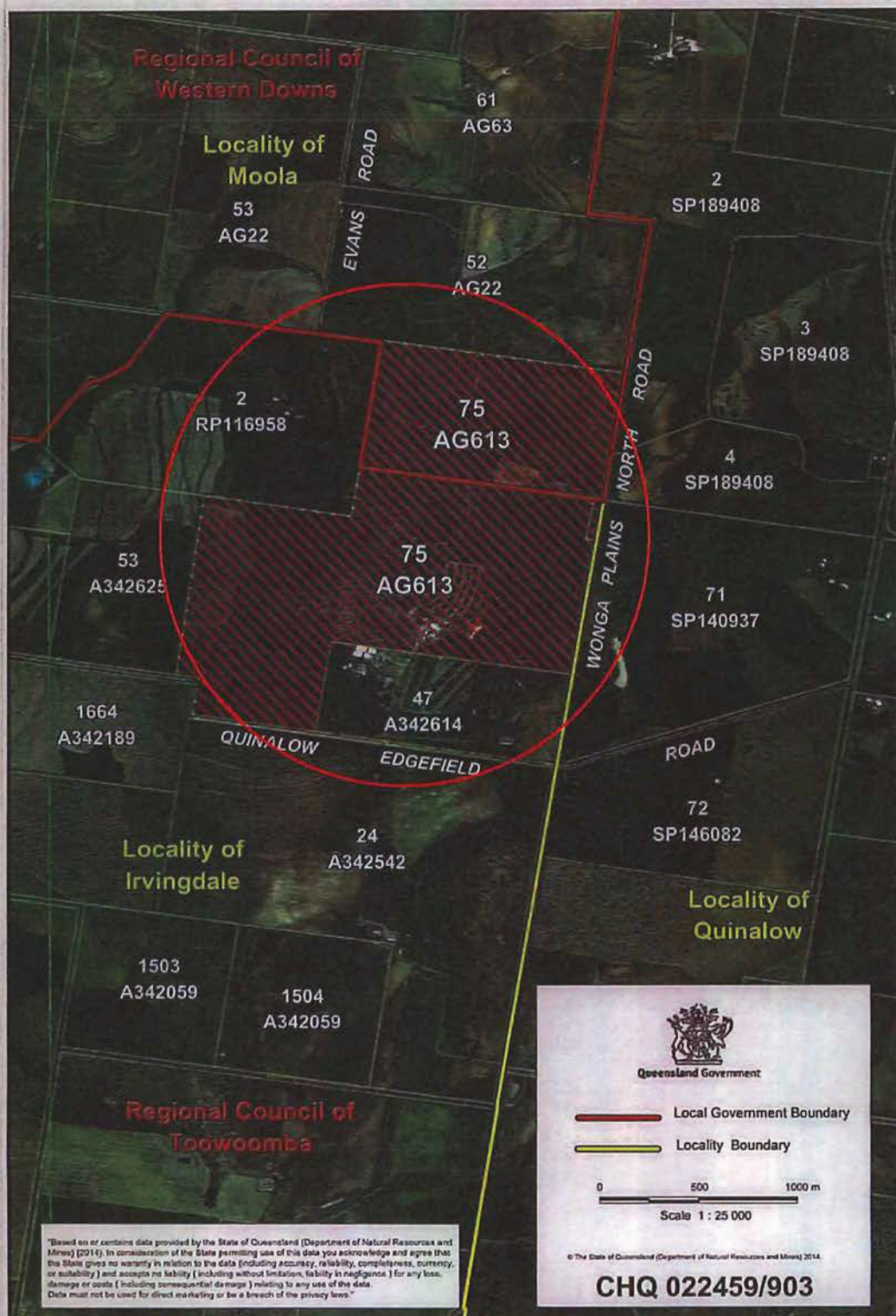
Attachments

1. Local Government Boundary Anomalies Spreadsheet;
2. Maps of properties;
3. Correspondence from neighbouring Councils:
 - a. Toowoomba Regional Council -25 September 2014;

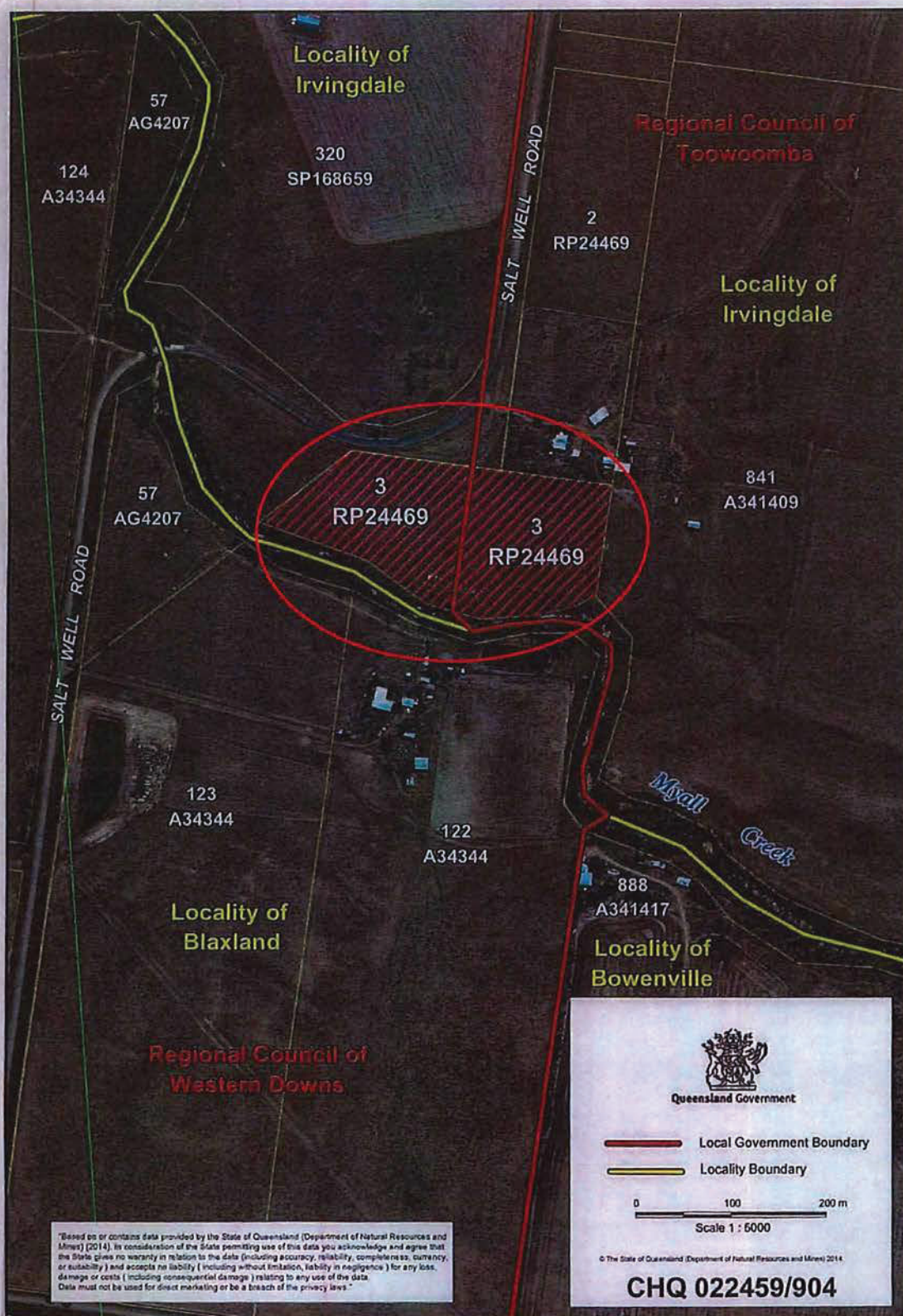
[REDACTED]

Map Ref	Property Description	Rates paid per 1/2 Year	Loss/Gain to WDRC	Must additional revenue from other Council	Survey Response	WDRC Position	Neighbouring Council Response	Agreed Position	Approx % each way (WDRC 33)	Property Address	Road Name	Change	Surface	Comments
A 3	Lot 75A/5613	\$18,161.0	-\$1,619.10		N/A	T/C	T/C	T/C	70/30		no roads			
H	Lot 3 A/22449	\$2,680	-\$26,800	\$200.00	T/C	WDRC	WDRC	WDRC	50/50			no change	Sealed	

G



H





Item No. **05**

REPORT TITLE **Review of Council Boundaries**

AUTHOR Manager, Governance [REDACTED] - 25 September 2014

PURPOSE OF REPORT

To seek Council's views on a proposal to make two minor changes to the shared Local Government Boundary with the Western Downs Regional Council.

EXECUTIVE SUMMARY

The Department of Natural Resources and Mines recently identified a number of local government boundary anomalies where single lots have been dissected by a local government boundary. Two such properties partially lie along the Toowoomba Regional Council / Western Downs Regional Council boundary.

The Western Downs Regional Council has consulted with the affected land owners and has proposed that one lot (Lot 75 on AG613) become part of the Toowoomba Regional Council area, with the other lot (Lot 3 on RP 24469) being wholly included in the Western Downs Regional Council area.

RECOMMENDATION

That Council notify the Department of Natural Resources and Mines that it agrees with the proposal by Western Downs Regional Council for Lot 75 AG613 to become part of the Toowoomba Regional Council area and Lot 3 RP 24469 being included in the Western Downs Regional Council area.

REASONS FOR RECOMMENDATION

The proposal resolves a current boundary anomaly and has the support of the Department of Natural Resources and Mines, Western Downs Regional Council and affected landholders. No detrimental impact has been identified should the proposal be endorsed.

COMMITTEE RECOMMENDATION

That Council notify the Department of Natural Resources and Mines that it agrees with the proposal by Western Downs Regional Council for Lot 75 AG613 to become part of the Toowoomba Regional Council area and Lot 3 RP 24469 being included in the Western Downs Regional Council area.

COUNCIL DECISION - 21 OCTOBER 2014

(Finance and Business Strategy Committee - 15 October 2014 - Item 05)

Committee Recommendation adopted by Council at its meeting of 21 October 2014

CORPORATE PLAN REFERENCE

- 6.1.1 Ensure leadership and decision making is transparent, accountable and represents the current and future interests of the region's communities.

BACKGROUND

The Department of Natural Resources and Mines recently identified a number of local government boundary anomalies where single lots have been dissected by a local government boundary. Two such lots lie on the Toowoomba Regional Council / Western Downs Regional Council boundary: Lot 75 AG613 and Lot 3 RP 24469 (Attachments 1 and 2 show the relationship of the boundaries and respective parcels).

Lot 75 AG613 is part of the landholdings of [REDACTED] in the Toowoomba Regional Council area. The land is located west of Quinalow.

Lot 3 RP 24469 is part of the landholdings of [REDACTED] in the TRC area. The land is located north of Bowenville and abuts Myall Creek.

CONSULTATION UNDERTAKEN

The Western Downs Regional Council has consulted with the affected land owners and has proposed that Lot 75 AG613 become part of the Toowoomba Regional Council area, with Lot 3 RP 24469 being included in the Western Downs Regional Council area.

ISSUES, RISKS AND RESPONSES

With respect to the inclusion of the whole of Lot 75 into the Toowoomba Regional Council area, the proposed change 'squares up' the boundary between the two Council areas.

With respect to the excision of Lot 3 from the Toowoomba Regional Council area, the proposed change represents an acceptable response to the situation of one lot being dissected by a local government boundary.

If Council agrees to the proposal, a formal application would be made to the Local Government Change Commission through the Minister.

FINANCIAL / RESOURCE IMPLICATIONS

The net impact of the proposed change would have a minimal effect on Council's revenue raising capacity or asset management.

An application to the Change Commission will result in minimal cost to prepare a submission supporting (or opposing the change).

CONCLUSION

The Department of Natural Resources and Mines has identified some boundary anomalies between the Toowoomba Regional Council / Western Downs Regional Council areas and the Western Downs Regional Council has consulted with the affected land owners to propose that Lot 75 on AG613 become part of the Toowoomba Regional Council area, with the Lot 3 on RP 24469 being included in the Western Down Regional Council area.

The impact on Council's finances and operations are minimal.

Item No. **05**

REPORT TITLE **Review of Council Boundaries**

AUTHOR Manager, Governance [REDACTED] - 25 September 2014

PURPOSE OF REPORT

To seek Council's views on a proposal to make two minor changes to the shared Local Government Boundary with the Western Downs Regional Council.

EXECUTIVE SUMMARY

The Department of Natural Resources and Mines recently identified a number of local government boundary anomalies where single lots have been dissected by a local government boundary. Two such properties partially lie along the Toowoomba Regional Council / Western Downs Regional Council boundary.

The Western Downs Regional Council has consulted with the affected land owners and has proposed that one lot (Lot 75 on AG613) become part of the Toowoomba Regional Council area, with the other lot (Lot 3 on RP 24469) being wholly included in the Western Downs Regional Council area.

RECOMMENDATION

That Council notify the Department of Natural Resources and Mines that it agrees with the proposal by Western Downs Regional Council for Lot 75 AG613 to become part of the Toowoomba Regional Council area and Lot 3 RP 24469 being included in the Western Downs Regional Council area.

REASONS FOR RECOMMENDATION

The proposal resolves a current boundary anomaly and has the support of the Department of Natural Resources and Mines, Western Downs Regional Council and affected landholders. No detrimental impact has been identified should the proposal be endorsed.

COMMITTEE RECOMMENDATION

That Council notify the Department of Natural Resources and Mines that it agrees with the proposal by Western Downs Regional Council for Lot 75 AG613 to become part of the Toowoomba Regional Council area and Lot 3 RP 24469 being included in the Western Downs Regional Council area.

COUNCIL DECISION - 21 OCTOBER 2014

(Finance and Business Strategy Committee - 15 October 2014 - Item 05)

Committee Recommendation adopted by Council at its meeting of 21 October 2014

CORPORATE PLAN REFERENCE

- 6.1.1 Ensure leadership and decision making is transparent, accountable and represents the current and future interests of the region's communities.

BACKGROUND

The Department of Natural Resources and Mines recently identified a number of local government boundary anomalies where single lots have been dissected by a local government boundary. Two such lots lie on the Toowoomba Regional Council / Western Downs Regional Council boundary: Lot 75 AG613 and Lot 3 RP 24469 (Attachments 1 and 2 show the relationship of the boundaries and respective parcels).

Lot 75 AG613 is part of the landholdings of [REDACTED] in the Toowoomba Regional Council area. The land is located west of Quinalow.

Lot 3 RP 24469 is part of the landholdings of [REDACTED] in the TRC area. The land is located north of Bowenville and abuts Myall Creek.

CONSULTATION UNDERTAKEN

The Western Downs Regional Council has consulted with the affected land owners and has proposed that Lot 75 AG613 become part of the Toowoomba Regional Council area, with Lot 3 RP 24469 being included in the Western Downs Regional Council area.

ISSUES, RISKS AND RESPONSES

With respect to the inclusion of the whole of Lot 75 into the Toowoomba Regional Council area, the proposed change 'squares up' the boundary between the two Council areas.

With respect to the excision of Lot 3 from the Toowoomba Regional Council area, the proposed change represents an acceptable response to the situation of one lot being dissected by a local government boundary.

If Council agrees to the proposal, a formal application would be made to the Local Government Change Commission through the Minister.

FINANCIAL / RESOURCE IMPLICATIONS

The net impact of the proposed change would have a minimal effect on Council's revenue raising capacity or asset management.

An application to the Change Commission will result in minimal cost to prepare a submission supporting (or opposing the change).

CONCLUSION

The Department of Natural Resources and Mines has identified some boundary anomalies between the Toowoomba Regional Council / Western Downs Regional Council areas and the Western Downs Regional Council has consulted with the affected land owners to propose that Lot 75 on AG613 become part of the Toowoomba Regional Council area, with the Lot 3 on RP 24469 being included in the Western Down Regional Council area.

The impact on Council's finances and operations are minimal.

ATTACHMENTS

Attachment 1 [Plan CHQ 022459/903 showing Lot 75 AG613](#)

Attachment 2 [Plan CHQ 022459/904 showing Lot 3 RP24469](#)



- **CHQ024459/898** – Lot 8 on CVN344 – Western Downs Regional Council (Locality of Flinton) and Goondiwindi Regional Council (Locality of Bungunya).
- **CHQ024459/903** – Lot 75 on AG613 – Western Downs Regional Council (Locality of Moola) and Toowoomba Regional Council (Locality of Irvingdale).
- **CHQ024459/904** – Lot 3 on RP24469 – Western Downs Regional Council (Locality of Irvingdale) and Toowoomba Regional Council (Locality of Irvingdale).

The Department of Local Government has advised that local councils involved with boundary anomalies, such as the above, should seek a determination as a local government change by requesting in writing that the Minister for Local Government refer the matter to the Local Government Change Commissioner (Electoral Commission of Queensland) to assess the proposed change under the provisions of the *Local Government Act 2009*.

The Councils of Balonne Shire, Goondiwindi Regional, Maranoa Regional and Toowoomba Regional have also been notified of these Local Government boundary anomalies.

Should you require further information on this matter, please contact the author on telephone [REDACTED] or contact [REDACTED], Director, Program Implementation and Review, Department of Local Government on telephone [REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]

Senior Spatial Information Officer

Enc: Diagram CHQ 022459/893
 CHQ 022459/894
 CHQ 022459/895
 CHQ 022459/896
 CHQ 022459/897
 CHQ 022459/898
 CHQ 022459/903
 CHQ 022459/904

APPENDIX B

Council Correspondence

File number: EMB/ 000002

Your reference:



**Electoral
Commission**
QUEENSLAND

17 July 2020

Mr Brian Pidgeon
Chief Executive Officer
Toowoomba Regional Council
PO BOX 3021
TOOWOOMBA QLD 4350

Dear Mr Pidgeon

I write to you in my capacity as the Commissioner of the Local Government Change Commission (Change Commission), to provide a status update and request Council assistance regarding an external boundary change proposed between the Toowoomba Regional Council and the Western Downs Regional Council.

On 20 November 2019, the Minister for Local Government, Racing and Multicultural Affairs referred a proposed local government change for:

- the portion of Lot 75 on AG613 currently located in WDRC be transferred so that it is wholly contained in the TRC; and
- the portion of Lot 3 on RP24469 currently located in TRC be transferred so that it is wholly contained in the WDRC.

On 25 November 2019, the Change Commission's Secretary emailed both Councils to advise the assessment would be conducted following the 2020 elections. This timeframe remains accurate at present, with the Electoral Commission of Queensland (ECQ) currently focused on finalising the local government elections, including disclosure, reporting and other activities, as well as preparing for the delivery of the 2020 State election in October.

However, if the Change Commission can access relevant information, it would like to progress work on this review in 2020. The Secretary advised in her email that we require some additional information, most notably the contact details of the impacted landholders. It is noted that the initial consultation with landholders occurred several years ago and is therefore no longer considered reliable for the purposes of this review.

As we have not received this information to date and the Change Commission does not have access to landowner information, it would be appreciated if Council could please provide the enclosed letter to the landholder/s currently located within its jurisdiction (i.e. Lot 3 on RP24469). I have also enclosed a letter for the landholder/s currently located within the WDRC's jurisdiction (i.e. Lot 75 on AG613) and request that you also forward this letter if possible. A copy of both letters has also been sent to the WDRC with the same request.

Should you require further information or have any issues with forwarding on my correspondence to the landholder, please contact Ms Cecelia Nuttall, Director, Strategy, Policy and Governance on [REDACTED] or at LGboundaries@ecq.qld.gov.au.

Yours sincerely



Pat Vidgen PSM
Electoral Commissioner

Enc.



**Electoral
Commission**
QUEENSLAND

8 July 2021

Mr Brian Pidgeon
Chief Executive Officer
Toowoomba Regional Council
PO Box 3021
TOOWOOMBA QLD 4350

Dear Mr Pidgeon

I write to you on behalf of the Local Government Change Commission (Change Commission), to provide an update regarding the external boundary review taking place between the Toowoomba Regional Council (TRC) and the Western Downs Regional Council (WDRC).

On 20 November 2019, the former Minister for Local Government referred a proposed local government change for the portion of Lot 3 on Plan RP24469 currently located in the TRC, to be transferred in its entirety to the WDRC.

In August 2020, the landholder of this property advised the Change Commission they were supportive of Lot 3 of RP24469 being united within one local government area. However, in this correspondence, the landholder noted their preference for Lot 3 of RP24469 to be located entirely within the TRC, noting this would ensure Lots 1, 2 and 3 of RP24469 would all be located within the one local government area. In a more recent conversation on 11 May 2021, the landholder again confirmed this position.

Given this review was prompted by advice about boundary anomalies from the Department of Resources (previously the Department of Natural Resources, Mines and Energy), I sought the Department's advice regarding the landholder's preferred placement of the lot. The Department has confirmed its support for Lot 3 on RP24469 to be united in the TRC, noting:

- the majority of the lots in common ownership that have common boundaries already lie within the TRC, and
- the best outcome can be achieved if the entire contiguous part of the rural property recorded as 'Glenora' in the Department's records, is within one local government area.

The Department also advised that changes to locality boundaries and location addresses are a potential impact following changes to local government boundaries, noting this is often necessary to facilitate the delivery of emergency and other services.

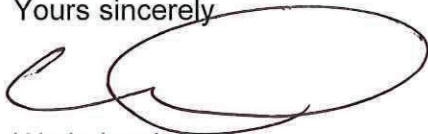
I therefore write to seek your views regarding the landholder's preference for Lot 3 on RP24469 to be united within the TRC. To assist you with your deliberations, I have enclosed a map which identifies how the boundary as proposed by the landholder would look. I have also written to the WDRC to seek their official position.

Please note, the Change Commission has not received a response from the landholder of Lot 75 on AG613 to provide feedback on the proposed change. The Department of Resources was able to provide us with an address for this lot, and we have now sent another letter which seeks their feedback by 26 July 2021. Unless it hears otherwise from the landholder, the WDRC or the TRC, the Change Commission will continue to assess the change based on the information provided in the referral, that is that the lot should be united within the TRC.

The Change Commission hopes to finalise its review by the end of August 2021, pending any new views expressed by the WDRC, TRC, or the views of the landholder of Lot 75 on AG613. Therefore, we would appreciate receiving your response by **30 July 2021**, including any matters you believe the Change Commission should consider as part of its assessment. Once the Change Commission finalises its assessment, all stakeholders will be notified of its recommendation.

Should you require further information regarding this matter, please contact Ms Elise Arklay, Principal Policy Officer, or Ms Katherine Bail, Policy Officer, Strategy and Governance, on [REDACTED] or at LGBoundaries@ecq.qld.gov.au.

Yours sincerely

A handwritten signature in dark ink, consisting of a stylized 'W' followed by a large, loopy 'L'.

Wade Lewis
Acting Electoral Commissioner

Our Reference: 9890583
CRN1436489
733369-2
Your Reference: EMB/000005
Contact Officer: Shayne Morris
Telephone: 07 4688 6838

16 July 2021

The Acting Electoral Commissioner
Electoral Commission Queensland
GPO Box 1393
BRISBANE QLD 4001

Dear Mr Lewis

EXTERNAL BOUNDARY REVIEW

Thank you for your letter dated 8 July 2021.

Council has reviewed the information provided in your letter and has a preference that all of Lot 3 on Registered Plan 24469 be fully included in the Toowoomba Regional Council local government area. This would be a logical outcome given that this is the preference of the landowner and the Department of Resources.

In respect to Lot 75 on Crown Plan AG613 (being a separate matter), it remains Council's preference that this land also be included in the Toowoomba Regional Council local government area.

Please contact [REDACTED] on [REDACTED] should you require further information.

Yours sincerely



Brian Pidgeon
Chief Executive Officer

From: LG Boundaries
Sent: Monday, 25 November 2019 3:40 PM
To: info@wdrc.qld.gov.au
Subject: WDRC & TRC Review - further information requested

Importance: High

Good afternoon,

The Local Government Change Commission (Change Commission) has received a referral from the Minister for Local Government to assess a proposed change between the Toowoomba Regional Council and Western Downs Regional Council. I am the Secretary for the Change Commission and would appreciate this email being directed to the Chief Executive Officer and any other relevant staff member dealing with the change request.

The proposed change as referred to the Change Commission is:

- Lot 75 on AG613 be wholly incorporated into the Toowoomba Regional Council; and
- Lot 3 on RP24469 be wholly incorporated into the Western Downs Regional Council.

The Change Commission will undertake its assessment following the 2020 Elections and will keep you updated regarding timeframes. In the meantime, it would be appreciated if Council could please provide some additional information:

- Did Council consult with the relevant landholder/s for the lots specified above? What were their views?
 - It would be appreciated if you could supply any supporting documentation of this correspondence.
- What are the landowners contact details?
 - Name, address, email and phone – or as many of these details as possible would be appreciated.
- Any other supporting information about why the change is desired?

If you require further information, please don't hesitate to get in touch. My contact details are in the signature block.

Kind regards,
Elise

Elise Arklay

Secretary
Local Government Change Commission



 LGBoundaries@ecq.qld.gov.au

 L20/1 Eagle Street, Brisbane, , 4000



**Electoral
Commission**
QUEENSLAND



ecq.qld.gov.au

From: [REDACTED]
Sent: Wednesday, 11 December 2019 1:36 PM
To: LG Boundaries
Cc: [REDACTED]
Subject: TRC & WDRC Review - further information requested
Attachments: Request Referral Boundary Realignment WDRC Toowoomba Regional Council Change Electoral Commission Queensland.pdf; ECM_3900990_v1_Signed Endorsement Recom...ingdale Toowoomba Regional Council TRC.pdf

Ms Elise Arklay
Secretary
Local Government Change Commission

Dear Ms Arklay

We refer to the referral to you from the Minister for Local Government regarding the proposed Local Government boundary change of the following properties:

1. Lot 75 on AG613 be wholly incorporated into the Toowoomba Regional Council; and
2. Lot 3 on RP24469 be wholly incorporated into the Western Downs Regional Council.

I have **attached** a copy of our letter to the Minister for the Department of Local Government, Racing and Multicultural Affairs dated 10 October 2019 for your reference, with attachments.

The Western Downs Regional Council Officer's Report dated 25 November 2014, listed as Attachment 3 of that Report, notes the following:

"The appointed Steering Group has consulted with the affected land owners and neighbouring Councils to arrive at a consensus prior to making recommendations on boundary adjustments.

...

Western Downs Regional Council has completed an assessment of the boundary anomalies as notified by the Department Natural Resources and Mines and considered in its assessment access roads to the property, the location of the majority of the area of the lot, and feedback from the affected property owners, and the summary table below details the agreed position arrived at after consultation with the landowners and the neighbouring Councils. In some cases the agreed position was not the survey response of the land owner, but in consultation with our neighbouring Councils there were compelling reasons why the agreed position was made. (ie the property owner had considerable property in one area v's another, or their road access was in the agreed Council area)."

Council Consultation - Lot 75 AG613

The table at Page 3 of the attached Report notes that there was NIL response from the Survey with the affected land owner of Lot 75 on AG613, despite repeated attempts. The agreed position of both neighbouring councils, Western Downs Regional Council ("WDRC") and Toowoomba Regional Council ("TRC"), was that Lot 75 be wholly incorporated into the TRC boundary. With regards to the property, the table noted that approximately 70% lay in TRC's area, and 30% in WDRC's area. The attached map (page 19 and final page) showed the current jagged alignment of the boundary through the property, and the report noted that:

"the proposed change 'squares up' the boundary between the two areas." (page 17)

Council Consultation - Lot 3 RP24469

The table at Page 3 of the attached Report notes that the agreed position of the neighbouring councils, WDRC and TRC, was that Lot 3 be wholly incorporated into the WDRC boundary. The table noted that the property was split approximately 50% each way.

For this property, the response from the affected land owner of Lot 3 RP24469 was that they wanted the property to be in the TRC area.

The report noted that:

"In some cases the agreed position was not the survey response of the land owner, but ... there were compelling reasons why the agreed position was made. (ie ... their road access was in the agreed Council area)."

The road access for Lot 3 RP24469 is in the WDRC area, so this reasoning applied to this property (as seen in the map on the last page of the joint letter, and at page 13 of the Report).

Landowners contact details

Council is unable to provide you with the landowners' contact details due to our obligations under the *Information Privacy Act 2009* (Qld).

Supporting Information

Attached to this letter is a copy of all the supporting information as provided to the Minister for the Department of Local Government, Racing and Multicultural Affairs for your reference.

Attachments

1. Letter to Minister for the Department of Local Government, Racing and Multicultural Affairs dated 10 October 2019;
2. Executed Joint Letter from Toowoomba Regional Council and Western Downs Regional Council dated 2 May 2019;
3. Letter from DNRM dated 4 March 2014;
4. WDRC Officer's Report dated 25 November 2014;
5. Extract WDRC Council Meeting Minutes 3 December 2014;
6. Extract TRC Finance and Business Strategy Committee meeting minutes dated 15 October 2014.

Regards

General Counsel

WESTERN DOWNS REGIONAL COUNCIL

PO Box 551, Dalby, Qld 4405



[Find us on the Web](#) | [Find us on Facebook](#)

OUR COMMUNITIES | OUR FUTURE



PRIVILEGED - PRIVATE AND CONFIDENTIAL. This communication and any files transmitted with it, are intended solely for the named addressee(s) only and may contain information which is confidential, legally privileged and are subject to copyright. No part can be reproduced without the consent of the copyright owner. If you receive this email and you are not the addressee, intended recipient (or responsible for delivery of the email to the addressee), please do not read, use, distribute or copy this email. Please delete the email and notify the author immediately.

File number: EMB/ 000002

Your reference:



**Electoral
Commission**
QUEENSLAND

17 July 2020

Mr Ross Musgrove
Chief Executive Officer
Western Downs Regional Council
PO BOX 551
DALBY

Email: [REDACTED] Copy to: [REDACTED]

Dear Mr Musgrove *Ross,*

I write to you in my capacity as the Commissioner of the Local Government Change Commission (Change Commission), to provide a status update and request Council assistance regarding an external boundary change proposed between the Western Downs Regional Council (WDRC) and the Toowoomba Regional Council (TRC).

On 20 November 2019, the Minister for Local Government, Racing and Multicultural Affairs referred a proposed local government change for:

- the portion of Lot 75 on AG613 currently located in WDRC be transferred so that it is wholly contained in the TRC; and
- the portion of Lot 3 on RP24469 currently located in TRC be transferred so that it is wholly contained in the WDRC.

On 25 November 2019, the Change Commission's Secretary emailed both Councils to advise the assessment would be conducted following the 2020 elections. This timeframe remains accurate at present, with the Electoral Commission of Queensland (ECQ) currently focused on finalising the local government elections, including disclosure, reporting and other activities, as well as preparing for the delivery of the 2020 State election in October.


However, if the Change Commission can access relevant information, it would like to progress work on this review in 2020. The Secretary advised in her email that we require some additional information, most notably the contact details of the impacted landholders. It is noted that the initial consultation with landholders occurred several years ago and is therefore no longer considered reliable for the purposes of this review.

On 11 December 2019, [REDACTED] General Counsel for WDRC advised that this information cannot be provided due to information privacy concerns. While understanding these concerns, as the Change Commission does not have access to landowner information, it will therefore require Council assistance to liaise with these stakeholders. I would therefore appreciate if Council could please provide the enclosed letter to the landholder/s currently located within its jurisdiction (i.e. Lot 75 on AG613). I have also enclosed a letter for the

landholder/s currently located within the TRC's jurisdiction (i.e. Lot 3 on RP24469) and request that you also forward this letter if possible. A copy of both letters has also been sent to the TRC with the same request.

Should you require further information or have any issues with forwarding on my correspondence to the landholder, please contact Ms Cecelia Nuttall, Director, Strategy, Policy and Governance on [REDACTED] or at LGboundaries@ecq.qld.gov.au.

Yours sincerely



Pat Vidgen PSM
Electoral Commissioner

Enc.



**Electoral
Commission**
QUEENSLAND

8 July 2021

Mr Ross Musgrove
Chief Executive Officer
Western Downs Regional Council
PO Box 551
DALBY QLD 4405



Dear Mr Musgrove

I write to you on behalf of the Local Government Change Commission (Change Commission), to provide an update regarding the external boundary review taking place between the Western Downs Regional Council (WDRC) and the Toowoomba Regional Council (TRC).

On 20 November 2019, the former Minister for Local Government referred a proposed local government change for the portion of Lot 3 on Plan RP24469 currently located in the TRC, to be transferred in its entirety to the WDRC.

In August 2020, the landholder of this property advised the Change Commission they were supportive of Lot 3 of RP24469 being united within one local government area. However, in this correspondence, the landholder noted their preference for Lot 3 of RP24469 to be located entirely within the TRC, noting that this would ensure Lots 1, 2 and 3 of RP24469 would all be located within the one local government area. In a more recent conversation on 11 May 2021, the landholder again confirmed this position.

Given this review was prompted by advice about boundary anomalies from the Department of Resources (previously the Department of Natural Resources, Mines and Energy), I sought the Department's advice regarding the landholder's preferred placement of the lot. The Department has confirmed its support for Lot 3 on RP24469 to be united in the TRC, noting:

- the majority of the lots in common ownership that have common boundaries already lie within the TRC, and
- the best outcome can be achieved if the entire contiguous part of the rural property recorded as 'Glenora' in the Department's records, is within one local government area.

The Department also advised that changes to locality boundaries and location addresses are a potential impact following changes to local government boundaries, noting this is often necessary to facilitate the delivery of emergency and other services.

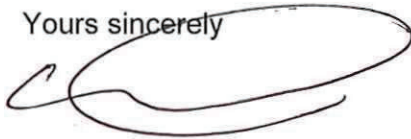
I therefore write to seek your views regarding the landholder's preference for Lot 3 on RP24469 to be united within the TRC. To assist you with your deliberations, I have enclosed a map which identifies how the boundary as proposed by the landholder would look. I have also written to the TRC to seek their official position.

Please note, the Change Commission has not received a response from the landholder of Lot 75 on AG613 to provide feedback on the proposed change. The Department of Resources was able to provide us with an address for this lot, and we have now sent another letter which seeks their feedback by 26 July 2021. Unless it hears otherwise from the landholder, the TRC or the WDRC, the Change Commission will continue to assess the change based on the information provided in the referral, that is that the lot should be united within the TRC.

The Change Commission hopes to finalise its review by the end of August 2021, pending any new views expressed by the WDRC, TRC, or the views of the landholder of Lot 75 on AG613. Therefore, we would appreciate receiving your response by **Friday, 30 July 2021**, including any matters you believe the Change Commission should consider as part of its assessment. Once the Change Commission finalises its assessment, all stakeholders will be notified of its recommendation.

Should you require further information regarding this matter, please contact Ms Elise Arklay, Principal Policy Officer, or Ms Katherine Bail, Policy Officer, Strategy and Governance, on [REDACTED] or at LGboundaries@ecq.qld.gov.au.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'Wade Lewis', enclosed within a large, loopy oval shape.

Wade Lewis
Acting Electoral Commissioner

Detailed Map: Transfer of Lot 3 Plan RP24469 from Western Downs Regional Council to Toowoomba Regional Council



- Property Plan RP24469
- Proposed LGA Boundary
- Locality Boundary
- Review Area - Lot 3 Plan RP24469
- Current LGA Boundary
- Property Boundary



From: [REDACTED]
Sent: Wednesday, 28 July 2021 9:18 AM
To: LG Boundaries; Elise Arklay
Cc: [REDACTED]
Subject: RE: Western Downs and Toowoomba Regional Councils External Boundary Review

Good morning,

Thank you for the update and providing us the opportunity to provide a further response.

After conducting internal consultation, we can confirm that WDRC's position has not changed.

We will leave it up to the Change Commission to assess the change, and look forward to this matter progressing.

Regards

[REDACTED]
Paralegal

WESTERN DOWNS REGIONAL COUNCIL
PO Box 551, Dalby, Qld 4405



[REDACTED]

[Find us on the Web](#) | [Find us on Facebook](#)

OUR COMMUNITIES | OUR FUTURE



PRIVILEGED - PRIVATE AND CONFIDENTIAL. This communication and any files transmitted with it, are intended solely for the named addressee(s) only and may contain information which is confidential, legally privileged and are subject to copyright. No part can be reproduced without the consent of the copyright owner. If you receive this email and you are not the addressee, intended recipient (or responsible for delivery of the email to the addressee), please do not read, use, distribute or copy this email. Please delete the email and notify the author immediately.

From: LG Boundaries <LGBoundaries@ecq.qld.gov.au>
Sent: Friday, 9 July 2021 4:03 PM
To: Ross Musgrove [REDACTED]
Cc: Info <info@wdrc.qld.gov.au>
Subject: Western Downs and Toowoomba Regional Councils External Boundary Review

Good afternoon,

Please find the attached letter and map providing an update to the Toowoomba Regional Council and Western Downs Regional Council External Boundary Review.

Please don't hesitate to contact me if you have any questions.

Kind regards,
Katherine

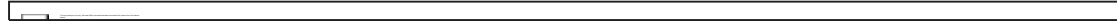
Katherine Bail

Policy Officer
Strategy & Governance



 L20/1 Eagle Street, Brisbane, Queensland, 4000

ecq.qld.gov.au



Confidentiality Statement: This message including any attachments is intended only for the use of the Addressee and may contain information that is PRIVILEGED and CONFIDENTIAL. If you are not the intended recipient, dissemination of this communication is prohibited. If you have received this communication in error, please erase all copies of the message including any attachments and notify ECQ immediately.

APPENDIX C

Landholder Correspondence and Supporting Documentation

17 July 2020



**Electoral
Commission**
QUEENSLAND

Landholder
Lot 3 on RP24469

Dear Sir / Madam

I write to you in my capacity as the 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 20 November 2019, I received a referral from the Minister for Local Government, Racing and Multicultural Affairs requesting the Change Commission assess a proposed change to the boundary between the Western Downs Regional Council (WDRC) and the Toowoomba Regional Council (TRC). Both the WDRC and TRC are supportive of the proposed change.

At present, the boundary between these councils dissects two lots, one of which is owned by you. The proposed change is for:

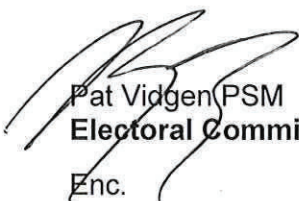
- the portion of Lot 3 on RP24469 currently located in TRC to be transferred so that it is wholly contained in the WDRC.

As a stakeholder to this change, I write to ask if you are supportive of the proposal to unite your property (Lot 3 on RP24469) within the WDRC. I have enclosed a map of the proposed change to assist you in making your decision. If you could please provide your written answer to the Change Commission at LGboundaries@ecq.qld.gov.au or GPO Box 1393, Brisbane, Queensland 4001 at your earliest convenience.

Once we have received your response and that of the other landholder, the Change Commission will finalise its assessment and advise of the results. If a response is not received, a decision will be made based on the information available to the Change Commission. Please note that a copy of this letter has been provided to both the WDRC and the TRC for forwarding to you, to ensure you receive this request.

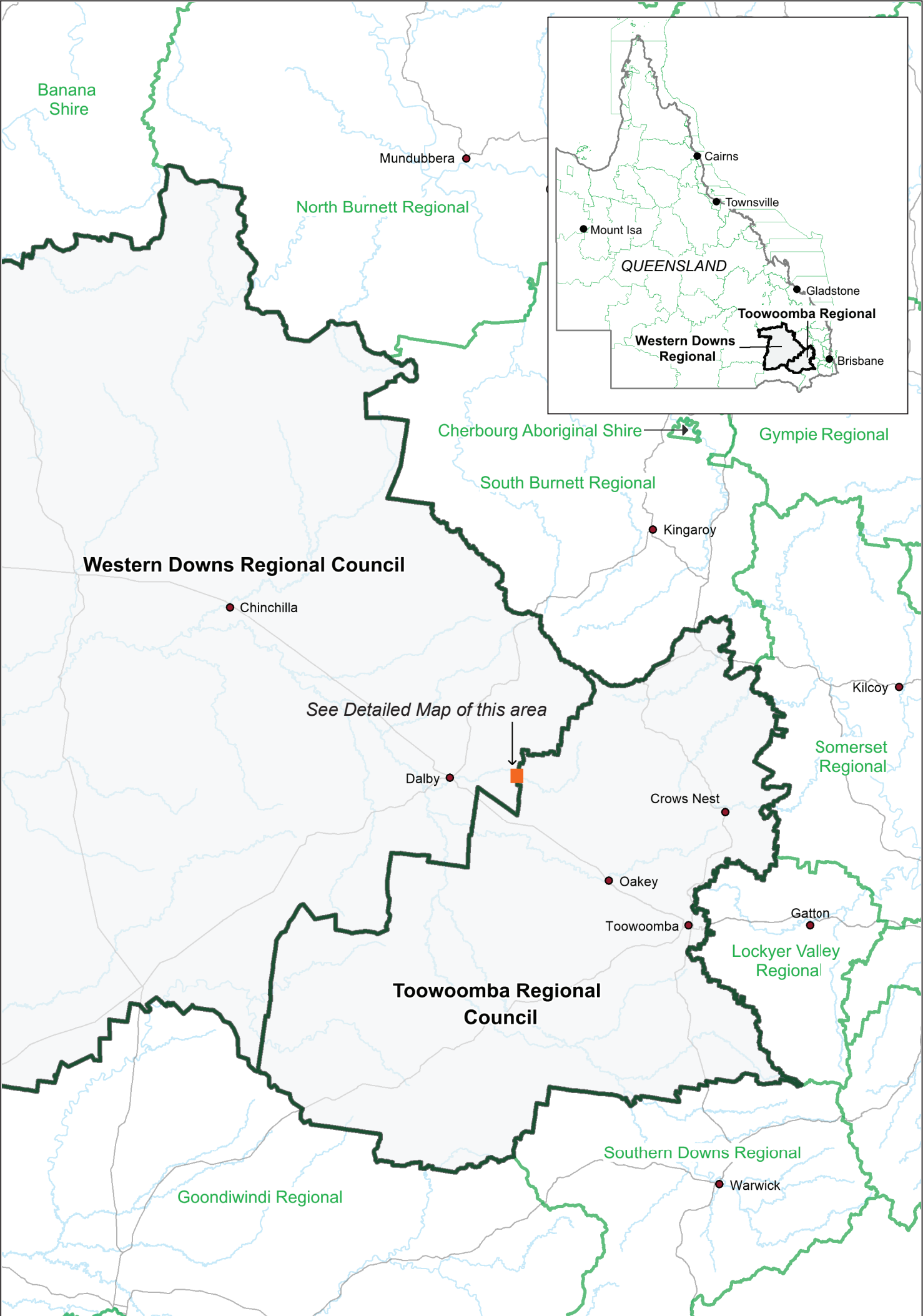
Should you require further information, please don't hesitate to contact Ms Elise Arklay, Senior Policy Officer on 1300 881 665 or email LGboundaries@ecq.qld.gov.au.

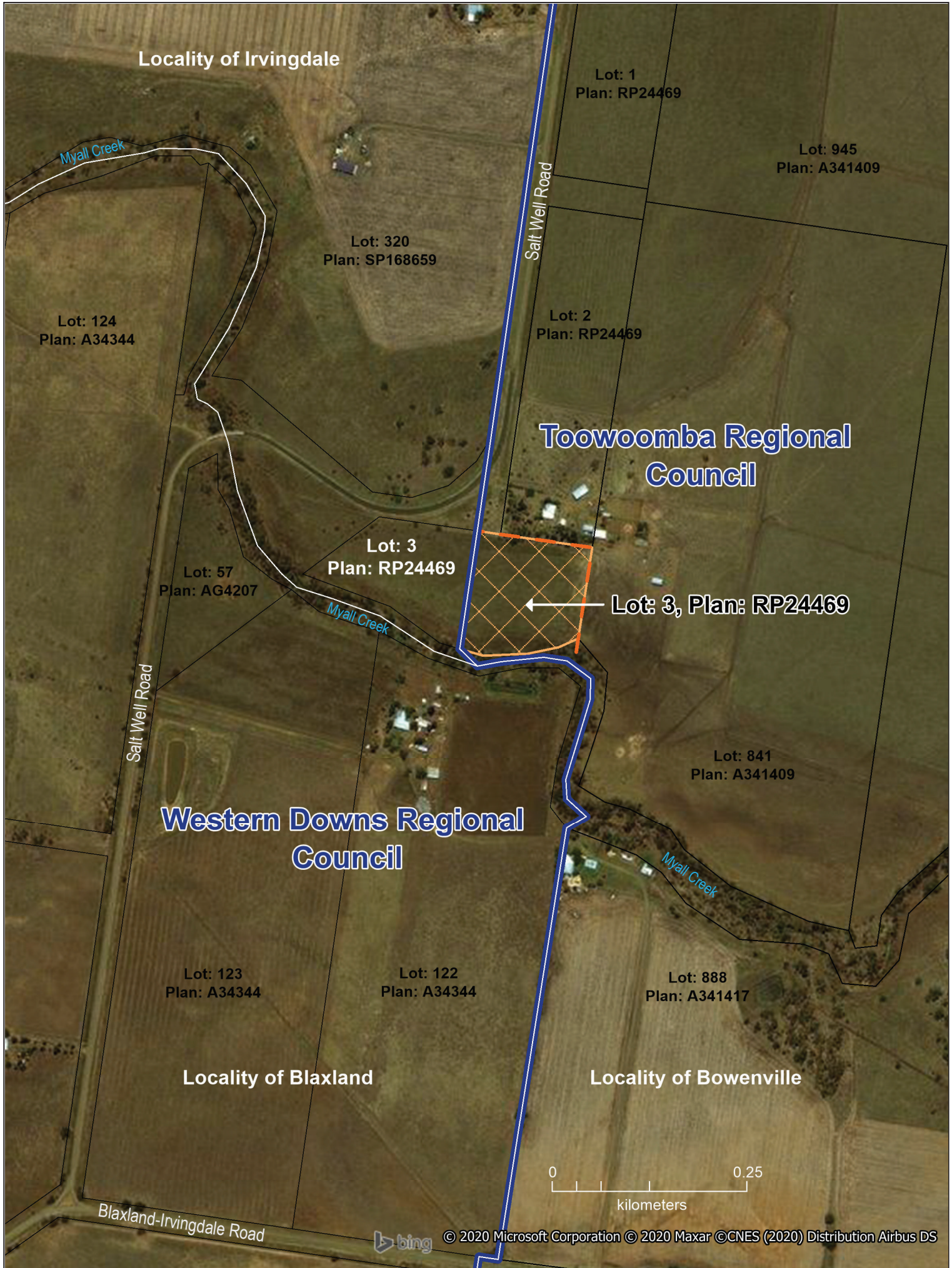
Yours sincerely



Pat Vidgen PSM
Electoral Commissioner
Enc.

Overview Map: Review to transfer Lot 3 Plan RP24469 to Western Downs Regional Council





Review Area

— Proposed Boundary Modification



Current Local Government Boundary

27 AUG 2020

Elise,

This is the letter about the boundary between Western Downs and Toowoomba Councils. It dissects Lot 3 on RP24469. The letter I received said it dissects two lot and one is owned by me. That's ~~was~~ wrong, it dissects one lot which is owned by me. I would like the boundary on lot 3 changed back to where it was i.e. the Toowoomba Regional Council. Then the lots 1, 2, 3 on RP24469 would be in the one Council.

P.S. File Number. EMB000002.

I hope you can understand this. Elise

31 May 2021



**Electoral
Commission**
QUEENSLAND

Dear [REDACTED]

I write to you on behalf of the Local Government Change Commission (Change Commission) regarding the external boundary review taking place between the Western Downs Regional Council and the Toowoomba Regional Council.

On 20 November 2019, the former Minister for Local Government referred a proposed local government change for the portion of Lot 3 on Plan RP24469 currently located in the Toowoomba Regional Council, to be transferred in its entirety to the Western Downs Regional Council.

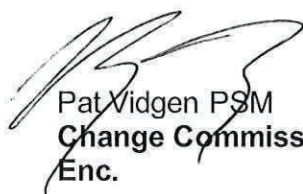
As the landholder of Lot 3 of RP24469, I wrote to you in July 2020 seeking your opinion on the proposed change to unite this lot within the Western Downs Regional Council. I understand you advised by letter on 27 August 2020, and in phone conversations with the Change Commission's contact officer, that your preference is for the lot to be located entirely within the Toowoomba Regional Council so that Lots 1, 2 and 3 of RP24469 would all be located within the one local government area. In a more recent phone conversation on 11 May 2021, you again confirmed this position.

To ensure the Change Commission fully understands your position and can consult with the other stakeholders involved in this change with your views in mind, I would appreciate if you could confirm that the enclosed map accurately reflects your preferred placement of Lot 3 of RP24469.

If you could please provide your written response to the Change Commission at LGBoundaries@ecq.qld.gov.au or GPO Box 1393, Brisbane, Queensland 4001 at your earliest convenience, noting this may be made public as part of our final determination report. While we would ideally prefer a written response for our records, should this not be possible, please phone our Strategy and Governance team (details below), and they will document your views in a 'record of conversation'. Following your response, the Change Commission will consult further with the councils prior to making a recommendation.

Should you require further information regarding this matter, please contact Ms Elise Arklay, Principal Policy Officer, or Ms Katherine Bail, Policy Officer, ECQ on [REDACTED] or at LGBoundaries@ecq.qld.gov.au.

Yours sincerely



Pat Vidgen PSM
Change Commissioner
Enc.

Detailed Map: Transfer of Lot 3 Plan RP24469 from Western Downs Regional Council to Toowoomba Regional Council



- Property Plan RP24469
- Proposed LGA Boundary
- Locality Boundary
- Review Area - Lot 3 Plan RP24469
- Current LGA Boundary
- Property Boundary



To whom it may concern,

This letter is in regard to the boundary change to Lot 3. RP24469 which took place about 15 years ago? I have often wondered why it is such a problem to change the boundary. I am the sole owner of the land and I think I should have the last say where the boundary goes. It would be better in one council financially. I would like to see the Lot 3 in Toowoomba Council.



17 July 2020



**Electoral
Commission**
QUEENSLAND

Landholder
Lot 75 on AG613

Dear Sir / Madam

I write to you in my capacity as the 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 20 November 2019, I received a referral from the Minister for Local Government, Racing and Multicultural Affairs requesting the Change Commission assess a proposed change to the boundary between the Western Downs Regional Council (WDRC) and the Toowoomba Regional Council (TRC). Both the WDRC and TRC are supportive of the proposed change.

At present, the boundary between these councils dissects two lots, one of which is owned by you. The proposed change is for:

- the portion of Lot 75 on AG613 currently located in WDRC to be transferred so that it is wholly contained in the TRC.

As a stakeholder to this change, I write to ask if you are supportive of the proposal to unite your property (Lot 75 on AG613) within the TRC. I have enclosed a map of the proposed change to assist you in making your decision. If you could please provide your written answer to the Change Commission at LBoundaries@ecq.qld.gov.au or GPO Box 1393, Brisbane, Queensland 4001 at your earliest convenience.

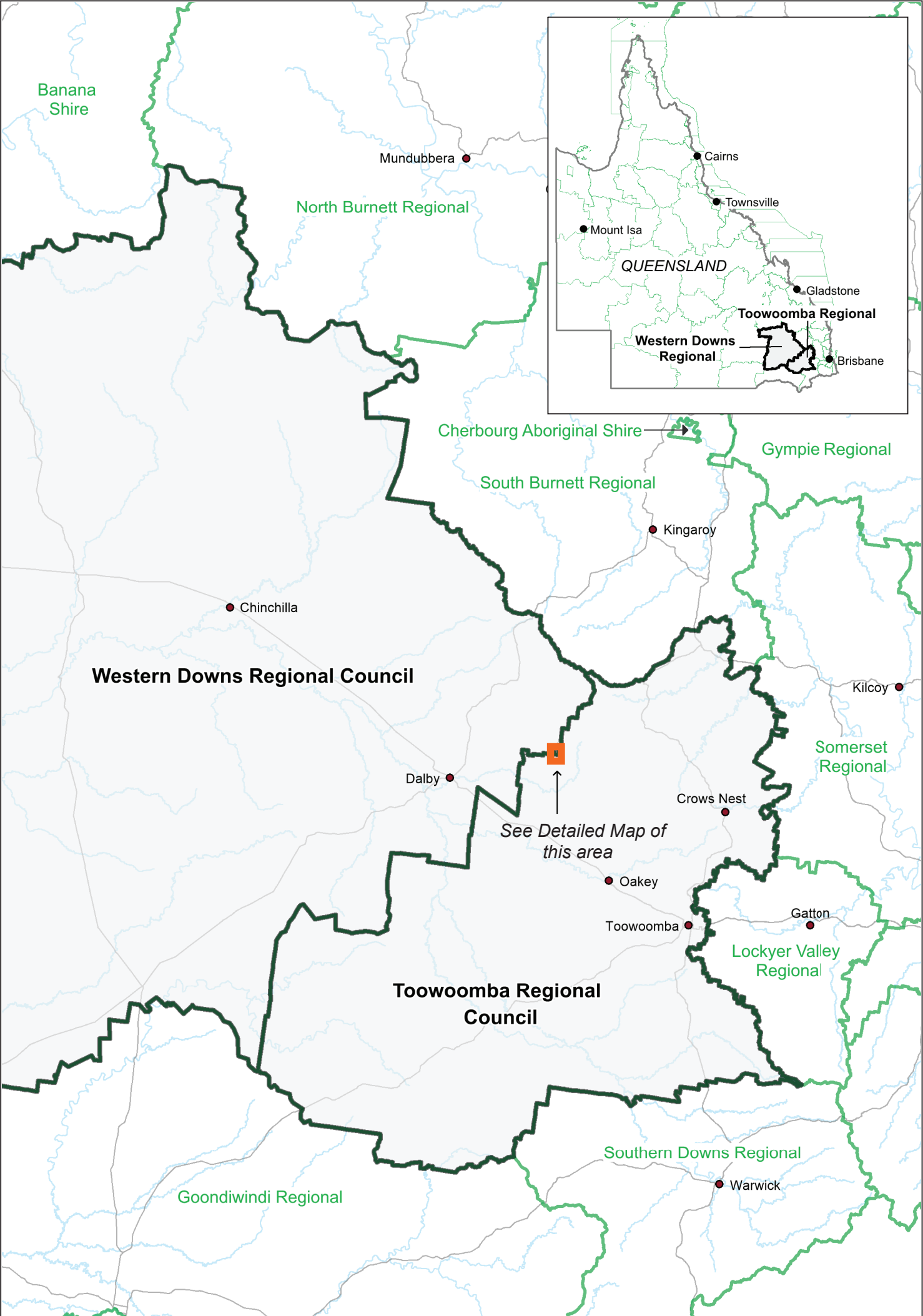
Once we have received your response and that of the other landholder, the Change Commission will finalise its assessment and advise of the results. If a response is not received, a decision will be made based on the information available to the Change Commission. Please note that a copy of this letter has been provided to both the WDRC and the TRC for forwarding to you, to ensure you receive this request.

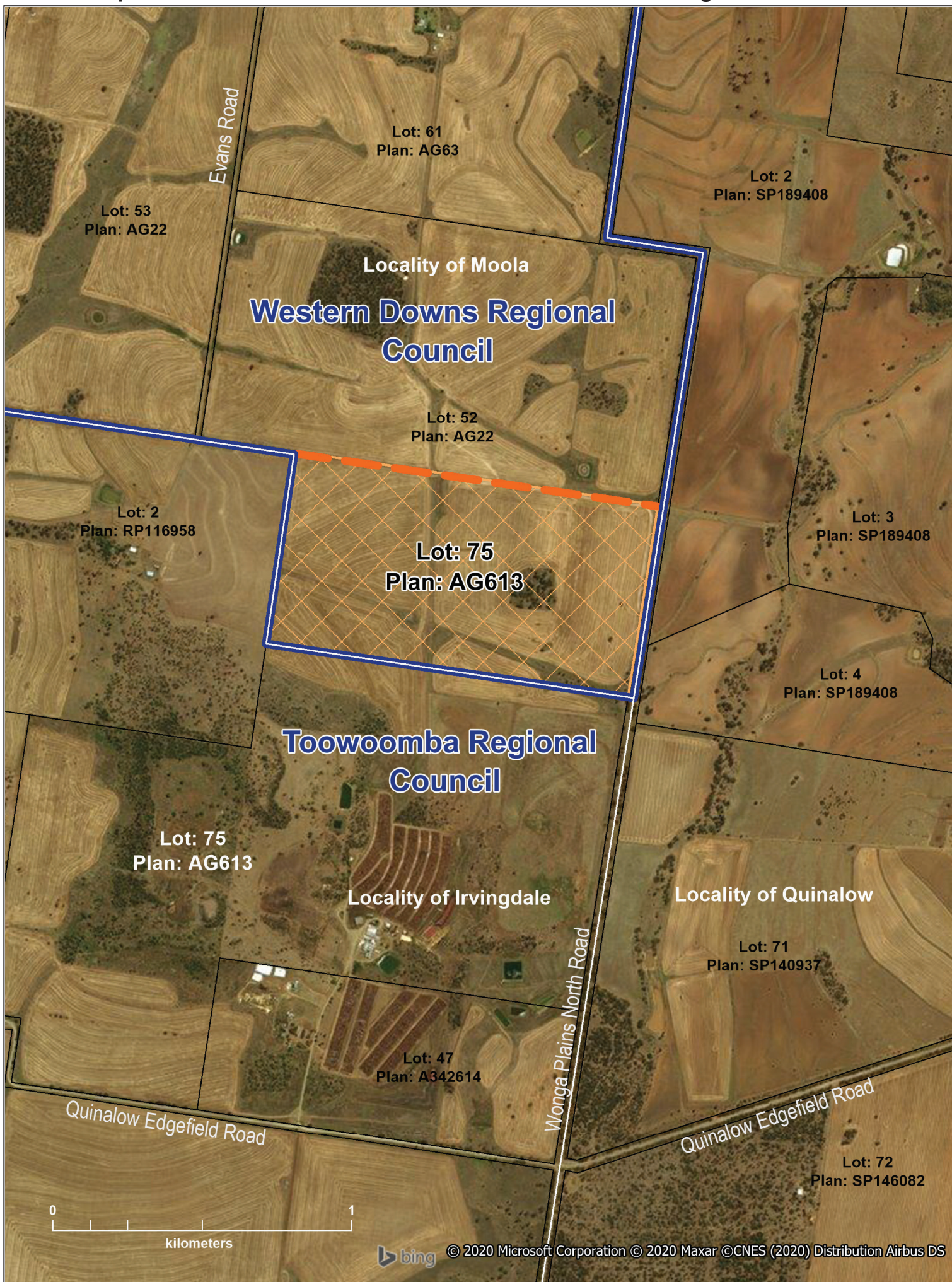
Should you require further information, please don't hesitate to contact Ms Elise Arklay, Senior Policy Officer on 1300 881 665 or email LBoundaries@ecq.qld.gov.au.

Yours sincerely

Pat Vidgen PSM
Electoral Commissioner
Enc.

Overview Map: Review to transfer Lot 75 Plan AG613 to Toowoomba Regional Council





Review Area



Proposed Boundary Modification



Current Local Government Boundary



8 July 2021

Landholder
Lot 75 on AG613



Dear Sir / Madam

I write to you on behalf 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 20 November 2019, I received a referral from the former Minister for Local Government, Racing and Multicultural Affairs requesting the Change Commission assess a proposed change to the boundary between the Western Downs Regional Council (WDRC) and the Toowoomba Regional Council (TRC).

At present, the boundary between these councils dissects two lots, one of which is owned by you. The proposed change is for:

- the portion of Lot 75 on AG613 currently located in WDRC to be transferred so that it is wholly contained in the TRC.

As a stakeholder to this change, the Change Commission wrote to both the TRC and WDRC on 17 July 2020, asking them to forward a letter to you requesting your input on this change. To date, the Change Commission has received no response to this letter. Having sought an address for Lot 75 on AG613 from the Department of Resources, we now write directly to ask if you are supportive of the proposal to unite your property (Lot 75 on AG613) within the TRC.

I have enclosed a map of the proposed change to assist you in providing your response. If you could please provide your **written response** to the Change Commission at LGboundaries@ecq.qld.gov.au or GPO Box 1393, Brisbane, Queensland 4001 **by no later than Monday, 26 July 2021**. I have also enclosed the previous letter that was sent last year for your information. The Change Commission would appreciate receiving your response, including any matters you believe should be taken into consideration as part of the assessment, to inform the Change Commission's recommendation on this matter.

The Change Commission intends to finalise its assessment on this matter by the end of August 2021. If a response to this letter is not received, a decision will be made based on the information available to the Change Commission. The Change Commission will advise you of the results of its assessment when finalised.

Should you require further information, please don't hesitate to contact Ms Elise Arklay, Principal Policy Officer, or Katherine Bail, Policy Officer on 1300 881 665 or email LGBoundaries@ecq.qld.gov.au.

Yours sincerely

A handwritten signature in dark ink, consisting of a large, stylized loop followed by a horizontal stroke.

Wade Lewis
Acting Electoral Commissioner

Enc.

From: [Admin Boundaries](#)
To: [LG Boundaries](#)
Cc: [REDACTED]
Subject: RE: LGCC - landholder contact advice and boundary query
Date: Friday, 25 June 2021 9:43:30 AM
Attachments: [image001.png](#)

Good morning Elise,

The Department supports the landholder's preference of uniting lot 3 on RP24469 into the local government area of Toowoomba, and would like to raise awareness with the Change Commission that:

- The majority of the lots in common ownership that have common boundaries already lie within the Toowoomba local government area.
- The best outcome from a location addressing perspective can be achieved if the entire contiguous part of the rural property recorded as *Glenora* in the Department's records is within one local government area.
- Landholders and local governments should be made aware that changes to locality boundaries and location addresses are a potential impact of changes to local government boundaries, and are necessary to facilitate accurate addressing for delivery of emergency and other essential services.

With regard to contact information, the Department is not authorised to disclose contact information without prior consent of the person(s).

If it is of assistance to ECQ the Department can liaise with existing contacts at local government to request a suitable point of contact for ECQ to engage with regarding local government boundaries and contacting landowners. Please let me know if you would like us to reach out to our contacts.

We have the following location addresses recorded for the lots requested, please note however these are not necessarily valid postal addresses.

[REDACTED]



[REDACTED]

Kind regards,

[REDACTED]



[REDACTED]
[REDACTED]
Administrative Data Management | Imagery & Mapping | Spatial Information
Department of Resources

[REDACTED]
[REDACTED]
[REDACTED]
Post: GPO Box 2454, Brisbane QLD 4001
W: www.resources.qld.gov.au

From: LG Boundaries <LGBoundaries@ecq.qld.gov.au>

Sent: Thursday, 17 June 2021 13:57

[REDACTED]

Cc: Admin Boundaries; Katherine Bail

Subject: LGCC - landholder contact advice and boundary query

Good afternoon [REDACTED]

I am touching base regarding two external boundary reviews that are currently being assessed by the Local Government Change Commission.

Where a proposed boundary change affects individual landholders, the Change Commission's assessment process involves consultation with those landholders to seek their views on the proposed changes. These details are not held by the ECQ and are usually sought from the relevant councils to facilitate the consultation process. However, this information is not always provided by the councils, which affects the Change Commission's ability to consult affected landholders.

Therefore, we are seeking advice from the Department about whether it is able to provide landholder details (address or contact information) for consultation purposes as detailed below. We would also like to seek your views regarding an alternative change proposed by a landholder.

Western Downs Regional Council (WDRC) and the Toowoomba Regional Council (TRC)

On 20 November 2019, the former Minister for Local Government referred a change relating to two lots which are currently split between local governments. The proposal is to consider whether:

- the portion of Lot 3 on Plan RP24469 currently located in the TRC, should be transferred in its entirety to the WDRC, and
- the portion of Lot 75 on AG613 currently located in the WDRC, should be transferred in its entirety to the TRC.

We understand this issue (split lots) was originally raised for consideration for change through the Department. The landholder of Lot 3 on Plan RP24469 has advised they are supportive of the lot being united in one local government, however, has expressed a preference for Lot 3 of RP24469 to be located entirely within the TRC, so that Lots 1, 2 and 3 of RP24469 are kept together in the TRC. See the attached 'Landholder Preference Revised Detailed Map'.

I write to seek the Department's views regarding the location of this lot, and whether there are any factors the Change

Commission should consider in determining whether the property should be united in either the WDRC (as suggested in the referral – see attached ‘Detailed Map’) or the TRC (as preferred by the landholder). The Change Commission will also be seeking both Councils’ views on the landholder’s preferred placement of the lot.

To date we have tried to consult with the landholder of Lot 75 on AG613 through the TRC and WDRC, however have not heard anything back. I would therefore like to request your assistance in providing any landholder contact information you may have available.

-



If you have any questions, or would like to discuss anything raised above, please don’t hesitate to get in touch.

Kind regards,

Elise



Elise Arklay

Principal Policy Officer
Strategy & Governance

ECQ



L20/1 Eagle Street, Brisbane, Queensland, 4000



ecq.qld.gov.au



The Electoral Commission of Queensland acknowledges the Traditional Owners of country throughout Australia, and their connection to land and community. We pay our respects to all Traditional Owners, and Elders past, present and emerging.

Confidentiality Statement: This message including any attachments is intended only for the use of the Addressee and may contain information that is PRIVILEGED and CONFIDENTIAL. If you are not the intended recipient, dissemination of this communication is prohibited. If you have received this communication in error, please erase all copies of the message including any attachments and notify ECQ immediately.

The information in this email together with any attachments is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. There is no waiver of any confidentiality/privilege by your inadvertent receipt of this material.

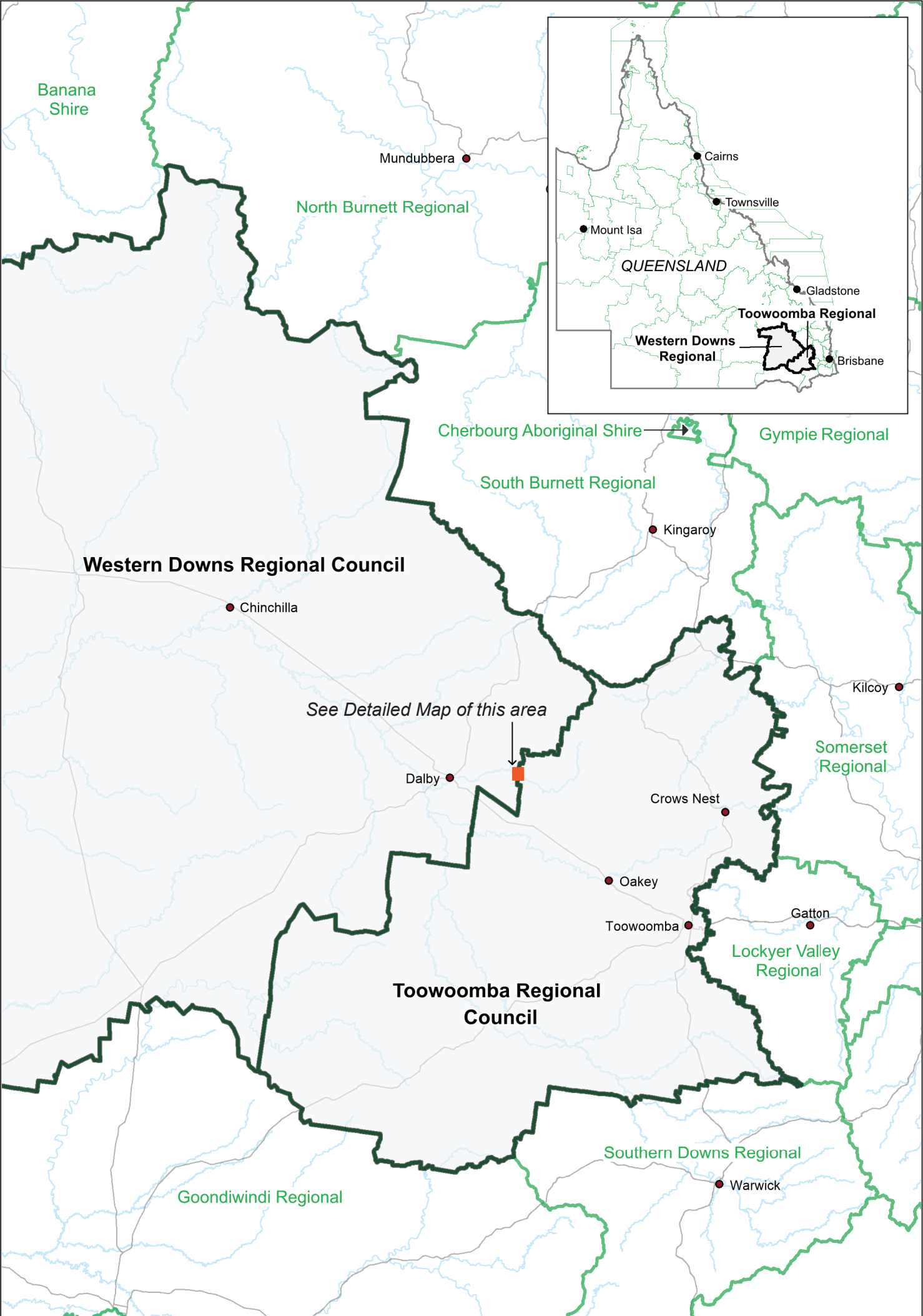
Any form of review, disclosure, modification, distribution and/or publication of this email message is prohibited, unless as a necessary part of Departmental business.

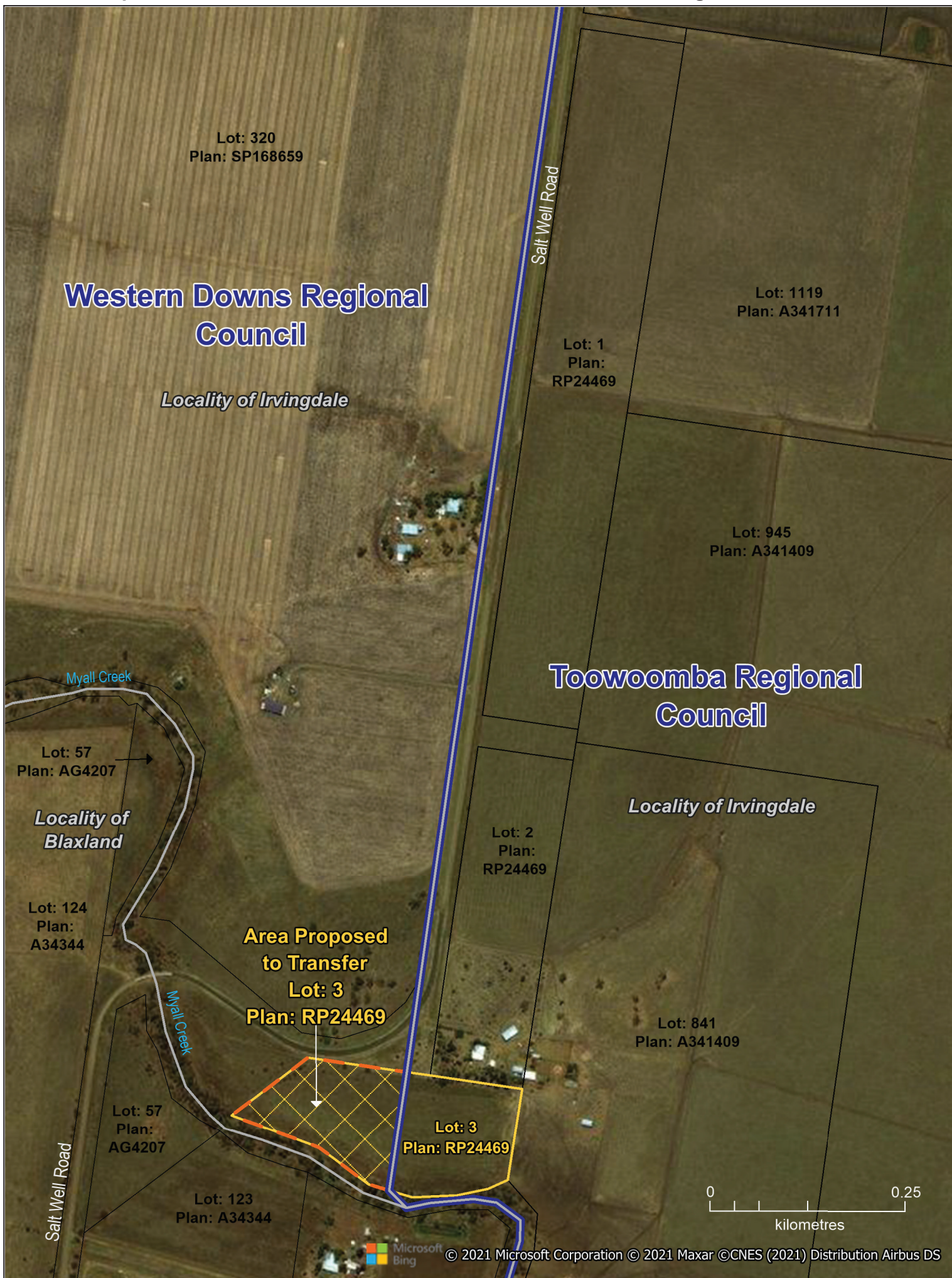
If you have received this message in error, you are asked to inform the sender as quickly as possible and delete this message and any copies of this message from your computer and/or your computer system network.

APPENDIX D

Overview and Detailed Maps

Overview Map: Review to transfer Lot 3 Plan RP24469 to Toowoomba Regional Council





Property Lot 3 Plan RP24469

Review Area: Lot 3 Plan RP24469

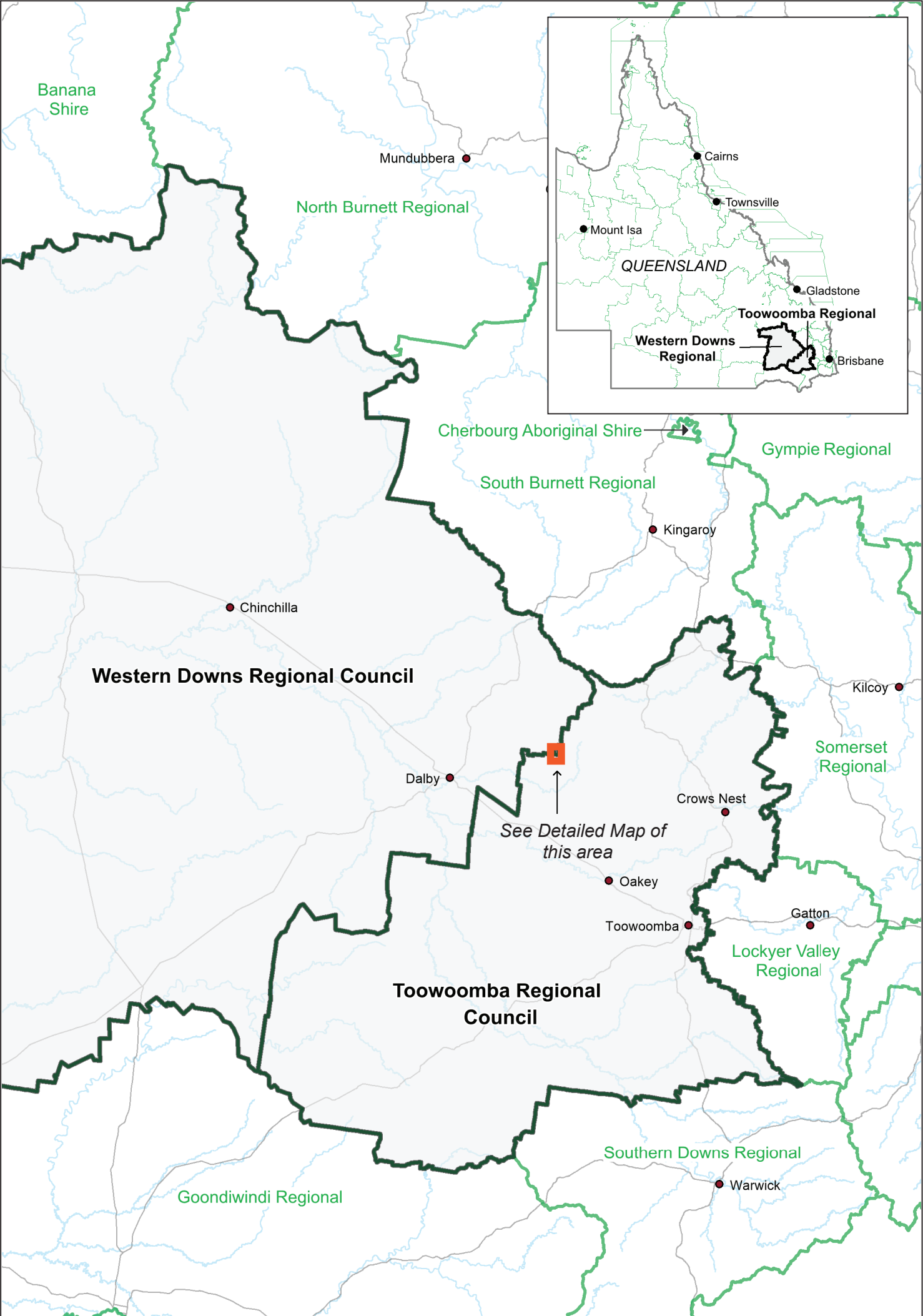
Proposed LGA Boundary

Current LGA Boundary

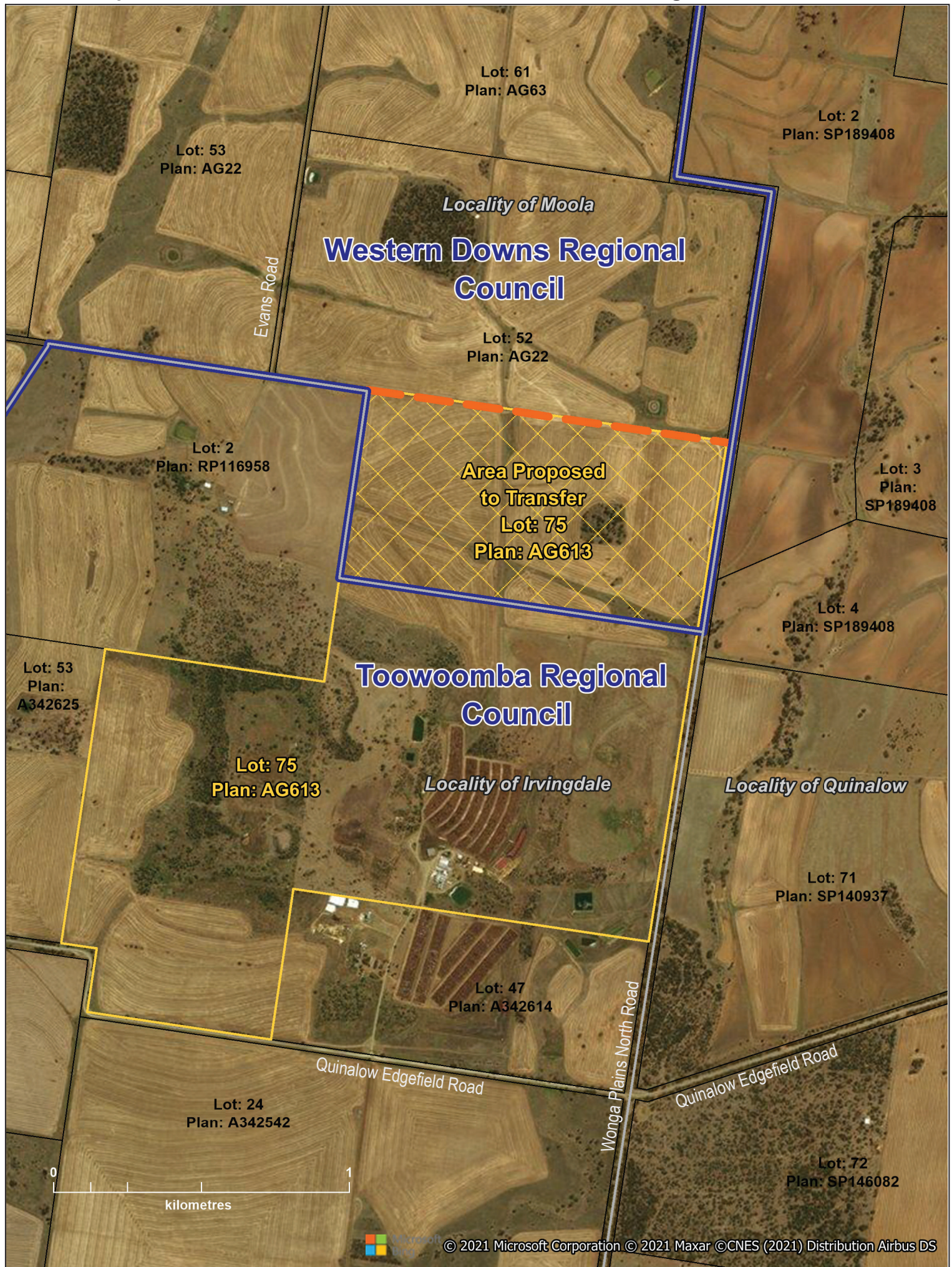
Locality Boundary

Property Boundary

Overview Map: Review to transfer Lot 75 Plan AG613 to Toowoomba Regional Council



Detailed Map: Review to transfer Lot 75 Plan AG613 to Toowoomba Regional Council



Property Lot 75 Plan AG613

Review Area: Lot 75 Plan AG613

Proposed LGA Boundary

Current LGA Boundary

Locality Boundary

Property Boundary

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