

Queensland



*Local Government Act 1993*

# **LOCAL GOVERNMENT (EXTERNAL BOUNDARIES REVIEW) REGULATION 1996**

**Reprinted as in force on 3 February 1997  
(includes amendments up to SL No. 8 of 1997)**

**Reprint No. 1**

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# Information about this reprint

This regulation is reprinted as at 3 February 1997. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use standard punctuation consistent with current drafting practice (s 27).

**Also see endnotes for information about when provisions commenced.**

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# LOCAL GOVERNMENT (EXTERNAL BOUNDARIES REVIEW) REGULATION 1996

[as amended by all amendments that commenced on or before 3 February 1997]

## PART 1—PRELIMINARY

### Short title

1. This regulation may be cited as the *Local Government (External Boundaries Review) Regulation 1996*.

### Purposes

2.(1) The purposes of this regulation are—

- (a) to implement reviewable local government matters recommended in reports of the commissioner;<sup>1</sup> and
- (b) to facilitate the implementation of the reviewable local government matters.

(2) This regulation implements reviewable local government matters involving changing the external boundaries of some local government areas.

### Definitions

3. In this regulation—

“**Bauhinia/Tambo relevant area**” see section 4.

“**Brisbane/Logan relevant area**” see section 4.

“**Brisbane/Logan report**” means the report of the commissioner of November 1996 called ‘Local government boundaries adjustment

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<sup>1</sup> All reports identified in this regulation may be inspected at the office of the Department of Local Government and Planning at 111 George Street, Brisbane.

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review - City of Brisbane/City of Logan’.

**“Caboolture/Caloundra relevant area”** see section 4.

**“Calliope/Monto relevant area”** see section 4.

**“Calliope/Monto report”** means the report of the commissioner of April 1996 called ‘Local government boundaries adjustment review - Calliope Shire/Monto Shire’.

**“Caloundra/Caboolture report”** means the report of the commissioner of April 1996 called ‘Local government boundaries adjustment review - Caloundra City/Caboolture Shire’.

**“Caloundra/Maroochy relevant area”** see section 4.

**“Caloundra/Maroochy report”** means the report of the commissioner of April 1996 called ‘Local government boundaries adjustment review - Caloundra City/Maroochy Shire’.

**“Cloncurry/Mount Isa relevant area”** see section 4.

**“Cloncurry/Mount Isa report”** means the report of the commissioner of October 1996 called ‘Report No. 2 - Local government boundaries adjustment review - Cloncurry Shire/Mount Isa City’.

**“commencing day”** means, for a provision of this regulation—

- (aa) if the provision is applied to the Bauhinia/Tambo or Murweh/Tambo relevant area or the transferring or receiving local government for the Bauhinia/Tambo or Murweh/Tambo relevant area—the day this paragraph commences; and
- (a) if the provision is applied to the Brisbane/Logan or Logan/Brisbane relevant area or the transferring or receiving local government for the Brisbane/Logan or Logan/Brisbane relevant area—13 December 1996; and
- (b) if the provision is applied to the Cloncurry/Mount Isa relevant area or the transferring or receiving local government for the Cloncurry/Mount Isa relevant area—13 December 1996; and
- (c) if the provision is applied to the Crow’s Nest/Rosalie or Rosalie/Crow’s Nest relevant area or the transferring or receiving local government for the Crow’s Nest/Rosalie or Rosalie/Crow’s

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Nest relevant area—27 September 1996; and

- (d) if the provision is applied to a relevant area or local government other than a relevant area or local government mentioned in paragraph (aa), (a), (b) or (c)—20 September 1996.

**“Cooloola/Kilkivan relevant area”** see section 4.

**“Cooloola/Noosa report”** means the report of the commissioner of April 1996 called ‘Local government boundaries adjustment review - Cooloola Shire/Noosa Shire’.

**“Crow’s Nest/Rosalie relevant area”** see section 4.

**“Crow’s Nest/Rosalie report”** means the report of the commissioner of September 1996 called ‘Local government boundaries adjustment review - Crow’s Nest Shire/Rosalie Shire’.

**“Dalrymple/Charters Towers relevant area”** see section 4.

**“Dalrymple/Charters Towers report”** means the report of the commissioner of April 1996 called ‘Local government boundaries adjustment review - Dalrymple Shire/Charters Towers City’.

**“existing planning scheme”**, for a relevant area, means the planning scheme (including an applicable interim development control regulation, and a town planning by-law or subdivision of land by-law continued in force under the Planning Act, section 8.10<sup>2</sup>) in force for the whole or a part of the relevant area immediately before the commencing day.

**“Kilkivan/Cooloola relevant area”** see section 4.

**“Kilkivan/Cooloola report”** means the report of the commissioner of April 1996 called ‘Local government boundaries adjustment review - Kilkivan Shire/Cooloola Shire’.

**“Logan/Brisbane relevant area”** see section 4.

**“Maroochy/Caloundra relevant area”** see section 4.

**“Maroochy/Noosa report”** means the report of the commissioner of April 1996 called ‘Local government boundaries adjustment review -

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<sup>2</sup> Section 8.10 (Savings and transitional)

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Maroochy Shire/Noosa Shire’.

“**Murweh/Tambo relevant area**” see section 4.

“**Noosa/Cooloola relevant area**” see section 4.

“**Noosa/Maroochy relevant area**” see section 4.

“**Planning Act**” means the *Local Government (Planning and Environment) Act 1990*.

“**rate**” means a rate or charge levied or imposed under the Act by a local government on land in the local government’s area, and includes any interest accrued, or premium owing, on the rate or charge.

“**receiving local government**”, for a relevant area, means the local government identified under section 5 as the receiving local government for the relevant area.

“**relevant area**” means the Brisbane/Logan Caboolture/Caloundra, Calliope/Monto, Caloundra/Maroochy, Cloncurry/Mount Isa, Cooloola/Kilkivan, Crow’s Nest/Rosalie, Dalrymple/Charters Towers, Kilkivan/Cooloola, Logan/Brisbane, Maroochy/Caloundra, Noosa/Cooloola, Noosa/Maroochy, Rosalie/Crow’s Nest or Waggamba/Tara relevant area.

“**Rosalie/Crow’s Nest relevant area**” see section 4.

“**Tambo/Murweh/Bauhinia report**” means the report of the commissioner of October 1996 called ‘Local government boundaries adjustment review - Tambo Shire/Murweh Shire/Bauhinia Shire’.

“**transferring local government**”, for a relevant area, means the local government identified under section 5 as the transferring local government for the relevant area.

“**Waggamba/Tara relevant area**” see section 4.

“**Waggamba/Tara report**” means the report of the commissioner of September 1995 called ‘Local government boundaries review - Waggamba Shire/Tara Shire’.

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## **Relevant areas defined**

**4.(1)** This section defines each relevant area.

**(1AA)** The “**Bauhinia/Tambo relevant area**” is the part of the local government area of the Shire of Bauhinia shown shaded in attachment D of the Tambo/Murweh/Bauhinia report.

**(1A)** The “**Brisbane/Logan relevant area**” is the part of the local government area of the City of Brisbane consisting of review areas B, C, E, F, G and H listed in attachment A, schedule 2 of the Brisbane/Logan report.

**(2)** The “**Caboolture/Caloundra relevant area**” is the part of the local government area of the Shire of Caboolture shown in attachment E of the Caloundra/Caboolture report as the review area.

**(3)** The “**Calliope/Monto relevant area**” is the part of the local government area of the Shire of Calliope shown in attachment E of the Calliope/Monto report as the review area.

**(4)** The “**Caloundra/Maroochy relevant area**” is the part of the local government area of the City of Caloundra shown in attachment E of the Caloundra/Maroochy report as the review areas 2 to 5.

**(4A)** The “**Cloncurry/Mount Isa relevant area**” is the part of the local government area of the Shire of Cloncurry delineated in the map in attachment A of the Cloncurry/Mount Isa report.

**(5)** The “**Cooloola/Kilkivan relevant area**” is the part of the local government area of the Shire of Cooloola shown in attachment E of the Kilkivan/Cooloola report as the part of the review area recommended for inclusion in the local government area of the Shire of Kilkivan.

**(5A)** The “**Crow’s Nest/Rosalie relevant area**” is—

- (a)** the part of the local government area of the Shire of Crow’s Nest shown in map 2 of attachment F of the Crow’s Nest/Rosalie report as the area proposed for boundary change; and
- (b)** the part of the local government area of the Shire of Crow’s Nest shown in map 3 of attachment F of the Crow’s Nest/Rosalie report as the area proposed for boundary change.

**(6)** The “**Dalrymple/Charters Towers relevant area**” is the part of the local government area of the Shire of Dalrymple shown in attachment E of

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the Dalrymple/Charters Towers report as the review area.

(7) The “**Kilkivan/Cooloola relevant area**” is the part of the local government area of the Shire of Kilkivan shown in attachment E of the Kilkivan/Cooloola report as the part of the review area recommended for inclusion in the local government area of the Shire of Cooloola.

(7A) The “**Logan/Brisbane relevant area**” is the part of the local government area of the City of Logan consisting of review areas A and D listed in attachment A, schedule 1 of the Brisbane/Logan report.

(8) The “**Maroochy/Caloundra relevant area**” is the part of the local government area of the Shire of Maroochy shown in attachment E of the Caloundra/Maroochy report as review area 1.

(8A) The “**Murweh/Tambo relevant area**” is the part of the local government area of the Shire of Murweh consisting of—

- (a) the properties, and parts of properties, shown shaded in attachment D of the Tambo/Murweh/Bauhinia report (at page 66); and
- (b) the part of the Tambo-Ward River Road shown in attachment D of the Tambo/Murweh/Bauhinia report (at page 67).

(9) The “**Noosa/Cooloola relevant area**” is the part of the local government area of the Shire of Noosa shown in attachment E of the Cooloola/Noosa report as the review area.

(10) The “**Noosa/Maroochy relevant area**” is the part of the local government area of the Shire of Noosa shown in attachment E of the Maroochy/Noosa report as the review area.

(10A) The “**Rosalie/Crow’s Nest relevant area**” is—

- (a) the part of the local government area of the Shire of Rosalie shown in map 1 of attachment F of the Crow’s Nest/Rosalie report as the area proposed for boundary change; and
- (b) the parts of the local government area of the Shire of Rosalie shown in map 2 of attachment F of the Crow’s Nest/Rosalie report as the area proposed for boundary change.

(11) The “**Waggamba/Tara relevant area**” is the part of the local

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government area of the Shire of Waggamba shown in attachment E of the Waggamba/Tara report as the area proposed for boundary change.

**Transferring and receiving local governments identified**

**5.(1)** This section identifies the transferring local government and receiving local government for each relevant area.

**(1AA)** For the Bauhinia/Tambo relevant area—

- (a) the transferring local government is the Council of the Shire of Bauhinia; and
- (b) the receiving local government is the Council of the Shire of Tambo.

**(1A)** For the Brisbane/Logan relevant area—

- (a) the transferring local government is the Brisbane City Council; and
- (b) the receiving local government is the Council of the City of Logan.

**(2)** For the Caboolture/Caloundra relevant area—

- (a) the transferring local government is the Council of the Shire of Caboolture; and
- (b) the receiving local government is the Council of the City of Caloundra.

**(3)** For the Calliope/Monto relevant area—

- (a) the transferring local government is the Council of the Shire of Calliope; and
- (b) the receiving local government is the Council of the Shire of Monto.

**(4)** For the Caloundra/Maroochy relevant area—

- (a) the transferring local government is the Council of the City of Caloundra; and
- (b) the receiving local government is the Council of the Shire of

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Maroochy.

**(4A)** For the Cloncurry/Mount Isa relevant area—

- (a) the transferring local government is the Council of the Shire of Cloncurry; and
- (b) the receiving local government is the Council of the City of Mount Isa.

**(5)** For the Cooloola/Kilkivan relevant area—

- (a) the transferring local government is the Council of the Shire of Cooloola; and
- (b) the receiving local government is the Council of the Shire of Kilkivan.

**(5A)** For the Crow's Nest/Rosalie relevant area—

- (a) the transferring local government is the Council of the Shire of Crow's Nest; and
- (b) the receiving local government is the Council of the Shire of Rosalie.

**(6)** For the Dalrymple/Charters Towers relevant area—

- (a) the transferring local government is the Council of the Shire of Dalrymple; and
- (b) the receiving local government is the Council of the City of Charters Towers.

**(7)** For the Kilkivan/Cooloola relevant area—

- (a) the transferring local government is the Council of the Shire of Kilkivan; and
- (b) the receiving local government is the Council of the Shire of Cooloola.

**(7A)** For the Logan/Brisbane relevant area—

- (a) the transferring local government is Council of the City of Logan; and
- (b) the receiving local government is the Brisbane City Council.

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- (8)** For the Maroochy/Caloundra relevant area—
- (a) the transferring local government is the Council of the Shire of Maroochy; and
  - (b) the receiving local government is the Council of the City of Caloundra.
- (8A)** For the Murweh/Tambo relevant area—
- (a) the transferring local government is the Council of the Shire of Murweh; and
  - (b) the receiving local government is the Council of the Shire of Tambo.
- (9)** For the Noosa/Cooloola relevant area—
- (a) the transferring local government is the Council of the Shire of Noosa; and
  - (b) the receiving local government is the Council of the Shire of Cooloola.
- (10)** For the Noosa/Maroochy relevant area—
- (a) the transferring local government is the Council of the Shire of Noosa; and
  - (b) the receiving local government is the Council of the Shire of Maroochy.
- (10A)** For the Rosalie/Crow's Nest relevant area—
- (a) the transferring local government is the Council of the Shire of Rosalie; and
  - (b) the receiving local government is the Council of the Shire of Crow's Nest.
- (11)** For the Waggamba/Tara relevant area—
- (a) the transferring local government is the Council of the Shire of Waggamba; and
  - (b) the receiving local government is the Council of the Shire of Tara.

## **PART 2—IMPLEMENTATION OF REVIEWABLE LOCAL GOVERNMENT MATTERS**

### **Change in external boundaries**

**6.(1)** The external boundaries of the local government area of each transferring local government are changed by excluding the relevant area for which the local government is the transferring local government.

**(2)** The external boundaries of the local government area of each receiving local government are changed by including the relevant area for which the local government is the receiving local government.

### **New external boundaries**

**7.(1)** Map no. LGB11 edition 2 shows the external boundaries of the local government area of the Shire of Bauhinia with the Bauhinia/Tambo relevant area excluded.

**(1A)** Map no. LGB1 edition 4 shows the external boundaries of the City of Brisbane with—

- (a) the Brisbane/Logan relevant area excluded; and
- (b) the Logan/Brisbane relevant area included.

**(1B)** Map no. LGB27 edition 2 shows the external boundaries of the local government area of the Shire of Caboolture with the Caboolture/Caloundra relevant area excluded.

**(2)** Map no. LGB29 edition 2 shows the external boundaries of the local government area of the Shire of Calliope with the Calliope/Monto relevant area excluded.

**(3)** Map no. LGB30 edition 2 shows the external boundaries of the local government area of the City of Caloundra with—

- (a) the Caloundra/Maroochy relevant area excluded; and
- (b) the Caboolture/Caloundra relevant area included; and
- (c) the Maroochy/Caloundra relevant area included.

**(4)** Map no. LGB34 edition 2 shows the external boundaries of the local

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government area of the City of Charters Towers with the Dalrymple/Charters Towers relevant area included.

**(4A)** Map no. LGB37 edition 2 shows the external boundaries of the local government area of the Shire of Cloncurry with the Cloncurry/Mount Isa relevant area excluded.

**(5)** Map no. LGB39 edition 2 shows the external boundaries of the local government area of the Shire of Cooloola with—

- (a) the Cooloola/Kilkivan relevant area excluded; and
- (b) the Kilkivan/Cooloola relevant area included.

**(5A)** Map no. LGB40 edition 2 shows the external boundaries of the local government area of the Shire of Crow's Nest with—

- (a) the Crow's Nest/Rosalie relevant area excluded; and
- (b) the Rosalie/Crow's Nest relevant area included.

**(6)** Map no. LGB43 edition 2 shows the external boundaries of the local government area of the Shire of Dalrymple with the Dalrymple/Charters Towers relevant area excluded.

**(7)** Map no. LGB73 edition 2 shows the external boundaries of the local government area of the Shire of Kilkivan with—

- (a) the Kilkivan/Cooloola relevant area excluded; and
- (b) the Cooloola/Kilkivan relevant area included.

**(7A)** Map no. LGB78 edition 6 shows the external boundaries of the local government area of the City of Logan with—

- (a) the Logan/Brisbane relevant area excluded; and
- (b) the Brisbane/Logan relevant area included.

**(8)** Map no. LGB82 edition 2 shows the external boundaries of the local government area of the Shire of Maroochy with—

- (a) the Maroochy/Caloundra relevant area excluded; and
- (b) the Caloundra/Maroochy relevant area included; and
- (c) the Noosa/Maroochy relevant area included.

**(9)** Map no. LGB88 edition 2 shows the external boundaries of the local

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government area of the Shire of Monto with the Calliope/Monto relevant area included.

**(9A)** Map no. LGB91 edition 2 shows the external boundaries of the local government area of the City of Mount Isa with the Cloncurry/Mount Isa relevant area included.<sup>3</sup>

**(9B)** Map no. LGB97 edition 2 shows the external boundaries of the local government area of the Shire of Murweh with the Murweh/Tambo relevant area excluded.

**(10)** Map no. LGB100 edition 2 shows the external boundaries of the local government area of the Shire of Noosa with—

- (a) the Noosa/Cooloola relevant area excluded; and
- (b) the Noosa/Maroochy relevant area excluded.

**(10A)** Map no. LGB113 edition 2 shows the external boundaries of the local government area of the Shire of Rosalie with—

- (a) the Rosalie/Crow's Nest relevant area excluded; and
- (b) the Crow's Nest/Rosalie relevant area included.<sup>4</sup>

**(10B)** Map no. LGB117 edition 2 shows the external boundaries of the local government area of the Shire of Tambo with—

- (a) the Bauhinia/Tambo relevant area included; and
- (b) the Murweh/Tambo relevant area included.

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<sup>3</sup> The address for the Brisbane City Council is Brisbane Administration Centre, 69 Ann Street, Brisbane.

The address for the Council of the Shire of Cloncurry is 19–21 Scarr Street, Cloncurry.

The address for the Council of the City of Logan is corner of Wembly Road and Jacaranda Avenue, Woodridge.

The address for the Council of the City of Mount Isa is 23 West Street, Mount Isa.

<sup>4</sup> The address for the Council of the Shire of Crow's Nest is Emu Creek Road, Crow's Nest.

The address for the Council of the Shire of Rosalie is 89 Mocatta Street, Goombungee.

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(11) Map no. LGB118 edition 2 shows the external boundaries of the local government area of the Shire of Tara with the Waggamba/Tara relevant area included.

(12) Map no. LGB125 edition 2 shows the external boundaries of the local government area of the Shire of Waggamba with the Waggamba/Tara relevant area excluded.<sup>5</sup>

### **Location in division or electoral ward**

#### **8. To avoid any doubt—**

- (a) the Brisbane/Logan relevant area is included in the local government area of the City of Logan in the following ways—
  - (i) the parts of the relevant area listed in attachment A, schedule 2 of the Brisbane/Logan report as review areas B, C, E and F are included in division 2 of the local government area;
  - (ii) the part of the relevant area listed in attachment A, schedule 2 of the Brisbane/Logan report as review area G is included in division 5 of the local government area;

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<sup>5</sup> All maps mentioned in this section may be inspected at the office of the Department of Local Government and Planning at 111 George Street Brisbane. A map mentioned in a subsection of this section may be inspected at the public office of the local government for the local government area mentioned in the subsection. The addresses are as follows—

Council of the Shire of Bauhinia—Eclipse Street, Springsure  
 Council of the Shire of Caboolture—2 Hasking Street, Caboolture  
 Council of the Shire of Calliope—Don Cameron Drive, Calliope  
 Council of the City of Caloundra—1 Omrah Avenue, Caloundra  
 Council of the City of Charters Towers—70 Mosman Street, Charters Towers  
 Council of the Shire of Cooloola—242 Mary Street, Gympie  
 Council of the Shire of Dalrymple—12–14 Mosman Street, Charters Towers  
 Council of the Shire of Kilkivan—26 Bligh Street, Kilkivan  
 Council of the Shire of Maroochy—Cnr. Currie and Bury Streets, Nambour  
 Council of the Shire of Monto—51A Newton Street, Monto  
 Council of the Shire of Murweh—95–101 Alfred Street, Charleville  
 Council of the Shire of Noosa—6 Pelican Street, Tewantin  
 Council of the Shire of Tambo—Arthur Street, Tambo  
 Council of the Shire of Tara—19 Fry Street, Tara  
 Council of the Shire of Waggamba—82 Marshall Street, Goondiwindi.

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- (iii) the part of the relevant area listed in attachment A, schedule 2 of the Brisbane/Logan report as review area H is included in division 8 of the local government area; and
- (aa) the Caboolture/Caloundra relevant area is included in division 2 of the local government area of the City of Caloundra; and
- (b) the Calliope/Monto relevant area is included in division 2 of the local government area of the Shire of Monto; and
- (c) the Caloundra/Maroochy relevant area is included in the local government area of the Shire of Maroochy in the following ways—
  - (i) the part of the relevant area shown in attachment E of the Caloundra/Maroochy report as review area 2 is included in division 2 of the local government area;
  - (ii) the parts of the relevant area shown in attachment E of the Caloundra/Maroochy report as review areas 3, 4 and 5 are included in division 1 of the local government area; and
- (d) the Cooloola/Kilkivan relevant area is included in division 4 of the local government area of the Shire of Kilkivan; and
- (da) the Crow's Nest/Rosalie relevant area is included in division 3 of the local government area of the Shire of Rosalie; and
- (e) the Kilkivan/Cooloola relevant area is included in division 3 of the local government area of the Shire of Cooloola; and
- (ea) the Logan/Brisbane relevant area is included in the electoral ward of Runcorn of the City of Brisbane; and
- (f) the Maroochy/Caloundra relevant area is included in division 1 of the local government area of the City of Caloundra; and
- (g) the Noosa/Cooloola relevant area is included in division 1 of the local government area of the Shire of Cooloola; and
- (h) the Noosa/Maroochy relevant area is included in division 6 of the local government area of the Shire of Maroochy; and
- (ha) the Rosalie/Crow's Nest relevant area is included in the local government area of the Shire of Crow's Nest in the following

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ways—

- (i) the part of the relevant area shown in map 1 of attachment F of the Crow's Nest/Rosalie report is included in division 1 of the local government area;
- (ii) the parts of the relevant area shown in map 2 of attachment F of the Crow's Nest/Rosalie report are included in division 2 of the local government area; and
- (i) the Waggamba/Tara relevant area is included in division 2 of the local government area of the Shire of Tara.<sup>6</sup>

### **PART 3—PROVISIONS FOR FACILITATING IMPLEMENTATION OF REVIEWABLE LOCAL GOVERNMENT MATTERS**

#### *Division 1—Receiving local government's expanded role*

#### **Receiving local government to take over certain functions and powers**

**9.(1)** This section applies if, under an Act—

- (a) a local government may perform a function or exercise a power; and
- (b) the transferring local government for a relevant area started to perform the function or exercise the power for the relevant area before the commencing day, but did not finish performing the function or exercising the power.

**(2)** The receiving local government for the relevant area may continue to perform the function or exercise the power.

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<sup>6</sup> This section does not mention the Dalrymple/Charters Towers relevant area because the City of Charters Towers is undivided.

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*Example—*

If a person made an application about land in the Calliope/Monto relevant area to the Council of the Shire of Calliope under an Act, the Council for the Shire of Monto may deal with it.

### **Application of receiving local government's local laws to relevant area**

**10.(1)** The local laws of the receiving local government for a relevant area in force immediately before the commencing day apply to the relevant area.

**(2)** This section is to avoid doubt.

### ***Division 2—Instruments***

#### **Existing instruments to continue in force**

**11.(1)** This section applies to an instrument (other than a local law, or an instrument made under the Planning Act) that—

- (a) was made by the transferring local government for a relevant area under an Act or a local law before the commencing day about—
  - (i) a resident in the relevant area; or
  - (ii) an owner of land in the relevant area; or
  - (iii) land in the relevant area; or
  - (iv) a person's entitlement to carry out an activity in the relevant area; and
- (b) is in force immediately before the commencing day.

**(2)** For the purposes of the receiving local government for the relevant area dealing with an instrument made under a local law—

- (a) the local law under which the instrument was made is taken to be a local law of the receiving local government; and
- (b) the instrument is taken to have been made by the receiving local government under the local law and in force for the relevant area; and

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- (c) the receiving local government is responsible for administering the local law in order to deal with the instrument; and
- (d) the instrument continues in force until it would have otherwise ended under the local law.

(3) For the purposes of the receiving local government dealing with an instrument made under an Act, the instrument is taken to have been properly made under the Act by the receiving local government.

***Division 3—Financial matters***

**Levying rates already made or imposed**

**12.(1)** This section applies if, immediately before the commencing day, the transferring local government for a relevant area—

- (a) had made or imposed a rate for land in the relevant area; but
- (b) had not given a notice levying the rate on a person or otherwise demanded payment of the rate.

(2) The receiving local government for the relevant area may give the person a notice levying the rate, or may otherwise demand payment of the rate, in the way the transferring local government could have given the notice or demanded payment.

(3) The receiving local government is taken to have made or imposed the rate.

**Recovery of unpaid rates**

**13.(1)** This section applies if—

- (a) before the commencing day the transferring local government for a relevant area had made and levied, or imposed and levied, a rate about land in the relevant area on a person; and
- (b) immediately before the commencing day the rate had not been paid.

(2) If the time for payment of the rate had not ended before the

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commencing day—

- (a) the time continues to run; and
- (b) the amount of the rate is payable by the person to the receiving local government for the relevant area.

(3) If the time for payment of the rate had ended before the commencing day, the rate (together with interest accruing on the rate) becomes payable by the person to the receiving local government.

(4) The receiving local government—

- (a) is taken to have made and levied, or imposed and levied, the rate; and
- (b) may receive payment of, or recover, the amount of the rate.

(5) If, on or after the commencing day, the transferring local government receives the amount of the rate, the transferring local government must pay the amount to the receiving local government.

(6) Subsection (5) does not apply for the Bauhinia/Tambo relevant area, the Murweh/Tambo relevant area or the Waggamba/Tara relevant area.

*Division 4—Financial matters of limited operation*

### **Application**

14. This division applies only for the Bauhinia/Tambo relevant area, the Cloncurry/Mount Isa relevant area, the Murweh/Tambo relevant area and the Waggamba/Tara relevant area.

### **Sharing of rates**

15.(1) This section applies to an amount (the “**rate amount**”) received by the transferring or receiving local government for a relevant area, whether before or after the commencing day, for the payment of a rate about land in the relevant area.

(2) The transferring and receiving local governments must apportion the rate amount between themselves on the basis that—

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- (a) the transferring local government is entitled to the rate amount to the extent that the rate is for a period before the commencing day; and
- (b) the receiving local government is entitled to the rate amount to the extent that the rate is for a period after the commencing day.

### Sharing of grant amount

**16.(1)** As soon as practicable after the transferring local government for a relevant area receives a commencing grant amount, or, if it received a commencing grant amount before the commencing day, as soon as practicable after the commencing day, it must pay the receiving local government for the relevant area—

- $\$ \frac{a}{b} \times \frac{c}{d} \times e$ .

**(2)** For subsection (1)—

- **a** = total rateable value for 1 July of land in the relevant area
- **b** = total rateable value for 1 July of land in the local government area of the transferring local government on 1 July
- **c** = the number of days from the commencing day to the last day of the commencing quarter
- **d** = the number of days in the commencing quarter
- **e** = the commencing grant amount.

**(3)** As soon as practicable after the transferring local government for a relevant area receives a subsequent grant amount, it must pay the receiving local government for the relevant area—

- $\$ \frac{a}{b} \times c$ .

**(4)** For subsection (3)—

- **a** = total rateable value for 1 July of land in the relevant area
- **b** = total rateable value for 1 July of land in the local government area of the transferring local government on 1 July
- **c** = the subsequent grant amount.

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(5) In this section—

**“commencing grant amount”** means an allocation from the financial assistance amount distributed under section 149<sup>7</sup> of the Act for the commencing quarter.

**“commencing quarter”** means the quarter that includes the commencing day.

**“financial year”** means the financial year that includes the commencing day.

**“1 July”** means 1 July of the financial year.

**“quarter”** means a period of 3 months beginning on 1 July, 1 October, 1 January or 1 April.

**“subsequent grant amount”** means an allocation from the financial assistance amount distributed under section 149 of the Act for a subsequent quarter.

**“subsequent quarter”** means a quarter of the financial year, other than the commencing quarter or a quarter earlier than the commencing quarter.

*Division 5—Planning schemes and related matters*

**Existing planning schemes continue**

**17.(1)** An existing planning scheme for a relevant area—

- (a) continues to apply to the relevant area until—
  - (i) the planning scheme for the local government area of the receiving local government for the relevant area is amended to include the relevant area; or
  - (ii) a new planning scheme incorporating the relevant area is approved; and
- (b) is to be implemented, administered and enforced by the receiving local government so far as it relates to the relevant area; and

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<sup>7</sup> Section 149 (Distribution of financial assistance amount)

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- (c) for paragraph (b), is taken to be part of a planning scheme for the local government area of the receiving local government; and
- (d) binds the receiving local government.

(2) An instrument in force under the existing planning scheme, immediately before the commencing day, continues in force until the first to happen of the following—

- (a) it expires or is repealed under the existing planning scheme;
- (b) the scheme is replaced in whole or relevant part.

*Examples of continuing instruments—*

Applications, approvals and consents.

(3) In this section—

**“approved”** means approved under the Planning Act.

**“relevant area”** includes a part of the relevant area.

### **Continuing application of decisions**

**18.(1)** This section applies to a decision made by the transferring local government for a relevant area before the commencing day under an existing planning scheme for land in the relevant area.

(2) The decision continues to apply to the land and for that purpose is taken to have been made by the receiving local government for the relevant area.

### **Outstanding applications**

**19.(1)** This section applies to an application that—

- (a) was made to the transferring local government for a relevant area before the commencing day under an Act, or an existing planning scheme for the relevant area, in relation to land in the area; and
- (b) had not been finally decided before the commencing day.

(2) As soon as practicable after the commencing day, the transferring local government must pay the fees received by it for the application to the

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receiving local government for the relevant area.

(3) The receiving local government must deal with the application.

(4) If, before the commencing day, the transferring local government had started to investigate the application, it is sufficient compliance with subsection (2) if, as soon as practicable after commencing day, it gives the receiving local government—

- (a) the results of its investigation of the application; and
- (b) the fees received by it, less a reasonable amount for the costs of its investigation of the application.

## Appeals

20.(1) This section applies to an appeal that—

- (a) was started before the commencing day against a decision of the transferring local government for a relevant area made under an existing planning scheme for the relevant area; and
- (b) had not been completed before the commencing day.

(2) The receiving local government for the relevant area takes the place of the transferring local government in the appeal.

## *Division 6—General*

### Valuation of lands

21.(1) In this section—

“**valuation**”, of land, means the unimproved value of the land under the *Valuation of Land Act 1944*.

(2) The valuation of land in a relevant area at 1 July 1996 continues to be the valuation of the land until a further valuation applies to the land.

(3) Subsection (2) applies subject to an objection or appeal under the *Valuation of Land Act 1944* about the valuation, but the objection or appeal may not be based on the fact the land is no longer in the local government area it was in at the time of the valuation.

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### **Ownership of material in fixed assets**

**22.(1)** The materials of all roads, bridges and other public works in a relevant area belong to the receiving local government for the relevant area.

**(2)** This section is to avoid doubt.

### **Reference in documents to transferring local government**

**23.** In a document about a relevant area (including, for example, a contract to which the transferring local government for the relevant area was a party), a reference to the transferring local government may, as appropriate, be taken to be a reference to the receiving local government for the relevant area.

### **Pending legal proceedings**

**24.(1)** This section applies to a legal proceeding by or against a transferring local government that—

- (a) is not finished before the commencing day; and
- (b) is identified by the Minister by gazette notice.

**(2)** The legal proceeding may be continued and finished by or against a receiving local government identified in the gazette notice.

### **Duty to facilitate change in boundaries**

**25.(1)** Each transferring and receiving local government must do all acts and things necessary or desirable to facilitate the external boundaries changes.

**(2)** Without limiting subsection (1), the transferring local government for a relevant area must give the receiving local government for the relevant area the records necessary to enable compliance with this regulation.

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***Division 7— 1997 triennial elections***

**1997 triennial elections for Shires of Bauhinia, Murweh and Tambo**

**26.** For the purposes only of the 1997 triennial elections for the councillors of the local governments of the Shires of Bauhinia, Murweh and Tambo, the changes in external boundaries made by this regulation are taken to have been made on 31 December 1996.

## ENDNOTES

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 3 February 1997. Future amendments of the Local Government (External Boundaries Review) Regulation 1996 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

|        |   |                              |        |   |                                |
|--------|---|------------------------------|--------|---|--------------------------------|
| AIA    | = | Acts Interpretation Act 1954 | (prev) | = | previously                     |
| amd    | = | amended                      | proc   | = | proclamation                   |
| ch     | = | chapter                      | prov   | = | provision                      |
| def    | = | definition                   | pt     | = | part                           |
| div    | = | division                     | pubd   | = | published                      |
| exp    | = | expires/expired              | R[X]   | = | Reprint No.[X]                 |
| gaz    | = | gazette                      | RA     | = | Reprints Act 1992              |
| hdg    | = | heading                      | reloc  | = | relocated                      |
| ins    | = | inserted                     | renum  | = | renumbered                     |
| lap    | = | lapsed                       | rep    | = | repealed                       |
| notfd  | = | notified                     | s      | = | section                        |
| om     | = | omitted                      | sch    | = | schedule                       |
| o in c | = | order in council             | sdiv   | = | subdivision                    |
| p      | = | page                         | SIA    | = | Statutory Instruments Act 1992 |
| para   | = | paragraph                    | SL     | = | subordinate legislation        |
| prec   | = | preceding                    | sub    | = | substituted                    |
| pres   | = | present                      | unnum  | = | unnumbered                     |
| prev   | = | previous                     |        |   |                                |

## 4 List of legislation

### **Local Government (External Boundaries Review) Regulation 1996 SL No. 246**

notfd gaz 20 September 1996 pp 255–6  
commenced on date of notification

as amended by—

### **Local Government Legislation Amendment Regulation (No. 2) 1996 SL No. 256 pts 1–2**

notfd gaz 27 September 1996 pp 347–9  
commenced on date of notification

### **Local Government (External Boundaries Review) Amendment Regulation (No. 1) 1996 SL No. 386**

notfd gaz 13 December 1996 pp 1470–2  
commenced on date of notification

### **Local Government (External Boundaries Review) Amendment Regulation (No. 1) 1997 SL No. 8**

notfd gaz 24 January 1997 pp 284–5  
commenced on date of notification

## 5 List of annotations

### **Definitions**

- s 3**
- def “**Bauhinia/Tambo relevant area**” ins 1997 SL No. 8 s 3(1)
  - def “**Brisbane/Logan relevant area**” ins 1996 SL No. 386 s 3(2)
  - def “**Brisbane/Logan report**” ins 1996 SL No. 386 s 3(2)
  - def “**Cloncurry/Mount Isa relevant area**” ins 1996 SL No. 386 s 3(2)
  - def “**Cloncurry/Mount Isa report**” ins 1996 SL No. 386 s 3(2)
  - def “**commencing day**” sub 1996 SL No. 256 s 3(1)–(2); 1996 SL No. 386 s 3(1)–(2)
  - amd 1997 SL No. 8 s 3(2)–(4)
  - def “**Crow’s Nest/Rosalie relevant area**” ins 1996 SL No. 256 s 3(2)
  - def “**Crow’s Nest/Rosalie report**” ins 1996 SL No. 256 s 3(2)
  - def “**Logan/Brisbane relevant area**” ins 1996 SL No. 386 s 3(2)
  - def “**Murweh/Tambo relevant area**” ins 1997 SL No. 8 s 3(1)
  - def “**relevant area**” amd 1996 SL No. 256 s 3(3)–(4); 1996 SL No. 386 s 3(3)–(5)
  - def “**Rosalie/Crow’s Nest relevant area**” ins 1996 SL No. 256 s 3(2)
  - def “**Tambo/Murweh/Bauhinia report**” ins 1997 SL No. 8 s 3(1)

### **Relevant areas defined**

- s 4** amd 1996 SL No. 256 s 4; 1996 SL No. 386 s 4; 1997 SL No. 8 s 4

### **Transferring and receiving local governments identified**

- s 5** amd 1996 SL No. 256 s 5; 1996 SL No. 386 s 5; 1997 SL No. 8 s 5

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**New external boundaries**

**s 7** amd 1996 SL No. 256 s 6; 1996 SL No. 386 s 6; 1997 SL No. 8 s 6

**Location in division or electoral ward**

**prov hdg** sub 1996 SL No. 386 s 7(1)

**s 8** amd 1996 SL No. 256 s 7; 1996 SL No. 386 s 7(2)–(3)

**Recovery of unpaid rates**

**s 13** amd 1997 SL No. 8 s 7

**Application**

**s 14** amd 1996 SL No. 386 s 8; 1997 SL No. 8 s 8

**Division 7—1997 triennial elections**

**div 7 (s 26)** ins 1997 SL No. 8 s 9