

LOCAL GOVERNMENT  
CHANGE COMMISSION

# External Boundary Review

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**FINAL REPORT**  
OCTOBER 2022

LIVINGSTONE SHIRE COUNCIL  
ROCKHAMPTON REGIONAL COUNCIL

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## EXECUTIVE SUMMARY

In January 2019, the then Minister responsible for Local Government referred a proposed change to the external boundary between the Livingstone Shire Council and the Rockhampton Regional Council to the Local Government Change Commission (Change Commission) for assessment. The assessment was to determine whether the localities of Glenlee, Rockyview and Glendale should be transferred from Livingstone to Rockhampton. The referral advised that both local governments substantively supported the proposed change, subject to conditions of ongoing financial sustainability.

The future of these three localities has been a contentious issue since the de-amalgamation of the Livingstone Shire Council from the Rockhampton Regional Council in 2014. Both councils and members of the public have made arguments advocating for their preferred outcome. The Change Commission acknowledges all the participants who provided input into the assessment, particularly the Mayors, councillors and staff from both councils for their assistance, support and cooperation with the review, and the thousands of members of the Livingstone and Rockhampton community who responded to the survey or made a submission.

The Change Commission commenced the review in 2021, following the completion of local government and state elections in 2020. Prior to commencing the review, the Change Commission sought advice from the incoming Minister responsible for Local Government on any different or additional instructions for the conduct of the review.

On 1 June 2021, additional instructions were received from the Minister requiring the Change Commission to take additional actions as part of its assessment, including engaging the Queensland Treasury Corporation to review financial impacts associated with the proposed change, and undertaking a poll of electors in both the Livingstone Shire Council and the Rockhampton Regional Council areas.

The Change Commission also consulted the councils to confirm the position of the incoming council administrations on the proposed boundary change. The Livingstone Shire Council notified the Change Commission that it did not support the proposed change or the conduct of the review. The Rockhampton Regional Council advised the Change Commission that it continued to support the proposed change.

In view of these differing positions, the Change Commission sought detailed submissions from both councils to confirm their cases for or against the proposed boundary change. The key points outlined in the councils' May 2022 submissions focused on similar considerations, but advanced opposing arguments on communities of interest, financial implications and planning issues.

To meet the requirement of the Ministerial direction to conduct a poll of all electors in both council areas, the Change Commission designed and delivered a combined online and postal survey that was open to over 85,000 electors enrolled in both council areas. The online survey was open for two weeks from 20 June to 4 July 2022 with postal responses accepted until 14 July 2022.

The Change Commission received 27,519 responses to the survey, representing a participation rate of 32.2 per cent. Overall, a small majority of respondents opposed the change, with 54.6 per cent or 15,026 electors responding 'No', and 45.4 per cent or 12,493 electors responding 'Yes'.

The rate of participation in the survey also provided valuable insight into community sentiment and engagement with the review. The participation rate of 32.2 per cent across both local government areas comprised responses from 62.5 per cent of electors from the affected suburbs, 46.2 per cent of electors from the remainder of the Livingstone Shire Council, and 24.5 per cent of electors from the Rockhampton Regional Council.

To complement the survey, the Change Commission invited written submissions over a three-week period from 13 June to 4 July 2022. A total of 100 written submissions were received, the majority of which (66) opposed the proposed change, while 27 submissions supported the proposal, and seven submissions did not express a definitive position. The key themes of the written submissions largely mirrored the issues identified by the councils, focusing on financial impacts, communities of interest and planning. In addition, some submissions raised issues of concern relating to the ongoing consequences of the process of amalgamation and de-amalgamation that occurred between 2008 and 2014.

In undertaking its assessment of the proposed boundary change, the Change Commission was guided by the regulatory framework applying to these reviews, including communities of interest, resource base sufficiency, planning and joint arrangement provisions of the Local Government Regulation 2012, to determine whether it would be in the public interest to recommend a change to the current boundaries.

In doing so, the Change Commission paid particular attention to the respective cases advanced by the Livingstone Shire Council and the Rockhampton Regional Council to ensure the issues and arguments raised by both councils were adequately considered in a balanced manner. The outcomes of community consultation, including the results of the survey, were also informative inputs to the review, noting that, as a voluntary process, the survey outcomes would not be binding upon the Change Commission's ultimate recommendations.

In assessing communities of interest considerations, the Change Commission considered arguments advanced by the Rockhampton Regional Council that residents of the affected localities spend the majority of their time in Rockhampton and frequently use services and facilities located in Rockhampton, including workplaces, community facilities, and essential services.

In contrast, the Livingstone Shire Council has argued that the three suburbs have historically been part of its council, apart from the period of amalgamation, and that the communities of both local government areas are heavily integrated, and residents commute regularly from one area to another for work, recreation and to access services. Community submissions on this issue raised similar opposing views, and the results of the survey do not reflect an overriding community view that supports either position.

Ultimately, it is clear from submissions and community consultation that the Livingstone and Rockhampton areas are subject to a range of multiple and overlapping communities of interest. While the location of the affected suburbs close to the boundary with the Rockhampton Regional Council has resulted in a high level of usage of facilities and services in Rockhampton, there are reciprocal economic benefits to movement between localities which is a common feature of many urbanised local government areas. The Change Commission concluded that the two councils share a strong connection reflecting their long and intertwined history and that, on balance, these issues were not in and of themselves sufficient to warrant the proposed boundary change.

The Change Commission's assessment of the financial impact of the proposed change was informed by the findings of the Queensland Treasury Corporation report on the financial impact and viability of the change for councils and the impact on ratepayers. The report concluded that the proposed transfer of the three suburbs would likely have a negative impact on the Livingstone Shire Council's financial profile and a marginal positive impact on the Rockhampton Regional Council's financial profile. The report also provided indicative figures on potential changes to rates, based on forecasts provided by the councils.

The Rockhampton Regional Council submission advised that the ratepayers in the three suburbs would be financially advantaged by the proposed change, with a reduction in expected rates, while the Livingstone Shire Council advised that the proposed change could make rates for the remainder of its ratepayers increasingly unaffordable. In written submissions, ratepayers opposing the change emphasised the likely increases in rates for the remaining residents of Livingstone, while residents supporting the change highlighted the expected reduction in rates for ratepayers of the affected suburbs.

While the Change Commission notes the Livingstone Shire Council's concerns that the proposed change would place its financial sustainability at risk, the outcomes of the Queensland Treasury Corporation's financial assessment and Queensland Audit Office data suggest that these impacts would not have an overwhelmingly negative impact on the long-term financial sustainability of the Livingstone Shire Council. In the longer term it appears the population growth expected in Livingstone's coastal region would serve to offset any long-term financial detriment.

To inform its consideration of the planning implications of the proposed change, the Change Commission sought advice from the Department of State Development, Infrastructure, Local Government and Planning regarding planning matters it should consider as part of the review process. Advice provided by the Acting State Planner in May 2022 confirms that the long-term northern growth corridor identified by the Rockhampton City Council is in the direction of the affected localities. Currently, this area is partially developed with rural residential subdivisions and the remainder of the localities are generally zoned rural in accordance with the Livingstone Shire Council's planning scheme.

Based on data from the Queensland Government Statistician's Office, the Livingstone Shire Council's population is projected to increase by 1.6 per cent per year over 25 years and the Rockhampton Regional Council's population is projected to increase by 1.0 per cent per year over 25 years. Based on these projections, the existing planning framework is expected to accommodate projected growth for the current horizon of the respective planning schemes.

Ultimately, the Change Commission considers there are alternative planning mechanisms established for the purpose of resolving conflicting interests in future land use and development that should be considered as a precursor to a boundary change. For example, regional plans seek to ensure regions grow in a sustainable way across a region (and across local government areas) – socially, environmentally, and economically.

The regional plan relevant to this assessment is the Central Queensland Regional Plan which was adopted in October 2013. A new approach to regional planning under the framework of the more contemporary *Planning Act 2016* is due to commence, which will see all regional plans being updated within the next three years. The updated regional plans will address the multi-faceted nature of growth by considering land use planning in the context of accessibility, jobs, infrastructure, liveability and the environment at a regional scale.

The Change Commission acknowledges the legitimate but competing interests that exist in relation to the options for future development of the affected suburbs and that both councils have advocated for planning approaches that they consider reflect the best interests of their constituents and the future prosperity of their councils. There are clear differences in priority and vision between the Livingstone Shire Council and the Rockhampton Regional Council for the future land use and development of the affected localities.

However, given the existing development capacity that remains within the Rockhampton Regional Council's planning scheme and expected population growth over the current planning horizon, a boundary change is not considered warranted when there are established planning mechanisms to resolve planning conflicts. In its assessment, the Change Commission has identified the Central Queensland Regional Plan as the most relevant instrument to achieve agreed planning objectives. Where resolution is possible through such a mechanism, this should be considered prior to recommending an external boundary change.

The Change Commission has balanced the public interest considerations associated with the proposed change to the external boundary between the Livingstone Shire Council and the Rockhampton Regional Council and is not persuaded that a sufficient case exists to recommend a boundary change. In reaching its recommendation, the Change Commission gave fair and balanced consideration to all views and materials presented to it, and particularly acknowledges the strongly held views and advocacy by both councils for their respective positions.

After assessing the available material, Ministerial directions and relevant legislative provisions, the Change Commission recommends that there be no change to the current boundary between the Livingstone Shire Council and the Rockhampton Regional Council and that the suburbs of Glenlee, Rockyview and Glendale remain part of the Livingstone Shire Council.

## BACKGROUND

The Local Government Change Commission (Change Commission) is an independent body established under the *Local Government Act 2009* and is responsible for assessing whether a proposed 'local government change' is in the public interest. A local government change can include a change to the boundaries, divisions, number of councillors, name or classification of a local government area.

The Change Commission may only assess local government changes proposed by the Minister responsible for Local Government, with the exception of matters relating to the Brisbane City Council.

In January 2019, the then Minister responsible for Local Government referred a proposed change to the external boundary between the Livingstone Shire Council and the Rockhampton Regional Council to the Change Commission, to determine whether the localities of Glenlee, Rockyview and Glendale should be transferred from Livingstone to Rockhampton.

The Change Commission commenced the review in 2021, following the completion of elections conducted during 2020. The Change Commission for this review was constituted by Pat Vidgen PSM, Electoral Commissioner; Wade Lewis GAICD, Casual Commissioner; and Peter McGraw, Casual Commissioner.

The Change Commission performs its functions independently and is administratively supported through the Electoral Commission of Queensland (ECQ).



## LOCAL GOVERNMENT PROFILE

The local government areas of Livingstone and Rockhampton are adjoining councils located in central Queensland.

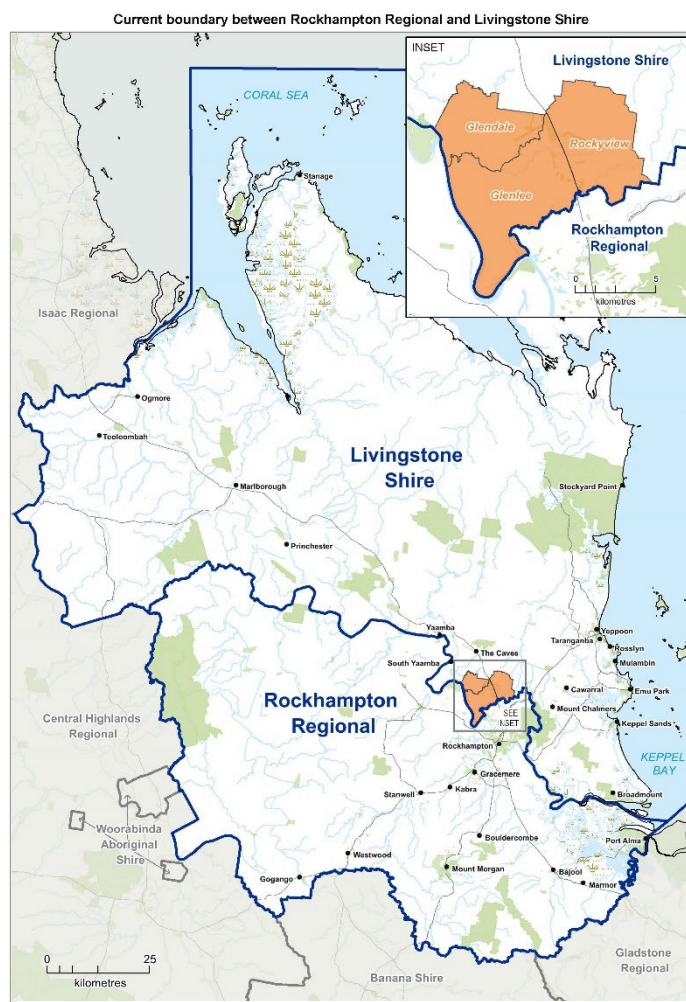
### LIVINGSTONE SHIRE COUNCIL

The Livingstone Shire Council area is bounded by the South Pacific Ocean in the north-east and east, the Rockhampton Regional Council area in the south, the Central Highlands Regional Council area in the south-west, and the Isaac Regional Council area in the north-west.

The Shire is thought to have been named after the County of Livingstone in New South Wales in 1855, which was named after David Livingstone, an African missionary and explorer.

The estimated resident population of the Livingstone Shire for 2021 was 39,881 with a population density of 3.47 persons per square kilometre, and a land area of 11,507 square kilometres<sup>1</sup>.

The Shire is home to one of Australia's most important defence force training facilities at Shoalwater Bay, where the Australian Defence Force conducts regular training exercises.



Additional maps are included in **Appendix 11**

### ROCKHAMPTON REGIONAL COUNCIL

The Rockhampton Regional Council area adjoins the Livingstone Shire Council in the north, the South Pacific Ocean in the east, the Gladstone Regional Council and Banana Shire Council in the south, and the Woorabinda Aboriginal Shire Council and Central Highlands Regional Council area in the west.

Rockhampton was named to describe the original settlement in the 1850s. A series of rocks marked the furthest point upstream where ships could navigate the Fitzroy River, and 'Hampton' is an English suffix, meaning 'a place near water'.

<sup>1</sup> Australian Bureau of Statistics, Population estimates by age and sex, by LGA (ASGS2021), 2021  
<https://www.abs.gov.au/statistics/people/population/regional-population-age-and-sex/2021#data-download>

The estimated resident population of the Rockhampton Regional Council area for 2021 was 82,904, with a population density of 12.61 persons per square kilometre, and land area of 6,575 square kilometre<sup>2</sup>.

## AFFECTED LOCALITIES

The three suburbs that are the subject of the proposed change are Glenlee, Rockyview and Glendale. These suburbs have an estimated population of 3,554 people and are located approximately 36 kilometres from Yeppoon and approximately 19 kilometres from Rockhampton City.

They are bounded by Etna Creek, and the localities of The Caves, Etna Creek and Barmoya in the north, the localities of Mulara and Ironpot in the east, the Rockhampton Regional Council area and Ramsay Creek in the south, and the Fitzroy River in the west.

## HISTORICAL CONTEXT

The current boundaries of the Livingstone and Rockhampton local government areas have been in place since 2014, following a process of amalgamation and de-amalgamation. The Shire of Livingstone was established in 1903, and included the suburbs of Glenlee, Rockyview and Glendale.

In 2007, the Local Government Reform Commission completed a major review of the boundaries and electoral arrangements of Queensland's local governments. In accordance with the recommendations of this review, the Shire of Livingstone merged with the City of Rockhampton and the Shires of Mount Morgan and Fitzroy to form the Rockhampton Regional Council on 15 March 2008, under the *Local Government (Reform Implementation) Act 2007*.

In 2012, a proposal was made to the Queensland Government to de-amalgamate the Livingstone Shire Council from the Rockhampton Regional Council.

In 2013, the then Minister responsible for Local Government announced that de-amalgamation polls would be conducted for four local government areas, including for the Livingstone Shire to de-amalgamate from the Rockhampton Regional Council. The de-amalgamation poll for the Livingstone area was held on 9 March 2013 and asked the following question:

*Should a Livingstone Shire Council be created by the de-amalgamation of the Rockhampton Regional Council local government area, with the costs to be met by the Livingstone Shire Council?*

The poll supported de-amalgamation, with 10,862 electors (56.59 per cent) voting 'Yes' from the 19,193 formal votes received.<sup>3</sup>

The Livingstone Shire Council and Rockhampton Regional Council were subsequently de-amalgamated under the Local Government (De-amalgamation Implementation) Regulation 2013. The de-amalgamation transition phase commenced on 12 April 2013 and the Livingstone Shire Council was re-established on 1 January 2014.

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<sup>2</sup> Australian Bureau of Statistics, Regional population by age and sex, by LGA (ASGS2021), 2021  
<https://www.abs.gov.au/statistics/people/population/regional-population-age-and-sex/2021#data-download>

<sup>3</sup> Livingstone Area De-amalgamation Poll, Electoral Commission Queensland,  
<https://results.ecq.qld.gov.au/elections/local/LIVINGSTONE/results/district97.html>

## SCOPE OF REVIEW

A proposed local government change referred by the Minister responsible for Local Government must be assessed by the Change Commission to determine whether it is in the public interest<sup>4</sup>, in accordance with requirements of the *Local Government Act 2009*.

The Change Commission, in assessing a proposed change, must consider:

- whether the proposed change is consistent with the *Local Government Act 2009*
- the views of the Minister, and
- any other matters prescribed under a regulation<sup>5</sup>.

## MINISTERIAL REFERRALS

The original referral for the review was received from the Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs (the then Minister responsible for Local Government) on 31 January 2019. The referral advised that both local governments substantively supported the proposed change, subject to conditions of ongoing financial sustainability.

The terms of reference for the review required the Change Commission to:

- consult the local government and residents of the affected communities to gauge the level of support for the proposed change
- conduct a review of the financial sustainability of the councils to determine whether proceeding with implementation of the proposed change would adversely impact the immediate and/or ongoing financial position and sustainability of the two local governments, and
- provide advice on the boundaries of each local government area and the number and distribution of divisions in the Rockhampton Regional Council, should the change occur.

Following the 2020 local government and state elections, the Change Commission sought advice from the incoming Minister responsible for Local Government, the Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning (the Minister) on any different or additional instructions for the conduct of the review. The Change Commission also sought the views of the incoming councils to confirm their position on the proposed change.

On 1 June 2021, additional instructions were received from the Minister requiring the Change Commission to:

- engage the Queensland Treasury Corporation or other suitably qualified financial expert to undertake the review of financial impacts associated with the proposed change, and make the review publicly available
- undertake a poll of electors in both the Livingstone Shire Council and the Rockhampton Regional Council local government areas, and
- consult with stakeholders and make recommendations on the following issues (should it be recommended that the proposed boundary change occur):
  - the transfer of assets and liabilities of the affected local governments
  - the application of existing statutory instruments, including local laws and planning schemes, and

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<sup>4</sup> *Local Government Act 2009*, s.19(1)

<sup>5</sup> *Local Government Act 2009*, s.19(2)

- any consequential amendments to the local government arrangements for the affected local governments.

The full Ministerial referrals for the review are included at **Appendix 1**.

## REGULATORY FRAMEWORK

Under the *Local Government Act 2009*, the Change Commission must perform its functions in accordance with the 'local government principles' which include using transparent and effective processes and making decisions that are in the public interest<sup>6</sup>.

In assessing a proposed local government change, the Change Commission must also consider the matters prescribed in division 1 of the Local Government Regulation 2012. The key regulatory considerations for the Change Commission relevant to this review are:

- Communities of interest – external boundaries of a local government area should have regard to communities of interest including:
  - the geographic pattern of human activities and linkages between communities
  - the location of centres of administration and services that are easily accessible to the population
  - ensuring effective elected representation for residents and ratepayers
  - not dividing local neighbourhoods or adjacent rural and urban areas<sup>7</sup>.
- Joint arrangements – joint arrangements should be considered instead of, or in combination with, a change to the external boundaries of a local government area<sup>8</sup>.
- Planning – external boundaries of a local government area should be drawn in a way that helps in the planning and development for the benefit of the local government area and the effective operation of its facilities, services and activities, having regard to existing and expected population growth<sup>9</sup>.
- Resource base sufficiency – a local government should have a sufficient resource base to enable it to efficiently, effectively, flexibly and responsively exercise its jurisdiction and operate facilities, services and activities<sup>10</sup>.

These key regulatory considerations have been considered by the Change Commission in its assessment of the proposed change.

Additionally, in accordance with section 58 and section 13 of the *Human Rights Act 2019*, the Change Commission gave proper consideration to human rights in assessing the proposed change. It has concluded that its recommendation is compatible with human rights.

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<sup>6</sup> *Local Government Act 2009*, s.4

<sup>7</sup> Local Government Regulation 2012, s.9

<sup>8</sup> Local Government Regulation 2012, s.10

<sup>9</sup> Local Government Regulation 2012, s.11

<sup>10</sup> Local Government Regulation 2012, s.12

## REVIEW PROCESS

The Change Commission's review was conducted in a number of key stages, consistent with the various actions required to be undertaken under the terms of the Ministerial referrals.

This review process included:

- engaging the Queensland Treasury Corporation to prepare a financial assessment report on the proposed change
- requesting advice on relevant planning considerations from the Department of State Development, Infrastructure, Local Government and Planning
- visiting the Rockhampton and Livingstone region to meet council and other regional representatives
- requesting detailed submissions from both councils to outline their arguments for or against the proposed boundary change
- conducting community consultation through a survey and call for written submissions, and
- consulting agencies and other stakeholders and analysing other information relevant to the review.

An overview of the key stages of the review process is at **Appendix 2**.

## FINANCIAL ASSESSMENT

The Queensland Treasury Corporation, the central financing authority for the Queensland Government, was engaged to undertake the financial assessment of the proposed change given its functions and role in supporting the financial sustainability of the local government sector including the affected councils. The financial assessment commenced in August 2021 and the report was finalised in April 2022. The purpose of the assessment was to:

- assess the financial impact and viability of the change for both councils using financial information provided by the councils, and
- estimate the corresponding rating impact on ratepayers, by working with both councils.

The Queensland Treasury Corporation worked closely with both councils to obtain and review relevant financial data, and considered the impact of the proposed change on the following assets and liabilities:

- 1,266 rateable properties
- 26 council properties and a single residential property
- property, plant and equipment valued at \$40.3 million for roads, water and parks, and
- debt in an estimated range of \$4.7 million and \$8.1 million.

A key purpose of the financial assessment was to model the potential impact on rates for the ratepayers of both councils, including those in the three suburbs, so that the financial assessment report could be published and considered prior to community consultation.

Following the completion of the assessment, the report was published on the ECQ website, and is included at **Appendix 3**. A summary of the key aspects of the financial assessment is included in the Assessment section below.

## PLANNING ADVICE

The Change Commission sought advice from the Department of State Development, Infrastructure, Local Government and Planning in March 2022 regarding planning matters it should consider as part of the review process.

In particular, the Change Commission requested information relating to existing planning schemes, future developments and population growth, information about resource sharing or reciprocal use of services arrangements between the local governments, any matters of state interest, and whether there were any other recommended actions regarding planning considerations.

Advice received from the Acting State Planner in May 2022 was published on the ECQ website and is included at **Appendix 4**. A summary of the key aspects of this advice is included in the Assessment section below.

## COMMUNITY CONSULTATION

A key component of the Change Commission's review process was to seek the views of the community on the proposed change.

Prior to commencing community consultation, councils were asked to outline their cases for or against the proposed change, so that this information could be publicly released and inform community responses. The councils were also asked to submit a short summary of their positions to be incorporated into the survey materials sent to electors.

### Elector survey

To meet the requirement of the Ministerial direction to conduct a poll of all electors in both council areas, the Change Commission designed and delivered a voluntary survey, as neither the Change Commission nor the ECQ has the authority to conduct a compulsory poll without enabling legislation.

The Change Commission considered a range of options for delivering the survey focused on ensuring the process was secure and robust as well as cost effective. The following guiding principles were applied to this process:

- consultation would take the form of a survey and not an election
- the survey model should enable maximum participation of all eligible enrolled electors
- survey design should be as cost-effective as possible
- the survey model should provide a reasonable degree of security and integrity to provide for secure and anonymous responses.

After assessing alternative delivery models, the Change Commission determined that the survey would be conducted through a combined postal and online model. This option maximised opportunities for participation by providing two response options to participants, and incorporated security measures to ensure that multiple responses could not be submitted, safeguarding the integrity of the survey results.

The online survey form was subject to a range of technical tests to ensure it would provide a stable and reliable platform for electors to submit their responses. In addition, an independent auditor was engaged to review both the online and postal components of the survey process to provide assurance as to the integrity of the survey process and results.

In early June 2022, survey materials were posted to all 85,501 electors enrolled in the Livingstone Shire Council and Rockhampton Regional Council areas as at 31 May 2022. The online survey was open over a two-week period from 20 June to 4 July 2022 and postal responses could be returned until 14 July 2022.

The survey materials included:

- a letter from the Change Commissioner explaining the purpose of the survey, and a unique code that could be used to submit an online response
- a fact sheet providing an overview of the Change Commission's review of the proposed boundary change
- the 'Yes' case provided by the Rockhampton Regional Council and the 'No' case provided by the Livingstone Shire Council, and
- a detachable postal response that could be returned using an enclosed reply-paid envelope.

The survey was framed as a 'Yes' or 'No' question, asking:

*Do you support the proposed transfer of the three (3) suburbs of Glendale, Glenlee and Rockyview from the Livingstone Shire Council to the Rockhampton Regional Council?*

Survey participants were encouraged to review the materials published by the Change Commission, namely the councils' submissions, the Queensland Treasury Corporation report and the planning advice, prior to submitting their response.

The voluntary survey materials are at **Appendix 5**.

## Written submissions

To complement the voluntary survey, the Change Commission invited written submissions over a three-week period from 13 June to 4 July 2022.

Submissions could be made by any person, by post, email or online form. This ensured any interested party, such as residents who were not enrolled electors or stakeholders wishing to provide detailed reasons for or against the proposed change, could provide their views for the Change Commission's consideration.

All submissions were published on the ECQ website following the conclusion of the consultation period where it was appropriate to do so, in accordance with publication guidelines for the review.

A copy of the published submissions is at **Appendix 6** and the publication guidelines are at **Appendix 7**.

**LOCAL GOVERNMENT CHANGE COMMISSION**  
**Boundary review of Livingstone Shire Council and Rockhampton Regional Council**

The Local Government Change Commission (Change Commission) has been asked to assess a proposal to transfer three suburbs, Glenlee, Rockyview and Glendale, from Livingstone Shire Council (LSC) to Rockhampton Regional Council (RRC).

**INVITATION FOR WRITTEN SUBMISSIONS**

From 9am Monday, 13 June to 5pm Monday, 4 July 2022, the public is invited to have its say over a proposed change to the boundary between LSC and RRC. Late submissions will not be considered.

Written submissions will be invited from anyone wishing to provide their view. For more information about the review, please see the ECQ website.

**Submissions can be lodged through:**

- Online form: [www.ecq.qld.gov.au/livingstone-and-rockhampton-external-boundary-review](http://www.ecq.qld.gov.au/livingstone-and-rockhampton-external-boundary-review)
- Email: [LGCCsubmissions@ecq.qld.gov.au](mailto:LGCCsubmissions@ecq.qld.gov.au)
- Post: Change Commission, GPO Box 1393, BRISBANE QLD 4001

Please note submissions will be made publicly available, subject to publication guidelines.

Pat Vidgen PSM  
Electoral Commissioner / Local Government Change Commission

## CASES FOR AND AGAINST PROPOSED CHANGE

The original Ministerial referral for the proposed change advised that both councils substantively agreed with the boundary change proceeding. Following the March 2020 local government elections and changes in administration of both councils, the Change Commission consulted the incoming councils to confirm their position on the proposed boundary change prior to commencing the review.

The Livingstone Shire Council notified the Change Commission of a resolution passed in May 2020 affirming that the newly elected council did not support the proposed change or the boundary review. The council has also referred to advice from the then Minister for Local Government in August 2020 that “*Queensland Government policy requires that affected local governments support the change and that the affected communities also support the change*”<sup>11</sup>. The Livingstone Shire Council was therefore of the view that the boundary review should not proceed in the absence of its support.

The Rockhampton Regional Council advised the Change Commission that it continued to support the proposed change and the conduct of the review.

In view of the differing positions of the two councils subject to the boundary review, the Change Commission sought detailed submissions from the councils that were published on the ECQ website prior to the commencement of community consultation. The key arguments put forward in the councils’ May 2022 submissions are outlined below and the full submissions are included at **Appendix 8** and **Appendix 9**.

### LIVINGSTONE SHIRE COUNCIL

The Livingstone Shire Council submission focuses on three areas to support its position that the boundary change should not take place, namely:

- communities of interest
- financial sustainability and resource capability, and
- town planning assessment.

The submission was supported by a supplementary letter from the Mayor of the Livingstone Shire Council which responded to issues raised in the Rockhampton Regional Council submission.<sup>12</sup>

#### Communities of interest

The Livingstone Shire Council submission details two surveys it conducted of its ratepayers in November 2020, through direct mail/email and online submissions.

The overall support for the change amongst Livingstone ratepayers, according to the survey, was approximately 20 per cent. However, residents in the three affected suburbs reported support for the change between 63 per cent (mail/email responses) and 78 per cent (online responses). The council noted in its submission that these surveys had relatively low response rates.

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<sup>11</sup> Livingstone Shire Council submission, p.7; p.33

<sup>12</sup> Submission no.100



In conducting the surveys, the Livingstone Shire Council also requested submissions on reasons for or against the proposed boundary change. The council advised the most common theme in support of the change was proximity to Rockhampton (28 per cent) followed by a belief that service levels would improve (24 per cent).

The Livingstone Shire Council's response to these submissions stated:

*The one-dimensional rationale that proximity to Rockhampton alone should be the determining criteria, ignores other factors discussed herein that must be accounted for in the review. The simplistic view "that's what they want so just give it to them" is also anecdotally the rationale for what limited support the change has in the balance area. If the location of the boundary was simply by popular choice, it is likely the Commission would be confronted with a constant stream of similar requests from across the State.*<sup>13</sup>

Further, the Livingstone Shire Council has referenced advice from the then Minister for Local Government in determining the terms of reference for the boundary review that the "community of interest could be expanded to include all Livingstone Shire residents"<sup>14</sup>.

In outlining its communities of interest argument, the Livingstone Shire Council also examined the claim by the Rockhampton Regional Council that its ratepayers are subsidising residents of the three affected localities to use Rockhampton's infrastructure. The Livingstone Shire Council contended that singling out these three areas ignored much greater impacts at a region-wide level.

Using data from various sources, including the Queensland Government Statistician's Office, the Livingstone Shire Council stated:

*There is no doubt that the three localities have a close relationship with Rockhampton. The same argument could be made about the residents of all the smaller townships and rural communities of Livingstone Shire and other adjoining local government areas. As a large regional centre, Rockhampton is a natural centre for employment, health services, education services and district scale sporting and cultural facilities. Livingstone Shire is currently growing at a faster rate than Rockhampton. That is forecast to continue. Increasing construction activity on the coast is already evident. Much of this labour force currently resides in Rockhampton, so must commute to the coast. As this grows it will increasingly mean Livingstone Shire rate payers are subsidising the use of Livingstone Shire infrastructure by Rockhampton residents.*<sup>15</sup>

The Livingstone Shire Council argued that there are no overarching material or substantive communities of interests that could justify the proposed change to the local government boundary. The council contended that, while there is still a high level of support from residents of the affected localities for the change, this is an inadequate justification for the change. Additionally, the submission argued that relative use of infrastructure between the two councils should be assessed from a region-wide level rather than just examining use by residents of the three affected localities.

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<sup>13</sup> Livingstone Shire Council submission, p.15

<sup>14</sup> Livingstone Shire Council submission, p.7

<sup>15</sup> Livingstone Shire Council submission, p.17

## Financial sustainability and resource capability

The Livingstone Shire Council submission examined the findings of the Queensland Treasury Corporation's assessment and supplemented this with its own financial assessments by Orion Consulting in 2017 and the AEC Group in 2020.

The Queensland Treasury Corporation assessment found that, while the proposed change would have negative impacts on the Livingstone Shire Council's financial profile, key financial performance measures would be maintained within acceptable limits. However, the Livingstone Shire Council contended that:

*This assessment read in conjunction with earlier Livingstone Shire Council modelling demonstrates the change would significantly reduce council's resilience to financial shocks and relatively minor unplanned financial variances.<sup>16</sup>*

The AEC Group assessment also analysed financial impacts on the Livingstone Shire Council's operating results in response to a future growth scenario. The council believed the future growth potential for the area, which was not included in the Queensland Treasury Corporation assessment, needed to be considered by the Change Commission.

The council contended that residents already have some of the highest rates in Queensland, compounded by the expense of recovery from natural disasters, and that these factors have required council to make difficult decisions to assure delivery of long-term financial sustainability. The proposed change, if it were to go ahead, would require "severe spending restraint, very constrained borrowings and an extreme rates burden on LSC ratepayers"<sup>17</sup> to maintain the positive operating result forecast.

## Town planning assessment

The Livingstone Shire Council rejected the Rockhampton Regional Council's argument that the three affected localities were necessary to ensure its urban growth pattern could proceed in a sustainable manner. Using Queensland Government Statistician's Office resident population data and the Rockhampton Regional Council's demand planning assumptions, the Livingstone Shire Council contended that Rockhampton would have sufficient capacity within its existing urban footprint to accommodate growth beyond 2041.

*Council cannot see any current or long term scenario where the current boundary will be a constraint to urban expansion within RRC.<sup>18</sup>*

While opposed to the change, the Livingstone Shire Council did see opportunities to work with Rockhampton Regional Council on addressing the issues they face.<sup>19</sup>

## ROCKHAMPTON REGIONAL COUNCIL

The Rockhampton Regional Council's submission focuses on very similar themes to Livingstone Shire Council to support its arguments in favour of the three affected suburbs being transferred from the Livingstone Shire Council, namely:

- communities of interest considerations

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<sup>16</sup> Livingstone Shire Council submission, p.3

<sup>17</sup> Livingstone Shire Council submission, p.21

<sup>18</sup> Livingstone Shire Council submission, p.27

<sup>19</sup> Livingstone Shire Council submission, p.2

- planning considerations, and
- financial considerations.

The submission was supported by supplementary letters from the Mayor and Chief Executive Officer of the Rockhampton Regional Council which reiterated the arguments outlined in the council's formal submission to the review<sup>20</sup> and responded to issues raised in the Livingstone Shire Council submission<sup>21</sup>.

## Communities of interest considerations

The Rockhampton Regional Council stated that, in a de facto sense, the three affected localities are part of the Rockhampton community. Using human movement data it commissioned, the council argued that the patterns of activities undertaken by residents of the three affected localities, such as employment, education and recreation, are almost entirely conducted within the Rockhampton Regional Council area.

*The majority of residents of the Northern Suburbs go to work, school and shop in Rockhampton. They eat out and enjoy their down time in our beautiful parks, gallery and theatre and play sport right here in Rockhampton.*<sup>22</sup>

The submission stated that residents of the affected localities were more likely to use infrastructure and facilities in Rockhampton and paid for by Rockhampton ratepayers than those in the main population centres of the Livingstone Shire. Conversely, the submission stated that rates paid by residents of the affected localities pay for facilities on the Capricorn Coast, which these residents do not use as much.

In addition to this, the Rockhampton Regional Council argued that previous surveys and the de-amalgamation poll suggested there is support among these residents to be a part of Rockhampton. According to the submission, 75 per cent of the residents of the affected localities voted to stay a part of Rockhampton in the de-amalgamation poll. In polling conducted after de-amalgamation, between 75 per cent and 62 per cent of residents of the affected localities supported returning to Rockhampton. The submission stated:

*These results reflect their inherent connection to Rockhampton. But perhaps most importantly, they want to have a say about the facilities and services they use on a regular basis.*<sup>23</sup>

The Rockhampton Regional Council concluded that, based on the pattern of activities by residents of the three suburbs, and their stated desire to be a part of Rockhampton, there is a strong community of interest argument to recommend the boundary change.

## Planning considerations

The Rockhampton Regional Council provided a detailed analysis of the planning context of the affected localities and the differing approaches to land use development of the area and adjoining suburbs within the Rockhampton Regional Council area.

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<sup>20</sup> Submission no.88

<sup>21</sup> Submission no.87

<sup>22</sup> Rockhampton Regional Council submission, p.5

<sup>23</sup> Rockhampton Regional Council submission, p.5

The Rockhampton Regional Council stated that its future growth is constrained by the Fitzroy River floodplain and the Berserker Ranges, requiring it to focus its growth on Parkhurst and Gracemere, while the Livingstone Shire Council's growth is focussed on the Yeppoon and Emu Park coastal areas.

The Rockhampton Regional Council expects the Parkhurst area, which is adjacent to the affected localities, to grow by 10,000 people by 2041, and therefore considered development of the affected localities key to managing its long-term growth. Consequently, the Rockhampton Regional Council has a different planning vision for the affected localities to the Livingstone Shire Council.

*Rockhampton Regional Council wants to prevent the large rural areas in the Northern Suburbs being cut up into rural residential lots. We want to ensure that this land can be available for future development, when large areas are needed for development down the track. This means that future communities can be planned properly to create better places to live, work and play. It also means that infrastructure can be planned and delivered in a logical and cost-effective way.<sup>24</sup>*

The Rockhampton Regional Council contended that the Livingstone Shire Council has no plan to develop the three suburbs to meet the region's needs for urban expansion and is instead focussed on its own growth areas along the coast. The council believed that Glenlee, with further infrastructure, could accommodate up to 25,000 people over the next 50 years.

## Financial considerations

The Rockhampton Regional Council submission stated that the proposed change provided financial equity for all parties. While Rockhampton noted that the Livingstone Shire Council would be subject to short-term negative financial impacts, it argued these would be offset by growth in other areas. The submission also argued that the residents of the three affected localities would pay lower rates, be provided improved services, and have a greater say in the development of their suburb.

*Currently, the Northern Suburbs pay their rates to Livingstone while they spend 87% of their time in Rockhampton and use services here. ... Residents in the Northern Suburbs live, work and play in Rocky and deserve to have a say about the facilities and services they use.<sup>25</sup>*

Additionally, the council argued the proposed change would reduce the burden on Rockhampton ratepayers for services used by residents of the affected localities.

*If the Northern Suburbs are part of Rockhampton, then residents in those communities will contribute to the roads they drive on, the sporting fields they play on, the parks they play in, and other community facilities they use.<sup>26</sup>*

The Rockhampton Regional Council stated that if the change does not occur its long-term growth will be limited and place stress on the council's overall financial position. While the proposed change would provide more revenue, it would be used for services that residents of the affected localities use and assist with planning and investment.

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<sup>24</sup> Rockhampton Regional Council submission, p.9

<sup>25</sup> Rockhampton Regional Council submission, p.11

<sup>26</sup> Rockhampton Regional Council submission, p.11

## ASSESSMENT

In undertaking its assessment of the proposed boundary change, the Change Commission was guided by the regulatory framework applying to these reviews, including communities of interest, resource base sufficiency and planning considerations, to assess whether there would be an overall public interest in recommending the change or in maintaining the current boundaries.

In doing so, the Change Commission paid particular attention to the respective cases advanced by the Livingstone Shire Council and the Rockhampton Regional Council to ensure the issues and arguments raised by both councils were adequately considered in a balanced manner. The outcomes of community consultation, including the results of the elector survey, were also informative inputs to the review, noting that, as a voluntary process, the survey outcomes would not be binding upon the Change Commission’s ultimate recommendations.

The Change Commission also consulted other agencies and stakeholders for expert advice where necessary to obtain additional information to supplement, confirm or refute information provided during consultation. The additional agencies consulted by the Change Commission are listed at **Appendix 2**.

In assessing the proposed change, the Change Commission was mindful of the administrative, financial and legal implications for both councils and the community of implementing a change as compared to maintaining the current boundaries. These implications formed part of the process of balancing the overall public interest in considering whether a change should be recommended.

## OUTCOMES OF COMMUNITY CONSULTATION

### Survey results

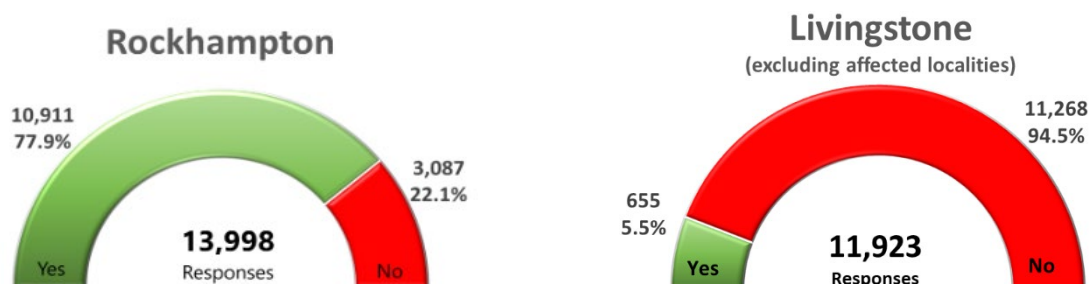
The Change Commission received a total of 27,519 responses to the survey on the proposed boundary change, representing a participation rate of 32.2 per cent.

Overall, a small majority of respondents opposed the change, with 54.6 per cent or 15,026 electors responding ‘No’, and 45.4 per cent or 12,493 electors responding ‘Yes’.



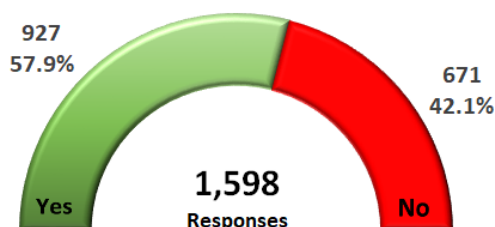
The Change Commission also analysed responses across the three key geographical groupings: the affected localities, Livingstone Shire Council (excluding the affected localities) and Rockhampton Regional Council.

There were significant regional variations in responses, in line with the opposing views of the two councils. Livingstone Shire Council electors, excluding residents from the affected localities, overwhelmingly opposed the proposed change, with 94.5 per cent of respondents submitting a 'No' response. Conversely, Rockhampton Regional Council electors supported the proposed change, albeit to a lesser degree than Livingstone electors, with 77.9 per cent of respondents submitting a 'Yes' response.



The responses from electors of the three affected localities provided a less definitive result. A small majority of respondents supported the proposed change, with 57.9 per cent of respondents submitting a 'Yes' response. The combined Livingstone Shire Council responses therefore equated to 88.3 per cent of respondents opposing the change.

### Affected Localities



However, the rate of participation in the survey also provides valuable insight into community sentiment and engagement with the review. The highest response rate was from electors of the affected localities, 62.5 per cent (1,598) of whom participated in the survey. Of the remainder of Livingstone Shire Council electors, 46.2 per cent (11,923) participated in the survey, and of Rockhampton Regional Council electors, 24.5 per cent (13,998) participated.

Therefore, the participation rates and associated responses further confirmed the positions promoted by the respective councils, with Livingstone electors submitting 79.5 per cent of all 'No' responses despite representing only 49.1 per cent of the total respondents, and Rockhampton electors submitting 87.3 per cent of all 'Yes' responses from only 50.9 per cent of the total responses received.

The breakdown of survey responses and participation rates is at **Appendix 10**.

The Change Commission also noted the results of surveys conducted by the Livingstone Shire Council in November 2020 and referenced in its submission. The first survey was sent to ratepayers by direct mail/email and the second was conducted through an online portal. The council reported the following results from the first survey with a participation rate of 26 per cent:

- 80 per cent of Livingstone Shire Council ratepayers did not support the proposed change, and
- 63 per cent of ratepayers of Glenlee, Rockyview and Glendale supported the proposed change.<sup>27</sup>

The second survey garnered 603 responses, with 78 per cent of ratepayers of the three suburbs supporting the proposed change and only 7 per cent of the balance of Livingstone residents in support of change<sup>28</sup>. The council also cited the results of previous surveys conducted in 2014 (returning 65 per cent support for change from residents of the affected suburbs) and 2013 (returning 75 per cent of residents of the affected suburbs opposing de-amalgamation) as evidence of declining support for change within the affected localities<sup>29</sup>.

Although the Change Commission cannot verify the methodology or accuracy of the results of the Livingstone Shire Council surveys, on a prima facie analysis, the latest survey results show an increasing level of opposition to the change within the Livingstone community and a slight decrease in the level of support for the proposed change among the residents of the affected localities.

## Written submissions

A total of 100 written submissions were received during the three-week submission period for the Change Commission's review. The majority of submissions (66) opposed the proposed change, while 27 submissions supported the proposal, and seven submissions did not express a definitive position.

Residents from Glenlee, Rockyview and Glendale submitted 11 submissions and views were evenly split, with 45 per cent (5) in favour and 45 per cent (5) against the proposal, and one submission that did not express a preference.

Residents of the Livingstone Shire Council contributed 57 submissions with 92 per cent (53) of these opposed to the boundary change. In contrast, 15 submissions were received from residents of the Rockhampton Regional Council and of these, 93 per cent (14) supported the proposed change.

The key themes of the written submissions largely mirrored the issues identified by the councils, focusing on financial impacts, communities of interest and planning. Many of the written submissions expressed concern that rates in the Livingstone Shire would increase, making the area unaffordable and negatively affecting its financial position and consequent prospects of future growth. These respondents also cited an increased financial burden on residents already paying high council rates and reduced Livingstone Shire Council income as reasons the change was not considered viable.

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<sup>27</sup> Livingstone Shire Council submission, p.11

<sup>28</sup> Livingstone Shire Council submission, p.12

<sup>29</sup> Livingstone Shire Council submission, p.8

Other respondents opposing the boundary change cited other reasons for their opposition to the suburb transfer, such as losing accessibility to The Caves waste facility or the financial impact of the change.

The respondents who supported the proposal to transfer the three suburbs to the Rockhampton Regional Council largely reside in Rockhampton and cited benefits for the residents in the affected localities if they were integrated into the Rockhampton Regional Council area.

The 100 submissions received included submissions or supplementary advice from both councils, including five submissions from the Mayor and/or councillors of the Rockhampton Regional Council and two submissions from the Mayor and a councillor of the Livingstone Shire Council.

In assessing various aspects of the proposed change, the Change Commission considered the views expressed in written submissions. A representative sample of quotations are cited below to illustrate the differing views of submitters, highlighting arguments that were represented across multiple submissions or representing issues the Change Commission considered to be material to its assessment. It should be noted that opposing views were expressed in written submissions on most issues under consideration.

Overall, the survey and written submissions provided a broad understanding of community sentiment relating to the proposed change, including communities of interest considerations for residents of the affected suburbs and the broader council areas. However, noting the level of participation in the survey and the number of submissions received in comparison to the overall population, the results can be interpreted as either a demonstration of support or opposition to the proposed boundary change.

The Rockhampton Regional Council argued:

*Residents in the Northern Suburbs of Glenlee, Glendale and Rockyview voted three times to transfer to...the Rockhampton Region...and this is an opportunity for the Change Commission and Queensland State Government to listen and to take action.<sup>30</sup>*

The Livingstone Shire Council, in contrast, noted that the majority of respondents in the affected suburbs support change but argued that the level of support is reducing and that therefore, “[b]ased on the survey results, Council believes there is no overwhelming imperative to change”<sup>31</sup>.

Ultimately, the Change Commission considers that while the results of the survey provided an excellent opportunity to gauge community sentiment, the results do not demonstrate an overarching public interest in favour or against the proposed change and were therefore not determinative of its final recommendation in the context of other information considered during its assessment of the proposed change.

## COMMUNITIES OF INTEREST

The results of community consultation provided important context and insight for the Change Commission in considering the ‘communities of interest’ impact of the proposed change, as required by section 9 of the Local Government Regulation 2012.

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<sup>30</sup> Submission no. 88, Mayor of Rockhampton Regional Council, p.2

<sup>31</sup> Submission no. 100, p.3



This provision requires external boundaries of a local government area to be drawn in a way that has regard to communities of interest, including the geographical pattern of population activity, the linkages between local communities, council administration and service centres, effective elected representation, and external boundaries not dissecting properties or dividing local neighbourhoods with common interdependencies.

## Pattern of population activity

Both the Livingstone and Rockhampton submissions made arguments in relation to the community of interest between the three suburbs and their council areas to oppose and support the change respectively.

The Rockhampton Regional Council's submission argued that the affected localities had a greater community connection to Rockhampton and cited movement data it had commissioned that found residents of the affected localities spend 87 per cent of their time in Rockhampton.

*This movement data (gathered from mobile phone usage data) demonstrates conclusively that residents in these suburbs work, study, access services and use community facilities in Rockhampton to a significantly greater extent than for Livingstone ... The majority of activity was during the week for travel to work, school, and the use of services and community facilities.<sup>32</sup>*

In contrast, a key argument of the Livingstone Shire Council was that the suburbs of Glenlee, Rockyview and Glendale have historically been part of the Livingstone Shire Council.

*Rockyview, Glenlee and Glendale have always been a part of LSC, except from 2008 to 2014. During that period LSC [Livingstone Shire Council] was amalgamated with Rockhampton City Council, Fitzroy Shire Council and Mt Morgan Shire Council to form RRC [Rockhampton Regional Council]. LSC in its historic form, including these three localities de-amalgamated from RRC in 2014.<sup>33</sup>*

They argued that communities of both local government areas are heavily integrated and residents commute regularly from one area to another for work, recreation and to access services.

A resident of the Livingstone Shire Council with significant landholdings in Glenlee expressed the view that the 'reallocation' of the affected localities would "have a significant and negative impact on the shire" and "undermine the lifestyle sought by residents".<sup>34</sup>

Other submitters who opposed the proposed change, such as Councillor Glenda Mathers of Livingstone Shire Council, did not agree with the community of interest arguments.

*The argument that the boundary dwellers should be transferred to Rockhampton as they see it as their community of interest. This is a fallacy and misleading argument. The whole of Capricornia Coast sees Rockhampton as its community of interest – major medical services, government departments, airports, central transport hubs, boarding schools, rural services etc. The [affected residents] have no more relationship with Rockhampton than any other part of Livingstone.<sup>35</sup>*

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<sup>32</sup> Rockhampton Regional Council submission, p.13

<sup>33</sup> Livingstone Shire Council submission, p.8

<sup>34</sup> Livingstone Shire Council submission, p.31

<sup>35</sup> Written submission 94, p.3

Of the smaller number of submitters who were in favour of the transfer to Rockhampton, the reasons provided included that the affected localities had no connection to the bayside demographic of the Livingstone Shire<sup>36</sup> and if transferred to Rockhampton, the suburbs would receive greater investment from the local council.

*Having lived in Rockyview since the year 2000, I have experienced life under both councils. Whilst there may not be much difference in the overarching governance from both councils, for me, it's all about my connection to the city in which I live. I live, work, play and my children are educated in Rockhampton. Hand on heart, that's where I feel like my home is.*<sup>37</sup>

## Use of services

The Rockhampton Regional Council submission provided detailed information about usage of services and facilities by residents of the affected suburbs arguing that such services are predominantly located in Rockhampton. This included workplaces and employment centres, schools and childcare services, community, leisure and sport facilities, and essential services including health, police and emergency services. A separate submission from the Mayor of Rockhampton stated that the cost of providing services to residents of the affected suburbs is estimated at \$2.5 million<sup>38</sup>. However, the Rockhampton Regional Council's submission does not provide details of how this figure was calculated.

The Rockhampton Regional Council submission further argued there is a '*mutually beneficial relationship*' with the affected localities as Rockhampton provides more accessible employment opportunities while the affected localities provide "*available housing to accommodate growth in Rockhampton's industries and business*"<sup>39</sup>.

Written submissions supported this position as well.

*The delivery of local government services for these areas is more efficiently based from Rockhampton than Yeppoon. Although shared basic service delivery is a stop gap option, in the long term as the residents increase and their rates are being raised by one Council whilst services are delivered by another Council the problem compounds.*<sup>40</sup>

However, other submissions disagreed that services would improve if the proposed change were to occur.

*I look at the way RRC [Rockhampton Regional Council] has mismanaged Mount Morgan and its water supply I therefore don't think a further expansion of Rockhampton council area is deserved.*<sup>41</sup>

*I am against the proposed change due to the fact the access to the caves waste facility will no longer be available and the rocky council dump is not an acceptable option for us.*<sup>42</sup>

<sup>36</sup> Written submissions 19

<sup>37</sup> Written submission 79, p.1

<sup>38</sup> Written submission 88, p.1

<sup>39</sup> Rockhampton Regional Council submission, p.21

<sup>40</sup> Written submission 85, p.2

<sup>41</sup> Written submission 36, p.1

<sup>42</sup> Written submission 5, p.1

The Rockhampton Regional Council noted that, for residents of the affected suburbs, Livingstone Shire Council services located in Yeppoon are “*two to four times further away than council administration centres located in Rockhampton*”<sup>43</sup>. A small number of written submissions from residents of the affected localities raised issues about access to Livingstone Shire Council services, including the closure of Livingstone Shire Council service centre located in East Rockhampton in 2017<sup>44</sup>.

Further information was sought from the Livingstone Shire Council in response to these concerns. The Change Commission was advised that the East Rockhampton service centre, which was established after amalgamation in 2008, was closed following de-amalgamation due to a decrease in usage by residents. The council further advised that data transactions and attendance records indicated residents of the affected localities are accessing online services or making contact with staff and councillors by telephone and email to have their needs met. As a supplement to online services, the council maintains face-to-face contact with residents through its resident outreach program.

## Elected representation

An assessment of communities of interest also includes ensuring effective elected representation.

The Change Commission does note claims from some submitters that the interests of residents of affected suburbs are not effectively represented under the current electoral arrangement. This would be inconsistent with section 12 of the *Local Government Act 2009* which requires all councillors to represent the current and future interests of the whole local government area.

The Change Commission does not have adequate evidence to justify this claim and notes that, in general, the system of undivided representation where councillors are not specifically charged with representing the interests of individual geographic areas can lead to perceptions of inconsistent representation, despite the overarching obligation of councillors to represent the interests of the local government as a whole.

The Change Commission also notes that many of the services that Rockhampton Regional Council cited in its submission as being used by affected residents, including education, health, emergency services, employment, retail and sporting clubs are either responsibilities of the State of Queensland or private interests. Changes in elected representation from one council or another would likely have limited impact on service delivery in these spheres.

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<sup>43</sup> Rockhampton Regional Council submission, p.17

<sup>44</sup> Written submission 86

### Issues for consideration

The Change Commission notes that there is no broad agreement about what constitutes a 'community of interest' and that this concept may have different application and meaning in varying contexts. This is demonstrated by the opposing arguments advanced by both councils to support their positions using community of interest considerations.

Although the affected localities are geographically closer to the main administrative centre and services of Rockhampton (approximately 19 kilometres) compared to Yeppoon (approximately 36 kilometres), geographical proximity alone will not determine or create communities of interest. As indicated in both councils' submissions, the connectivity of residents in the affected three suburbs and Rockhampton Regional Council is not disputed.

The Change Commission also notes that the three suburbs of Glenlee, Rockyview and Glendale have always been part of the Livingstone Shire Council, except for the period of amalgamation between 2008 and 2014, and that therefore they have a much longer historical connection to the Livingstone Shire Council as part of its broader community of interest.

Ultimately, it is clear from submissions and community consultation that the Livingstone and Rockhampton areas are subject to a range of multiple and overlapping communities of interest. The results of the elector survey show that a small majority (57.9 per cent) of electors of the affected suburbs who responded to the survey supported the proposed change, however, the written submissions were evenly balanced between support for and opposition to the proposed change. The level of support (94.5 per cent) by the broader Livingstone community indicates strong motivation and potential community connection to retaining the affected localities within the Livingstone Shire.

The Change Commission acknowledges that the location of the affected localities close to the boundary with the Rockhampton Regional Council has resulted in a high level of usage of council, state and private facilities and services in the adjoining council area. However, this is not unique to the Livingstone and Rockhampton council areas and is particularly common in many urbanised local government areas, such as those in south-east Queensland. As the Acting State Planner noted, "*local government boundaries do not prevent residents from using services in other local government areas ... [and] it is not unusual for residents outside a local government area to travel to the area to make use of*" facilities in adjacent council areas<sup>45</sup>.

Further, the Change Commission notes that there are reciprocal economic benefits to movement between localities, where residents fill jobs and spend money in local businesses. As many submissions noted, including both councils', this is a common existing feature related to human usage and activity patterns in area.

In considering the significant volume of information provided through submissions regarding community identity, usage and patterns of activity, the Change Commission was convinced that the two councils share a strong connection reflecting both their long and intertwined history and their current circumstances. Further, the Change Commission notes the connection some residents of the affected localities evidently feel to the Rockhampton Regional Council. However, the Change Commission assessed that, on balance, these issues were not in and of themselves sufficient to warrant the proposed boundary change.

<sup>45</sup> Letter from Acting State Planner, 18 May 2022

## FINANCIAL ASSESSMENT

An assessment of the financial impact of the proposed change on both the affected councils and their ratepayers was a key consideration in the review. Under section 12 of the Local Government Regulation 2012, the Change Commission is required to consider the financial impacts of a proposed change, including ensuring that a local government should have a sufficient resource base to exercise its jurisdiction and operate facilities, services and activities efficiently and effectively.

### Queensland Treasury Corporation financial assessment report

The Queensland Treasury Corporation financial assessment report concluded that the proposed transfer of the three suburbs would likely have a negative impact on the Livingstone Shire Council's financial profile and a marginal positive impact on the Rockhampton Regional Council's financial profile. The report also provided indicative figures on potential changes to rates, based on forecasts provided by the councils.

The report indicated the following changes may occur if the change was to proceed and the full financial impact was to be passed on to residents:

- Livingstone Shire Council – the council's net operating result was forecast to be lower by \$26.4 million over the 2024-25 to 2030-31 period. This negative impact would potentially equate to \$161 per rateable property in 2024-25, increasing to \$250 per rateable property by 2030-31.
- Rockhampton Regional Council – the council's net operating result was forecast to be higher by \$5.7 million over the 2024-25 to 2030-31 period. This positive impact would potentially equate to \$36 per rateable property in 2024-25, decreasing to \$14 per rateable property by 2030-31.
- Glenlee, Rockyview and Glendale – the Rockhampton Regional Council estimates an average rates and utilities bill for the three suburbs would be \$4,627 in 2024-25, compared to the Livingstone Shire Council's forecast rates and utility charges of \$5,300 for that year. Therefore, the average rates and utilities bill for the three suburbs would be potentially lower by \$673 in 2024-25.

It is important to note that the Queensland Treasury Corporation report is based on forecasts and modelling of potential scenarios provided by the councils. The forecasts represent a point in time and are therefore subject to change as part of each council's annual budget process.

The Rockhampton Regional Council submission argued that the ratepayers in the three suburbs would be financially advantaged by the proposed change, with a reduction in expected rates.

*...rate modelling [undertaken by Rockhampton Regional Council itself] has identified that rates for the majority of properties would decrease if they were to merge into RRC's Rating structure ... Overall, the model has identified that total charges (excluding general rates) would be 20% less if the properties were transferred to RRC. This represents a substantial benefit to the affected ratepayers.<sup>46</sup>*

<sup>46</sup> Rockhampton Regional Council submission, p.53

The Livingstone Shire Council noted in its submission that the proposed change could make rates for the remainder of its ratepayers increasingly unaffordable.

*The result would be an additional \$161 per property in 2024/5, increasing to \$250 in 2030/31. While an increase of this scale would be of concern for any council, it is particularly so for LSC. As demonstrated by the benchmarking provided in the 2020 AEC report ... LSC ratepayers are already subject to a rates burden that is becoming unaffordable for many residents.*<sup>47</sup>

The 2022-23 revenue statements for each council list the following residential rate information:

- Livingstone Shire Council – four residential rate categories ranging from \$955 to \$5,746 per quarter, and
- Rockhampton Regional Council – seven residential rate categories ranging from \$848 to \$5,379 per quarter.

Councils calculate and levy rates and charges using the rateable value of the land. This valuation is set by the Department of Resources each year.

The Livingstone Shire Council submission forecasts “*significant rate increases (\$161 in 2024-25 increasing to \$250 in 2030-31)*” would be required if the proposed boundary change were to proceed. The increases would be required to offset the expected reduction in operating surplus and necessitate a material reduction in service levels.<sup>48</sup>

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*I'm a property owner in Yeppoon. I disagree with the boundary changes due to negative financial impact to Livingstone council rate payers and the community. The cost of living is already skyrocketing without adding more financial burden.*<sup>50</sup>

*The Livingstone Shire rate payers will only be hurt by further increases to already exorbitant rates at a time where fuel prices and general living expenses are already crippling families trying to get by.*<sup>51</sup>

The written submissions in support of the change highlighted the reduced rates for residents of the affected suburbs.

*Paying some of the highest property rates in Queensland, has long been an issue for the residents in the 'Northern suburbs'.*<sup>52</sup>

*All our rates go towards making LSC better for tourism which as far as I can see, doesn't benefit our area at all, the rates, both water and land keep rising and we ... pay more for than we were when in RRC.*<sup>53</sup>

The Rockhampton Regional Council also raised concerns in relation to the Queensland Treasury Corporation report, including perceived differences in the Livingstone Shire Council data used for the financial assessment compared to data published in the council's annual report, and suggested that the number of rateable properties anticipated to generate revenue may have been underestimated<sup>54</sup>.

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<sup>47</sup> Livingstone Shire Council submission, p.21

<sup>48</sup> Livingstone Shire Council submission, p.3 and p.21

<sup>50</sup> Written submission 80, p.1

<sup>51</sup> Written submission 30, p.1

<sup>52</sup> Written submission 53, p.2

<sup>53</sup> Written submission 58, p.1

<sup>54</sup> Rockhampton Regional Council submission, p.48-49

The Change Commission sought clarification from the Queensland Treasury Corporation in relation to these concerns and was advised that the report was based on more recent figures provided by the Livingstone Shire Council than the 2020-21 annual report and that average base property growth increases broadly align with forecast population growth rates.

Despite its reservations with the outcomes of the Queensland Treasury Corporation assessment, the Rockhampton Regional Council did agree that Livingstone Shire will experience at least some loss of revenue and is open to negotiating compensation.

*RRC has considered the potential loss of revenue by LSC and would be open to negotiating arrangements with LSC for a period of time to mitigate these impacts, in the event of a localised operating surplus after all transferred expenses are taken into consideration, should the transition of the three suburbs to RRC occur.<sup>55</sup>*

The Livingstone Shire Council has commissioned two financial impact reports on the proposed change over the previous five years: a financial modelling report prepared by Orion Consulting in October 2017 and a financial impact assessment report by the AEC Group in November 2020. Both reports concluded that the proposed boundary change would have negative financial consequences for the council.

*Clearly the assessment has found that the operating surpluses would be significantly impacted by the proposed change. The assessment assumes no financial shocks or the need for additional borrowings throughout the period. It assumes that some additional flexibilities may be available to enable responding to emerging financial headwinds or one off shocks. Increased rates or reduced service levels are likely.<sup>56</sup>*

While the Change Commission has considered the findings of these reports, the Queensland Treasury Corporation's financial assessment report and follow-up advice has been the key source of independent and authoritative advice regarding the potential financial implications of the proposed change.

## Queensland Audit Office data

The Change Commission also considered data from the Queensland Audit Office regarding the respective financial positions of the Livingstone Shire Council and the Rockhampton Regional Council.

In its annual reports on the financial performance and sustainability of Queensland councils, the Queensland Audit Office determined that the Livingstone Shire Council's relative risk assessment had shifted from 'moderate' in its 2020 report<sup>57</sup> to 'lower' in its 2021 report. Based on advice from the Queensland Audit Office, the Change Commission understands that the change in the sustainability risk in 2021 was a result of an improvement to its five-year average asset sustainability ratio, which is an approximation of the extent to which the infrastructure assets are being replaced as they reach the end of their useful lives<sup>58</sup>.

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<sup>55</sup> Rockhampton Regional Council submission, p.49

<sup>56</sup> Livingstone Shire Council submission, p.19

<sup>57</sup> Queensland Audit Office, Financial Audit Report: Local Government 2020, [www.gao.qld.gov.au/sites/default/files/2021-04/Local%20government%202020%20%28Report%2017%E2%80%942020%E2%80%9321%29.pdf](http://www.gao.qld.gov.au/sites/default/files/2021-04/Local%20government%202020%20%28Report%2017%E2%80%942020%E2%80%9321%29.pdf)

<sup>58</sup> Queensland Audit Office, Financial Audit Report: Local Government 2021, <https://www.gao.qld.gov.au/sites/default/files/2022-05/Local%20government%202021%20%28Report%2015%E2%80%932021%E2%80%9322%29.pdf>

Over the same time period, the Queensland Audit Office reports determined that the Rockhampton Regional Council maintained a lower relative risk assessment. Not taking into account the proposed boundary change, both councils have been assessed by the Queensland Audit Office as having a lower risk of concerns about their financial sustainability.

According to published financial statements, both councils have also been able to generate sufficient operating revenues to cover their operational expenses over the last five years. In the 2019-20 financial year, both councils experienced decreased revenue and increased expenditure (as did the rest of the local government sector).

In the 2020-21 financial year, both councils experienced increased revenues compared to the previous financial year, with the Livingstone Shire Council experiencing higher revenue growth compared to the Rockhampton Regional Council.

### Potential compensation arrangements

While the proposed boundary change has been under consideration, the councils have engaged in discussions regarding potential compensation arrangements that would provide a mutually agreeable basis for a transfer to proceed.

In 2016, the Rockhampton Regional Council proposed to contribute three years of general rates, excluding special rates and levies, from the affected localities. However, the Livingstone Shire Council did not support this offer after commissioning independent advice in 2017 that concluded the proposed change “*carried serious and far-reaching risk for Council*”<sup>59</sup>.

The Rockhampton Regional Council’s submission summary noted that it subsequently put forward a proposal to pay the Livingstone Shire Council 50 per cent of general rates and other charges collected from the affected localities over ten years<sup>60</sup>. This offer was rejected by the Livingstone Shire Council during negotiations prior to public consultation on the proposed change.

In September 2022, the Change Commission confirmed with both councils that no agreement or further negotiations on potential compensation arrangements had been reached, despite the tabling of proposals from each council, and subject to the boundary review being undertaken.

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<sup>59</sup> Livingstone Shire council submission, p.6

<sup>60</sup> Rockhampton Regional Council summary submission, p.11



### Issues for consideration

The Change Commission notes the Livingstone Shire Council's concerns that the proposed change would place its financial sustainability at risk and make it vulnerable to minor financial shocks.

However, the outcomes of the Queensland Treasury Corporation's financial assessment and current Queensland Audit Office data indicate that these impacts would not have an overwhelmingly negative impact on the long-term financial sustainability of the Livingstone Shire Council. In the longer term it appears the population growth expected in Livingstone's coastal region would serve to offset any long-term financial detriment.

The impact of the proposed change on rates was an important consideration in commissioning the Queensland Treasury Corporation's financial assessment, so that ratepayers could make an informed assessment of the personal financial impact should the change proceed. While the report showed that there would be a minor financial advantage to the ratepayers of the affected suburbs through an expected reduction in rates, this did not result in a demonstrated high level of support for the proposed change.

This is counteracted by concerns from residents in the balance of the Livingstone Shire that rates would increase if the proposed change proceeded and is likely to be a factor in the significant opposition to the change proposal among Livingstone Shire Council residents as expressed through the survey. The Change Commission, however, notes the advice it has received that such rate increases are not inevitable and are only one revenue-raising instrument available to councils.

The Change Commission notes that compensation for any proposed transfer of the affected localities has long been discussed between the councils, including in periods preceding this specific referral and during the conduct of the current review. However, the Change Commission also noted that the compensation proposed was not considered sufficient to secure support for the change (as evidenced by the rejection by the Livingstone Shire Council of compensation offers from the Rockhampton Regional Council), and that the Livingstone Shire Council's fundamental opposition to the change proposal prevented it from formally considering any new compensation package that may have emerged through negotiations.

Finally, the Change Commission also notes that in addition to a compensation agreement not being reached, other measures which focussed on alternative proposals (such as potential re-zoning of Glenlee to accommodate higher density development or limiting the proposed change to Glenlee) were also rejected in favour of proceeding with this full assessment by the Change Commission.

Using the Queensland Treasury Corporation assessment as the primary evidence, supplemented by information provided by both councils, the Change Commission is of the position that the Livingstone Shire Council, were the change to go ahead, would remain financially viable over the long-term. That is a relevant consideration in this assessment, however, overall, the financial implications of the proposed change do not advance the argument for or against the transfer of the suburbs.

## PLANNING AND FUTURE DEVELOPMENT

During the course of the review, the Change Commission considered a range of issues relating to the future land use, planning and development of the affected localities.

This is a relevant consideration under section 11 of the Local Government Regulation 2012, which requires that external boundaries should be drawn in a way that facilitates the planning and development for the benefit of the local government area and the efficient and effective operation of facilities, services and activities.

### Planning advice

The Change Commission sought advice from the Department of State Development Infrastructure, Local Government and Planning on matters relevant to the Ministerial referral and the conduct of the review.

Advice received from the Acting State Planner in May 2022 (refer to **Appendix 4**) provided the following context:

- Under the *Livingstone Planning Scheme 2018* the localities of Glendale, Glenlee and Rockyview are largely zoned rural, with the remainder being mostly rural residential. The area may be considered peri-urban, forming a transition area to the urban area of the city of Rockhampton, while other rural residential areas in the shire generally surround smaller towns (e.g., The Caves, Cawarral, Mount Chalmers, Byfield, etc.) or are located in predominantly rural areas within the Livingstone Shire area.
- The *Rockhampton Region Planning Scheme 2015* identifies two key growth areas for the city of Rockhampton, being the Gracemere area and the Parkhurst/North Rockhampton area. Parkhurst lies on the northern boundary of the Rockhampton Regional Council area, adjacent to the Livingstone localities of Glenlee and Rockyview.
- The Rockhampton planning scheme includes a strategic intent for future urban growth to the current limits of its local government area in Parkhurst. There is a strategic intent in Livingstone Shire's planning scheme for additional rural residential and primarily infill development between existing nodes of rural residential development.
- Development of the Glenlee area for rural residential subdivision has in recent years attracted opposition from Rockhampton Regional Council. In 2016, a development application was lodged with the Livingstone Shire Council proposing over 700 rural residential lots in Glenlee. The Rockhampton Regional Council lodged a submission objecting to the development application on the grounds that it would constrain the long-term future growth of the city of Rockhampton.

The planning advice confirms that the long-term northern growth corridor for Rockhampton is in the direction of Glenlee and Rockyview, and ultimately Glendale in the Livingstone Shire. Currently, this area is partially developed with rural residential subdivisions and the remainder of the localities generally zoned rural in accordance with the Livingstone Shire Council's planning scheme.

However, the planning advice indicates that the three affected localities are also subject to constraints, such as natural hazards, that would limit development of the remaining rural zoned land to some extent.

The Acting State Planner advised that:

- Glenlee contains a significant amount of rural zoned land that could accommodate future residential development; however, a large portion of this land is in low lying land near the Fitzroy River and is flood prone. Despite this, Glenlee provides the most likely potential area for urban expansion north of Rockhampton.
- Rockyview areas that are zoned rural are generally constrained by natural constraints and matters of State interest (e.g., landslide hazard areas and bushfire hazard areas). As such, Rockyview would potentially provide a limited capacity for urban expansion.
- Glendale is situated to the north of Glenlee on the western side of the Bruce Highway and contains rural zoned land with only relatively small areas constrained by flooding and bushfire hazard. Opportunities remain for potential future urban expansion; however, this would logically be preceded by urbanisation of Glenlee from the south.

The *Livingstone Planning Scheme 2018* was adopted by the Council on 5 April 2018 and commenced on 1 May 2018. The planning scheme sets out the Livingstone Shire Council's intention for development over the next ten years.<sup>61</sup> The Rockhampton Regional Council raised concerns that *"Even though the Northern Suburbs are vital for the future of Rockhampton, Livingstone's Shire Council doesn't have any plans to develop the area to meet the Region's needs for urban expansion"*.<sup>62</sup>

The *Rockhampton Region Planning Scheme 2015* commenced on 24 August 2015. The planning scheme guides the region's future growth and development and *"provides a consistent approach to land use planning throughout the region"*.<sup>63</sup> Each council scheme includes mechanisms for managing growth within its respective local government area and is not relevant in terms of determining potential for expansion outside those boundaries.

## Growth corridors

As noted by the Acting State Planner, two growth corridors have been identified by the Rockhampton Regional Council. These corridors reference areas of developable land for residential development and include a northern corridor around the suburb of Parkhurst, adjacent to the Glenlee, Rockyview and Glendale localities, and Gracemere which is a south-westerly corridor. The Gracemere corridor is also cited in the Livingstone Shire Council submission as a clear area for residential growth for the Rockhampton region.

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<sup>61</sup> <https://www.livingstone.qld.gov.au/planning-scheme-information-1>

<sup>62</sup> Rockhampton Regional Council summary submission, p.9

<sup>63</sup> <https://www.rockhamptonregion.qld.gov.au/Development-Advice/Planning-Schemes-and-Studies/Rockhampton-Region-Planning-Scheme>

The Livingstone Shire Council submission noted that there is preliminary approval for a further 466 rural residential allotments (up to 330 hectares) located west of the existing allotments closer to Parkhurst and “*significant capacity for urban expansion to the immediate west and southwest of Rockhampton toward Gracemere*”.<sup>64</sup> The suburbs of Parkhurst, Gracemere and Mount Morgan are also designated in the *Rockhampton Planning Scheme 2015* as sites for greatest residential growth to 2036.

The Rockhampton Regional Council submission notes that the Fitzroy River floodplain and the Berserker Ranges, are major planning constraints that dictate where growth could proceed.<sup>65</sup> The submission also argues that the three affected localities are not being serviced by the Livingstone Shire Council to “*an urban standard of infrastructure (for example no access to sewer)*”. The submission adds that the “*current settlement pattern of these localities has seen rural residential sprawl occurring*” and this has “*led to large parcels of very low-density residential development and ad hoc infrastructure, with limited transportation options...and little or no civic or community facilities or amenities provided*”.<sup>66</sup>

During the course of the Change Commission’s assessment, a number of issues were raised by stakeholders as potentially impacting or facilitating the future growth of the region. These issues included the proposed construction of the Rockhampton ring road, potential future expansion of the Australian Defence Force’s Shoalwater Bay training area in the Livingstone Shire Council, the possible designation of ‘priority development areas’ under the *Economic Development Act 2012*, the impact of natural disasters, and the previous transfer of the suburb of Parkhurst from the Livingstone Shire Council to the then Rockhampton City Council in 1984. The Change Commission has reviewed information relevant to these issues but concluded they were not material considerations for the purpose of the Change Commission’s final recommendation.

The Change Commission notes the difference of opinion between the councils in part relates to the urgency each sees for undertaking new planning, the potential areas for growth, and the differing visions for growth. However, as noted above, the current planning framework is expected to accommodate projected growth for the current horizon of the respective planning schemes. In addition, the Change Commission is aware of suggested consideration of alternative zoning arrangements for Glenlee to accommodate the issues raised by the Rockhampton Regional Council. This possibility could be further explored to consider potential solutions.

The Rockhampton Regional Council has raised genuine concerns about the need for coordinated approach to planning and infrastructure investment in the affected suburbs that aligns with its own pattern of growth. Ultimately, the Change Commission considers the solution to these issues should be sought through planning mechanisms established for the purpose of resolving conflicting interests in future land use and development rather than through a boundary change.

<sup>64</sup> Livingstone Shire Council submission, p.27

<sup>65</sup> Rockhampton Regional Council submission, p.27

<sup>66</sup> Rockhampton Regional Council submission, p.31-32

## Central Queensland Regional Plan

The Queensland Government's regional planning framework is established to “*set the long-term strategic direction for how our regions will grow and respond to change over time. They support economic growth, development and liveable communities while protecting natural resources and balancing state interests outlined in the State Planning Policy*”<sup>67</sup>.

Regional plans are strategic (25-year) plans that guide land use decisions for state and local governments. Regional plans provide the planning and decision-making framework specific to a region and guide how regions will grow and respond to change over time. They primarily operate through the planning framework – used in development and infrastructure assessments, and planning scheme reviews. Councils must follow regional plans when making or amending planning schemes.

Regional plans seek to ensure regions grow in a sustainable way across a region (and across local government areas) – socially, environmentally, and economically. In addition, these plans assist state and local governments in guiding growth management on the ground by providing outcomes in the short, medium and long-term through:

- land use planning by state and local governments, including local government planning schemes which consider employment land, emerging communities and residential development
- the assessment of development applications and certain types of resource activities or regulated activities
- infrastructure planning, prioritisation and funding decisions made by all levels of government, and other infrastructure agencies, and
- other plans and programs, including non-statutory processes, that may influence growth and investment decision making.

The regional plan relevant to this assessment is the Central Queensland Regional Plan which was adopted in October 2013<sup>68</sup>. The Change Commission has discussed with stakeholders the role that the current regional plan has played in guiding planning by the Livingstone Shire Council and Rockhampton Regional Council. Under the Queensland Planning Framework<sup>69</sup> councils prepare and amend their own planning schemes, which regulate the use and development of land, in recognition that many decisions ought to be handled at a level that is closest to the communities they affect.

The Change Commission has noted that, for the purposes of this assessment and the differing requirements and visions of the two councils, the existing regional plan has not proven to be an effective instrument to assist with resolving those differences in a mutually acceptable way.

However, a new approach to regional planning is due to commence under the framework of the more contemporary *Planning Act 2016* which will see all regional plans being updated within the next three years. The updated plans will address the multi-faceted nature of growth by considering land use planning in the context of accessibility, jobs, infrastructure, liveability, and the environment at a regional scale.

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<sup>67</sup> *Regional Planning*, <https://planning.statedevelopment.qld.gov.au/planning-framework/plan-making/regional-planning>

<sup>68</sup> <https://dsdmipprd.blob.core.windows.net/general/central-queensland-regional-plan.pdf>

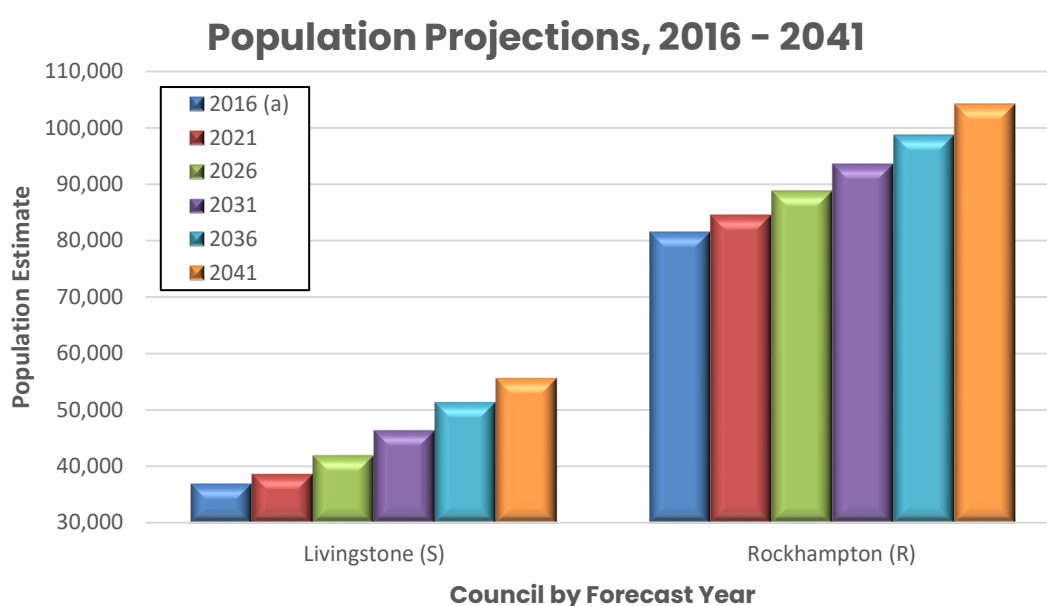
<sup>69</sup> <https://planning.statedevelopment.qld.gov.au/planning-framework>

This current process of updating and modernising all current regional plans provides an opportunity to consider appropriate solutions to competing interests in land use and development at a strategic level in the overall public interest of the broader region.

## Projected growth

Based on data from the Queensland Government Statistician's Office<sup>70</sup> regional profiles:

- the Livingstone Shire Council's population is projected to be 55,740 persons as at 30 June 2041, a projected increase of 1.6 per cent per year over 25 years, and
- the Rockhampton Regional Council's population is projected to be 104,153 persons as at 30 June 2041, a projected increase of 1.0 per cent per year over 25 years.



Source: Queensland Government population projections, Regions, 2018 edition; Australian Bureau of Statistics, Population by age and sex, regions of Australia, 2016 (Cat no. 3235.0).<sup>71</sup>

The Rockhampton Regional Council provided estimates similar to the forecasts, indicating that with a greater allowance for residential development, the Glenlee, Rockyview and Glendale localities together are “...estimated to accommodate some 10,000 new dwellings for 25,000 residents.”<sup>72</sup>

However, the Livingstone Shire Council argues “there is sufficient capacity within the existing Rockhampton and Gracemere urban footprint to accommodate growth until well beyond any current strategic planning horizon (2041)”<sup>73</sup> and instead favours a less intense development of these localities, focussing on the community preference for larger rural residential blocks and lower density living.

The Acting State Planner's advice also confirmed that “the current [Rockhampton Regional Council] scheme, with a planning horizon of 20 years (2036) is expected to contain sufficient land in these localities for the life of the scheme” (refer to **Appendix 4**).

<sup>70</sup> Queensland Government population projections: Regions, 2018 edition QGSO

<sup>71</sup> Queensland Government population projections: Regions, 2018 edition, QGSO

<sup>72</sup> Rockhampton Regional Council submission, p.36

<sup>73</sup> Livingstone Shire Council submission, p.27

The Change Commission notes, however, that in attempting to negotiate a mutually acceptable outcome during this change assessment the Livingstone Shire Council raised the possibility of potential re-zoning of the Glenlee locality to accommodate a higher density of development than is currently outlined in its planning scheme, which is more in keeping with the vision that Rockhampton Regional Council has for that area.

### **Issues for consideration**

There are clear differences in priority and vision between the Livingstone Shire Council and Rockhampton Regional Council for the future land use and development of the affected localities.

The Rockhampton Regional Council has identified the northern corridor adjoining the affected localities as its key growth corridor and has argued strongly that the boundary change is required to accommodate its future growth and economic development. However, it is also noted that there is capacity for future growth in the Gracemere area, with capacity available in line with population projections over the life of the planning scheme. The Livingstone Shire Council has earmarked the area for rural residential development, which provide lifestyle allotments for residents in proximity to urban facilities.

The Change Commission acknowledges the legitimate but competing interests that exist in relation to the options for future development of the affected suburbs and that both councils have advocated for planning approaches that they consider reflect the best interests of their constituents and the future prosperity of their councils.

However, the Change Commission is of the position that planning mechanisms established to resolve planning conflicts such as this would be preferable to a boundary change – i.e., to establish a planning strategy that moderates the future growth requirements of the Rockhampton Regional Council and the priorities of the Livingstone Shire Council.

In its assessment, the Change Commission has identified the Central Queensland Regional Plan as the most relevant instrument to achieve agreed planning objectives (including with regard to trunk infrastructure that crosses council boundaries) over the region as a whole, and in timeframes which suits all parties. That planning process could take into consideration the views including the planning aspirations of both councils, and relevant state interests.

Where resolution is possible through such a mechanism, this should be considered prior to recommending an external boundary change.

## **JOINT ARRANGEMENTS**

In accordance with section 10 of the Local Government Regulation 2012, the Change Commission is required to consider whether a 'joint arrangement' should be established instead of, or in combination with, a change to the external boundaries of a local government area.

During the course of conducting its assessment, the Change Commission has had regard to this provision and, in particular, whether the issues under consideration could be addressed through an administrative arrangement in preference to a boundary change which would have financial, community and administrative implications for both councils and the broader community.

As outlined above, issues have been raised in relation to community connection, financial sustainability, economic benefit and future land use and development that will remain in dispute regardless of the Change Commission's recommendation. Therefore, there are likely to be many areas on which the two councils will be required to work collaboratively to achieve mutual benefits for their communities.

Noting that, the Change Commission also sought to identify examples of joint arrangements such as those envisaged under the Local Government Regulation 2012 that had been developed and implemented in Queensland. This information was sought to ensure the Change Commission was suitably informed about instruments which may have been material to its assessment and recommendations. However, limited relevant examples of existing joint arrangements could be identified.

However, this does not preclude administrative agreements or other mechanisms such as the regional plan, to be considered and progressed to facilitate further cooperation and coordination of services between the Livingstone Shire Council and the Rockhampton Regional Council as an alternative to a change to the boundary. There are existing arrangements in place between the two councils such as the bulk water supply agreement and collaboration through the Central Queensland Regional Organisation of Councils noted by the Rockhampton Regional Council in its submission<sup>74</sup> that demonstrate the capacity for the councils to establish joint administrative agreements.

As noted in the submission from the Livingstone Shire Council, the establishment of cooperative arrangements to address issues of competing interests and administrative arrangements will ultimately benefit both councils and residents of the region more broadly:

*“There is no doubt in our mind that as a Region we will be most successful if we work collaboratively with Rockhampton Regional Council as partners in shaping the future of this region”.*<sup>75</sup>

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<sup>74</sup> Rockhampton Regional Council submission, p.12

<sup>75</sup> Livingstone Shire Council submission, p.2



## CONCLUSIONS

The Change Commission has assessed the public interest considerations associated with the proposed change to the external boundary between the Livingstone Shire Council and the Rockhampton Regional Council and is not persuaded that a sufficient case exists to recommend a boundary change. In reaching its recommendation, the Change Commission gave fair and balanced consideration to all views and materials presented to it, and particularly acknowledges the strongly held views and advocacy by both councils for their respective positions.

The Change Commission acknowledges that opinions often vary widely within the community itself as to what is or is not in the public interest, as was evident through the diversity of views expressed during community consultation. However, the Change Commission has remained aware at all times that it is required to consider the interests of the broader public, rather than interests of particular individuals or organisations.

In this regard, the Change Commission was also mindful of the precedent that may be established from its recommendation on this proposed change and its relevance to other parts of Queensland. In assessing the public interest, the Change Commission weighed the separate interests of the Livingstone Shire Council and the Rockhampton Regional Council, and the interests of the residents of Glenlee, Rockyview and Glendale who would be most affected if the proposed change were implemented.

Given the diversity of submissions for and against the proposed boundary change, coupled with the results of the voluntary survey, the Change Commission's assessment was a complex exercise. While there are specific criteria set down in the relevant legislation, the Change Commission is ultimately charged with giving maximum effect to the public interest in compliance with section 19 of the *Local Government Act 2009*. The legislation does not define the public interest, nor does it prescribe the weight to be given to competing factors when assessing the public interest.

In conducting its assessment, the Change Commission noted that, in the case of several submissions, support for the proposed boundary change appeared to be based on the perceived benefits that would flow from reduced rates charges if the affected localities became part of the Rockhampton Regional Council. The Change Commission was not convinced of the weight of this argument. Charges are highly likely to vary from one council to another, depending upon local circumstances and the level of services sought by or available to ratepayers. Moreover, the fact that a council's current rates are lower than another's does not dictate that they will remain so into the future.

In a similar vein, supporters of the proposal expressed concern about a perceived anomaly whereby residences only a small distance apart belonged to different councils. The Change Commission was not persuaded by this argument as boundaries between councils must be drawn somewhere, and many similar situations arise throughout Queensland. This is particularly acute in the more developed south-east Queensland corner of the State, though not unique to it.

The Change Commission also noted the views of some residents that while they live in the Livingstone Shire Council area, they access services and facilities located within the boundaries of the Rockhampton Regional Council.

While the Change Commission accepts that this could promote genuine attachment to the Rockhampton area, this needs to be balanced against the fact that residents of Rockhampton also use the facilities of the Livingstone Shire. There was no clear demonstration that this reciprocal uses of services by residents disadvantaged one council so significantly as to warrant undertaking the proposed change.

Other supporters of the proposed change also pointed to the fact that the administrative council centre for the affected localities is now located an average of 36 kilometres away in Yeppoon. While the Change Commission accepts this fact, it does not consider this to be a material issue that would justify implementation of the proposal. Most residents are unlikely to attend a council administrative centre on a frequent basis and can access services online in most instances. The Change Commission accepts that emergency situations and associated incident response create a different context in terms of accessing services, but do not view the collaboration required to effectively service residents of both councils as being best facilitated through a boundary change of this type.

A key driver for the proposal for change relates to the divergent visions of the councils for the future land use and development of the area, and the urgency of confirming the planning approach to facilitate and guide that growth. While the Rockhampton Regional Council has identified the northern corridor as a key area for future urban growth, the Livingstone Shire Council has adopted a different approach to future development of this area as it is permitted to do through its planning scheme. However, the Change Commission considers the application of relevant planning mechanisms specifically established to resolve such conflicts across local government boundaries, notably the regional planning process, are the preferred solution to this issue rather than a boundary change.

The upcoming review of the Central Queensland Regional Plan provides a critical opportunity to implement a strategic planning vision for the region, balancing the growth needs of the Rockhampton Regional Council, the lifestyle considerations of the Livingstone Shire Council, and the applicable State interests. Given the good faith negotiations that have demonstrably occurred between the councils over time about these matters, it also likely provides a transparent and effective mechanism to proceed with those negotiations in a proper statutory planning context.

In summary, having due regard to all the available material, Ministerial directions and relevant legislative provisions, the Change Commission recommends that there be no change to the current boundary between the Livingstone Shire Council and the Rockhampton Regional Council and that the suburbs of Glenlee, Rockyview and Glendale remain part of the Livingstone Shire Council.

## RECOMMENDATION

The Change Commission recommends that there be no change to the external boundary between the Livingstone Shire Council and the Rockhampton Regional Council.

The Change Commission has provided the report of its assessment to the Minister responsible for Local Government. In accordance with the *Local Government Act 2009*, the Change Commission has published a notice of its assessment in the Queensland Government Gazette and on the ECQ website.



**Pat Vidgen PSM**  
Electoral Commissioner



**Wade Lewis GAICD**  
Casual Commissioner



**Peter McGraw**  
Casual Commissioner

## APPENDICES

- APPENDIX 1** Ministers' referrals
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- APPENDIX 9** Rockhampton Regional Council submission
- APPENDIX 10** Survey responses
- APPENDIX 11** Maps

# LOCAL GOVERNMENT CHANGE COMMISSION

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