

17.2 PLAYFORD AND GAWLER BOUNDARY REALIGNMENT

Contact Person: Dale Welsh

Why is this matter confidential?

Subject to an order pursuant to Section 90(3)(b) of the *Local Government Act 1999*, this matter is confidential because It could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct business, or to prejudice the commercial position of Council..

A. COMMITTEE TO MOVE MOTION TO GO INTO CONFIDENCE

No action – this motion passed in the open section.

B. THE BUSINESS MATTER**17.2 PLAYFORD AND GAWLER BOUNDARY REALIGNMENT**

Responsible Executive Manager : Dale Welsh

Report Author : Janey Mitson

Delegated Authority : Matters which cannot be delegated to a Committee or Staff

PURPOSE

To seek Council approval for the submission of a joint application to the Boundaries Commission to realign the legal boundary of Dalkeith Road to the road centreline between City of Playford and Town of Gawler, and to confirm that Wingate Road and Eckerman Avenue are fully located in the Town of Gawler.

STAFF RECOMMENDATION

1. That Council approves the submission of a joint application with the Town of Gawler to the Boundaries Commission, for the realignment of the Dalkeith Road boundary between City of Playford and Town of Gawler to the centreline of the road.
2. That Council approves the joint confirmation to the Boundaries Commission in collaboration with Town of Gawler, that Wingate Road and Eckerman Avenue are fully located in the Town of Gawler council area and that the Boundaries Commission should update their data accordingly.

COMMITTEE RECOMMENDATION**5739**

1. That Council approves the submission of a joint application with the Town of Gawler to the Boundaries Commission, for the realignment of the Dalkeith Road boundary between City of Playford and Town of Gawler to the centreline of the road.
2. That Council approves the joint confirmation to the Boundaries Commission in collaboration with Town of Gawler, that Wingate Road and Eckerman Avenue

are fully located in the Town of Gawler council area and that the Boundaries Commission should update their data accordingly.

EXECUTIVE SUMMARY

It has been identified that the legal boundaries of three roads located adjacent to the border of the City of Playford (CoP) and Town of Gawler (ToG) council areas, are not where each council has always believed they were. State government boundary mapping now shows that Dalkeith Road, Wingate Road and Eckerman Avenue are fully located within the Town of Gawler council boundary, whereas historic maintenance practice for part of Wingate Road and Eckerman Avenue and the full length of Dalkeith Road has been implemented on the understanding that the boundary was the road centreline.

Council staff have met with Town of Gawler and are proposing that for Wingate Road and Eckerman Avenue the data should be updated to reflect the legal boundary, and for Dalkeith Road that the boundary should be adjusted to the centre of the road.

Feedback from the Office of Local Government indicates that this boundary adjustment may be considered an "Administrative Proposal" which is reasonably straight forward to action. This cannot be confirmed until an actual application is submitted.

Playford staff recommend the realignment of the boundary for Dalkeith Road to the road centreline due to the growth and development currently occurring only on the 'Playford side' of this road. The recommendation would result in Playford maintaining influence and control over the associated road, streetscape and stormwater infrastructure outcomes, and the timing of works.

Council is currently required to contribute \$2.85m to the Infrastructure Deeds for interventions on Dalkeith Road regardless of the ownership of the road. The future cost to upgrade Dalkeith Road beyond the infrastructure deed interventions is estimated at \$5-10M but this is dependent on the findings of a current planning study being managed by the State Government.

1. BACKGROUND

It has been identified that Dalkeith Road, Wingate Road and Eckerman Avenue are legally fully located within the Town of Gawler council boundary.

Historically it has been believed that the boundary was the centreline of these roads and as such the CoP and ToG have shared the cost and responsibility for maintenance and renewal, in accordance with Section 214 of the *Local Government Act 1999*.

214—Contribution between councils where road is on boundary between council areas

- (1) If a council carries out roadwork on a road on the boundary between two council areas, the council is entitled to a reasonable contribution from the other council towards the cost of the work.
- (2) The contribution will be—
 - (a) an amount agreed between the councils; or
 - (b) in the absence of agreement—an amount determined by the court in which the action for contribution is brought.
- (3) A council is not entitled to contribution under this section unless the council seeking contribution gives the other council reasonable notice of the nature of the proposed roadwork and allows the council a reasonable opportunity to make representations about the proposed work—but notice is not required in a case of urgency.

The two Councils have been successful in achieving \$1.987m in Blackspot funding for a roundabout at the Dalkeith Road / Stebonheath Road intersection, delivery of which is being project managed by CoP.

Dalkeith Road is approximately 3.6 km in length and is due for full depth renewal. Works have not been included in the AMP renewal program to date, pending the outcome of the Blackspot application, the subsequent future completion of the roundabout, and the resolution of ownership.

Wingate Rd (Angle Vale Road to Gawler River) is approximately 3 km in length, with 2.1 km of this adjacent to the council boundary and the remainder well within the Gawler council area. It is not due for renewal until 2037.

Eckerman Avenue is just over 1.2 km in length, with 0.4 km of this adjacent to the council boundary. It is not due for renewal until 2035.

A fourth boundary road (Smith Road) was previously identified as being located in the ToG council area. In 2020, CoP resolved (*Council Resolution 3970*) to contribute 50% of the cost of upcoming renewal works and then hand the road formally to ToG for all future management and ownership responsibility.

1.1 Definitions

1.1.1 The South Australian Property and Planning Atlas (SAPPA) is a state government map-based web application developed by Planning and Land Use Services which provides spatial data on land boundaries.

1.1.2 The South Australian Local Government Boundaries Commission (the Commission) means the South Australian Local Government Grants Commission that was established under the South Australian Local Government Grants Commission Act 1992.

1.1.3 Administrative Proposal means a proposal—

- (a) relating to the alteration of a boundary that is shared by 2 or more councils—
 - (ii) to correct an anomaly that is, in the opinion of the Commission, generally recognised.

NB this is an extract only from the clause in Section 30 of the Local Government Act 1999.

1.1.4 General Proposal means a proposal that is not defined as an 'Administrative Proposal' within section 30(7) of the Local Government Act 1999 (for example, General Proposals may include a significant boundary change or amalgamation).

NB even if both Councils agree, the Commission can still deem the application to be a General Proposal.

2. RELEVANCE TO STRATEGIC PLAN

Community Theme 1: Improving safety and accessibility

Council's management of roads and streetscapes delivers upon its commitment to provide safe and accessible connections for our community that are appropriate to the required level of service for the road classification.

Community Theme 5: Using money wisely

Council is required to contribute to the Infrastructure Deeds and the recommendation ensures that Council retains some control over the community outcomes of that investment.

3. PUBLIC CONSULTATION

Section 30 of the *Local Government Act 1999* states that "*the Commission may determine not to conduct community consultation in relation to a particular administrative proposal if the Commission considers it unnecessary to do so.*"

If the Commission find that this is an Administrative Proposal, it is not expected that community consultation would be required.

If the Commission find that the realignment is a General Proposal it would need to follow a more comprehensive multi-stage process that includes community consultation by Council prior to the application, and further community consultation undertaken by the Commission.

4. DISCUSSION

4.1 Boundaries Commission staff have advised CoP staff of the following with regard to their role:

- The Commission is the body responsible for considering boundary change proposals from a Council, Councils, the General Public or the Parliament. The Commission does not maintain or participate in any adjustment of the existing council boundaries outside of a recommendation to change a boundary that has arisen from an inquiry into a Boundary Change Proposal.
- The Boundaries Commission is also the SA Local Government Grants Commission, and the Grants Commission has maintained a GIS of the local road network independently of the State Government since around 2000. This GIS was originally conceived from a "download" of DEH data at the time and then continually updated by Councils via an annual return (the General Information Return – Roads). The Commission uses this data to enable total road length to be calculated for its Financial Assistance Grants recommendations each year.

- Where the Grants Commission's GIS and the SAPPA data crosses over is that where council boundaries are along local roads, the Commission makes the assumption that the councils on both sides of the boundary are responsible for the road, and we split the lengths 50/50 for our grant recommendations.
 - It is assumed that the Commissions historical data from DEH may have had Dalkeith Rd as a boundary road, and at some point, in time refinements to the State's database have updated the boundary to its present position. If neither Playford nor Gawler were aware of these changes (until now), then our GIS would have continued to reflect the roads as the boundary.
 - The Commission has the ability to update its data to reflect the SAPPA data and change the boundary to have Dalkeith Rd inside Gawler's boundary, but these changes would be subject to confirmation from Gawler that they are aware of this and approve the change.
- 4.2 The Department for Infrastructure and Transport (DIT) Spatial Maintenance have advised the following:
- The council boundary for Town of Gawler has always resided relative to the cadastre and the roads were shown in the images provided and SAPPA i.e. the boundary shown on SAPPA is the physical and legal boundary and the road asset is in the ownership of Town of Gawler (ToG).
- 4.3 Staff from CoP and ToG have met to discuss the boundary of all three roads. It is agreed that because Wingate Road and Eckerman Avenue are not due for renewal for the foreseeable future, and the maintenance effort for each is very minor, the SAPPA information should be confirmed as correct, and the Commission advised jointly by both councils. In addition, only part of the length of each of those roads is along the boundary, with the remainder being well within the ToG council area, the boundary section being just 0.4 km of the 1.25 km Eckerman Avenue, and Wingate Road being 2.1 km of the full 3 km road.
- 4.4 As per the **definitions** provided, Section 30 of the *Local Government Act 1999* includes a simplified pathway for consideration of boundary change proposals that are minor administrative matters. Verbal advice has been received from the Office of Local Government that the realignment of the Dalkeith Road boundary to the road centreline may be considered an Administrative Proposal, specifically to correcting a generally recognised anomaly. In this case, the on-going historic treatment of Dalkeith Road by both Councils is the shared ownership, maintenance and renewal responsibility, and the boundary adjustment would merely formalise current practice that has been in place for decades.
- 4.5 The Commission cannot confirm whether the realignment would be considered an Administrative or General Proposal until an application has been submitted. A resolution of both Councils is required to submit an application.
- 4.6 Dalkeith Road is due for renewal and requires full depth pavement reconstruction including design. It has not been included in a current AMP road renewal program pending the outcome of the Blackspot application and resolution of ownership. Works would not be planned until after the completion of the roundabout. CoP's half of this work is estimated at either \$1.75M for a full life reconstruction, or \$0.550M for a solution that would be designed to hold the road together for 10-15 years until an anticipated future upgrade.
- 4.7 Renewal of Smith Road triggered the Resolution (3970) that Council contributes half of the renewal cost and formally transfer Smith Road to ToG in 2020.

- 4.8 In early 2023, DIT engaged a consultant to undertake a planning study to identify opportunities to improve Curtis Road and Dalkeith Road to support growth and development. The scope of the study for Dalkeith Road is between Main North Road and Angle Vale Road. The planning study will inform future infrastructure requirements. Council is yet to be engaged by DIT with the final scheme, however it is expected that an uplift in road hierarchy will be needed as a result of increased traffic volumes.
- 4.9 Separate to the above planning study, Dalkeith Road is already the subject of the Playford North Extension Growth Area Road Infrastructure Deed which triggers the need for certain upgrades to Dalkeith Road (amongst other roads) as growth occurs. These upgrades were identified at the time of rezoning of this growth area in 2014 with the Road Infrastructure Deed then triggering financial contributions from landowners as land develops. Council and the Minister for Transport and Infrastructure are further signatories to this Road Infrastructure Deed and subject to financial contributions. The Road Infrastructure Deed fund is managed by the Department of Infrastructure and Transport (DIT).
- 4.10 As identified within the below image, the upgrades identified by the Road Infrastructure Deed include the need for roundabouts and channelised turning lanes along Dalkeith Road in addition to upgrades to the Dalkeith Road cross section should adjacent landowners seek to develop land in a manner that fronts onto Dalkeith Road.



- 4.11 The timing of any upgrades is related to the pace of development of Playford North Extension (PNE) and is therefore unknown but is expected to be in the order of 10-15 years.
- 4.12 CoP is required under the Road Infrastructure Deeds to contribute \$2.85m to infrastructure upgrades (as at October 2023: values are indexed). ToG is not a party to the Deeds and is not required to contribute.
- 4.13 The success of the PNE growth area is somewhat dependent on Dalkeith Road in terms of the standard of maintenance and level of service of the road environs. The Town of Gawler has no such vested interest in maintaining an appropriate standard.
- 4.14 Dalkeith Road between Angle Vale Road and Coventry Road is the subject of the Road Infrastructure Deeds, but the section between Coventry Road and Main North Road is not as there is no adjacent residential development. Designated as Open Space Zone on the Playford side, this area may be appropriate for a future sporting facility which would likely necessitate the road frontage being upgraded from rural to urban standard. There is no currently identified funding pathway for this section of Dalkeith Road to be upgraded. An upgrade from rural to urban standard for a single lane road similar to the

recent Heaslip Road upgrade is estimated to cost \$5-10M. As owners or joints owners of the road, Town of Gawler would need to jointly or fully fund an upgrade.

- 4.15 In late 2023, the State Planning Commission released the Greater Adelaide Regional Plan Discussion Paper for consultation which identified land immediately north of Dalkeith Road (within ToG) for future growth area investigations, more specifically in Kudla. Pending the outcome of these investigations any such additional growth is expected to again increase the volume of vehicles along Dalkeith Road with any additional upgrades needing to form part of these investigations and any subsequent future rezoning process.
- 4.16 It is expected that in the future, Dalkeith Road would be a candidate for becoming the responsibility of DIT due to increased traffic volumes and its function as a key transport route between Main North Road and the Northern Expressway (similar to Curtis Road). The additional complexity of the road being under the jurisdiction of two councils, plus having the advocacy of two councils, may add weight to this transfer justification.

5. OPTIONS

Recommendation

1. Council approves the submission of a joint application with the Town of Gawler to the Boundaries Commission, for the realignment of the Dalkeith Road boundary between City of Playford and Town of Gawler to the centreline of the road.
2. Council approves the joint confirmation to the Boundaries Commission in collaboration with Town of Gawler, that Wingate Road and Eckerman Avenue are fully located in the Town of Gawler council area and that the Boundaries Commission should update their data accordingly.

Option 2

1. Council does not approve the submission of a joint application with the Town of Gawler to the Boundaries Commission, for the realignment of the Dalkeith Road boundary between City of Playford and Town of Gawler to the centreline of the road.
2. Council pays 50% of the cost of the required road renewal as a final contribution before taking action to attempt to formalise Dalkeith Road as being the full responsibility of ToG (as per Smith Road).
3. Council approves the joint confirmation to the Boundaries Commission in collaboration with Town of Gawler, that Wingate Road and Eckerman Avenue are fully located in the Town of Gawler council area and that the Boundaries Commission should update their data accordingly.

6. ANALYSIS OF OPTIONS

6.1 Recommendation Analysis

6.1.1 Analysis & Implications of the Recommendation

PROS	CONS
CoP maintains control over the timing and design outcomes of future upgrades to Dalkeith Road, in accordance with our Strategic Plan, Urban Design Guidelines and Transport Strategy.	CoP maintains 50% share of ownership and responsibility of Dalkeith Road with all associated on-going costs for maintenance, depreciation etc (see Financial Implications section).
CoP can maintain Dalkeith Road southern side to a standard that supports PNE growth.	CoP will need to fund any shortfall between the Deed contribution requirements and the final cost of the streetscape upgrades. (Only the Deed contribution is compulsory in both options).
Relationship maintained with Town of Gawler.	The section of Dalkeith Road between Coventry Road and Main North Road is not covered by the Deeds and does not have a current funding pathway (estimated at \$5-10M).
CoP can participate in advocating for the future transfer of Dalkeith Road to the state government with the Town of Gawler.	Road reserve potentially maintained to a different standard on north and south side.

Risk Appetite

Reputation

Council has a low appetite for negative perceptions that compromise its credibility and reputation, achievement of its long-term vision (Playford Community Vision 2043) and strategic objectives, or ability to maintain its status as a progressive and major growth Council.

This decision is aligned with Council's strategic objectives relating to being a major growth council that is committed to providing appropriate community infrastructure in support of that growth.

Service Delivery

Council has a moderate appetite for supporting and enhancing existing services and programs to improve the social, recreation and health and wellbeing outcomes for residents; and driving social and economic transformation through a number of major projects and Council initiatives, which will create jobs and act as a catalyst for private investment into Northern Adelaide to support the growing population.

This decision will result in Council's ability to influence community outcomes relating to streetscape infrastructure in the Playford North Extension growth area. The alternative option has a high risk of poorer community outcomes that do not support the growing population with an appropriate level of road network and streetscape infrastructure.

6.1.2 Financial Implications

The Dalkeith Road interventions identified in the Infrastructure Deeds are as follows:
NB this is as of October 2023, values are indexed.

Dalkeith Road Deed Interventions	Total Cost	Council Contribution
Angle Vale Road Intersection	\$2.02M	Nil
Stebonheath Road Intersection	BLACKSPOT FUNDED	
Smitham Road Intervention	\$1.89M	\$0.48M
Coventry Road Intersection	\$2.84M	\$0.71M
Cross Section Upgrade	\$6.62M	\$1.66M
TOTAL	\$13.37M	\$2.85M

The cost to upgrade the section of Dalkeith Road that is not covered by the Infrastructure Deeds is estimated at \$5-10M based on the same upgrade design as the recent Heaslip Road North upgrade (single lane in each direction, urban road with footpaths). Council would be responsible for half of this cost with the Town of Gawler funding the other half. It is necessary to note that Council is still to receive the report for the Curtis and Dalkeith Road planning study. The planning study may identify upgrades beyond this estimate.

There are some minor savings (<\$20k per year) in on-going operating expense associated with Part 2 of the recommendation (Wingate Road and Eckerman Avenue).

The Financial Assistance Grants are partly calculated on road length. Reassigning 1.25 km out of CoP's 930 km road network is considered immaterial to the calculation the grant value.

	Current Year 2023/24 \$'000	Future Years \$'000	Ongoing \$'000
Operating Revenue			
Operating Expenditure (Returned Roads)		(20)	(20)
Operating Expenditure (Upgrade)		470	470
Net Operating Impact		450	450
Capital – Investing Revenue			
Capital Expenditure		5,000*	
Total Borrowings (Capital Investment)		5,000*	

*this is an indicative amount and could be within a range of \$2.5M-\$5M for Council's 50% contribution.

6.2 Option 2 Analysis

6.2.1 Analysis & Implications of Option 2

PROS	CONS
CoP no longer has 50% share of ownership and responsibility of Dalkeith Road and therefore no associated costs for maintenance, depreciation etc (see Financial Implications section).	CoP has no control over the timing and design outcomes of future upgrades to Dalkeith Road.
CoP will not need to fund any shortfall between the Deed contribution requirements and the final cost of the streetscape upgrades. (Only the Deed contribution is compulsory in both options).	CoP has no control over the community outcomes of \$2.85m in contributions to the Infrastructure Deeds.
CoP will not need to fund any other upgrade to Dalkeith Road between Coventry Road and Main North Road (not covered by the Deeds).	CoP has no control over the standard of maintenance on Dalkeith Road to support PNE growth.
	ToG are unlikely to be supportive of a decision that results in Dalkeith Road being their sole responsibility and may pursue a Boundary Realignment.
	CoP would not be a party to support ToG in advocating for the future transfer of Dalkeith Road to the state government.

6.2.2 Financial Implications

CoP would realise on-going depreciation and maintenance savings of approximately \$45k per year if Dalkeith Road was formally handed to ToG following a final jointly funded renewal.

CoP would still be required to pay \$2.85m into the Infrastructure Deeds with this option (road ownership is not relevant) but would not be responsible for any future upgrade costs.

Dalkeith Road Deed Interventions	Total Cost	Council Contribution
Angle Vale Road Intersection	\$2.02M	Nil
Stebonheath Road Intersection	BLACKSPOT FUNDED	
Smitham Road Intervention	\$1.89M	\$0.48M
Coventry Road Intersection	\$2.84M	\$0.71M
Cross Section Upgrade	\$6.62M	\$1.66M
TOTAL	\$13.37M	\$2.85M

CoP would jointly contribute to the renewal of Dalkeith Road prior to formal handover to ToG. CoP's share of a full depth renewal is approximately \$1.75m, this is a once off cost.

There are some minor savings (<\$20k per year) in on-going operating expense associated with Part 3 of the recommendation.

The Financial Assistance Grants are partly calculated on road length. Reassigning 1.25 km out of CoP's approximately 900 km road network is considered immaterial to the calculation the grant value.

	Current Year 2023/24 \$'000	Future Years \$'000	Ongoing \$'000
Operating Revenue			
Operating Expenditure		(65)	(65)
Once off Operating Expenditure		1,750	
Net Operating Impact		1,685	(65)
Capital – Investing Revenue			
Capital Expenditure			
Total Borrowings (Capital Investment)			

C. COMMITTEE TO DECIDE HOW LONG ITEM 17.2 IS TO BE KEPT IN CONFIDENCE

PURPOSE

To resolve how long agenda item 17.2 is to be kept confidential.

STAFF RECOMMENDATION

Pursuant to Section 91(7) of the *Local Government Act 1999*, the Committee orders that the following aspects of Item 17.2 be kept confidential in accordance with Committee's reasons to deal with this item in confidence pursuant to Section 90(3)(b) of the *Local Government Act 1999*:

- Report for Item 17.2
- Minutes for Item 17.2

This order shall operate until the next scheduled annual review of confidential items by Council at which time this order will be reviewed and determined in accordance with Section 91(9)(a) of the *Local Government Act 1999*.

The Chief Executive Officer may revoke the minutes for Item 17.2 upon the submission of a joint application to the Boundaries Commission. The Chief Executive Officer must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

COMMITTEE RESOLUTION

5740

Pursuant to Section 91(7) of the *Local Government Act 1999*, the Committee orders that the following aspects of Item 8.2 be kept confidential in accordance with Committee's reasons to deal with this item in confidence pursuant to Section 90 (3)(b) of the *Local Government Act 1999*:

- Report for Item 8.2
- Minutes for Item 8.2

This order shall operate until the next scheduled annual review of confidential items by Council at which time this order will be reviewed and determined in accordance with Section 91(9)(a) of *the Local Government Act 1999*.

The Chief Executive Officer may revoke the minutes for Item 8.2 upon the submission of a joint application to the Boundaries Commission. The Chief Executive Officer must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

Released 08 May 2025