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29 February 2024

Boundaries Commission

By email: [boundaries.commission@sa.gov.au](mailto:boundaries.commission@sa.gov.au)

Dear Commission

**Administrative Boundary Change Proposal – Stage 2**  
**Adelaide Hills Council – City of Burnside**

The Adelaide Hills Council (“AHC”) and the City of Burnside (“COB”) apply to the Boundaries Commission for support for an Administrative Boundary Change Proposal.

Description of Proposal

Boral Resources (SA) Ltd (“Boral”) own land that straddles McBeath Drive which is the border between the suburbs of Skye and Horsnell Gully and is also the boundary of AHC & COB being Certificate of Title Volume 6140 Folio 938 (Appendix 1).

Boral has received Development Approval to undertake a boundary realignment involving six land parcels that results in three residential allotments being created on McBeath Drive (Appendix 2).

The development contemplates a process under the *Roads (Opening & Closing) Act 1996* (“ROC Act”) for an exchange of land to facilitate the realignment of the public road to a more logical position considering the topography of the land. The exchange process has been undertaken in accordance with the ROC Act with both AHC & COB issuing Road Process Orders and entering into Agreements for Exchange.

A condition of the Development Approval is the creation of a buffer zone for fire prevention purposes on the southern side of the new McBeath Dr location which would result in the three new allotments straddling the new road location and the Council boundary. The outcome of which creates administrative concerns with both AHC & COB regarding the management of these allotments.

Both AHC & COB have resolved to undertake a boundary realignment to the position identified in Appendix 3 to resolve these concerns. Copies of the Council resolutions are attached as Appendix 4a and 4b.

On 1 February 2024, Boral advised that a Plan of Division associated with the above Development Approval has been approved by the Lands Titles Office, with the production of new Certificates of Title now underway. Accordingly, AHC & COB are now proceeding with stage 2 of the above Council boundary change proposal.



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### Section 26 Principles

The proposed boundary change is required to address administrative complexities created by the creation of 3 new residential allotments that will straddle both the new location of McBeath Drive and the Council boundary between AHC & COB.

The proposed boundary change meets the following criteria for an administrative proposal pursuant to Section 26 of the *Local Government Act 1999*:

- The proposed boundary change is to facilitate a development that has been granted an authorisation under the *Planning, Development and Infrastructure Act 2016*.
- The proposed boundary change is required to alter the common boundary between AHC & COB due to both the physical and legal realignment of a common road.
- The proposed boundary change will correct an anomaly created by the approved boundary realignment that will create three residential allotments that will straddle the common boundary of AHC & COB.
- The proposed boundary change will benefit residents by supporting AHC & COB in the delivery of services to the 3 residential allotments, as well as manage and maintain public infrastructure.
- Currently, the three residential allotments are owned by Boral who are advocating for the proposed boundary change to occur.

### Community Interest

The proposed boundary change will affect three residential allotments that have been newly created, with each currently owned by Boral.

It is considered that the proposed boundary change will benefit the owners of 3 residential allotments, once sold, as the responsibility for delivery of local government services and the management and maintenance of public infrastructure will be clarified.

### Consultation

Specific Community Consultation has not been undertaken in relation to the boundary change proposal however public notification was undertaken as part of the road exchange process with no objections being received.

As Boral are the owners of the land on each side of the affected section of McBeath Drive, broader community consultation in relation to the boundary change proposal has not been undertaken however will be if required by the Boundaries Commission. It is further noted that Boral are advocating for the proposed boundary change to occur.



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#### Advantages and Disadvantages

It is considered that the proposed boundary change will be advantageous to the future owners of 3 residential allotments as the responsibility for delivery of local government services and the management and maintenance of public infrastructure will be clarified. By contrast, there is no perceived disadvantage to the proposal proceeding.

AHC & COB are not aware of any opposition to the proposed boundary change.

#### Administrative Matters

Contacts at the Councils are:

- City of Burnside – James Brennan, Group Manager Environment & Infrastructure Ph: 8366 4262 [jbrennan@burnside.sa.gov.au](mailto:jbrennan@burnside.sa.gov.au)
- Adelaide Hills Council – Karen Cumming, Manager Property Services Ph: 8408 0407 [kcumming@ahc.sa.gov.au](mailto:kcumming@ahc.sa.gov.au)

We are happy to provide additional information in support of this submission as required.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'JB'.

James Brennan  
Group Manager Environment & Infrastructure  
City of Burnside

A handwritten signature in black ink, appearing to be 'KC'.

Karen Cumming  
Manager Property Services  
Adelaide Hills Council