

13.2.8**Proposed Closure of Rann Place, Port Adelaide**

Report Type	Decision
City Plan Theme	Community Leadership
Report Author	Team Leader Property, City Assets
Report Summary	This report seeks endorsement from Council to present the attached Section 16 Report to the Surveyor General, seeking approval for Closure of the land identified as Allotment 44 in Filed Plan 3514 also known as Rann Place, Port Adelaide
Attachments	1. Aerial Image, Rann Place, Port Adelaide [13.2.8.1 - 1 page] 2. Section 16 Report [13.2.8.2 - 53 pages]

RECOMMENDATION

Council resolves that:

1. The Director City Assets Report titled *“Proposed closure of Rann Place, Port Adelaide”* be received and noted.
2. The whole of the land identified as Allotment 44 in Filed Plan 3514 that is delineated in red on the map contained in Attachment 1 – Aerial Image, Rann Place, Port Adelaide (subject to survey and as amended by Council or a government authority) and known as Rann Place, Port Adelaide (‘the Road’) be closed.
3. After considering the three (3) objections to the proposed Road Closure of Rann Place, Port Adelaide during the Community Engagement Process and the subsequent negotiations with the objectors to respond to their objections, a ‘Road Process Order’ be made in respect of the closure of the Road.
4. The Chief Executive Officer or delegate is authorised to submit to the Surveyor General the report contained in Attachment 2 - Section 16 Report.
5. The Chief Executive Officer or delegate is authorised to make minor variations to the Section 16 Report prior to submission, and to undertake all steps necessary to facilitate the closure of Rann Place, Port Adelaide.
6. Rann Place, Port Adelaide shall be excluded from classification as community land under section 193(4a) of the *Local Government Act 1999*, upon the making of the road process order under the *Roads (Opening and Closing) Act 1991*.
7. Authorisation be given to the Chief Executive Officer and the Mayor (pursuant to section 38(1) of the *Local Government Act 1999*) to attest to the affixation of the Common Seal of the City of Port Adelaide Enfield and to sign the Road Process Order and any other documents necessary to give effect to the closure of the Road.

Report

At the ordinary Council meeting, held 9 May 2023 a report titled - Rann Place, Port Adelaide Road Closure was presented and the following endorsed;

1. *'The report of the Director City Assets titled "Rann Place, Port Adelaide Road Closure" be received and noted.*
2. *The whole of the land comprised within Allotment 44 in Filed Plan 3514 that is delineated in red on the map contained in Attachment 1 of the Council Report (subject to survey and as amended by Council or a government authority) and known as Rann Place, Port Adelaide ('the Road'), be declared surplus to Council's requirements.*

The Chief Executive Officer is authorised to:

- a) *continue negotiations with those people/entities who have lodged objections in relation to the proposed closure of Rann Place, Port Adelaide during the period of public consultation; and*
- b) *prepare a report which addresses the criteria required under the Roads (Opening and Closing) Act 1991 on whether to make a 'road process order' in respect of the closure of the Road ('the Section 16 Report'); and*
- c) *present the Section 16 Report to the June Ordinary Council meeting for consideration and decision on whether to make a 'road process order' in relation to the Road and submit the Section 16 Report to the Surveyor-General'.*

Proposed Road Closure of Rann Place, Port Adelaide

Rann Place, Port Adelaide is a portion of unmade road, and described as the whole of the land comprised within Allotment 44 in Filed Plan 3514, measuring approximately 725 square metres and is delineated in red on the map contained in **Attachment 1** – Location Map.

Community Engagement During Public Consultation and Objections Received

Council Administration carried out Community Engagement activities in relation to the proposed Road Closure Process of Rann Place, Port Adelaide commencing 20th January 2022 and completing on 21st February 2022.

Three objections were received during the period of Community Engagement

- a) Allotment owners of 2 Rann Place, Port Adelaide who requested road access from Rann Place for a future dwelling;
- b) Allotment owners of 8 St Vincent Street, Port Adelaide who plan to build a house on their vacant block and they requested rear access from Rann Place for the future dwelling; and
- c) Allotment owners of 16-20 St Vincent St, Port Adelaide who had submitted an application for the construction of five proposed dwellings and a shop (being Development Application (ID 22006002)

(further identified in this report as 'the Objectors').

Council Administration met with the Objectors to explain the Road Closure Process and to discuss their concerns and objections.

As part of the process, the Objectors were advised, that should Council and the Surveyor General endorse the formal closure of Rann Place, Port Adelaide, then a possible disposal could be considered.

Council Administration sought an independent licensed valuation report to determine the value of the land and during conversations with the Objectors, a financial offer was submitted by the Objectors to purchase the land.

This financial offer was rejected by Council Administration due to it not being in line with the Sale and Disposal of Land and Assets Policy and the offer not being aligned to the valuation report.

As a result of not accepting the Objector's offer, the Objectors refused to withdraw their objections and sought to provide Council Administration with another valuation. During this meeting, Council Administration advised the Objectors that Council was going to proceed with the Road Closure, seeking the Surveyor General decision whether Rann Place, Port Adelaide could be formally closed. Should it be supported by the Surveyor General, then the Objectors would have an opportunity to consider purchase of the land on the open market.

Surveyor-General's Response

A letter was submitted to the Surveyor-General explaining the details of the decision-making processes and requesting that Rann Place, Port Adelaide be recommended for closure notwithstanding the objections.

A letter has subsequently been received from the Surveyor General advising that:

'It is the Surveyor-General's view that sufficient consideration has not been given by council in satisfying the objections made to the proposed road closure of Rann Place. Council now has an opportunity to reassess the objections received to the proposed closure of Rann Place, Port Adelaide and to demonstrate consideration of possible alternative solutions'.

The Surveyor-General has stipulated that in light of the outstanding objections, Council must submit a report (required under section 16 of the *Roads (Opening and Closing) Act 1991* and identified as **Attachment 2 – Section 16 Report**) that outlines the processes taken to consider the three objections and to satisfy and resolve those objections.

Conclusion

It is now recommended that Council, in line with the May 2023 resolution, endorse the attached Section 16 Report (Attachment 2 – Section 16 Report) for further consideration by the Surveyor General on the Proposed Road Closure of Rann Place, Port Adelaide.

City Plan Relationship

The recommendation to make a road process order and to place the land on the open market is consistent with Council's City Plan Theme of **Economy**: as the development of the land will strengthen the activation of the Port Adelaide precinct and the strategy relating to 'attracting new investment and innovation'.

The sale of this underutilised space supports Council's City Plan Theme of **Leadership**: as the sale upholds the strategy of planning and managing our finances and assets sustainably.

The site lies within the Historic Area Overlay of the Port Adelaide Centre subzone which promotes street frontage development and verandahs over footpaths. The sale of Rann Place reinforces Council's City Plan theme of **Placemaking**: as it creates an opportunity to achieve a more consistent frontage along St Vincent Street and the prospect for a sensitively designed development that is respectful of the area's historic character and built form.

Legislative Context and Related Policies

To enable Rann Place, Port Adelaide to be closed, it is necessary to formally close the road in accordance with the requirements of the *Roads (Opening and Closing) Act 1991* ('the Roads Act') subject to the consent of the Minister for Planning

A council has the power by virtue of sections 15 and 17 of the *Roads (Opening and Closing) Act 1991* to make a road process order to close a road.

Section 193(4a) of the *Local Government Act 1999* enables a council to exclude land from classification as 'community land' if the land was a road that vested in the council after its closure under the *Roads (Opening and Closing) Act 1991*. Such resolution must occur before, or at the time of, the making of the 'road process order' under the *Roads (Opening and Closing) Act 1991*.

Stakeholder Engagement

Community engagement on the proposed Road Closure commenced on 20 January 2022 and was completed on 21 February 2022.

People who were considered affected by the proposed road closure (such as surrounding property owners and service authorities) were notified and given the opportunity to provide feedback.

Council Administration has carried out various negotiations with the Objectors to address and resolve their concerns. No further community engagement activities have been undertaken.

Risk Management

It is possible that the Objectors may insist that Council has a statutory obligation to construct a hard surface road on land declared to be a public road.

Legal advice has advised that there is no requirement on Council to construct a road on land that has the status of a public road.

Council's lawyers have also advised that it is likely that a development application for multiple new dwellings requiring access via an un-made public road would be subject to a full merits assessment under the Planning and Design Code.

Council's Lawyers did not expect planning consent to be granted without it being clear how the applicant proposes to resolve the access issue.

Multiple options for access can be discussed with the Objectors, such as the Objectors funding the construction of the road or by purchasing the portion of land, formally known as Rann Place, should endorsement from Council be received and the Surveyor General subsequently rejecting the proposal.

Financial Management

No budget has been allocated for this project and the net sale proceeds will be allocated to the general budget.

Environmental and Social Impacts

An Environmental Site Assessment Report was presented to Council in February 2023 which outlined the potential soil contamination due to historic activities occurring across the whole site (2 Rann, 8 St Vincent Street, Rann Place & 16-20 St Vincent St, Port Adelaide).

The assessment concluded that there is no significant or widespread site contamination that would preclude the use of the site for proposed high density residential purposes and that a range of management and risk management plans should be developed as part of any development of these sites.

The Objectors have also stated that due to the lengthy process undertaken by Council to consider the future of Rann Place, Port Adelaide it has had a financial impact upon them through their inability to progress with their proposed developments on their properties.





Section 16 Report

Proposed Road Closure Rann Place, Port Adelaide



Table of Contents

Purpose of the Section 16 Report	3
Identification of Rann Place, Port Adelaide	4
Council Minutes	8
Timeline of Events	11
Considerations & Criteria	22
Conclusion	29
Annexures	30
<i>Annexure 1 – Deposited Plan 3514</i>	<i>31</i>
<i>Annexure 2 – Preliminary Plan 22/0001</i>	<i>32</i>
<i>Annexure 3 - Engagement List and Template Letter</i>	<i>33</i>
<i>Annexure 4 – Gazette Notice dated 20th January 2022.....</i>	<i>36</i>
<i>Annexure 5 – Statement of Affected Persons & Templated Letter Sent</i>	<i>37</i>
<i>Annexure 6 – Notice of Objection – 2 Rann Place, Port Adelaide</i>	<i>39</i>
<i>Annexure 7 – Notice of Objection – 8 St Vincent Street, Port Adelaide</i>	<i>40</i>
<i>Annexure 8 – Notice of Objection – 16-20 St Vincent Street, Port Adelaide</i>	<i>41</i>
<i>Annexure 9 – Response to Objection – 2 Rann Place, Port Adelaide</i>	<i>44</i>
<i>Annexure 10 – Response to Objection – 8 St Vincent Street, Port Adelaide.....</i>	<i>45</i>
<i>Annexure 11 – Response to Objection – 16-20 St Vincent Street, Port Adelaide.....</i>	<i>46</i>
<i>Annexure 12 – Options & Attachments email dated 6th April 2022</i>	<i>47</i>
<i>Annexure 13 – Surveyor General Letter dated 14th October 2022.....</i>	<i>52</i>

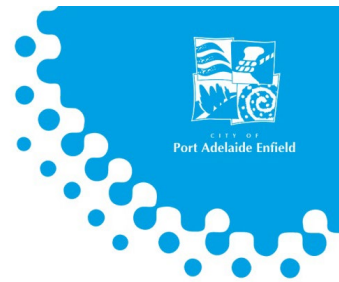


Purpose of this Report

This report has been prepared to support the proposal to close the Road identified as Allotment 44 in Filed Plan 3514 and known as Rann Place, Port Adelaide by the City of Port Adelaide Enfield ('the Council') and to enable the Council to make a decision on whether to make a road process order.

Council acknowledges that 3 public objections were received during the Community Engagement Process and the subsequent actions by the Council Administration to satisfy and resolve those objections.

Pursuant to section 15 & 16 of the Roads (Opening & Closing) Act 1991, this Section 16 report is to determine whether to make a road process order to the Surveyor-General.



Identification of Rann Place, Port Adelaide



Declaration of Public Street

The Corporation of the City of Port Adelaide resolved at its meeting held on 18 August 1980, to declare that pursuant to sections 301 and 303 of the *Local Government Act 1934*, that Rann Place, Port Adelaide be a public street and a notice of that declaration was published on 28 August 1980 in the South Australian Government Gazette (page 739).

August 28, 1980] THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE 739

CITY OF PORT ADELAIDE Public Streets

AT its meeting held on the 18th August, 1980, it was resolved that pursuant to the powers contained in section 301 and 303 of the Local Government Act, 1934, as amended, the council of the corporation of the city of Port Adelaide hereby declares the following streets as shown on the schedule to be public streets.

Street name	File plan	Lot no.	C/T Reference	N.U.A.
Albert Street	3470	157	—	N.U.A.
Benson Street	2754	119	—	N.U.A.
Benson Street	3385	125	246/36 PC	—
Cannon Street	3471	71	—	N.U.A.
Cave Street	2710	45	13/178 PC	—
Cavendish Street	2754	117	—	N.U.A.
Cavendish Street	3385	123	246/36 PC	—
Clarence Street	3497	83	189/75 PC	—
Denman Street	3379	136	—	N.U.A.
Dunn Street	2710	13	13/178 PC	—
Francis Street	4425	83	262/81	—
Hampton Crescent	4191	69	1009/195	—
Hare Street	3470	156	—	N.U.A.
Heath Street	4202	59	—	N.U.A.
Heath Street	4207	157	—	N.U.A.
Leadenhall Street	3160	119	—	N.U.A.
McKay Street (Cut off)	4424	174	865/82	—
Matilda Street	4425	85 & 86	262/81 (Lot 86)	N.U.A. (Lot 85)
Mellor Road	3144	185, 186 & 192	109/45 (Lots 186 & 192)	N.U.A. (Lot 185)
Montpelier Street	3145	102	—	N.U.A.
Musgrave Street	4166	120	211/161, 268/181, 182, 186	N.U.A.
Nile Street	3145	103	—	—
Penny Street	3352	208	168/26 PC	N.U.A.
Percy Street	2754	116	—	—
Percy Street	3385	122	246/36 PC	—
Peterhead Street	4424	177	865/82	N.U.A.
Quebec Street	3470	163	—	N.U.A.
Rann Place	3514	44	—	N.U.A.
Ruby Street	4425	80	—	N.U.A.
Sawford Street	4325	121 & 122	—	—
Ship Street	3160	120	—	N.U.A.
Ship Street	3470	162	—	N.U.A.
Ship Street	3471	70	—	N.U.A.
Swigg Street	4207	158	—	N.U.A.
Union Street	4415	82	—	N.U.A.
Vassall Street	2754	118	—	N.U.A.
Vassall Street	3385	124	246/36 PC	—
Wattle Street	4191	71	1009/195	—
Waverley Street	4325	119 & 120	—	N.U.A.
Wooldridge Street	4425	84	262/81	—

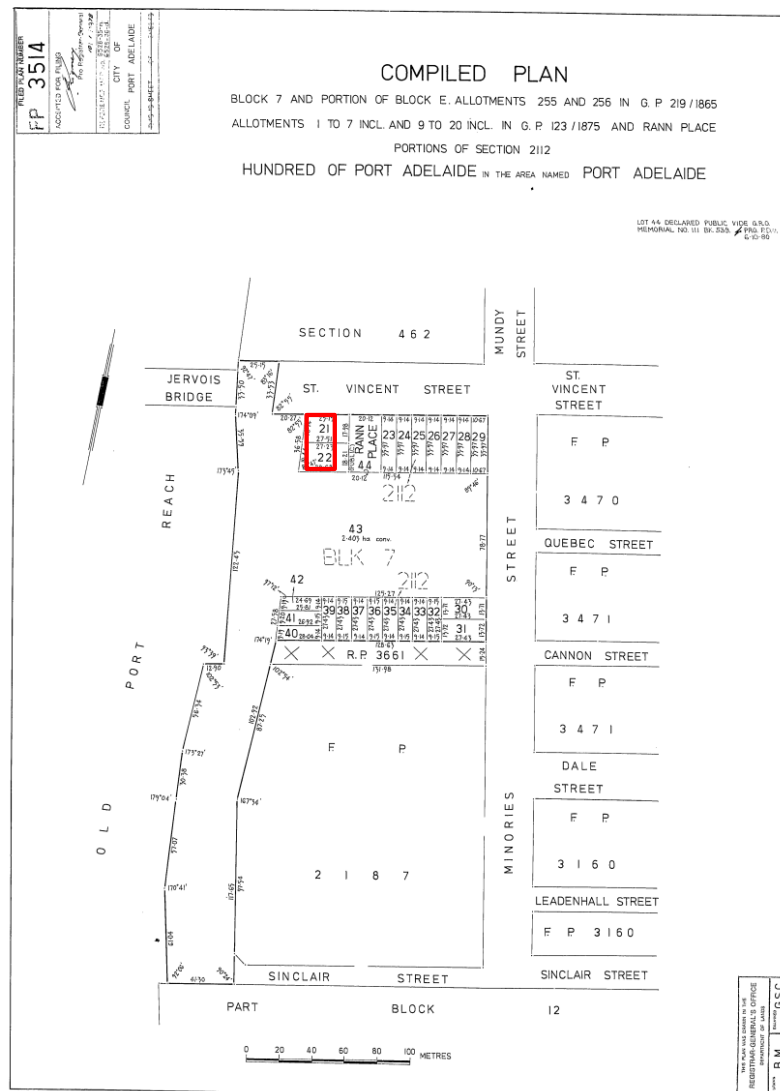
McKay Lane:—

Pursuant to the powers contained in sections 301, 303 and 353 of the Local Government Act, 1934 as amended, the council of the corporation of the city of Port Adelaide, hereby declares that private road being allotment "180" on Filed Plan 4424 and contained in certificate of title volume 865, folio 82 to be a public street and shall henceforth be named McKay Lane.

D. H. M. ROEGER, Town Clerk



Rann Place, Port Adelaide is described as the whole of the land comprised within Allotment 44 in Filed Plan 3514 as delineated in red below





Rann Place, Port Adelaide measures approximately 724 square metres and is an un-made road as delineated as area 'A' and outlined in red in the below aerial image.



A 163 St Vincent Street, Port Adelaide SA 5015 P (08) 8405 6600 E service@cityofpae.sa.gov.au www.cityofpae.sa.gov.au

Page 7 of 52



Council Minutes



At the Ordinary Council Meeting, held on 14th September 2021, a Confidential Report titled 'Acquisition of Land at Port Adelaide' was presented.

This report recommended several land transactions occur within the Port Adelaide area and for the Chief Executive Officer to commence a Road Closure Process for Rann Place under the Roads Act. Council resolved:

6. In the event that Council acquires 2 Rann Place or Piece 2 (Deposited Plan 31335) – or an adequate portion of Piece 2 – is opened as a public road, then the Chief Executive Officer or his delegate is authorised to commence a road closure process of the road named as Rann Place, Port Adelaide described as Allotment 44 in Filed Plan 3514 and delineated in red on the plan contained in Attachment 1 of the Council Report ('the Road'), in accordance with the Roads (Opening and Closing) Act 1991.

7. Subject to the Chief Executive Officer fulfilling the requirements of the Roads Act, the Chief Executive Officer is authorised in relation to the proposed closure of the Road to:

- (a) determine whether or not to proceed with the proposed closure; and*
- (b) where the Chief Executive Officer determines to proceed, to undertake all necessary steps to give effect to the road closure, including and without limitation, to:*
 - i. sign the preliminary and final road plans (as amended), Client Authorisation, 'Application for Document of Title Under the Roads (Opening and Closing) Act 1991' and any other document necessary for the closure of the Road pursuant to the Real Property Act 1886 and the Roads Act;*
 - ii. certify any minutes of Council meetings held in relation to the road closure process and to provide any minutes, plans and other relevant documents to the Surveyor General (as required); and,*
 - iii. determine whether to make a road process order for the proposed road closure, and if such an order is to be made, to sign the road process order.*

8. Authorisation be given to the Chief Executive Officer or the Mayor and the Chief Executive Officer (pursuant to section 38(1) of the Local Government Act 1999) to attest to the affixation of the Common Seal of the City of Port Adelaide Enfield, and to sign any documents necessary, to give effect to the road closure, including the Road Process Order.

9. In the event that Council makes a road process order pursuant the Roads Act, which gives effect to the closing of the Road, then the Road be excluded from classification as community land in accordance with Section 193(4) of the Local Government Act 1999.



At the Ordinary Council Meeting, held 9th May 2023, a further Council Report titled '*Rann Place Port Adelaide Road Closure*' was presented which recommended that the road closure process continue and a Section 16 report be submitted to Council at the June 2023 Ordinary Meeting for consideration.

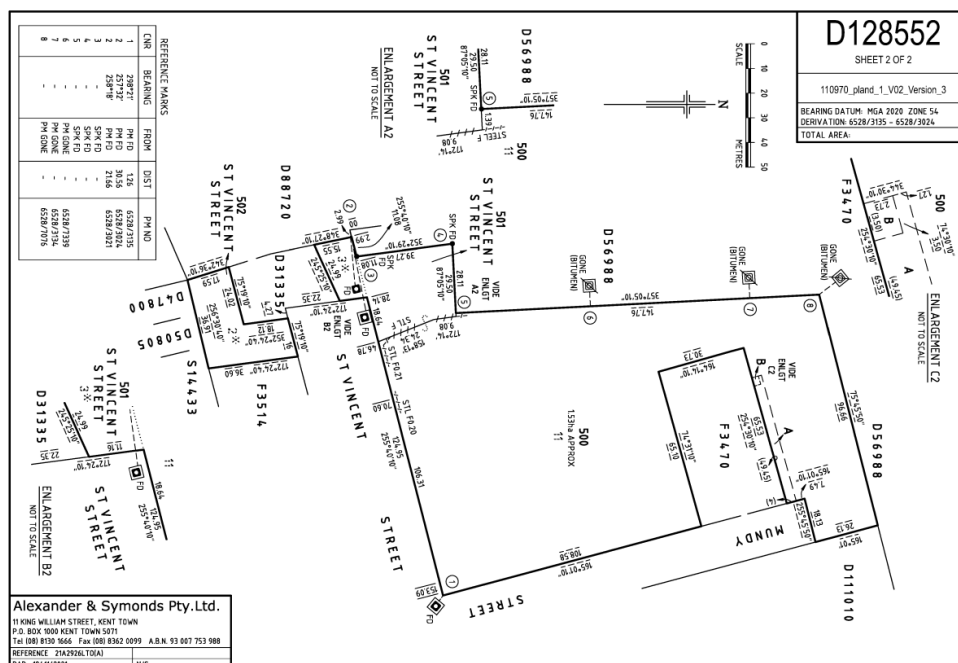
Council resolved:

- 1. The report of the Director City Assets titled "Rann Place, Port Adelaide Road Closure" be received and noted.*
- 2. The whole of the land comprised within Allotment 44 in Filed Plan 3514 that is delineated in red on the map contained in Attachment 1 of the Council Report (subject to survey and as amended by Council or a government authority) and known as Rann Place, Port Adelaide ('the Road'), be declared surplus to Council's requirements.*
- 3. The Chief Executive Officer is authorised to:*
 - (a) continue negotiations with those people/entities who have lodged objections in relation to the proposed closure of Rann Place, Port Adelaide during the period of public consultation; and*
 - (b) prepare a report which addresses the criteria required under the Roads (Opening and Closing) Act 1991 on whether to make a 'road process order' in respect of the closure of the Road ('the Section 16 Report'); and*
 - (c) present the Section 16 Report to the June Ordinary Council meeting for consideration and decision on whether to make a 'road process order'*

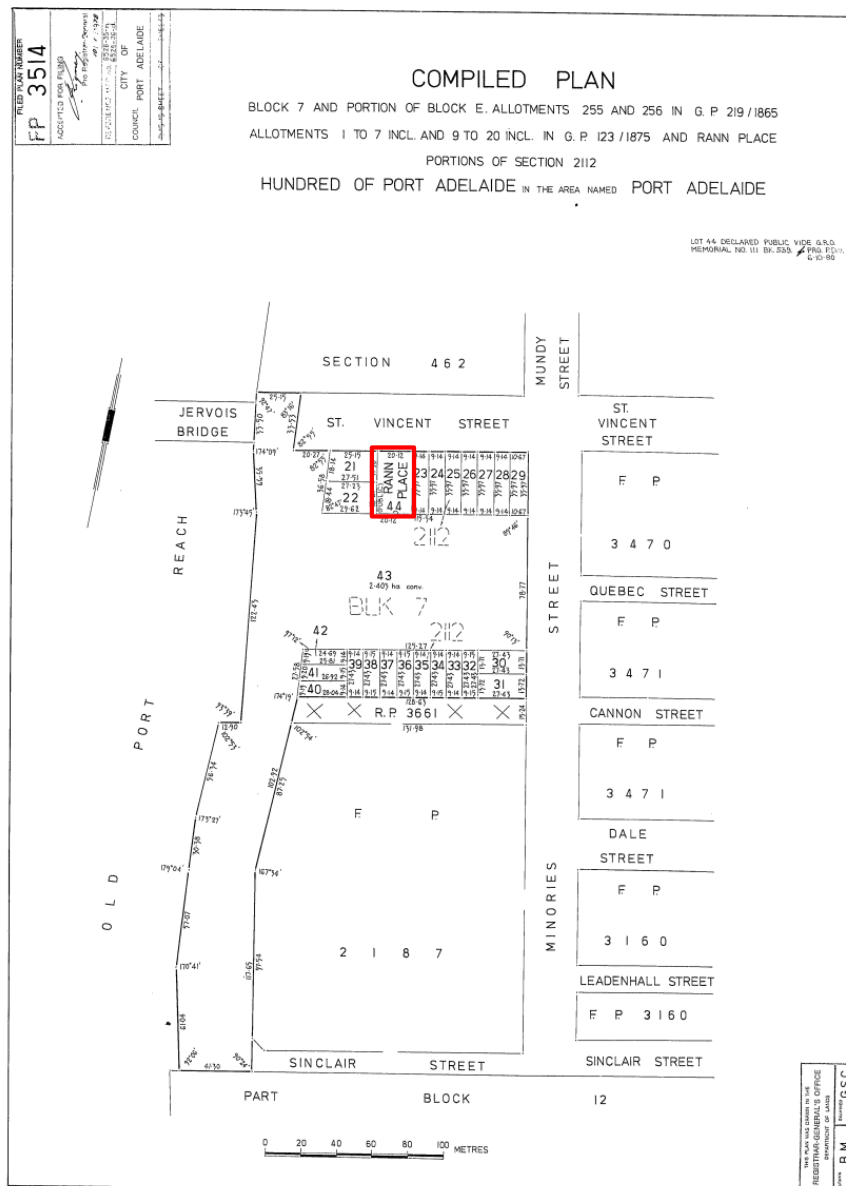


Timeline of Events

- Council Administration was advised by the Urban Renewal Authority that 'Allotment 501 St Vincent Street' and 'Allotment 502 St Vincent Street' in Deposited Plan 128552 had been vested to the Council as Public Road.



A 163 St Vincent Street, Port Adelaide SA 5015 P (08) 8405 6600 E service@cityofpae.sa.gov.au www.cityofpae.sa.gov.au





- **19th January 2022**

Council Administration notified various prescribed public utilities about the Proposed Road Closure as required by the *Roads (Opening and Closing) Act 1991* ('the Roads Act') and the *Roads (Opening and Closing) Regulations 2006* and 35 personalised letters were sent to the surrounding allotment owners outlining the Proposal.

A copy of the listed allotment owners and addresses who received a personalised letter regarding the proposal and Template Letter is contained in Annexure 3 of this report.

- **20th January 2022.**

Notice of the Proposed Road Closure was published in the South Australian Government Gazette on 20 January 2022. The notice was received by the Surveyor-General and forwarded to Land Services SA for publication on its website.

A copy of the notice is listed below and the full page noted in Annexure 3 of this Report.

CITY OF PORT ADELAIDE ENFIELD
ROADS (OPENING AND CLOSING) ACT 1991, SECTION 10
Notice of Proposed Road Closure—Rann Place, Port Adelaide

In accordance with section 10 of the *Roads (Opening & Closing) Act 1991*, NOTICE is hereby given that City of Port Adelaide Enfield proposes to make a Road Process Order to close and retain the public road known as 'Rann Place' Port Adelaide that is more particularly delineated and lettered 'A' on Preliminary Plan 22/0001.

A copy of the Preliminary Plan, and a statement of persons affected, are available for public inspection at the City of Port Adelaide Enfield's Civic Centre located at 163 St Vincent Street Port Adelaide SA 5015 between the hours of 8.30am and 5.00pm, Monday to Friday or at the Adelaide office of the Surveyor-General, 101 Grenfell Street Adelaide during normal office hours. The Preliminary Plan can also be viewed at www.sa.gov.au/roadsactproposals.

Any person is entitled to object to the proposed road closure via written submission. An objection must state whether the objector wishes to make submissions to the Council at any meeting held by the Council for this purpose. A person affected by the proposed closure is entitled to apply for an easement to be granted in that person's favour over the land subject to the proposed closure.

An objection or application for an easement must set out the full name and address of the person making the objection or application and must be fully supported by reasons.

An application for an easement must give full particulars of the nature and location of the easement that is being applied for and, where made by a person as the owner of adjoining or nearby land, specify the land to which the easement is to be annexed.

Any objection or application for an easement must be made in writing setting out full details and must be submitted to the Council by post to PO Box 110, Port Adelaide SA 5015, or via email to service@cityofpae.sa.gov.au within 28 days of the date of publication of this notice and a copy must be forwarded to the Surveyor-General at GPO Box 1354, Adelaide, SA 5001.

Where an objection or application for an easement is received, the Council will give notification of a meeting at which the matter will be considered so that the objector and/or applicant may attend if so desired.

Dated: 20 January 2022

MARK WITHERS
Chief Executive Officer

Alexander Symonds (Councils contracted servicer provider) wrote to all persons possibly affected by this Proposed Road Closure of their opportunity to lodge an objection or an application for an easement within 28 days.

A copy of the Statement of Affected Persons and Template Letter is contained in Annexure 4 of this Report.



- **8th February 2022**

On 8 February 2022 the Council Administration met with the registered allotment owners of 2 Rann Place and 8 St Vincent Street, Port Adelaide to explain the road closure process and to discuss their objections.

- **9th February 2022**

On the 9th February 2022 a formal written objection was received from the registered allotment owner of 2 Rann Place, Port Adelaide.

As shown in Annexure 6 of this Report

- **10th February 2022**

On the 10th February 2022 a formal written objection was received from the registered allotment owner of 8 St Vincent Street, Port Adelaide.

As shown in Annexure 7 of this Report

- **15th February 2022**

On the 15th February 2022 a formal written objection was received from SA Urban and Regional Planning on behalf of the registered allotment owner of 16-20 St Vincent Street, Port Adelaide.

As shown in Annexure 8 of this Report

In summary the objections were:

Property owner	Nature of objection	Date received
Owners of 2 Rann Place, Port Adelaide	Requested rear road access from Rann Place for a future dwelling	9 February 2022
Owners of 8 St Vincent Street, Port Adelaide	The owners plan to build a house on their vacant block and they requested rear access from Rann Place for their future dwelling	10 February 2022
Owners of 16-20 St Vincent St, Port Adelaide	who have submitted an application for the construction of five proposed dwellings and a shop (being Development Application (ID 22006002)	15 February 2022



- **9th March 2022**

Council Administration posted a letter to each of the Objectors acknowledging the nature of their respective objections and confirming Council's intention to sell the road land for future development.

Council Administration outlined in the letter that it considered each property had available legal public road access to it and that Council did not intend to fund the construction of a roadway over Rann Place, Port Adelaide.

Furthermore, the letter highlighted that each owner had the right to consider a proposal to purchase the whole or portion of the Road to amalgamate the closed road land with their existing land holding.

A copy of the letters is contained in Annexures 9,10 & 11 of this Report.

- **5th April 2022**

On 5 April 2022, Council Administration invited all objectors to attend the Council Chambers and discuss options for the Proposed Road Closure. Only the registered owner of 16-20 St Vincent Street attended.

The registered owners of 2 Rann Place & 8 St Vincent Street did not attend this meeting.

At this meeting the registered owner of 16-20 St Vincent Street, Port Adelaide presented Council Administration with 4 options he believed existed for disposal of the Road and to remove the objections.

- **6th April 2022**

Council Administration drafted an email to all objectors which detailed the proposed options for disposal are as follows:

Option 1 – Land Split 50:25:25

1. All adjoining owners remove their objections to the closure of Rann Place, Port Adelaide with the Surveyor General.
2. Proceed to Council with a report that recommends the disposal of Rann Place to adjoining allotment owners in a 50:25:25 split at a reduced residential rate (Please see attached diagram labelled Option One, Rann Place Closure 50.25.25 Split).

The existing portion of unmade road known as Rann Place is defined in red on that attached image and the breakdown of re-alignment is defined in green. The benefit to this proposal;

- Council are able to close the portion of road, by way of adjoining owners removing their objections.
- Staff prepare a report to Council to recommend that the new portion of land, which was formally known as Rann Place, have its boundary re-aligned and amalgamated with the adjoining allotments by way of the green line delineated for a reduced residential rate.
-



This would create a 50:25:25 split of the Rann Place Allotment and all owners could then design access to and from their allotment. The Owners of 2 Rann

Place and 8 St Vincent could then seek to enter into a Right Of Way Agreement for 2 Rann Place to have access over 8 St Vincent St's portion of land.

Option 2 – Land Split 33%

1. *All adjoining owners remove their objections to the closure of Rann Place, Port Adelaide with the Surveyor General.*
2. *Proceed to Council with a report that recommends the disposal of Rann Place to adjoining allotment owners in a 33% split at a reduced rate. (Please see attached diagram labelled Option two, Rann Place Closure 33. Split). The existing portion of unmade road known as Rann Place is defined in red on that attached image, the breakdown of re-alignment of residential land is defined in green and the blue lines indicate a jointly constructed road, which all adjoining owners*
3. *will have rights and responsibilities for under a Community Title or similar. The benefit to this proposal;*

· Council are able to close the portion of road, by way of adjoining owners removing their objections.

· Staff prepare a report to Council to recommend that the new portion of land, which was formally known as Rann Place, have its boundary re-aligned and amalgamated with the adjoining allotments by way of the green line delineated for a reduced residential rate.

· The blue portion of land would be considered its own allotment and deemed a Community Title. This would require all adjoining owners to purchase this portion of land, at a reduced rate indicative of road costs and construct a road together.

All adjoining owners enter into a cost agreement to construct a road which would be for private use of adjoining owners only.

Option 3 – 16-20 St Vincent St to purchase whole portion of land previously known as Rann Place

1. *All adjoining owners remove their objections to the closure of Rann Place, Port Adelaide with the Surveyor General.*
2. *Proceed to Council with a report that recommends the disposal of Rann Place to allotment owner 16-20 St Vincent Street for the purchase the whole of the allotment at a reduced residential rate. The benefits to this proposal;*

· No cost from Council for the owners of 2 Rann Place and 8 St Vincent Street, however a right of way could be discussed and purchased with the owner of 16-20 St Vincent St (once the allotment had been purchased should Council endorse this option) should the owners of 2 Rann and 8 St Vincent still wish to have "rear access" to their allotments and;

· Alternatively, should 2 Rann and 8 St Vincent Street deem it not necessary to have rear access, then Council are now in ownership of the portion of land delineated in yellow and defined as road which provides 2 Rann and 8 St Vincent St frontage onto road (Please see attached diagram labelled Option three, Rann Place St Vincent Street).



Option 4 – Objections are not removed and we continue with the Surveyor Generals Process.

The outcomes that the Surveyor General may recommend are;

- The Surveyor General notes the objections, however supports Council with continuing the process of Road Closure. This will then result in Council Staff reporting and recommending to Council to proceed with the Road Closure and dispose of the land; or;
- The Surveyor General stops Council from proceeding with the Road Closure and a further report detailing this outcome will be required by Staff to Council for further discussions on what should occur with the portion of land known as Rann Place, Port Adelaide.

Suggested attachments noted in Annexure12

- **11th April 2022**

On 11 April 2022 the owner of 16-20 St Vincent Street advised the Council Administration that:

“Our preference is option 3 without right of way as we would be able to fit the driveway according to our original plans (an alignment towards the western boundary to cater for their access would place a constraint on the additional usable space) as long as you receive consent from the neighbours.”

- **21st April 2022**

On 21 April 2022 Council Administration met with all three objectors in person to discuss the four options and Council Administration agreed to obtain an independent valuation of the Road at the Council's cost.

- **19th May 2022**

On 19 May 2022, Knight Frank provided the Valuation Report (on behalf of the Council) based on the highest and best use for the whole of Rann Place, Port Adelaide with an assessed market value range of \$650,000 - \$690,000 excluding GST.

Council Administration provided a copy of the Valuation Report to the Objectors who were provided with an opportunity to make an offer in accordance with Councils 'Unsolicited Proposals Guidelines'.

- **1 June 2022**

Council Administration met with all objectors to discuss the Proposed Road Closure and recent valuation.

At this meeting, the Objectors advised that they would be seeking their own independent valuation of Rann Place, Port Adelaide as they expected the Council to construct a road, and should this not be considered, that they would like to enter into negotiations with the Council to purchase portions of the Road and for those portions to be transferred and amalgamated with the certificates of title for their respective properties.



The Objectors subsequently advised that in their view the Knight Frank Valuation was inaccurate *“as it did not reflect a correct market value under its current layout as a road reserve with access rights for the adjoining properties”*

- **13th July 2022**

On 13 July 2022, Council Administration were provided with a copy of a Valuation Report prepared by Valuations SA (on behalf of the Objectors).

Council Administration were also advised by the registered owner of 16-20 St Vincent Street, Port Adelaide, that all of the owners had agreed to *“support an option similar to Option 1 with a slightly bigger portion to be acquired by owners of 2 Rann Place and 8 St Vincent”*.

A counter-offer was submitted.

- **18th July 2022**

Council Administration responded seeking clarification of the proposal that the objectors had put forward and included a copy of the Sale and Disposal of Land and Assets Policy.

Clarification was sought on the following:

- The Objectors were agreeing to close 100% of Rann Place, Port Adelaide by removing their objections
- The Objectors would then like to investigate options for disposal of this land with approximately 435sqm to be disposed of to the registered owners of 2 Rann and 8 St Vincent Street, Port Adelaide and the remaining 290sqm be disposed of to the owner of 16-20 St Vincent Street, Port Adelaide.
- The owners of 2 Rann & 8 St Vincent St would enter into negotiations outside of Council and during the land division process of for a Right of Way.

An email was received from the owner of 16-20 St Vincent Street, clarifying the proposal the Objectors were seeking to enter into. The proposal outlined that:

- The Objectors were agreeing to close 100% of Rann Place, Port Adelaide by removing their objections;
- The Objectors would then like to investigate options for disposal of this land with approximately 208sqm to be disposed of to the registered owners of 2 Rann, 8 St Vincent, Port Adelaide and 16-20 St Vincent Street, Port Adelaide and the remaining 517sqm vested to all 3 owners to create a private road.



- **19th July 2022**

Council Administration clarified the proposal the objectors were seeking and again reminded the Objectors of the Sale and Disposal of Land and Assets Policy.

- **2nd August 2022**

In line with the Unsolicited Proposals Guideline, The Proposal Review Committee met to discuss the initial road closure proposal, and the offer made by the Objectors, which was deemed to be insufficient as it was far below the market value and was not accepted. The Objectors were subsequently advised of this decision.

- **2nd September 2022**

Council Administration arranged a meeting with the Objectors to explain the following:

1. the road closure process;
2. the Council's intention to not design, construct and install a road of any type;
3. A possible right of way being created to maintain public access to their properties, as a possible alternative solution to satisfy their objections. The Objectors advised that the right of way was insufficient for their purposes;
4. after assessing the public objections, and considering the alternative solutions to those objections, the Council's intention to proceed with closing the Road; and
5. should the road closure process be endorsed by the Council and approved by the Surveyor General, that the closed road land would be placed on the open market for sale and sold via an expression of interest process.

During this meeting, the Objectors advised that they would be seeking an independent Environmental Site Investigation Report which would support the Objectors' proposals for disposal.

- **14th October 2022**

A letter was received from the Surveyor General advising;

"It is the Surveyor-General's view that sufficient consideration has not been given by council in satisfying the objections made to the proposed road closure of Rann Place. Council now has an opportunity to reassess the objections received to the proposed closure of Rann Place, Port Adelaide and to demonstrate consideration of possible alternative solutions".

A copy of this letter is contained in Annexure 13 of this Report



- **1st February 2023**

A copy of the Agon Environmental Report was received which suggested 15 boreholes were drilled across 16-20 Street Vincent St, Rann Place, 8 St Vincent Street & 2 Rann Place, Port Adelaide.

Whilst this report provides 251 pages of environmental information, it should be noted on page 5 the following statement:

'The impacted soils beneath the site appear to be localised within fill materials. As such there is no significant or widespread site contamination that would preclude the use of the site for proposed high density residential purpose.'



Section 16 Report

Considerations & Criteria



Section 16 – Criteria

Pursuant to section 16 of the Roads Act, the Council (as the decision maker) must have regard to certain criteria in determining whether to make a road process order and what order should be made, to close the Road. The criteria are as follows:

- 1. any objections made by any person pursuant to the Roads Act;*
- 2. the plans, principles, regulations and other matters to which regard must be had by assessment authorities for determining applications for development authorisation under the Planning, Development and Infrastructure Act 2016 in relation to developments in the area to which the proposed road process order relate;*
- 3. whether the Road is reasonably required as a road for public use in view of present and likely future needs in the area;*
- 4. any alternative uses of the Road that would benefit the public or a section of the public; and*
- 5. any other matter that the decision-maker considers relevant.*



Section 16 - Consideration of Factors

1. Were any objections made by any person pursuant to the Act?

Three objections were received in respect of the proposal.

In summary the objections were:

- (a) received on 9 February 2022 from the owners of 2 Rann Place, Port Adelaide who requested rear road access from Rann Place for a potential future dwelling;
- (b) received on 10 February 2022 from the owners of 8 St Vincent Street, Port Adelaide who plan to build a house on their vacant block and they requested rear access from Rann Place for their future potential dwelling and
- (c) received on 15 February 2022 from the owners of 16-20 St Vincent St, Port Adelaide who have submitted an application for the construction of five proposed dwellings and a shop (being Development Application (ID 22006002)).

2. What are the plans, principles, regulations and other matters to which regard must be had by assessment authorities for determining applications for development authorisation under the Planning, Development and Infrastructure Act 2016 in relation to developments in the area to which the proposed road process order relate?

The Planning Design Code ('the **Code**') applies to the area in which the Road is located. The subject land is located within the 'Urban Activity Centre' zone, with the desired outcomes of the zone being:

DO1 A cohesive and legible environment supporting a broad spectrum of regional level business, shopping, entertainment and recreational facilities that can cater for large crowds, smaller social gatherings and events over extended hours.

DO2 Primary business, shopping and entertaining areas are integrated with public transport facilities, pedestrian and cycling networks, and community transport infrastructure, and designed to enhance the quality of the public realm.

It is considered that the proposal to close the Road is not at odds with the above desired zone outcomes.



Council's lawyers have advised that it is likely that a development application for multiple new dwellings requiring access via what is an un-made public road would be subject to a full merits assessment under the Planning and Design Code. The lawyers did not expect planning consent to be granted without it being clear how the applicant proposes to resolve any access issues associated with a development application.

The Council's lawyers have advised that there is no requirement that places a positive obligation on the Council to construct a road on land that has the status as a public road but has not been constructed for vehicles.

All of the adjoining land parcels within the vicinity of Rann Place have existing public road frontage and any future development plans can be adjusted accordingly. In these circumstances Council's obligation to provide access and crossover to these allotments has been met and it is not necessary to retain the Road for access by the immediate surrounding properties.

3. Is the Road reasonably required as a road for public use in view of present and likely future needs in the area?

The Council could construct a road in the unmade section of Rann Place which would be achieved at considerable cost and possibly only benefit a small number of residents. The Administration estimates the cost of constructing a road would be in excess of \$220,000. Given there is no legal obligation for the Council to construct a road in these particular circumstances, it is difficult to justify such expenditure in this situation.

4. Are there any alternative uses of the Road that would benefit the public or a section of the public?

There are alternative uses of the Road that could benefit the public. The Road has utility to the Council and/or the public as a public reserve and could be developed into open space within a precinct that currently lacks it. However, this would require a reasonable amount of investment from the Council to construct and maintain the open space.

5. Any other matter that the decision-maker considers relevant.

Sale and Disposal of Land and Assets Policy

Any decision to make an order to close the Road and to transfer the land to a third party amounts to the disposal of Council land. The Council's *'Sale and Disposal of Land and Assets Policy'* (adopted April 2021) (the **Policy**) is, therefore, a relevant consideration.



While the Council ought to have regard to the Policy, it may and should, depart from its policy where it is appropriate to do so having regard to the merits of the matter. Where the Council proposes to depart from its policy, the Council should carefully consider the relevant parts of its policy and what will bring the best outcome for the Council in all of the circumstances.

The approach taken by Council Administration and the Proposal Review Committee to not accept the Objectors' offer is consistent with the key principles of the Policy, which provides that:

- (a) any decision to dispose of land is to be made after considering the current market value of the land; and
- (b) that prior to disposal, a reasonable effort is to be made to determine the market value of the land using at least one independent valuation.

The decision to not accept the counter-offer is consistent with a key principle of the Policy to obtain the best possible financial return. As the offer was significantly lower than Council's independent valuation, and as few people in the local community would benefit from the transaction, the loss of revenue is not reasonable in the circumstances to justify a departure from the Policy.

Any decision to dispose of land can be made after considering a variety of other factors such as non-financial outcomes that assist in achieving Council's long-term plans and strategic priorities. In this instance, there are not significant economic benefits being generated for the region or sufficient social opportunities or benefits being created for the local community to warrant the loss of revenue and a departure from normal financial practices.

Access

All of the adjoining land parcels within the vicinity of Rann Place have existing public road frontage and any future development plans can be adjusted accordingly. In these circumstances Council's obligation to provide access and crossover to these allotments has been met. It is therefore not necessary to retain Rann Place as an access point for the immediate surrounding properties.

Section 212(1) of the *Local Government Act 1999* empowers the Council to undertake roadworks in its area, including works to construct/bituminise a public road. Whether or not the Council constructs a road is at its discretion, and the decision would be made on its merits having regard to relevant policy and budget requirements.

The Council is obliged to weigh up the costs and benefits of spending ratepayers' funds and the competing and pressing demands upon those resources. The Council needs to consider all of the demands of its community and the best way to manage ratepayers' money in a way that benefits the most people. In this scenario, it is difficult to justify the costs of creating a hard surface road where there is no legal obligation to do so.



Obligation to construct a hard surface road

Another option that has been considered is whether the Council has a statutory obligation to construct a hard surface 'road' on land that is declared to be a public street but is un-made, in circumstances where the properties adjoining the Road have public access by other means. If there is such a responsibility, the cost of installing a road is a factor for the Council to consider in making any decision to close the Road and sell the land.

The Council obtained legal advice on this issue (at its cost) and were advised that:

1. there is no requirement that places a positive obligation on the Council to construct a road on land that has the status as a public road but has not been constructed for vehicles; and
2. each property owner buys their land on the basis of 'buyer beware', and subject to the conditions and access arrangements that existed at the time of purchase, including an un-made road. Each property also has access via other established public roads.

Unmade road

Another option is to leave the site as an unmade road, which would not improve the amenity and attractiveness of the area or enhance local economic development. However, this choice but would require no action or expenditure from the Council in the short term.

In the long term, it is possible that once more development has occurred and residents have taken possession of their properties, that the Council will be asked by surrounding residents to develop the area to minimise any detrimental impact to the surrounding allotments. This option does not align with Council's objective to pursue economic and development opportunities.

Development applications

1. A development application was submitted by the owner of 16-20 St Vincent St, Port Adelaide on 23 February 2022 for the construction of proposed dwellings and a shop ('the Development Application'). According to the Planning Portal, the assessment officer is waiting for mandatory documentation to be supplied that was requested from the Applicant before the Development Application can be verified and formally lodged. The application therefore remains 'unverified' and its status is 'submitted' but not 'lodged'.
2. Council's lawyers have advised that it is likely that a development application for multiple new dwellings requiring access via what is an un-made public road would be subject to a full merits assessment under the Planning and Design Code. The lawyers did not expect planning consent to be granted without it being clear how an applicant proposes to resolve any access issues associated with a development application.



3. There are several alternatives by which vehicular access can be arranged, such as the property owners funding the construction of the road, by purchasing the road land to become a private road or alternatively modifying the design of future dwellings so as to use existing public access.

Site Contamination

A site investigation has been undertaken of potential soil contamination due to historic activities of the properties identified as 2 Rann Place, 8 Rann Place and 16-20 St Vincent Street Port Adelaide and the land that comprises Rann Place. The assessment concluded that there is no significant or widespread site contamination that would preclude the use of the site for proposed high density residential purposes, and that a range of management and risk management plans should be developed as part of any development of these sites.

Sale of closed road land on the open market

The Objectors will still have an opportunity to purchase the closed road land when it is placed on the open market or they can take up the opportunity of submitting an unsolicited bid through the Unsolicited Proposals process.

Council Plans: City Plan

The recommendation to make a road process order and to place the closed road land on the open market is consistent with Council's City Plan as follows:

- (a) The sale of the land will result in revenue to the council that can be invested in high value community initiatives that have the potential to deliver broad, diverse & important community benefits.
- (b) As the sale of the land will encourage further development, this will strengthen the activation of the Port Adelaide precinct and the strategy relating to 'attracting new investment and innovation' and is consistent with the theme of 'Economy'.
- (c) The sale of this underutilised space supports Council's City Plan Theme of 'Leadership', as the sale upholds the strategy of planning and managing our finances and assets sustainably.
- (d) The site lies within the Historic Area Overlay of the Port Adelaide Centre subzone which promotes street frontage development and verandahs over footpaths. The sale of the Road reinforces Council's City Plan theme of 'Placemaking', as it creates an opportunity to achieve a more consistent frontage along St Vincent Street and the prospect for a sensitively designed development that is respectful of the area's historic character and built form.



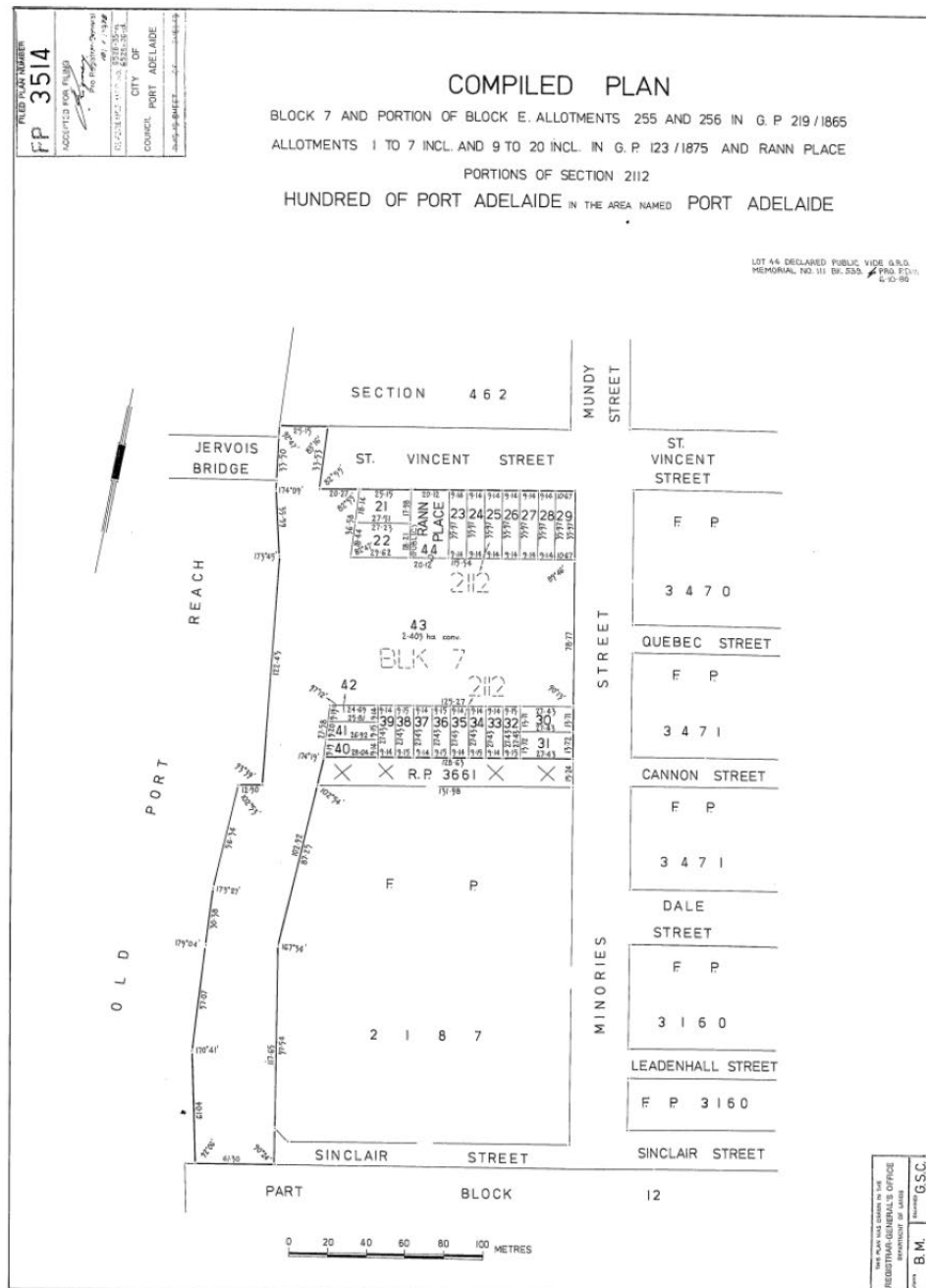
Conclusion

1. The steps taken by the Council to date in progressing the proposal to close the Road satisfy the requirements of section 16 of the Roads Act.
2. The Council Administration has endeavoured to accommodate the needs of each of the Objectors and any development application by considering a variety of options while balancing the need to provide the best outcome for the broader community.
3. Accordingly, the Council:
 - (a) wishes to make a road closure order;
 - (b) submits this Section 16 Report in support of that decision for the review of the Surveyor-General; and
 - (c) requests that the Surveyor-General recommends to the Minister for Planning that the Road be closed.



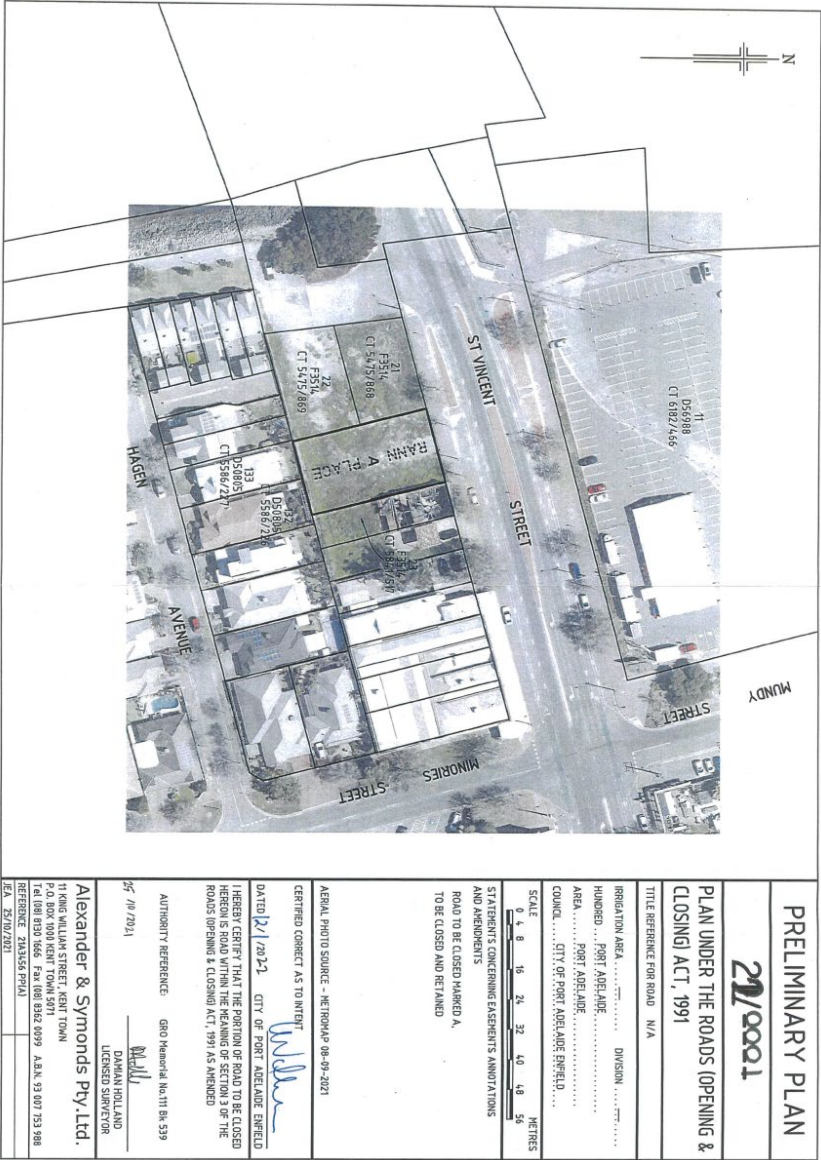
Annexures

Annexure 1 – Deposited Plan





Annexure 2 – Preliminary Plan





Annexure 3 - City of Port Adelaide Enfield Community Engagement List & Template Letter

	Property Address 1	Property Address 2
1	3/12 Hagen Ave	PORT ADELAIDE SA 5015
2	4 Hagen Ave	PORT ADELAIDE SA 5015
3	10 Hagen Ave	PORT ADELAIDE SA 5015
4	8/12 Hagen Ave	PORT ADELAIDE SA 5015
5	22-32 St Vincent St	PORT ADELAIDE SA 5015
6	4/12 Hagen Ave	PORT ADELAIDE SA 5015
7	29 Minories	PORT ADELAIDE SA 5015
8	6 Hagen Ave	PORT ADELAIDE SA 5015
9	1/12 Hagen Ave	PORT ADELAIDE SA 5015
10	8 Hagen Ave	PORT ADELAIDE SA 5015
11	2 Hagen Ave	PORT ADELAIDE SA 5015
12	16-20 St Vincent St	PORT ADELAIDE SA 5015
13	27 Minories	PORT ADELAIDE SA 5015
14	7/12 Hagen Ave	PORT ADELAIDE SA 5015
15	5/12 Hagen Ave	PORT ADELAIDE SA 5015
16	2 Rann Pl	PORT ADELAIDE SA 5015
17	6/12 Hagen Ave	PORT ADELAIDE SA 5015
18	2/12 Hagen Ave	PORT ADELAIDE SA 5015
19	8 St Vincent St	PORT ADELAIDE SA 5015
20	1/12 Hagen Ave	PORT ADELAIDE SA 5015
21	10 Hagen Ave	PORT ADELAIDE SA 5015
22	16-20 St Vincent St	PORT ADELAIDE SA 5015
23	2 Hagen Ave	PORT ADELAIDE SA 5015
24	4/12 Hagen Ave	PORT ADELAIDE SA 5015
25	5/12 Hagen Ave	PORT ADELAIDE SA 5015
26	7/12 Hagen Ave	PORT ADELAIDE SA 5015
27	8/12 Hagen Ave	PORT ADELAIDE SA 5015
28	Jaffers Furniture	PORT ADELAIDE SA 5015
29	5 Hagen Ave	PORT ADELAIDE SA 5015
30	7 Hagen Ave	PORT ADELAIDE SA 5015
31	9 Hagen Ave	PORT ADELAIDE SA 5015
32	11 Hagen Ave	PORT ADELAIDE SA 5015
33	13 Hagen Ave	PORT ADELAIDE SA 5015
34	3 Hagen Ave	PORT ADELAIDE SA 5015
35	3 Hagen Ave	PORT ADELAIDE SA 5015



Wednesday, 19th January 2022

To the Resident
(ADDRESS)
(SUBURB) (STATE) (POSTCODE)

REFERENCE TO:
(ADDRESS)
(SUBURB) (STATE)
(POSTCODE)

Dear Sir/Madam:

Re: Notification of Road Process under the Roads (Opening & Closing) Act 1991

The City of Port Adelaide Enfield proposes to close and potentially sell (should Council resolve to dispose) a portion of land known as Rann Place, Port Adelaide delineated on the accompanying preliminary plan 21/00 as "A" and described in the copy of the advertised public notice. Council has identified that this land is potentially surplus to requirements and provides minimal amenity value for the Community.

A copy of the plan and statement of persons affected are available for public inspection at the Council Civic Centre, 163 St Vincent Street, Port Adelaide or at the office of the Surveyor-General at 101 Grenfell Street Adelaide during normal office hours.

The Preliminary Plan can also be viewed at www.sa.gov.au/roadsactproposals.

Any person affected by the proposed closure is entitled to object or to apply for an easement to be granted in that persons favour over the subject land.

The objection or application for an easement must set out in full (including the name and address) of the person making the submission.

All submissions must give full details of the nature and location of the desired easements and extent to which other land is affected.

Written submissions must be made to the Council office at PO Box 110, Port Adelaide SA 5015 and to the Office of the Surveyor-General at Level 2, 101 Grenfell Street Adelaide or GPO Box 1354 Adelaide SA 5001 and be served within 28 days of the date of the last publication of the public notice, otherwise it is not valid.

If it is desired to support any submission personally or by representation you should advise Council accordingly and you will be advised if a meeting is required to consider such submissions.

Once a decision is made by Council to either make the Road Process Order, vary the proposal or discontinue the matter, any person who made a submission will be notified accordingly by Council. Further information on this proposed Road Closure Process can be found on Haveyoursay.cityofpae.sa.gov.au

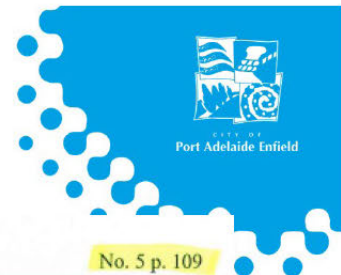
Yours sincerely

Liz Lynch
Property Officer
Phone: (08) 8405 6591
Email: liz.lynch@cityofpae.sa.gov.au

A 163 St Vincent Street Port Adelaide SA 5015 P (08) 8405 6600 E service@cityofpae.sa.gov.au www.cityofpae.sa.gov.au



A 163 St Vincent Street, Port Adelaide SA 5015 P (08) 8405 6600 E service@cityofpae.sa.gov.au www.cityofpae.sa.gov.au



20 January 2022

THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

No. 5 p. 109

LOCAL GOVERNMENT INSTRUMENTS

CITY OF CHARLES STURT

ROADS (OPENING AND CLOSING) ACT 1991

Road Closure—Herbert Road, West Croydon

Notice is hereby given pursuant to section 10 of the Act, that the City of Charles Sturt proposes to make a Road Process Order to close and transfer to the adjoining owner a portion of Herbert Road adjoining allotments 16 in F116728 and allotment 22 in D12902 as marked 'A' on Preliminary Plan No. 21/0031.

A copy of the plan and statement of persons affected are available for public inspection at the Council office, 72 Woodville Road Woodville and the office of the Surveyor-General at Level 2, 101 Grenfell Street, Adelaide during normal office hours. The Preliminary Plan can also be viewed at www.sa.gov.au/roadsactproposals.

Any application for easement or objections must set out the full name, address and details of the submission and must be fully supported by reasons.

Any application for easement or objections must be made in writing within 28 days of this notice to the Council, PO Box 1 Woodville 5011 or council@charlessturt.sa.gov.au and the Surveyor-General, GPO Box 1354 Adelaide 5001, setting out full details. Where a submission is made, council will give notification of a meeting at which the matter will be considered.

Dated: 20 January 2022

P. SUTTON
Chief Executive Officer

CITY OF PORT ADELAIDE ENFIELD

ROADS (OPENING AND CLOSING) ACT 1991, SECTION 10

Notice of Proposed Road Closure—Rann Place, Port Adelaide

In accordance with section 10 of the *Roads (Opening & Closing) Act 1991*, NOTICE is hereby given that City of Port Adelaide Enfield proposes to make a Road Process Order to close and retain the public road known as 'Rann Place' Port Adelaide that is more particularly delineated and lettered 'A' on Preliminary Plan 22/0001.

A copy of the Preliminary Plan, and a statement of persons affected, are available for public inspection at the City of Port Adelaide Enfield's Civic Centre located at 163 St Vincent Street Port Adelaide SA 5015 between the hours of 8.30am and 5.00pm, Monday to Friday or at the Adelaide office of the Surveyor-General, 101 Grenfell Street Adelaide during normal office hours. The Preliminary Plan can also be viewed at www.sa.gov.au/roadsactproposals.

Any person is entitled to object to the proposed road closure via written submission. An objection must state whether the objector wishes to make submissions to the Council at any meeting held by the Council for this purpose. A person affected by the proposed closure is entitled to apply for an easement to be granted in that person's favour over the land subject to the proposed closure.

An objection or application for an easement must set out the full name and address of the person making the objection or application and must be fully supported by reasons.

An application for an easement must give full particulars of the nature and location of the easement that is being applied for and, where made by a person as the owner of adjoining or nearby land, specify the land to which the easement is to be annexed.

Any objection or application for an easement must be made in writing setting out full details and must be submitted to the Council by post to PO Box 110, Port Adelaide SA 5015, or via email to service@cityofpae.sa.gov.au within 28 days of the date of publication of this notice and a copy must be forwarded to the Surveyor-General at GPO Box 1354, Adelaide, SA 5001.

Where an objection or application for an easement is received, the Council will give notification of a meeting at which the matter will be considered so that the objector and/or applicant may attend if so desired.

Dated: 20 January 2022

MARK WITHERS
Chief Executive Officer

LIGHT REGIONAL COUNCIL

LOCAL GOVERNMENT ACT 1999

Section 219(1) – Place Name Change

Naming of the Pines Conservation Reserve

Notice is hereby given that Light Regional Council at its meeting on 23 November 2021, pursuant to section 219(1) of the Local Government Act 1999, resolved to change the name of The Pines Recreation Reserve to The Pines Conservation Reserve, situated on Taylors Run Road, Section 176 Hundred 160400 in Crown Record Volume 5755 Folio 143, and Section 177 Hundred 160400 in Crown Record Volume 5755 Folio 144.

Dated: 17 January 2022

BRIAN CARR
Chief Executive Officer



Annexure 5 – Statement of Affected Persons & Template Letter

STATEMENT OF PERSONS AFFECTED BY THE ROAD PROCESS WHO CAN BE IDENTIFIED BY REASONABLE ENQUIRY Pursuant to Section 9(1)B & 10(1)B of the Roads (Opening & Closing) Act 1991 Note: "Persons Affected" includes a parties that have a legal or equitable <u>interest</u> in land.			
Land Description	Owner and Address	Occupiers and Address	Parties with an interest in the land, e.g. mortgagee, Encumbrance etc.
F3514 Allotment 21 CT 5475/868	[REDACTED]	Owner	
F3514 Allotment 22 CT 5475/869	[REDACTED]	Owners	
F3514 Allotment 23 CT 5841/517	[REDACTED]	Owner	
D50805 Allotment 132 CT 5586/226	[REDACTED]	Owners	
D50805 Allotment 133 CT 5586/227	[REDACTED]	Owner	
D56988 Allotment 11 CT 6182/466	[REDACTED]	Owner	



20 January 2022

Our Reference: 21A3456

Dear Sir/Madam,

The City of Port Adelaide Enfield proposes to close and retain the public road shown lettered and delineated on the accompanying preliminary plan and described in the copy of the advertised public notice.

A copy of the plan and statement of persons affected are available for public inspection at the City of Port Adelaide's Civic Centre located at 163 St Vincent Street Port Adelaide or at the office of the Surveyor-General at Level 2, 101 Grenfell Street Adelaide during normal office hours. The Preliminary Plan can also be viewed at www.sa.gov.au/roadsactproposals.

Any person affected by the proposed closure is entitled to object or to apply for an easement to be granted in that persons favour over the subject land.

The objection or application for an easement must set out in full the *(name and address)* of the person making the submission.

All submissions must give full details of the nature and location of the desired easements and extent to which other land is affected.

Written submissions must be made to the Council office at PO Box 110 Port Adelaide SA 5015 and to the Office of the Surveyor-General at GPO Box 1354 Adelaide SA 5001 and be served within 28 days of the date of the last publication of the public notice, otherwise it is not valid. If it is desired to support any submission personally or by representation you should advise Council accordingly and you will be advised if a meeting is required to consider such submissions.

Once a decision is made by the said Council to either make the Road Process Order, vary the proposal or discontinue the matter, any person who made a submission will be notified accordingly by Council.

Yours faithfully

Alexander & Symonds Pty Ltd
(On behalf of the Council)


Jason Arnold
Roads Officer

Measuring
EXCELLENCE

Alexander and Symonds Pty Ltd ABN 93 007 753 988
• 1st Floor • 11 King William Street Kent Town South Australia 5067
• PO Box 1000 Kent Town SA 5071 • T (08) 8130 1666 • E adelaide@alexander.com.au • W alexander.com.au



Annexure 6 – Notice of Objection, 2 Rann Place, Port Adelaide

Tien Pham & Phung Ngoc Lu



9/02/2022

The City of Port Adelaide Enfield

For the attention of The City of Port Adelaide Enfield

Re: Proposed road closure Rann Place, Port Adelaide

I write in connection with the above proposed road closure of Rann Place, Port Adelaide. I have examined the plans and wish to object strongly to the above proposal of Rann Place, Port Adelaide.

The following reason:

I own the adjacent vacant land at 2 Rann Pl Port Adelaide, and plan to build a house which will require a road to access my house.

Yours faithfully

Tien Pham & Phung Ngoc Lu



Annexure 7 – Notice of Objection, 8 St Vincent Street, Port Adelaide

Phuong Ngoc Lu & David Ngo



10/02/2022

The City of Port Adelaide Enfield

For the attention of The City of Port Adelaide Enfield

Re: Proposed road closure Rann Place, Port Adelaide

I write in connection with the above proposed road closure of Rann Place, Port Adelaide. I have examined the plans and wish to object strongly to the above proposal of Rann Place, Port Adelaide.

The following reason:

I own the adjacent vacant land at 8 St Vincent Street Port Adelaide, and plan to build a house which will require a rear access road to my house.

Yours faithfully

Phuong Ngoc Lu & David Ngo



Annexure 8 – Notice of Objection, 16-20 St Vincent Street, Port Adelaide

SA URBAN AND REGIONAL PLANNING

ACN43 600 857 154
PO Box 601
HENLEY BEACH SA 5022
Mobile 0411 096 597
nicksimosplanning@outlook.com



15 February 2022

Attention: Ms Liz Lynch, Property Officer
City of Port Adelaide Enfield
Via: consultation@cityofpae.sa.gov.au

Dear Ms Lynch,

RE: Rann Place, Port Adelaide- Proposed Road Closure

Thank you for the opportunity to provide both objection to the road closure and/or a request for an easement. It is understood that any person affected by the proposed closure is entitled to object or to apply for an easement to be granted in that persons favour over the subject land.

My client is the owner of 16-20 St Vincent St, Port Adelaide (lots 23 and 24) and has been working with myself for several months, and late last year met with council staff in the Planning Department and council's heritage advisor to discuss the potential redevelopment of lots 23 and 24 St Vincent St, Port Adelaide. At the time of this meeting, there was no mention of potential road closure and subsequently my client has engaged the services of a builder to undertake the drawing of plans for redevelopment.

The land in question as shown in aerial image one for which plans are attached and to be considered by Council as the relevant assessment body, relies on access from Rann Place to gain access to new dwellings.



Image one: 16-20 St Vincent St, Port Adelaide proximity to Rann Place

My client's site is not without site constraints as is often the case in older established areas such as Port Adelaide, and in particular:

- there is currently no site access afforded to lot 23 and several existing street trees are sited in front of this site.

1



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- Lot 23 and 24 also contain a representative building. Whilst there is a considerable amount of damage to the building, there is a strong desire on my client's part to include this in the development of the site through adaptive reuse.
- Retention of the façade of the representative building would require site access to be gained from Rann Place due to the siting of the existing building, as it currently stands lot 23 is landlocked.



Image two: Street view of 16-20 St Vincent St, Port Adelaide highlighting existing representative building built to western side boundary adjacent Rann Place

My client is seeking that Rann Place be not only retained but opened to enable development of the adjoining sites in line with the intent of the Planning and Design Code zoning (Urban Activity Centre), and original pattern of land division.

My client is aware that both Port Adelaide Enfield Council and the State Government have invested heavily in the redevelopment and activation of the Port and subsequently, private investment is starting to increase. Through Council providing the infrastructure that my client's site afforded them by buying what is essentially a corner allotment, they too will be able to improve the amenity, street presence and aid in the activation of the locality whilst maintaining the original fabric of the representative building. The proposed redevelopment in this pocket of the Port could act as a catalyst to other private owners developing their sites.

If the road is closed, my client is seeking an easement that accords with the attached plans, to ensure access is possible to the proposed development and more generally lot 23.

Lastly, the following concerns about the future use of Rann Place are raised in relation to the impact on my client's site. Attention is drawn to the openings (door openings) for the existing representative building on or close to the boundary, and relocation of bus stop would likely be required.



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My client would like to be heard at any meeting that is held to discuss the options and outcome of Rann Place, their details are:



Kind Regards

Nick Simos
Principal Planner
Accredited Professional Planning (APP 20190058)
Bachelor of Urban & Regional Planning
Honours, MPIA



Annexure 9 – Response to Notice of Objection, 2 Rann Place, Port Adelaide



Tuesday, 8 March 2022

Mr T Pham and Ms P Ngoc Lu

Dear Mr Pham and Ms Ngoc Lu

RE: Written Objection received 9th February 2022 regarding the proposed Closure of Rann Place, Port Adelaide.

Thank you for your recent objection to the proposed closure of Rann Place, Port Adelaide, Preliminary Plan 22/0001.

In relation to your objection of the proposed Road Closure of Rann Place, Council believe that your allotment identified as Allotment 22 on Filed Plan 3514 (attached for your records) is adjacent to a portion of St Vincent Street identified as portion '502 St Vincent Street' on Deposited Plan 128552 (also attached for your records) and it is considered that your allotment has available legal road access.

Council has therefore recognised the benefit of disposing of Rann Place for future development purposes, as it is considered that this portion of road is not required. Council does not propose to finance the construction of what would effectively be a private driveway for a small minority of users. It is therefore Council's preference that you withdraw your current objection to the road closure to allow disposal of the site to proceed. At this time, you will have the right to consider a proposal for disposal i.e. purchasing and amalgamating the closed road (or a portion of the closed road) into your existing allotment. This will enable the construction of alternative entry and egress into individual allotments which would not have to meet the stringent Council Standards for public open roads.

If this course of action is acceptable to you, Council staff could also recommend to Council, via way of Council report, that consideration payable for the sale of Rann Place to the specific adjoining allotment owners (16-20 St Vincent, 2 Rann Place & 8 St Vincent Street, Port Adelaide) could be at a reduced rate. This would facilitate additional land which could potentially be used for further development, access and or landscaping. In order to progress this course of action, we would require a meeting with all 3 owners to discuss the logistics and possibilities of divided shares of the allotment (Rann Place), and would require written acceptance from all three owners. Please note that, should this agreement be acceptable, a final endorsement by way of Council resolution will be required to support this transaction.

If you do not wish to withdraw your objection, Council will proceed with the current road closure process under instruction from the Surveyor General.

In the meantime, if you have any queries regarding the above, please contact me via email or phone as per details below.

Yours sincerely

Liz Lynch
Property Officer
liz.lynnch@cityofpae.sa.gov.au
 (08)8405 6591

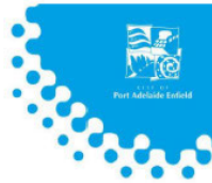
A 163 St Vincent Street Port Adelaide SA 5015 P (08) 8405 6600 E service@cityofpae.sa.gov.au www.cityofpae.sa.gov.au

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Page 44 of 52



Annexure 10 – Response to Notice of Objection, 8 St Vincent Street, Port Adelaide



Tuesday, 8 March 2022

Ms P Ngoc Lu and Mr D Ngo

Dear Ms Ngoc Lu and Mr Ngo,

RE: Written Objection received 10th February 2022 regarding the proposed Closure of Rann Place, Port Adelaide.

Thank you for your recent objection to the proposed closure of Rann Place, Port Adelaide, Preliminary Plan 22/0001.

In relation to your objection of the proposed Road Closure of Rann Place, Council believe that your allotment identified as Allotment 21 on Filed Plan 3514 (attached for your records) is adjacent to a portion of St Vincent Street identified as portion '502 St Vincent Street' on Deposited Plan 128552 (also attached for your records) and it is considered that your allotment has available legal road access.

Council has therefore recognised the benefit of disposing of Rann Place for future development purposes, as it is considered that this portion of road is not required. Council does not propose to finance the construction of what would effectively be a private driveway for a small minority of users. It is therefore Council's preference that you withdraw your current objection to the road closure to allow disposal of the site to proceed. At this time, you will have the right to consider a proposal for disposal i.e. purchasing and amalgamating the closed road (or a portion of the closed road) into your existing allotment. This will enable the construction of alternative entry and egress into individual allotments which would not have to meet the stringent Council Standards for public open roads.

If this course of action is acceptable to you, Council staff could also recommend to Council, via way of Council report, that consideration payable for the sale of Rann Place to the specific adjoining allotment owners (16-20 St Vincent, 2 Rann Place & 8 St Vincent Street, Port Adelaide) could be at a reduced rate. This would facilitate additional land which could potentially be used for further development, access and/or landscaping. In order to progress this course of action, we would require a meeting with all 3 owners to discuss the logistics and possibilities of divided shares of the allotment (Rann Place), and would require written acceptance from all three owners. Please note that should this agreement be acceptable, a final endorsement by way of Council resolution will be required to support this transaction.

If you do not wish to withdraw your objection, Council will proceed with the current road closure process under instruction from the Surveyor General.

In the meantime, if you have any queries regarding the above, please contact me via email or phone as per details below.

Yours sincerely

Liz Lynch
Property Officer
liz.lynch@cityofpae.sa.gov.au
(08)8405 6591

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Page 45 of 52



Annexure 11 – Response to Notice of Objection, 16-20 St Vincent Street, Port Adelaide



Tuesday, 8 March 2022

SA Urban and Regional Planning
PO Box 601
Henley Beach, SA 5022

Dear Mr Simos,

RE: Written Objection received 15th February 2022 regarding the proposed Closure of Rann Place, Port Adelaide.

Thank you for your recent objection to the proposed closure of Rann Place, Port Adelaide, Preliminary Plan 22/0001.

We note that since the closing of the consultation for the proposed road closure of Rann Place on 21 February 2022, a Development Application (DA) has been lodged for the development of 6 double storey dwellings at 16-20 St Vincent Street. The assessment of this DA will be undertaken by Council as the relevant assessment authority under the Planning and Development and Infrastructure Act 2016 as a separate process to the proposed road closure of Rann Place.

In relation to your objection to the road closure, as both Lots 23 and 24 (in Deposited Plan 3514 – Attached for your reference) front onto St Vincent Street, it is considered that both allotments have available legal road access (even if Lot 23 does not currently include a separate driveway) and additional road access from Rann Place is not required. Council has therefore recognised the benefit of disposing of this site for future development purposes.

It is not Council's intention to finance the construction of what would effectively be a private driveway for a small minority of users. It is therefore Council's preference that you withdraw your current objection to the road closure to allow disposal of the site to proceed. At this time, you will have the right to consider a proposal for disposal i.e. purchasing and amalgamating the closed road (or a portion of the closed road) into your existing allotment. This will enable the construction of alternative entry and egress into individual allotments which would not have to meet the stringent Council Standards for public open roads.

If this course of action is acceptable to you, Council staff could also recommend to Council, via way of Council report, that consideration payable for the sale of Rann Place to the specific adjoining allotment owners (16-20 St Vincent, 2 Rann Place & 8 St Vincent Street, Port Adelaide) could be at a reduced rate. This would facilitate additional land which could potentially be used for further development, access and or landscaping. In order to progress this course of action, we would require a meeting with all 3 owners to discuss the logistics and possibilities of divided shares of the allotment (Rann Place), and would require written acceptance from all three owners. Please note that, should this agreement be acceptable, a final endorsement by way of Council resolution will be required to support this transaction.

If you do not wish to withdraw your objection, Council will proceed with the current road closure process under instruction from the Surveyor General.

In the meantime, if you have any queries regarding the above, please contact me via email or phone as per details below.

Yours sincerely

Liz Lynch
Property Officer
liz_lynch@cityofpae.sa.gov.au
(08)8405 6591

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Page 46 of 52



Annexure 12 – 4 Presented Options to Objectors and Attachments (Email dated 6th April 2022)

Option 1 – Land Split – 50:25:25

1. All adjoining owners remove their objections to the closure of Rann Place, Port Adelaide with the Surveyor General.
2. Proceed to Council with a report that recommends the disposal of Rann Place to adjoining allotment owners in a 50%, 25%, 25% split at a reduced residential rate (Please see attached diagram labelled Option One, Rann Place Closure 50.25.25 Split). The existing portion of unmade road known as Rann Place is defined in red on that attached image and the breakdown of re-alignment is defined in green. The benefit to this proposal;
 - Council are able to close the portion of road, by way of adjoining owners removing their objections.
 - Staff prepare a report to Council to recommend that the new portion of land, which was formally known as Rann Place, have its boundary re-aligned and amalgamated with the adjoining allotments by way of the green line delineated for a reduced residential rate.
 - This would create a 50:25:25 split of the Rann Place Allotment and all owners could then design access to and from their allotment. The Owners of 2 Rann Place and 8 St Vincent could then seek to enter into a Right Of Way Agreement for 2 Rann Place to have access over 8 St Vincent St's portion of land.



Option 1 : Land Split 50%



Option 2 – Land Split 33%

1. All adjoining owners remove their objections to the closure of Rann Place, Port Adelaide with the Surveyor General.
2. Proceed to Council with a report that recommends the disposal of Rann Place to adjoining allotment owners in a 33% split at a reduced rate. (Please see attached diagram labelled Option two, Rann Place Closure 33. Split). The existing portion of unmade road known as Rann Place is defined in red on that attached image, the breakdown of re-alignment of residential land is defined in green and the blue lines indicate a jointly constructed road, which all adjoining owners will have rights and responsibilities for under a Community Title or similar. The benefit to this proposal:
 - Council are able to close the portion of road, by way of adjoining owners removing their objections.
 - Staff prepare a report to Council to recommend that the new portion of land, which was formally known as Rann Place, have its boundary re-aligned and amalgamated with the adjoining allotments by way of the green line delineated for a reduced residential rate.
 - The blue portion of land would be considered its own allotment and deemed a Community Title. This would require all adjoining owners to purchase this portion of land, at a reduced rate indicative of road costs and construct a road together.
 - All adjoining owners enter into a cost agreement to construct a road which would be for private use of adjoining owners only.



Option 2 : Land Split 33%



Option 3 – 16-20 St Vincent to purchase whole portion of land previously known as Rann Place

1. All adjoining owners remove their objections to the closure of Rann Place, Port Adelaide with the Surveyor General.
2. Proceed to Council with a report that recommends the disposal of Rann Place to allotment owner 16-20 St Vincent Street for the purchase the whole of the allotment at a reduced residential rate. The benefits to this proposal:
 - No cost from Council for the owners of 2 Rann Place and 8 St Vincent Street, however a right of way could be discussed and purchased with the owner of 16-20 St Vincent St (once the allotment had been purchased should Council endorse this option) should the owners of 2 Rann and 8 St Vincent still wish to have "rear access" to their allotments and;
 - Alternatively, should 2 Rann and 8 St Vincent Street deem it not necessary to have rear access, then Council are now in ownership of the portion of land delineated in yellow and defined as road which provides 2 Rann and 8 St Vincent St frontage onto road (Please see attached diagram labelled Option three, Rann Place St Vincent Street).



Option 3 : Owner of 16-20 St Vincent Street to purchase the whole of Rann Place



Option 4 – Objections are not removed and we continue with the Surveyor Generals Process

The outcome that the Surveyor General may recommend are:

- The Surveyor General notes the objections, however supports Council with continuing the process of Road Closure. This will then result in Council Staff reporting and recommending to Council to proceed with the Road Closure and dispose of the land; or;
- The Surveyor General stops Council from proceeding with the Road Closure and a further report detailing this outcome will be required by Staff to Council for further discussions on what should occur with the portion of land known as Rann Place, Port Adelaide.



Process

Should you wish to pursue options 1, 2 or 3 as outlined above – a valuation will need to be undertaken by an independent licensed valuer to determine the value of the land. This can take between 2-4 weeks at a cost of \$2,000-\$3,000 which Council is happy to bear the costs of (together with the costs associated for the Road Closure Process of approximately \$10,000.00)

The valuation will be based on the approximate measurements of Rann Place at 725sqm with a frontage of approximately 20.1m (This will need to be confirmed by way of survey - Please see attached aerial view image). Please note, any official measurements and division of the portion of land known as Rann Place will have to be undertaken via a Survey along with a Land Division Process.

Once a valuation has been returned, Council staff would then request a written proposal from each owner, outlining the proposed portion of Rann Place the owner seeks to purchase and/or amalgamate into their adjoining allotment, and an offer of compensation payable to Council for the land. This information will be put together in a Council report and a recommendation will be presented to Council to support the disposal of the land to the adjoining owners for a reduced, but fair and reasonable compensation to Council.



Council will then need to support the recommendation of disposal of this land, with suggested terms and conditions attached (e.g. the land split, portions of amalgamation and offer from each owner). Should Council not support this recommendation, then Council staff will return to you with this information and any further information provided by Council.

I will require written confirmation of which option you wish to investigate further to proceed this matter. Could you please confirm by way of writing which option you would like to action, and that you are in agreeance to the outlined process and costs noted in this email before close of business, Friday 15th April 2022. If you have any further questions, please do not hesitate to contact me on 0408 693 620.



Annexure 13 – Surveyor General Letter

OFFICIAL



Government of South Australia
Department for Trade
and Investment

Knet: 19386075

14 October 2022

Ms Liz Lynch

By email: liz.lynch@cityofpae.sa.gov.au

Dear Ms Lynch

I refer to the proposed road closing process for Rann Place at Port Adelaide being undertaken by the City of Port Adelaide Enfield (council) as shown in PP 22/0001 (**Appendix A**).

Correspondence from council confirms that three objections were received during the public consultation process from owners adjoining Rann Place:

1. 2 Rann Place, Port Adelaide – requested road access from Rann Place for a future dwelling
2. 8 St Vincent Street, Port Adelaide – requested rear access from Rann Place for a future dwelling
3. 16-20 St Vincent St, Port Adelaide – has submitted a building application for the property that relies on Rann Place for access to five proposed dwellings and a shop.

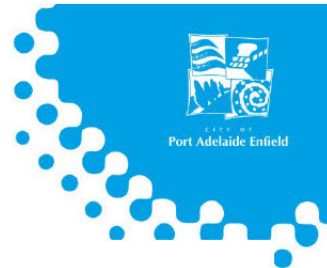
Council minutes of 2 September 2022 state that objectors were invited to meet with council to discuss the proposal on Tuesday 5 April 2022 at Port Adelaide Enfield Town Hall. All objectors attended the meeting where council outlined the Road Closure process and explained that council wished to close Rann Place to sell the land on the open market.

The road to be closed was offered to the adjoining owners at the current market rate. A counter offer was submitted by the adjoining owners but was rejected by council as being insufficient relative to market value. Sale of the land was the only solution provided by council to the objectors. It is understood that the three objections have not been withdrawn.

The Surveyor-General's Roads (Opening & Closing) Act Guidelines require that every effort must be made by council to resolve objections before the Stage 2 lodgement of the road process with the Surveyor-General.

Under Section 23 of the *Roads (Opening and Closing) Act 1991* (the Act), the Surveyor-General will make a recommendation to the Minister as to whether the road order should be confirmed by the Minister.

The Surveyor-General's recommendation will consider the efforts that council have made in satisfying the objections made to the proposed road closure.



OFFICIAL

Section 16 of the Act provides guidance for the relevant authority, being council in this instance, when considering objections and whether to make a road process order or not. Under Section 16, council must have regard to:

- a) Any objections made;
- b) Any application in relation to developments in the area to which the proposed road process order relates, more particularly in relation to objection 3 as tabled above;
- c) Whether the land is reasonably required for road purposes in view of current and future needs;
- d) Whether alternative uses of the land would benefit the public;
- e) Any other matter that council may consider relevant.

A report about the above points of consideration must be compiled by council and provided to the Surveyor-General. Details of council's decision-making process to proceed in view of the outstanding objections must be included in this report. The Surveyor-General will then make a recommendation to the Minister in relation to the road order.

It is the Surveyor-General's view that sufficient consideration has not been given by council in satisfying the objections made to the proposed road closure of Rann Place.

Council now has an opportunity to reassess the objections received to the proposed closure of Rann Place, Port Adelaide and to demonstrate consideration of possible alternative solutions.

Yours sincerely

Bradley Slape
Surveyor-General

Appendix A – Preliminary Plan PP22/0001