

13.2.2 Proposed Road Closure - Portion of Welwyn Road Manningham

Report Type	Decision
City Vision Goal/s	Thriving Community Prosperous Economy
Report Author	Team Leader Property, City Assets
Report Summary	This report seeks Council endorsement to commence the road closure process over a portion of Welwyn Road, Manningham, measuring approximately 96 square metres, in accordance with the <i>Roads (Opening and Closing) Act 1991 (SA)</i> , and to dispose of this land to the adjoining landowner located at 17 Welwyn Road, Manningham.
Attachments	1. Welwyn Preliminary Plan [13.2.2.1 - 1 page] 2. Welwyn Deposited Plan [13.2.2.2 - 1 page]

RECOMMENDATION

Council resolves that:

1. The report of the Director City Assets titled "Proposed Road Closure - Portion of Welwyn Road Manningham" be received and noted.
2. The portion of road measuring approximately 96 square metres, described as Welwyn Road, Manningham, as identified as Portion "A" in the attached Preliminary Plan (*Attachment 1*), be declared surplus to Council's requirements in accordance with the *Sale and Disposal of Land and Assets Policy*.
3. The Chief Executive Officer, or their delegate, is authorised to:
 - a. Enter into the prescribed process for the proposed road closure under the required provisions of the *Roads (Opening and Closing) Act 1991 (SA)* including undertaking community engagement, to commence on the road identified as "A" in the Preliminary Plan (*Attachment 1*) adjacent to Allotment 98 in Filed Plan 127132 (*Attachment 2*), commonly known as 17 Welwyn Road, Manningham (the 'Land'):
 - i. In the event that significant objections are received, present a further report to Council for consideration.
 - ii. Should no significant objections be received, Council Administration is authorised to submit the required documentation to the Surveyor-General for approval of the proposed road closure.
4. The Chief Executive Officer or their delegate, fulfilling the requirements of the *Roads (Opening and Closing) Act 1991*, is authorised to do all things necessary to expedite the Road Closure process, including:
 - a. Determine whether to proceed with the Road Closure process or any part of the Road
 - b. Negotiate with the Registered Owner (or their representatives) of 17 Welwyn Road, Manningham (pending the outcome of the community engagement) on

all Road Closure and disposal matters relating to the proposed closure of this portion of Road and subsequent disposal outlined in this report

- c. Amalgamate this portion of closed Road into the adjoining allotment, contained within Certificate of Title Register Book Volume 5704 Folio 589 and identified as Allotment 98 in Filed Plan 127132, also known as 17 Welwyn Road, Manningham.**

- 5. Pursuant to *Section 38(1) of the Local Government Act 1999*, the Mayor and the Chief Executive Officer are authorised to attest to the affixation of the Common Seal of the City of Port Adelaide Enfield to any documents, and to sign all documents necessary to give effect to the 'Road Process' for the closure and disposal of the Road.**
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Background

Council Administration received a request from the Registered Proprietor ('Applicant') of 17 Welwyn Road, Manningham, to purchase a 96 square metre portion of the adjoining road reserve adjoining their property.

Internal and external consultations have been undertaken by with relevant Council departments and utility service authorities, including but not limited to SAPN, SA Water, Telstra, ElectraNet, DIT, APA and Gas, with no objections to the proposed Road Closure being received.

In line with Council's commitment to fairness and transparency, Council Administration contacted the owners of 19 and 21 Welwyn Road to provide an opportunity for them to participate in the Road Closure process and acquire the adjoining portions of road to their respective land holdings. The owner of 19 Welwyn Road declined the offer, while the owners of 21 Welwyn Road did not respond within the required timeframe - consequently, neither of the neighbouring properties pursued involvement.

Report

In accordance with the *Roads (Opening and Closing) Act 1991*, Council must undertake a community engagement process prior to closure, including public notice, a submission period, and consideration of any objections.

If no significant objections are received and the Surveyor-General grants approval, Council may proceed to formally close the road through a Road Process Order, as gazetted in the South Australian Government Gazette.

Should the road closure process be endorsed, an independent, Licensed Valuation will be sought to determine the value of the land. This will determine the market value of the land.

A cost agreement will be entered into between Council and the Applicant to ensure that the Applicant bears the full recovery of costs, including survey, legal, advertising, and administration fees.

Recommendation

Council Administration recommends that Council endorse the commencement of the road closure process for a portion of Welwyn Road, Manningham, measuring approximately 96 square metres, adjacent to 17 Welwyn Road. This process is to be undertaken in accordance with the *Roads (Opening and Closing) Act 1991 (SA)* and Council's *Sale and Disposal of Land and Assets Policy*.

Subject to Council endorsement, the Chief Executive Officer (or delegate) will initiate the statutory road closure process, including community engagement. The proposal will be submitted to the Surveyor-General for approval if no significant objections are received. Upon approval, the land will be amalgamated into the adjoining allotment and disposed of to the applicant at market value, as determined by an independent valuation.

All costs associated with the road closure and disposal process will be recovered from the applicant under a cost agreement.

City Vision Relationship

Disposing of the road portion to an adjoining owner supports the City Vision by promoting a Thriving Community through local stewardship and well-managed spaces, by supporting rationalisation of surplus land, and encouraging development. Additionally, it aligns with a Prosperous Economy by enabling efficient land use, potential property improvements, and reduced Council maintenance liabilities.

Legislative Context and Related Policies

The proposed road closure and disposal are governed by the *Roads (Opening and Closing) Act 1991 (SA)* and the *Local Government Act 1999 (SA)*. Closure must be undertaken through a 'Road Process Order' by Council, confirmed by the Minister, and publicly notified in the South Australian Government Gazette. Closure is subject to Ministerial consent and granting easements or relocation of services, as required.

The disposal aligns with Council's *Sale and Disposal of Land and Assets Policy*, guided by the *Community Engagement Policy* and the *Delegations Register*, ensuring transparency, fairness, and compliance with legislative and policy requirements.

Stakeholder Engagement

Council Administration has undertaken initial consultation with relevant internal departments and external service providers. Subject to Council endorsement, public consultation will be undertaken in accordance with the *Roads (Opening and Closing) Act 1991* and the *Community Engagement Policy*, with notifications issued to affected landowners and service authorities. Any significant objections or easement requests will be reported to Council before final determination.

Risk Management

Key risks include potential objections from the public or service authorities, possible refusal by the Minister or Surveyor-General, and reputational risk if statutory engagement requirements are not met. These risks will be mitigated through strict adherence to

legislative processes and timeframes, transparent community engagement, and appropriate legal oversight and delegation control.

Financial Management

The Applicant has paid an Investigation Fee under Council's Fees and Charges Schedule 2025-26. This fee covers administrative and technical work involved in assessing the proposed road closure, including feasibility and preliminary searches.

An independent valuation will be undertaken to establish the market value of the land and the consideration payable by the Applicant. Following the road closure, Council will no longer be responsible for the ongoing maintenance of the land.

Professional Fees and Contractor Costs

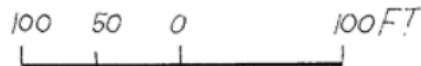
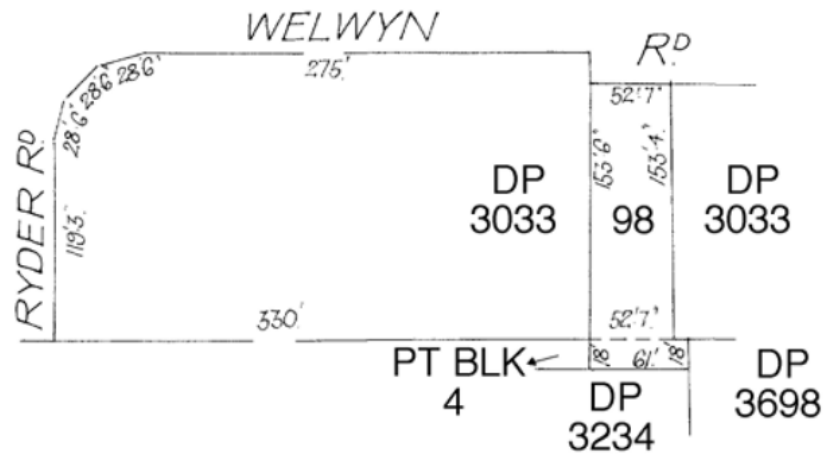
A cost agreement has been entered into with the Applicant, and all fees associated with the road closure process, including, but not limited to, survey, valuation and community engagement, are recoverable from the Applicant.

Environmental and Social Impacts

The closure and sale of this portion of the road is unlikely to adversely affect the local community, as it is intended for residential use and is consistent with surrounding properties. The Applicant's acquisition will not impede footpath access for the community.

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 2007/66

LAST PLAN REF: DP 3033



DISTANCES ARE IN FEET AND INCHES
FOR METRIC CONVERSION
1 FOOT = 0.3048 METRES
1 INCH = 0.0254 METRES

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION