

13.2 Decision Reports

13.2.1 Proposed Road Closure - Hereford Street, Enfield

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 Hereford Street, Enfield, measuring approximately 192 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 11 Hereford Road, Enfield.
Attachments	1. 11 Hereford Street Enfield - Proposed Road Closure - Draft Preliminary Plan [13.2.1.1 - 1 page] 2. Allotment 11 Deposited Plan 80115 [13.2.1.2 - 1 page]

RECOMMENDATION

Council resolves that:

1. The report of the Director City Assets titled "Proposed Road Closure - Hereford Street, Enfield" be received and noted.
2. The portion of road measuring approximately 192 square metres, described as Hereford Street, Enfield, 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 provisions required of the *Roads (Opening and Closing) Act 1991 (SA)* including undertaking community engagement in respect to the road identified as "A" in the Preliminary Plan (Attachment 1) adjacent to Allotment 11 in Deposited Plan 80115 (Attachment 2), commonly known as 11 Hereford Street, Enfield (the 'Land'):
 - b. In the event that significant objections are received, a further report will be presented to Council.
 - c. 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, vary or discontinue the Road Closure process for any part of the Road;

- b. **Negotiate with the Registered Owner (or their representatives) of 11 Hereford Street, Enfield (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; and**
 - c. **Amalgamate this portion of closed Road into the adjoining allotment, contained within Certificate of Title Register Book Volume 6055 Folio 658 and identified as Allotment 11 in Deposited Plan 80115, also known as 11 Hereford Street, Enfield.**
 - d. **In the event that no material objections are received following community engagement, the Chief Executive Officer or his delegate be authorised to proceed with public notification published in the Government Gazette.**
- 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 owner of 10 Hereford Street Enfield, to purchase a portion of the adjoining road reserve abutting their property.

During preliminary investigations, the Property Team identified that the neighbouring properties at 9, 11 and 12 Hereford Street shared the same road reserve configuration. To ensure fairness and transparency, the registered proprietors of these surrounding allotments were invited to participate in the initial Road Closure process and potentially acquire the adjoining portions of road abutting their properties. Subsequently, all owners accepted the opportunity to investigate the Road Closure process.

An investigation fee was paid in accordance with Council's schedule of fees and charges 2025/26 to enable Council Administration to proceed with the initial investigations for the proposed road closure. Cost agreements were also executed with each party to ensure an equal distribution of the costs incurred in the process.

Consultation – Internal Administrative Staff and Service Providers

Internal and external consultation has been undertaken with relevant Council departments and utility service authorities, including but not limited to SAPN, SA Water, Telstra, ElectraNet, DIT and APA Gas.

The following preliminary objections were received:

APA Gas

APA Gas have advised it operates and manages medium-pressure gas infrastructure in the vicinity of the proposal. Any road closure proposal at 9, 10, 11 or 12 Hereford Street would need to include potholing to ensure the gas assets are outside the closure boundaries. APA would object to the proposal until such time that the gas assets were potholed and their true alignment identified. The affected owner will be responsible for all costs associated with any easement requirements or works to the allotment arising from this process.

SA Water

SA Water has identified an existing sewer connection within the portion of road adjoining 12 Hereford Street and has advised that they would object to the proposed road closure unless protections for this infrastructure are incorporated, including the requirement for a 4-metre-wide easement for sewerage purposes at no cost.

SA Power Networks (SAPN)

SAPN has identified both high and low voltage powerlines within the broader area. While these assets are generally located outside the proposed road closure zones, one closure is impacted. Specifically, SAPN has raised an objection to the closure of 9 Hereford Street unless a 15-metre easement is provided.

Report

Following the completion of preliminary investigations and the determination of market value, the owners of 9, 10 and 12 Hereford Street have elected not to proceed with the road closure process. This decision has been informed by a range of factors, including the identification of underground infrastructure, the requirement for statutory easements by service authorities and the assessed cost of acquiring the land from Council as determined by a licensed valuer.

Council Administration have determined it is still appropriate to commence a road closure process in this instance even though the other applicants have made the decision to withdraw from the process.

In accordance with the *Roads (Opening and Closing) Act 1991*, Council is required under section 10(1)(b) to serve written notice of the proposal on each person affected who can be identified through reasonable enquiry.

Council's Community Engagement Policy provides that where public consultation is not prescribed by statute, Council may determine whether to undertake community engagement at its discretion. In this instance, it is believed by Council Administration that broader consultation should occur, including letters to affected residents, public notice and upload onto Councils engagement platform Participate PAE to provide residents in the area the opportunity to provide feedback on the proposal.

Following consultation, Council must consider any material or significant objections received before deciding whether to proceed with the road closure. Subject to this, the Surveyor-General may grant approval, allowing Council to formally close the road through a Road Process Order and have the affected portion amalgamated with 11 Hereford Street, Enfield, as gazetted in the South Australian Government Gazette.

Recommendation

Council Administration recommends that Council endorse the commencement of the statutory road closure process for approximately 192 square metres of road reserve to be amalgamated with the adjoining 11 Hereford Street, Enfield. This process will 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 the independent valuation.

Costs associated with the road closure and disposal process will be recovered from the applicant under the 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 the granting of easements or the 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 back to Council in a future report before any decision is made.

Risk Management

In order to manage the risk of the gas infrastructure being located within the proposed closure area, a dial-before-you-dig (DBYD) assessment was undertaken by the appointed surveyor and does not identify any gas assets within the proposed road closure area for 11 Hereford Street, Enfield. Notwithstanding the preliminary DBYD results APA Gas still

require formal potholing to be undertaken prior to removing their objection. This means that there is a residual risk that this Road Closure may not proceed due to inground infrastructure.

There is a risk that the Surveyor-General may not approve the road closure process or place conditions on this process which need to be satisfied prior to approval of the process. These risk will be mitigated through strict adherence to legislative processes and timeframes, transparent community engagement and appropriate legal oversight.

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 has been 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

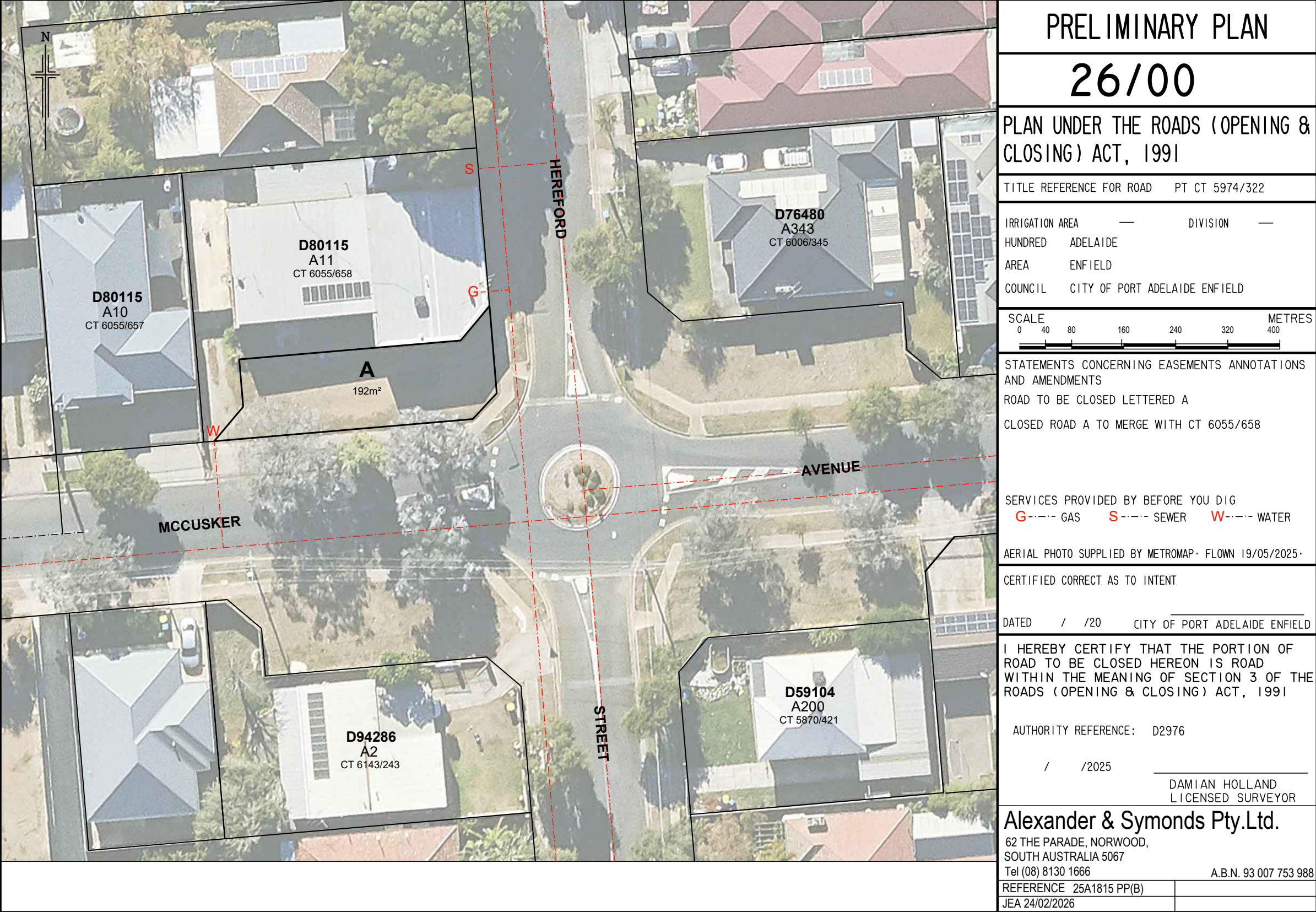
A cost agreement has been entered into with the applicant and all fees associated with the road closure process, including, but not limited to valuation and community engagement are recoverable from the applicant.

A licenced valuer has been engaged to determine a market value for this land in accordance with Council's Sale and Disposal of Assets Policy. This valuation was undertaken at a cost of \$4,275.00 and the costs have been shared across the applicant who entered into cost agreements.

A licenced surveyor has been engaged to complete the survey in accordance with Council's Sale and Disposal of Assets Policy. This survey was undertaken at a cost of \$500.00 and has been incurred by Council due to the number of applicants changing throughout the process and has been funded by existing operational budgets.

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. The Applicant's acquisition will not impede community footpath access.



ATTACHMENT 13.2.1.2

