

13.2.3 Proposed Closure of a Portion of Road - Princes Road, Greenacres

Report Type	Decision
City Plan Theme	Economy
Report Author	Property Officer, City Assets
Report Summary	Following on from the March 2021 and December 2021 Council Meetings, this report recommends that Council commence a road closure process over two small portions of Princes Road, Greenacres, measuring approximately 194 square metres and dispose of these portions of land to the adjoining landowner located at 56-80 Princes Road, Greenacres.
Attachments	1. Preliminary Plan 24/ [13.2.3.1 - 1 page] 2. Deposited Plan 7922 [13.2.3.2 - 1 page] 3. Deposited Plan 91756 [13.2.3.3 - 2 pages] 4. Aerial View - Princes Road, Greenacres [13.2.3.4 - 1 page]

RECOMMENDATION

Council resolves:

1. The report of the Director City Assets titled "Proposed Closure of a Portion of Road - Princes Road, Greenacres" be received and noted.
2. To note that the Administration has commenced a road closure process as endorsed in the March 2021 Report titled 'St. Martins Catholic School – Proposed Community Land Revocation and Road Closure.
3. That the portion of Road, measuring approximately 114 square metres, identified as Portion A in Preliminary Plan 24/ (Attachment 1) and described as a portion of Princes Road, Greenacres defined as 'Princes Road' in Deposited Plan 7922 (Attachment 2) adjacent Allotment 73, 74, 75 & 76 be declared surplus to Council's requirements.
4. That the portion of Road, measuring approximately 80 square metres, identified as Portion B in Preliminary Plan 24/ (Attachment 1) and described as a portion of Princes Road, Greenacres defined as 'Princes Road' in Deposited Plan 7922 (Attachment 2) adjacent Allotment 80, 85 & 88 be declared surplus to Council's requirements.
5. Subject to the Chief Executive Officer or his delegate fulfilling the requirements of the *Roads (Opening and Closing) Act 1991*, the Chief Executive Officer or his delegate is authorised to do all things necessary to:
 - a. Enter into Community Engagement for the proposed closure of 2 portions of Princes Road, Greenacres identified in Attachment 1 as Portion A and B in Preliminary Plan 24/. In the event objections are received regarding the road closure, a further report will be presented to Council.

- b. Negotiate with the owner of the property (or their representatives) adjacent to the portions of Road (pending the outcome of the Community Engagement) on the terms of the closure of the Road.**
 - 6. Subject to the outcome of the Chief Executive Officer or his delegates negotiations with the Purchasers, and the Purchasers entering into a costs agreement to reimburse Council's costs, commence the process to close the 2 portions of Road and amalgamate the Road with the Purchasers' Land in accordance with the Roads (*Opening and Closing*) Act 1991;**
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Background

Catholic Church Endowment Society Inc. (CCESI) previously identified as Catholic Education South Australia (CESA) is the registered owner of all the portions of land delineated in red on the Aerial View Image (**refer Attachment 4**).

At the Ordinary Council Meeting in August 2020, CESA had requested to enter into negotiations to purchase 'Princes Road Reserve' Greenacres (the Reserve) delineated in green and shown in the aerial view (**refer Attachment 4**). Council endorsed the administration to enter into Community Consultation to revoke the Community Land classification over this portion of land.

At the March 2021 Ordinary Council Meeting, a report titled 'St Martins Catholic School – Proposed Community Land Revocation and Road Closure' was presented. Detailed in this report was a review of the public submissions received on the revocation of the Community Land classification over the Reserve. Council resolved not to proceed with the proposed revocation of the Community Land Classification of the Reserve and to investigate further options for the sale of a portion or the whole of Princes Road adjacent the school as outlined in the resolutions below:

- 1. The Director City Assets' report titled 'St Martins Catholic School - Proposed Land Revocation and Road Closure' be received and noted;*
- 2. Having taken into consideration the public submissions, Council resolves not to proceed to obtain the approval of the Minister for Planning and Local Government ('the Minister') of the proposed revocation of the Community Land classification of Princes Road Reserve, Greenacres described as Allotment 105 in Deposited Plan 7922 being portion of the land contained in partially cancelled Certificate of Title Volume 3471 Folio 133;*
- 3. The Council begin the process to investigate the sale of a portion or whole of the Princes Road service road which forms a boundary on three sides of the land referred to in Item 2, to Catholic Education South Australia;*
- 4. Council Administration bring back a report to a subsequent meeting of Council on ways to improve Princes Road Reserve, Greenacres, which includes local community consultation.*

A further report was presented to Council in December 2021 titled 'Princes Road Reserve' which outlined the beautification of Princes Road, Greenacres.

In May 2023, Council Administration was approached by CCESI with an updated and reconsidered proposal to further develop CCESI owned land along Princes Road, Greenacres.

Options for considering closure of all or part of Princes Road, Greenacres were considered by both CCESI and Council Administration. It was established that entering into a road closure process and the subsequent disposal of two portions of land identified as Road, measuring approximately 114 square metres & 80 square metres and known as Princes Road, Greenacres would be required.

These portions of land are identified as “A” and “B” on **(refer Attachment 1)** – Preliminary Plan 24/, and are requested to be closed and disposed of to CCESI. Preliminary plans suggest that the two portions of road proposed to be closed will provide the school with additional green and open space.

Internal consultation with Council staff was undertaken and no objections were received. External consultation was undertaken with service providers including South Australian Power Networks, SA Water, Telstra, ElectraNet, APA Group (Gas) and the Department for Infrastructure and Transport.

One objection to the road closure was received from APA Group (Gas) who have advised that a medium pressure gas main operates within the area of Princes Road, Greenacres.

Should Council endorse the recommendation to enter into a road closure process, APA Group (Gas) have advised of an indicative cost for the removal and relocation of gas infrastructure into adjacent portions of road. The school have agreed to pay for the relocation of this infrastructure based on the indicative quote provided. On completion of works, APA Group (Gas) have confirmed that they will remove their objection to allow the road closure to proceed.

Report

Public consultation regarding the road closure process is required as part of the *Roads (Opening and Closing) Act 1991*, and as such this report seeks to gain Council endorsement to commence community engagement as part of this road closure process.

If this process receives no further objections and the current objection from APA Group (Gas) is removed upon relocation of the infrastructure, as well as receiving approval from the Surveyor General, Council can consider closure and disposal of these portions of Princes Road, Greenacres to CCESI.

Should the Road Closure be supported by all parties (Council, Community & Ministerial) it is proposed that:

- Portion A to be amalgamated into adjacent allotments 2 & 3 as shown on Preliminary Plan 24/ **(refer Attachment 1)**, and identified as Allotment 74 in Deposited Plan 7922 **(refer Attachment 2)** and Allotment 771 in Deposited Plan 91756 **(refer Attachment 3)** and;
- Portion B to be amalgamated into adjacent allotment 6 as shown on Preliminary Plan 24/ (Attachment 1), and identified as Allotment 85 in Deposited Plan 7922 **(refer Attachment 2)**.

In line with Council's *Sale and Disposal of Land and Assets Policy* an independent licenced valuation will be sought to determine the value of the land should the road closure process be endorsed at all stages. A cost agreement will be entered into with the CCSEI for the land costs, GST and reimbursement of all costs associated with the road closure process.

City Plan Relationship

Council considering the possibility of initiating a Road Closure Process and transferring these road portions to the neighbouring owner (CCESI) for the envisioned expansion of educational facilities on the site aligns with the 'Community and Economy' themes outlined in the Council's City Plan.

Furthermore, the City Plan's theme of Leadership is evident in the collaborative efforts to negotiate the closure of a small segment of the road, contributing to the creation of additional usable space for educational purposes, whilst balancing the needs of land accessible to the broader community.

Legislative Context and Related Policies

To enable the portion of a road to be closed, it is necessary to formally close the road in accordance with the requirements of the *Roads (Opening and Closing) Act 1991* subject to the consent of the Minister for Planning and the granting of easements or relocation of services as required.

A road is closed by what is known as a 'road process order' made by Council, confirmed by the Minister, and notified in the South Australian Government Gazette in accordance with the *Roads (Opening and Closing) Act 1991*.

The proposed method of disposal for these portions of Road to the adjoining owner is consistent with Council's *Sale and Disposal of Land and Assets Policy*.

Stakeholder Engagement

Council staff have consulted with internal stakeholders and external infrastructure providers regarding the proposal. APA Group (Gas) have listed an objection which requires further works prior to removal of their formal objection. However, APA Group (Gas) have advised that should Council endorse a process to close the road and the cost of relocation of infrastructure be covered by the school, they would remove their objection.

This report seeks endorsement to enter into community engagement on the road closure proposal. Should any further objections be received from the community engagement process, a further report will be presented to Council for consideration.

Risk Management

There is a risk that the Community do not support the closure of the Road or that the closure may not be approved by the Minister.

Communicating with those most affected by the road closure and adhering to the consultation requirements of the *Roads (Opening & Closing) Act 1991* will ensure that the community is informed and given an opportunity to provide feedback on the proposal.

Financial Management

Compensation payable for the two portions of road, measuring approximately 114 square metres and 80 square metres will be determined by an independent licensed valuer, and all costs associated with the road closure process will be payable by the applicant.

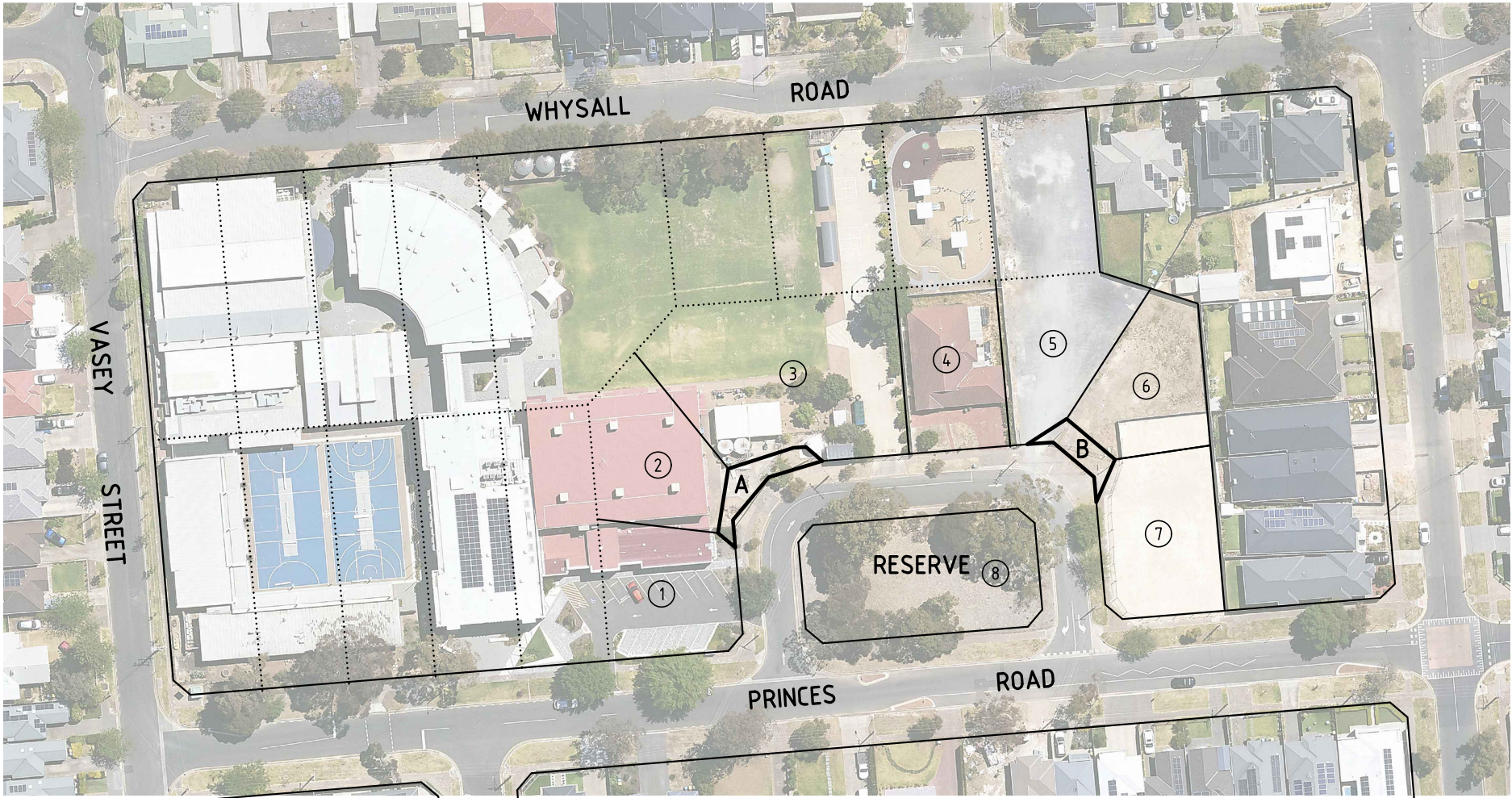
Council will receive a market rate for the land, as well as future council rates and will no longer be responsible for maintaining the land.

Environmental and Social Impacts

It is considered that the closure and sale of this portion of road will have a minimal adverse effect on the local community as the footpath area will continue to be available for use by the community and remain within Council Land.



AFFECTED PARCELS		
8	105/D7922	CT 6256/180
7	88/D7922	CT 5582/471
6	85/D7922	CT 5582/443
5	80/D7922	CT 5583/24
4	79/D7922	CT 5582/570
3	771/D91756	CT 6114/911
2	74/D7922	CT 5300/908
1	75/D7922	CT 5582/569



PRELIMINARY PLAN

24/

PLAN UNDER THE ROADS (OPENING & CLOSING) ACT, 1991

TITLE REFERENCE FOR ROAD PT CT 6256/181

IRRIGATION AREA DIVISION
HUNDRED YATALA
AREA GREENACRES
COUNCIL PORT ADELAIDE ENFIELD



STATEMENTS CONCERNING EASEMENTS ANNOTATIONS AND AMENDMENTS
ROADS TO BE CLOSED LETTERED A & B
A TO MERGE WITH CT 5300/908 & CT 6114/911
B TO MERGE WITH CT 5582/443

AERIAL PHOTO SUPPLIED BY METROMAP DATED 14/11/2023

CERTIFIED CORRECT AS TO INTENT

DATED / /2024 PORT ADELAIDE ENFIELD

I HEREBY CERTIFY THAT THE PORTIONS OF ROAD TO BE CLOSED HEREON ARE ROAD WITHIN THE MEANING OF SECTION 3 OF THE ROADS (OPENING & CLOSING) ACT, 1991

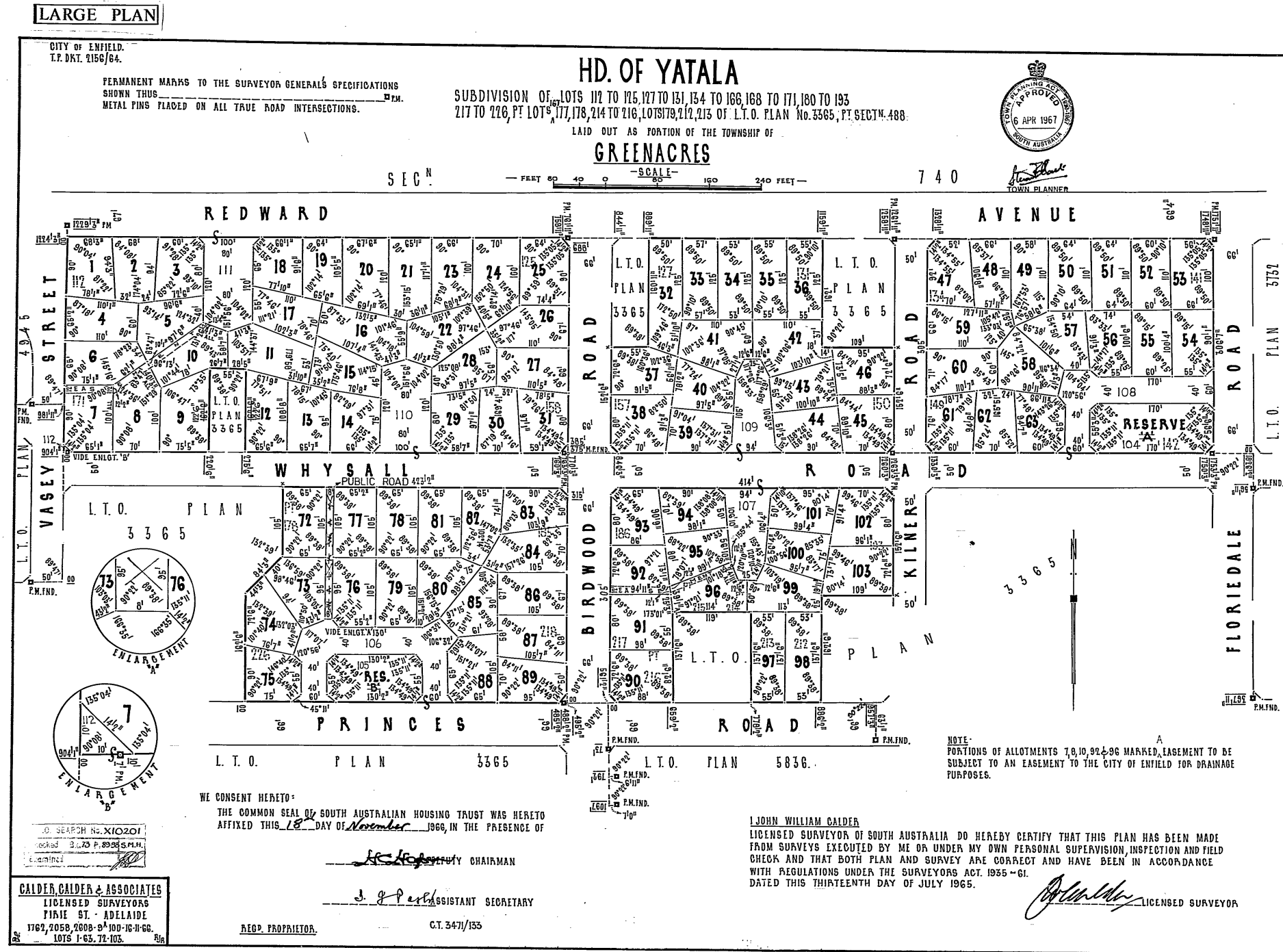
AUTHORITY REFERENCE: D7922

/ /2024
DAMIAN HOLLAND
LICENSED SURVEYOR

Alexander & Symonds Pty.Ltd.

11 KING WILLIAM STREET, KENT TOWN
P.O. BOX 1000 KENT TOWN 5071
Tel (08) 8130 1666 Fax (08) 8362 0099 A.B.N. 93 007 753 988

REFERENCE 20A2172PRELIM(C)
JEA 12/01/2024



PURPOSE:	AMALGAMATION	AREA NAME:	GREENACRES	APPROVED: ANGELA WESTTHORP 17/06/2013	 D91756 SHEET 1 OF 2 38499_text_01_v03_Version_3				
MAP REF:	6628/39/G	COUNCIL:	CITY OF PORT ADELAIDE ENFIELD	DEPOSITED: ORAZIO DEANGELIS 23/07/2013					
LAST PLAN:		DEVELOPMENT NO:							
AGENT DETAILS:	MATTSSON & MARTYN 380 PAYNEHAM ROAD PAYNEHAM SA 5070 PH: 83369955 FAX: 83369966	SURVEYORS CERTIFICATION:							
AGENT CODE:	MAT2								
REFERENCE:	P10641/08/12								
SUBJECT TITLE DETAILS:									
PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER
CT	5238	482		ALLOTMENT(S)	76	D	7922 YATALA		
CT	5289	930		ALLOTMENT(S)	77	D	7922 YATALA		
CT	5958	442		ALLOTMENT(S)	10	D	69176 YATALA		
OTHER TITLES AFFECTED:									
EASEMENT DETAILS:									
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF		CREATION	
ANNOTATIONS:									

