



# INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE AGENDA & REPORTS

for the meeting

Tuesday, 20 June 2023  
at 7.00 pm

in the Colonel Light Room, Adelaide Town Hall

© 2023 CITY OF ADELAIDE. ALL RIGHTS RESERVED.



Members – The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith  
Councillor Couros (Chair)  
Councillor Elliott (Deputy Chair)  
Councillors Abrahamzadeh, Davis, Giles, Hou, Li, Martin, Noon, Dr Siebentritt and Snape

**1. Acknowledgement of Country**

At the opening of the Infrastructure and Public Works Committee meeting, the Chair will state:

‘Council acknowledges that we are meeting on traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present. We recognize and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.’

**2. Apologies and Leave of Absence**

Apology -

Councillor Couros

**3. Confirmation of Minutes - 16 May 2023**

That the Minutes of the meeting of the Infrastructure and Public Works Committee held on 16 May 2023, be taken as read and be confirmed as an accurate record of proceedings.

View public 16 May 2023 Minutes [here](#).

**4. Reports for Recommendation to Council**

4.1	Hamilton Place - Change of Traffic Conditions	3 - 6
4.2	Grant of Easement for public lighting at 211-217 Pirie Street	7 - 12
4.3	Tom’s Court – proposal to commence a road process	13 - 19

**5. Closure**

## Hamilton Place - Change of Traffic Conditions

Tuesday, 20 June 2023

Infrastructure and Public Works Committee

**Program Contact:**

Mark Goudge,  
Associate Director Infrastructure

**Approving Officer:**

Tom McCready, Director City Services

Strategic Alignment - Thriving Communities

Public

---

## EXECUTIVE SUMMARY

Hamilton Place, Adelaide is a two-way road between Hurman Street and Morphett Street with parking on the northern side which is predominately utilised by residential permit holders.

A number of residents have raised concerns about the speed and number of vehicles that use the street, and they perceive it to be a safety hazard as two vehicles cannot pass each other. There is also a perception that motorists are using Hamilton Place as a shortcut to avoid the traffic signals at the intersection of Morphett and Gilbert Street.

At its meeting on 14 February 2023 Council received a petition to make Hamilton Place, Adelaide one-way from Morphett Street to Hurman Street and introduce more greening to the street. Subsequently, Council also resolved "That the Traffic Strategy Framework include assessment of a one-way traffic zone through Hamilton Place/Hurman Street."

In considering this request, surveys and site observations were undertaken, the results of which have shown that the street is generally not utilised as a shortcut to avoid traffic signals, and that the street is primarily utilised by local traffic entering the street from both directions to access their car parks.

In narrow streets such as Hamilton Place, vehicle speeds are kept to a minimum through the retention of on-street parking and retaining two-way traffic conditions due to the need to give way to on-coming traffic.

Retention of two-way traffic conditions provides the maximum level of accessibility for residents. Furthermore, retention of two-way conditions is consistent with Council's Smart Move Transport and Movement Strategy 2012 – 22, specifically, part 7.3.2 Maintain two-way vehicle movement across the City Street grid.

As part of the Greener City Streets Program, we will be planting five new trees and one Water Sensitive Urban Design Greening area at the eastern end of Hamilton Place in late 2023.

---

## RECOMMENDATION

The following recommendation will be presented to Council on 27 June 2023 for consideration

THAT THE INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE RECOMMENDS TO COUNCIL

That Council:

1. Notes the results of the traffic assessment, including public consultation, surveys, turn path analysis and on-site observations for the proposed closure to westbound traffic in Hamilton Place, Adelaide.
  2. Approves retaining the existing two-way traffic conditions in Hamilton Place in line with community feedback.
  3. Notes that as part of the Greener City Streets Program, Administration will be planting five new trees and one Water Sensitive Urban Design Greening area at the eastern end of Hamilton Place in late 2023.
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Thriving Communities</b> A safe, affordable, accessible, well-connected city for people of all ages and abilities and transport modes.
Policy	The review of traffic and parking for safety and amenity aligns with the Smart Move Transport and Movement Strategy for Calm Traffic.
Consultation	Consultation has been undertaken with affected stakeholders including emergency services, in accordance with City of Adelaide's (CoA) Public Consultation Policy and s32 of <i>the Road Traffic Act 1961</i> .
Resource	Resources required to deliver greening is unknown at this time.
Risk / Legal / Legislative	Council has a responsibility to monitor and improve road safety by taking measures to protect its area from hazards, and to mitigate the effects of such hazards within the city. Implementing a one-way proposal along Hamilton Place would have the opposite outcome and may see Council partially liable in the event of an incident.
Opportunities	Not as a result of this report
22/23 Budget Allocation	Not as a result of this report
Proposed 23/24 Budget Allocation	\$30,000 in the Draft 2023/24 Business Plan & Budget for Hamilton Place Improvements (Concept & Detailed Design).
Life of Project, Service, Initiative or (Expectancy of) Asset	Life expectancy of the asset will not change as a result of this report.
22/23 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

## DISCUSSION

1. At its meeting on 14 February 2023 Council received a petition to make Hamilton Place, Adelaide one-way from Morphett Street to Hurman Street and introduce more greening to the street.
2. The petition cited that there were safety issues associated with the current two-way operation which allowed for vehicles to utilise Hamilton Place as a “cut through” to avoid the traffic signals at the intersection of Morphett Street and Gilbert Street. Vehicles travelling at excessive speeds was also cited as a safety issue. The petition identified strong support for greening opportunities if the street were to become one-way.
3. At its meeting on 14 February 2023 Council resolved “That the Traffic Strategy Framework include assessment of a one-way traffic zone through Hamilton Place/Hurman Street.”
4. As a result of the petition and Council resolution, a traffic assessment was undertaken on the feasibility of making Hamilton Place one-way through closing Hamilton Place to westbound vehicles. The traffic assessment undertaken included formal consultation, traffic surveys, turn path analysis and on-site observations.

### Summary of consultation approach

5. Public consultation regarding road closures is a legislated requirement under Section 32 of the *Road Traffic Act 1961*.
6. Consultation regarding the proposed closure to westbound traffic was undertaken by Council, in accordance with the requirements of Section 32 of the *Road Traffic Act 1961*. Consultation activities included the following:
  - 6.1. A letter was circulated to 120 property owners/occupiers adjacent the road who would be directly impacted by the proposal, accompanied with a location map and feedback form.
  - 6.2. An email with the proposal was sent to Emergency Services for comment.
  - 6.3. A notice was published in *The Advertiser* on 14 March 2023.
  - 6.4. Consultation packs and feedback forms were made available on the YourSay Adelaide website and through the City of Adelaide’s libraries and community centres.
7. Members were notified via E-News on 17 March 2023 of the public consultation process.

### Results of the consultation

8. There was a total of 60 responses to the consultation, including 12 online submissions on the YourSay Adelaide website, 43 hard-copy feedback forms and five emails. Verbatim comments can be viewed at [Link 1](#). Four responses were excluded, two supports and two objections without comment as they did not provide contact details. Leaving a total of 56 responses.
9. The feedback received during the consultation resulted in 31 of the 56 respondents (objecting to the proposal to close Hamilton Place to westbound vehicles).
10. Issues raised by objectors included:
  - 10.1. Reduced access to properties.
  - 10.2. Removal of on-street parking spaces.
  - 10.3. Vehicles having to undertake a multi-point turn at the southern end of Hurman Street and the potential to impact on pedestrian safety and cause property damage.

### Traffic survey summary

11. Traffic volumes along Hamilton Place and Hurman Street are very low. Hamilton Place carries on average 166 vehicles per day (VPD) consisting of 70 eastbound (from Morphett end) and 96 westbound. Hurman Street carries on average 206 VPD, 91 northbound (towards Gilbert) and 115 southbound.
12. Both streets carried the same number of vehicles during the AM peak with 19 and Hurman Street carried four more (20) than Hamilton Place (16) during the PM peak.
13. Average speeds along both streets were well below the posted speed limit of 50km/h. Hamilton Place average was 26.7km/h, with the highest speed recorded being 37km/h. Average speeds along Hurman Street were 23km/h with the highest being 43.5km/h.

### On-site observations

14. On-site observations were undertaken on different days and times, and can be viewed at [Link 2](#), to ascertain if motorists were using Hamilton Place as a cut through to avoid the traffic lights.
15. Three motorists and a cyclist were observed turning right from Morphett Street and then right onto Gilbert Street and may have done so to avoid the traffic signals or may have been looking for a parking space.
16. Majority of motorists appeared to be local traffic eg, residents, employees and were familiar with the traffic conditions and drove accordingly.
17. Majority of movements were to park/unpark from the car park at the rear of 89-92, with Hurman Street being predominately used and not Hamilton Place.

### Turn path analysis

18. An analysis on turning movements that would be required if the one-way proposal was adopted were undertaken and can be viewed at [Link 3](#). The analysis showed the multiple point turns required with and without on-street parking at the southern end of Hurman Street.
19. The turn paths for a passenger vehicle (5.2m) and a medium rigid vehicle (8.8m). All manoeuvres showed that motorists would still be required to enter what would become the one-way section of Hamilton Place and potentially utilise private property to be able to exit out onto Gilbert Street.
20. Motorists undertaking these types of manoeuvres increase the risk of causing an accident that may involve our most vulnerable road users eg, pedestrians and cyclists.

### Next Steps

21. Based on community feedback and in line with Council's Smart Move Transport and Movement Strategy 2012 – 22, it is not recommended that Hamilton Place become a one-way road.
22. As part of Council's commitment to making Adelaide a greener and more sustainable capital city, we will be planting five new trees and one Water Sensitive Urban Design Greening area at the eastern end of Hamilton Place as part of the Greener City Streets Program.
  - 22.1. We are currently seeking feedback on the Greener City Streets Program locations, including Hamilton Place ([Link 4](#)).
  - 22.2. A map of the proposed plantings is available at [Link 5](#).
  - 22.3. The final location of the trees will be subject to the location of existing underground services.
  - 22.4. Procurement is expected to commence in June with construction anticipated to commence in August 2023. Completion is expected in October 2023, however this may change depending on the engaged Contractors program.

---

## DATA AND SUPPORTING INFORMATION

**Link 1** – Hamilton Place verbatim comments

**Link 2** – Hamilton Place on-site observations

**Link 3** – Hamilton Place turn path analysis

**Link 4** – Your Say Adelaide page, Greener City Streets Program

**Link 5** – Hamilton Place design Greener City Streets Program

---

## ATTACHMENTS

Nil

---

- END OF REPORT

## Grant of Easement for public lighting at 211-217 Pirie Street

Tuesday, 20 June 2023

Infrastructure and Public Works Committee

Strategic Alignment - Enabling Priorities

**Program Contact:**

Mark Goudge, Associate Director Infrastructure

Public

**Approving Officer:**

Tom McCready, Director City Services

---

## EXECUTIVE SUMMARY

Next DC Limited are currently constructing a 6-level 'data centre' building at 211-217 Pirie Street (the Development Site). The Development Site adjoins Sudholz Place on its southern side.

Prior to the development commencing, public lighting in this portion of Sudholz Place was provided via a pole-mounted streetlight adjacent to the Development Site.

The new building being constructed on the Development Site requires vehicular access where the pole-mounted streetlight is located, therefore it needs to be removed and an alternative location found for it.

Having examined various options, it was determined that the best place for a new streetlight was to attach it to the new building within the Development Site.

Next DC Limited has agreed to grant an easement to the City of Adelaide (for public lighting purposes) over a portion of the Development Site in order to provide the City of Adelaide with long-term certainty in relation to its right to mount the streetlight (and associated public lighting infrastructure) on the Development Site.

This report recommends that Council accept the 'Grant of Easement', authorises the Chief Executive Officer to negotiate the terms of the Grant of Easement (including its extent) and authorises the Chief Executive Officer and Lord Mayor to affix the Common Seal to the Grant of Easement.

---

## RECOMMENDATION

The following recommendation will be presented to Council on 27 June 2023 for consideration

THAT THE INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Approves pursuant to section 190 of the *Local Government Act 1999 (SA)* and section 96 of the *Real Property Act 1886 (SA)*, accepting a Grant of Easement (for the purposes of installation and maintenance of public lighting infrastructure) over portions of the land located as 211-217 Pirie Street, including:
  - 1.1. (Indicatively) the land that is coloured green in Attachment A to Item 4.2 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 20 June 2023
  - 1.2. Portions of the building located on the land.
2. Authorises the Chief Executive Officer to negotiate the terms of the Grant of Easement, including its extent.
3. Authorises the Chief Executive Officer and the Lord Mayor to execute and affix the Common Seal of the Council to the Grant of Easement and any other documents to give effect to Council's resolution.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Enabling Priorities</b> If Council accepts the Grant of Easement, it will enable reinstatement of the streetlight (and associated public lighting infrastructure) that was removed in order to construct the new 'data centre' building at 211-217 Sudholz Place.
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Internal staff resources to consider the proposal and legal costs to prepare and register the Grant of Easement.
Risk / Legal / Legislative	Accepting the Grant of Easement will entail legal responsibility for assets within the easement and therefore the same risks associated with ownership of public lighting infrastructure on a public road.  The easement plan will be prepared by a Licenced Surveyor representing Next DC Limited. The Grant of Easement will be prepared by lawyers representing the City of Adelaide. The easement plan and Grant of Easement are yet to be finalised.  Council may accept the Grant of Easement pursuant to its powers under section 190 of the <i>Local Government Act 1999 (SA)</i> and pursuant to section 96 of the <i>Real Property Act 1886 (SA)</i> .
Opportunities	If Council accepts the Grant of Easement, it will enable reinstatement of the streetlight (and associated public lighting infrastructure) that was removed in order to construct the new 'data centre' building at 211-217 Sudholz Place.
22/23 Budget Allocation	Not as a result of this report
Proposed 23/24 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	As per public lighting infrastructure located on public roads.
22/23 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	As per public lighting infrastructure located on public roads.
Other Funding Sources	Not as a result of this report



## DISCUSSION

1. Next DC Limited are currently constructing a 6-level 'data centre' building (the Building) at 211-217 Pirie Street (the Development Site). The Development Site is coloured red on the map below.



2. The Development Site is contained within Certificate of Title Volume 5471 Folio 983, the registered proprietor (owner) being Next DC Limited.
3. The Building and surrounding civil works on the Development Site are expected to be completed by late 2024.
4. The Building can be seen in the image below from the development application.



- The image below is the Ground Floor plan from the development application. The orange dot on the image shows the location of an existing streetlight in Sudholz Place. This streetlight needs to be relocated as it would block vehicular access to the proposed Building if it were to remain. The streetlight has already been removed to facilitate construction.



- In discussions with Next DC Limited it was decided that the best way to reinstate the streetlight after the development is completed is to install a building-mounted streetlight in the location shown as a yellow dot on the image above ie. the streetlight would be located on the Development Site and mounted to the building rather than being pole-mounted.
- A conduit will run from Sudholz Place to the streetlight to supply electricity.

### **Easement for public lighting**

- DC Limited has agreed to grant an easement to the City of Adelaide for the purpose of providing long-term certainty of its right to retain and maintain the public lighting infrastructure within Sudholz Place.
- The extent of the easement will be depicted on a survey plan that will be lodged with Lands Services SA. The easement will be sufficiently large to comfortably accommodate all of the lighting infrastructure, including the streetlight and associated conduits. The indicative extent of the proposed easement is shown in **Attachment A** (coloured green).
- The easement would be 'long-form', which allows City of Adelaide to tailor the terms of the easement so that it best meets our needs.
- Council may acquire land, including a legal interest in land (which includes easements), pursuant to Section 190 of the *Local Government Act 1999 (SA)*. Council may accept the grant of an easement pursuant to section 96 of the *Real Property Act 1886 (SA)*. These powers have not been delegated by Council.
- Accordingly, the purpose of this Report is to seek Council's approval to accept the granting of an easement (for the purpose of public lighting) over a portion of the Development Site. It also requests Council to authorise the Chief Executive Officer to negotiate the terms of the (long-form) grant of easement, including its extent. The terms of the long-form easement will provide the City of Adelaide with the power to install and maintain public lighting infrastructure on portions of the Development Site.

# ATTACHMENTS

**Attachment A** – Indicative location of proposed easement

---

- END OF REPORT -

**Legend**



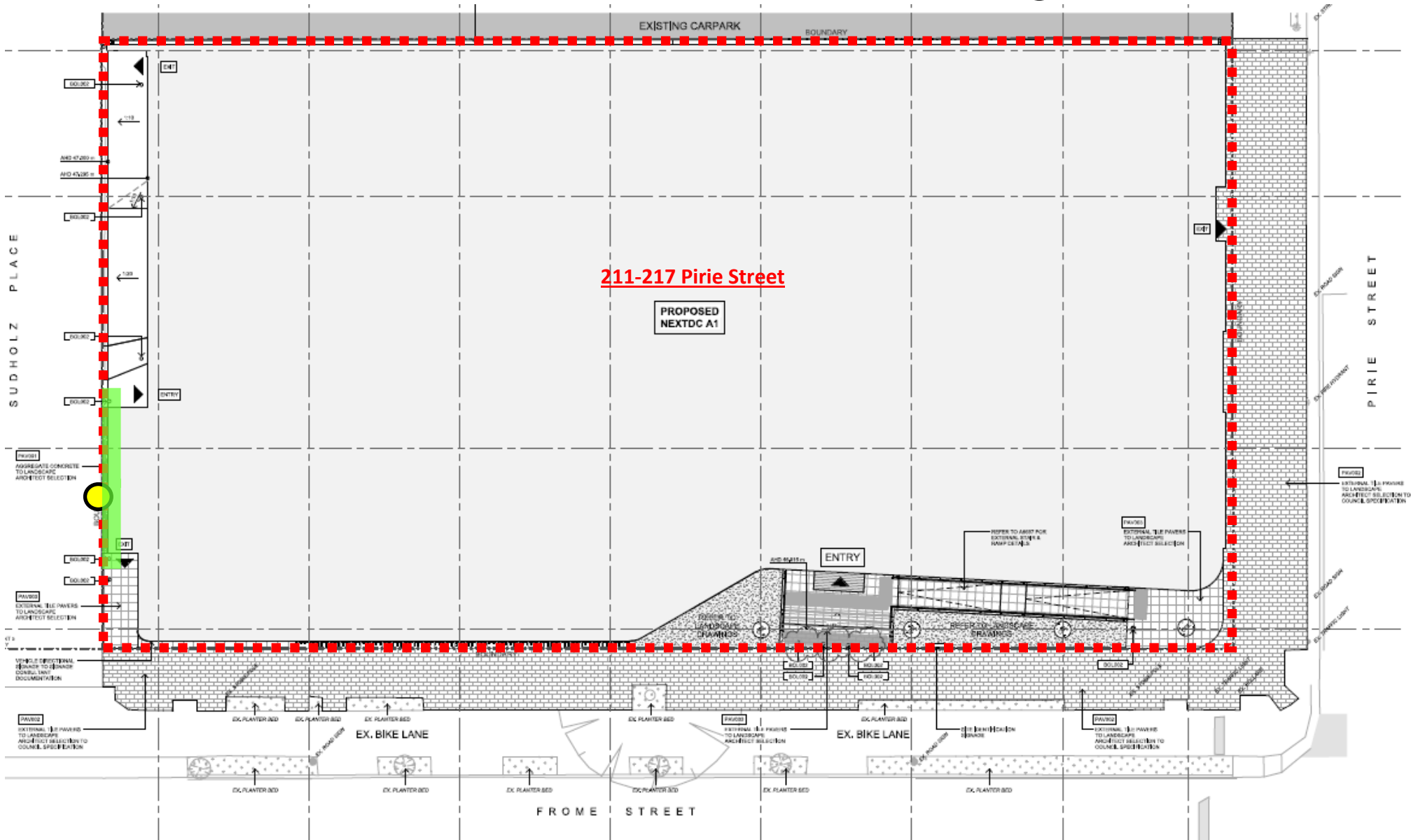
Property boundary



Indicative extent of proposed easement



Proposed replacement streetlight



## Tom's Court – proposal to commence a road process

Strategic Alignment - Strong Economies

Public

Tuesday, 20 June 2023

Infrastructure and Public Works Committee

**Program Contact:**

Mark Goudge, Associate Director, Infrastructure

**Approving Officer:**

Tom McCready, Director, City Services

## EXECUTIVE SUMMARY

The purpose of this report is to establish if Council wishes to commence a 'road process' under the *Roads (Opening & Closing) Act 1991 (SA)* (Roads Act) to close and transfer a portion of the unnamed public road at the back entrance of Tom's Court Hotel.

The Karidis Corporation Limited (Karidis) completed the construction of the Tom's Court Hotel late in 2020. Approximately six months before the completion, Karidis communicated to Council a desire to establish a pedestrian link from King William Street to the Tom's Court Hotel. The pedestrian link was proposed to pass through a property on King William Street (also owned by Karidis), across the end of an unnamed public road (the Road) and then into the back entrance of the Tom's Court Hotel.

Karidis initially sought to acquire the Road from Council to facilitate the link. However, it acknowledged that it would take time for the transfer of the Road to occur. Instead, Karidis requested, as an interim measure, that Council authorise Karidis to construct an enclosure (the Structure) on the Road by way of a Permit. Council has authorised the Structure to remain on the Road since 15 December 2020.

On 27 October 2022, Karidis wrote to the City of Adelaide (CoA) to formally request that CoA sell the Road to Karidis by undertaking a 'road process' under the Roads Act. Karidis responded with a revised proposal that would result in a smaller portion of the Road being transferred to Karidis.

## RECOMMENDATION

The following recommendation will be presented to Council on 27 June 2023 for consideration:

THAT THE INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE RECOMMENDS TO COUNCIL THAT COUNCIL

1. Approves commencing a road process pursuant to section 5 of the *Roads (Opening & Closing) Act 1991 (SA)* to close and transfer the portion of the unnamed public road lettered 'A' on Attachment A to Item 4.3 on the Agenda for the Infrastructure and Public Works Committee held on 20 June 2023 (the dimensions of which are yet to be determined) to an adjoining owner.
2. Approves, subject to Council commencing a road process to close and transfer the portion of the unnamed public road lettered 'A' on Attachment A to Item 4.3 on the Agenda for the Infrastructure and Public Works Committee held on 20 June 2023 to an adjoining owner, extending the permit granted to Karidis Corporation Limited to occupy the portion of the unnamed public road lettered 'A' on Attachment A until such time as a further report on the matter is presented to Council for consideration.
3. Notes should Council not wish to commence a road process to close and transfer the portion of the unnamed public road lettered 'A' on Attachment A to Item 4.3 on the Agenda for the Infrastructure and Public Works Committee held on 20 June 2023 to an adjoining owner the Karidis Corporation Limited would be notified and the permit granted to Karidis Corporation Limited to occupy the portion of the unnamed public road lettered 'A' on Attachment A would not be extended and the Karidis Corporation Limited would be asked to remove any improvements that it has erected on the road.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Strong Economies</b> If Council resolves to commence a ‘road process’ to close the portion of the unnamed public road lettered ‘A’ on Attachment A and transfer it to Karidis Corporation Limited (pursuant to the <i>Roads (Opening &amp; Closing) Act 1991 (SA)</i> ), it would enable existing improvements constructed by Karidis (the Structure) to remain on the road, however, this may have impacts for the other owner of land that adjoins that portion of the road.
Policy	In deciding whether or not to close and transfer the unnamed public road lettered ‘A’ on Attachment A, Council will be required to assess the proposed disposal against its ‘ <i>Acquisition and Disposal of Land and Assets Policy</i> ’.
Consultation	If Council resolves to commence a ‘road process’ to close and transfer the unnamed public road lettered ‘A’ on Attachment A, it must provide ‘public notice’ of its intent to do so and also to notify anyone ‘affected’ by the proposal. These are requirements of the <i>Roads (Opening &amp; Closing) Act 1991 (SA)</i> .
Resource	Resources (both financial and staff time) are required to commence the road process.
Risk / Legal / Legislative	Legal advice has been sought on this matter throughout the various stages since Karidis Corporation Limited first approached the City of Adelaide in July 2020. If Council resolves to commence a ‘road process’, it must comply with the requirements of the <i>Roads (Opening &amp; Closing) Act 1991 (SA)</i> .
Opportunities	Not as a result of this report
22/23 Budget Allocation	Not as a result of this report
Proposed 23/24 Budget Allocation	If the public road lettered ‘A’ on Attachment A was transferred (to either adjoining owner), it will be assessed against market value. In addition, the applicant will be charged a fee of \$12,403 for the process.
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
22/23 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

# DISCUSSION

## Background

1. The Karidis Corporation Limited (Karidis), through a series of related companies, is the owner of the land coloured yellow on **Attachment A**.
2. The land coloured green on **Attachment A** is owned (through a series of related companies) by a different party (the Adjoining Owner).
3. On 12 July 2018, the State Commission Assessment Panel (SCAP) gave Development Plan Consent (S10/32/2018) for Karidis to construct a 14-storey mixed use building on the portion of Karidis' land that is numbered "1" on **Attachment A**. The development was completed at the end of 2020. The hotel in the development is branded as the 'Tom's Court Hotel'.
4. The plans for S10/32/2018 show primary access to the Tom's Court Hotel being from Tom's Court. Notwithstanding this, Karidis recognised that access to the Tom's Court Hotel would be greatly enhanced if it was provided from a major road. Accordingly, Karidis proposed to create a pedestrian link from King William Street to the Tom's Court Hotel. The route for the proposed pedestrian link is shown as a red dashed line on **Attachment A**.
5. The proposed pedestrian link envisaged that the portion of the unnamed public Road lettered 'A' on **Attachment A** (the Road) would be enclosed with a visual screen (the Structure) to bridge the gap between the two Karidis properties and provide a thoroughfare for the patrons of the Tom's Court Hotel as they make their way between King William Street and the Hotel.
6. On 11 July 2020, Karidis approached the City of Adelaide (CoA) expressing a desire to acquire the Road from CoA to facilitate the pedestrian link.
7. Council can close and transfer public roads to adjoining owners by utilising the provisions of the *Roads (Opening & Closing) Act 1991 (SA)* (Roads Act).
8. Karidis' request to acquire the Road acknowledged that a 'road process' under the Roads Act could take time to complete and Karidis therefore sought, as an interim measure, to be able to occupy the Road exclusively so that it could build the Structure. More specifically, Karidis requested from CoA:
  - 8.1 An authorisation (pursuant to section 221 of the *Local Government Act 1999 (SA)* (LG Act)) to make an alteration to a public road (to build the Structure).
  - 8.2 A permit (pursuant to section 222 of the LG Act) to exclusively occupy the Road for a business purpose.
9. Council provided the authorisation and permit that was requested, but only on a temporary basis. For a number of reasons, including the impact of Covid-19 and that the Hotel was, for period, previously being used as a Covid-19 medi-hotel, the permit has been extended a number of times.
10. On 27 October 2022, Karidis wrote to CoA again, formally requesting that Council sell the Road to Karidis (consistent with its original request made by letter on 11 July 2020 as discussed in paragraph 6).

## Roads (Opening & Closing) Act 1991 (SA)

11. A council may sell a public road (or portion thereof) by closing and transferring it to an adjoining landowner pursuant to the Roads Act. Where a council is the 'relevant authority' under the Roads Act (it isn't always), the closure and transfer of a road has the following key steps:
  - 11.1 The council must first decide if it agrees, in principle, to close and transfer the road. This is referred to as commencing a 'road process'.
  - 11.2 Where the road that is proposed to be closed and transferred to an adjoining landowner adjoins multiple parcels of land, the council must first invite offers from all owners of the adjoining land. If multiple offers are received, the council must determine which (if any) offer it wishes to progress.
  - 11.3 A plan and other information relating to the proposed closure and transfer must be lodged with the Surveyor-General.
  - 11.4 The council must give 'public notice' of the proposal and also notify anyone 'affected' by the proposal. Anyone is entitled to object to the proposal or request an easement over the road that is proposed to be closed and transferred.
  - 11.5 If an objection or application for easement is received, the council must meet to consider those objections and requests for easements. Parties that objected to the proposal or requested easements are entitled to attend the meeting and make submissions in support of their position.

11.6 The council must then decide whether to make a 'road process order' to close and transfer the road (and what order should be made). To that end, section 16 of the Roads Act, requires a council to have regard to the following considerations when making its decision:

- (a) any objections made by any person pursuant to this Act; and
- (b) 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 relates; and
- (c) whether the land subject to the road process is reasonably required as a road for public use in view of present and likely future needs in the area; and
- (d) alternative uses of the land subject to the road process that would benefit the public or a section of the public; and
- (e) any other matter that the authority considers relevant.

- 12. The requirements of section 16 of the Roads Act (as outlined in paragraph 11.6) should also be considered by a council, to the extent practicable, when deciding whether or not to commence a 'road process' (as outlined in paragraph 11.1). To this end, a report was presented to the City Planning, Development and Business Affairs Committee (the Committee) on 7 February 2023. The Report discussed the criteria in section 16 and identified reasons that supported a decision by the Council not to commence a 'road process'.
- 13. The Committee debated the matter but did not make a determination as to whether or not to commence a 'road process'. Rather, the Committee first wished to understand the position (response) of Karidis in respect of the acquisition of a smaller portion of the road that would not impact, or would minimise the impact on, the other owner of land adjoining the Road, the Adjoining Owner. Karidis' position in this regard would then inform the Council decision-making regarding the acquisition proposal.
- 14. Notwithstanding this, the Committee's desire for a revised proposal from Karidis did not form part of its recommendation to Council. Rather, its recommendation to Council was (in part) that it:  

*"Approves the extension of the current permit for a period of three months and that the matter be brought back to the City Planning, Development and Business Affairs Committee at a future date."*
- 15. On 14 February 2023 Council adopted the Committee's recommendation.
- 16. The Administration wrote to Karidis, communicating the decision of Council/Committee and requesting a revised proposal that would not impact, or would minimise the impact, on the Adjoining Owner.
- 17. Karidis responded with a revised proposal that would result in a smaller portion of the Road being transferred to Karidis (see images below).

17.1 Original proposal – Structure as it stands currently (in red)





17.2 Revised proposal – Structure modified (in red)



18. The revised proposal, if implemented, would still impact upon the Adjoining Owner's ability to access and use the adjoining land.
19. In determining whether to commence a road process in respect of the Road (whether or not it aligns with the revised or original acquisition proposals put forward by Karidis), it is relevant to consider the criteria under section 16 of the Roads Act. To that end, the Council is unable to fully assess this criteria, especially the criterion at 16(a) of the Roads Act (which relates to *any objections made by any person pursuant to this Act*), at this time. This is because, whether or not there are formal objections to a road process in respect of the Road (and the nature of any objections) will only be known where the Council commences a 'road process' and consults with those 'affected' by the proposal as required by the Roads Act, including the Adjoining Owner.
20. The recommendation to commence a 'road process' cannot stipulate who the Road might be transferred to because a council must (pursuant to section 12 of the Roads Act) first invite offers from the owners of all land adjoining the Road. Accordingly, prior to entering into any agreement to transfer the Road, Council must first invite formal offers from both Karidis and the Adjoining Owner (the only other owner of land adjoining the Road) to acquire the Road.
21. If multiple offers are received, a further report will be brought back to Council so that it can consider the facts at that time and decide if it wishes to proceed with the 'road process' and if so, to whom it wishes to transfer the Road, once closed.
22. The recommendation of this Report to commence a 'road process' does not identify the extent of the unnamed public road that Council proposes to close and transfer to an adjoining owner. ie. the portion of road lettered 'A' on **Attachment A** does not have any dimensions. This will be determined at a later date when Council has more information, including to whom it wishes to transfer a portion of the road.

**Acquisition and Disposal of Land and Assets Policy**

23. In deciding whether to close and transfer the Road (to Karidis or the Adjoining Owner), Council is also required to consider if the disposal of land would be consistent with the Council's '*Acquisition and Disposal of Land and Assets Policy*' (the Policy). The Policy requires Council to consider a proposed disposal in terms of the following key criteria:
  - 23.1 Council's required ownership of the Land or Asset for essential civic purposes.
  - 23.2 Current and future alignment to Council's strategic directions.
  - 23.3 City shaping or public value add potential.
  - 23.4 Commercial and financial value of the Land or Asset.
  - 23.5 Community value of the Land or Asset.

24. Whilst an assessment of these criteria may, ultimately, lead Council to decide not to sell the Road (to either Karidis or the Adjoining Owner) the Administration considers that it is, nevertheless, appropriate to commence the 'road process' and let due process run its course so that Council has all the facts in front of it (following the consultation that is required as part of the 'road process').

#### **Current Status of Permit and Structure**

25. On 14 February 2023 Council resolved to extend (for a period of three months) the permit granted to Karidis to occupy the Road for a business purpose. This permit extension expired on 31 May 2023.
26. The Administration extended the permit again (until 30 June 2023) in order to provide sufficient time to prepare this Report and for Council to consider it.
  - 26.1 Should Council resolve to commence a 'road process' under the Roads Act in respect of the Road, it is recommended that Council further extend the permit until a further report on the matter is brought back to Council.
  - 26.2 Should Council resolve not to commence a 'road process' under the Roads Act in respect of the Road, it is recommended that Council not extend the permit, at which point the Structure would be unauthorised and will need to be removed.

#### **Summary**

27. This Report recommends that Council commence a 'road process' to close and transfer the Road to an adjoining owner. If, as part of that process, Karidis and the Adjoining Owner both submit offers to acquire the Road, a further report will be brought back to Council to decide if it wishes to progress a closure of the Road and to which adjoining owner the Road ought to be transferred to.
28. Council will notify parties 'affected' by the proposed closure and transfer once Council has decided who it wishes to transfer the Road to.

---

## **ATTACHMENTS**

### **Attachment A – Site map**

---

- END OF REPORT -

Legend

- Public Road
- Karidis
- Karafotias

