

Unnamed Public Road off Ward Court

Strategic Alignment - Our Economy

Public

Tuesday, 15 September 2026

Infrastructure and Public
Works Committee

Program Contact:

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Approving Officer:

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EXECUTIVE SUMMARY

The purpose of this report is to seek Council's approval to proceed with a 'road process order' to close and transfer the road by way of it being merged with the adjoining land, now owned by 185 Archer Street Developments Pty Ltd.

In 2025 the Genworth Group requested approval to acquire from Council the unnamed public road lettered 'A' on **Attachment A**. At the time, the Genworth Group were to purchase the land adjoining the road to undertake a residential development in partnership with 185 Archer Street Development Pty Ltd.

On 25 February 2025 Council resolved to commence a 'road process' to close and transfer the road to the Genworth Group.

Genworth did not purchase the adjoining land which was ultimately purchased by 185 Archer Street Developments Pty Ltd (noting their partnership in the associated residential development).

185 Archer Street Developments Pty Ltd is to proceed with the residential development notwithstanding Genworth Group's withdrawal from the land purchase. In this regard, although the entity for the 'road process' to close and transfer the road is different, the purpose is the same, being to transfer the road to the adjoining landowner to enable a residential development.

RECOMMENDATION

The following recommendation will be presented to Council on 22 September 2026 for consideration

THAT THE INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Approves proceeding with a 'road process order' to close the unnamed public road lettered 'A' on Attachment A to Item 7.2 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 15 September 2026 and merge it with the adjoining land owned by 185 Archer Street Developments Pty Ltd or their nominee.
2. Authorises the Chief Executive Officer to take all necessary steps to give effect to the closure of the road lettered 'A' on Attachment A to Item 7.2 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 15 September 2026 and merging of it with the adjoining land.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Alignment – Our Economy Transferring the unnamed public road to 185 Archer Street Developments Pty Ltd will facilitate a residential development.
Policy	The sale of the unnamed public road to 185 Archer Street Developments Pty Ltd (for market value) is consistent with Council's ' <i>Acquisition and Disposal of Land and Assets Policy</i> '.
Consultation	The <i>Roads (Opening & Closing) Act 1991</i> (SA) requires a Council to notify anyone that may be 'affected' by the proposed closure and transfer of a road. Anyone is allowed to object to a proposed transfer or request an easement over the road being closed and transferred. There were no objections or applications received during the 28 day notification period.
Resource	The closure and transfer of the unnamed public road have costs associated with it, including valuation, surveying and legal costs. These costs will be offset by a fee that applicants must pay to the City of Adelaide, which is set (in Council's 'Schedule of Fees and Charges') at \$12,800.
Risk / Legal / Legislative	If Council transfers the unnamed public road, all risk associated with owning the land will be transferred to 185 Archer Street Developments Pty Ltd. The closure and transfer of the unnamed public road to 185 Archer Street Developments Pty Ltd is achieved by utilising the provisions of the <i>Roads (Opening & Closing) Act 1991</i> (SA).
Opportunities	Transferring the unnamed public road to 185 Archer Street Developments Pty Ltd will facilitate a residential development.
26/27 Budget Allocation	Council will receive a settlement in line with market value should Council approve to proceed with the 'road process order'.
Proposed 27/28 Budget Allocation	Not as a result of this report.
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report.
26/27 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. In 2025 the Genworth Group requested approval to acquire from Council the unnamed public road lettered 'A' on **Attachment A (the Road)**.
2. A council may close a road and transfer it to an adjoining owner by way of the road being merged with adjoining land. This is achieved by utilising the provisions of the *Roads (Opening & Closing) Act 1991* (SA) (the **Roads Act**).
3. On 25 February 2025, Council resolved to:
 1. *"Approves commencing a 'road process' pursuant to section 5 of the Roads (Opening & Closing) Act 1991 (SA) to close and transfer the unnamed public road lettered 'A' as contained in Attachment A [\[Link 1\]](#) to Item 7.3 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 18 February 2025 to the Genworth Group (or a subsidiary of) for 'market value'.*
 2. *Authorises the Chief Executive Officer to make a 'road process order' to close and transfer the public road lettered 'A' as contained in Attachment A to Item 7.3 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 18 February 2025 to the Genworth Group (or a subsidiary of), providing there are no objections or applications for easements in relation to the proposed closure and transfer."*
4. The Council's resolution referred to the Road being transferred to the Genworth Group on the basis it was anticipated that the Genworth Group would be the owner of the adjoining land at the time of the closure of the Road (noting, as above, a road can only be closed and transferred to the owner of adjoining land pursuant to the Roads Act).
5. In accordance with Council's decision, the Administration commenced a 'road process', including by giving notice of the proposed closure of the Road pursuant to the Roads Act. The notice advised that the Road would be closed and transferred to an adjoining owner. In this regard, the notice did not specify that the Road would be transferred to the Genworth Group.
6. Section 13 of the Roads Act provides that anyone could either:
 - 6.1 Object to the proposed closure and transfer of the Road; or
 - 6.2 Request an easement over the Road.
7. No objections or applications for easements were received (including from adjacent landowners or utility providers).
8. The Administration has been informed that the Genworth Group did not ultimately purchase the adjoining land and therefore no longer intends, nor is able to acquire the Road.
9. The adjoining land was ultimately purchased by 185 Archer Street Developments Pty Ltd (noting their partnership in the associated residential development). 185 Archer Street Developments Pty Ltd is to proceed with the residential development notwithstanding Genworth Group's withdrawal from the land purchase.
10. Given that 185 Archer Street Developments Pty Ltd is now the owner of the adjoining land it wishes to acquire the Road to progress the residential development.
11. On this basis, although the entity for the 'road process' to close and transfer the Road is different, the purpose is the same, being to transfer the Road to the adjoining landowner to enable a residential development.
12. The purpose of this report is to seek Council's approval to make a 'road process order' to proceed with the closure and transfer of the Road by way of it being merged with the adjoining land (which is now owned by 185 Archer Street Developments Pty Ltd).
13. 185 Archer Street Developments Pty Ltd has agreed to pay market value for the Road.
14. Now that the notification process has been undertaken in respect of the proposal to close the Road, section 15 of the Roads Act requires Council to decide whether or not to make a 'road process order', which will have the effect of the Road being closed and transferred to the owner of the adjoining land.
15. Section 16 of the Roads Act requires that in determining whether to make a 'road process order' and what order should be made, Council (as the 'relevant authority' under the Roads Act) must have regard to:
 - (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 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.*

16. These matters have been considered and are addressed as follows:

- 16.1. In relation to (a), no objections were received.
- 16.2. In relation to (b), there is nothing in the *Planning, Development and Infrastructure Act 2016 (SA)* that prevents Council from closing and transferring the Road.
- 16.3. In relation to (c), 185 Archer Street Developments Pty Ltd owns all the land adjoining the Road, which, when combined with the land comprising the Road will form the residential development site. As such, the Road would serve no access function for any party other than 185 Archer Street Developments Pty Ltd.
- 16.4. In relation to (d), Council considered alternative uses for the land comprising the Road when, on 25 February 2025, it resolved to commence a 'road process'. The report on which the decision was made discussed the need for Council to assess the proposed disposal of the Road against its '*Acquisition & Disposal of Land and Assets Policy*' which, in turn, required Council to consider '*Council's required ownership of the Land or Asset for essential civic purposes*'. Having considered these matters the Council was comfortable that the Road was surplus to needs and could reasonably be closed and transferred to facilitate the residential development of the adjoining land.
- 16.5. In relation to (e), there are no other matters that are considered to be relevant.

- 17. Subject to Council's consideration and adoption of the recommendations of this Report, an Agreement for Transfer will be executed with the owner of the adjoining land (185 Archer Street Developments Pty Ltd) and relevant documents will be lodged with the Surveyor-General for review.
- 18. Upon review, the Surveyor-General can recommend to the Minister for Planning that he should 'confirm' Council's 'road process order'. Where the 'road process order' is confirmed by the Minister, the Road will be legally transferred to 185 Archer Street Developments Pty Ltd when notice of the Minister's confirmation appears in the SA Government Gazette.

DATA AND SUPPORTING INFORMATION

Link 1 – Attachment A to the related Report that went to Council on 25 February 2025.

ATTACHMENTS

Attachment A – Map showing the unnamed public road that is proposed to be closed and merged with adjoining land.

- END OF REPORT -