



12.5. (Confidential) Strategic Land Program Group 2 - Long Valley Road, Strathalbyn

Exclusion of the Public Recommendation

Pursuant to section 90(2) of the *Local Government Act 1999*, the Council orders that all members of the public be excluded, with the exception of the Chief Executive Officer, General Manager Infrastructure, General Manager Community, General Manager Corporate, Group Manager Regional Development, Manager Governance and Communications, Manager Property and Procurement Services, Team Leader Communications, and Executive Assistant to the Mayor and Council Members on the basis that it will receive and consider Item 12.5 (Confidential) Strategic Land Program Group 2 - Long Valley Road, Strathalbyn.

The Council is satisfied, pursuant to section 90(3)(b) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which

- (i) Could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
- (ii) would, on balance, be contrary to the public interest.

The Council is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because it includes information about the proposed value of a section of unmade road that Council seeks to negotiate to dispose of at highest return to Council.

Decision Report

Responsible Officer: Tash Hunt (General Manager Corporate)

Report Author: Lisa Hoyle (Manager Property and Procurement Services)

Previous Decisions: C269/07/25

Report Purpose

To seek Council's decision whether to progress or otherwise, a proposal to commence a road process order under the *Roads (Opening and Closing) Act 1991* for the purpose of close, sale and merger of a portion of unmade road reserve to the adjacent landowner.

Recommendation

That Council

1. Receive and note the Report and Information Pack titled (Confidential) Strategic Land Program Group 2 - 976 Long Valley Road, Strathalbyn.
2. Resolves to commence a 'Road Process Order' in accordance with the legislative process stipulated within the *Roads (Opening and Closing) Act 1991* and the *Roads (Opening and Closing) Regulations 2021* to progress a proposal to close a portion of approximately 7,500 m² (subject to survey) of unmade road located adjacent 976 Long Valley Road, Strathalbyn in Pieces 364 and 366 Deposited Plan 129816, Certificate of Title Volume 6277 Folio 766, with the intent that it be sold to the owner of that land by merger.

3. Grants consent to proceed to community engagement on the proposal in accordance with the Community Engagement Plan in Attachment 1, noting that a further report on the community engagement outcomes will be presented to a future meeting of Council.

Background

At the 21 July 2025 Council Meeting (C269/07/25), the Strategic Land Program (SLP) Group 2 list was considered. The proposal to investigate the close and sale by merger of the unmade portion of Long Valley Road, Strathalbyn to the adjoining land holder was included in the SLP Group 2 listing. At this Council meeting, it was resolved that Council receive further individual reports on the merits, cost analysis and options available for each proposal in Group 2. This Report and the Information Pack provided at **Attachment 1** of this meeting agenda provides the information to assist Council in making an informed decision as to whether to progress the proposal to close and sell the unmade portion of road, or otherwise.

For context, the location of the unmade road on the outskirts of the township of Strathalbyn, is provided in blue below.



The below diagram shows the portion of unmade road the subject of this report in blue, the proponent's land in green (and located either side of the unmade road) and the adjacent Commissioner of Highways land in red.



This matter commenced when the widening of Long Valley Road brought to the attention of an adjoining owner that what had been farmed by successive owners over many decades was actually an unmade road, owned by Alexandrina Council. The owner (proponents) family have owned the land since 1962, and it was transferred to the current family member in 1980. The unmade road is currently fenced within the proponent's property and has been managed as part of their farm for all of this time. The proponent has approached Council, seeking to progress a road closure of that portion of road, so it can legally be incorporated into their title and continue to be utilised for farming purposes.

Discussion

The *Roads (Opening and Closing) Act 1991* (Act) is prescriptive legislation that describes the process to close a public road. In general, councils are the relevant authorities for closing roads in South Australia and two (2) resolutions of a council are required for this purpose. Firstly, a council must resolve to commence a road process, and which forms the subject of this report. If resolved to proceed, and after the preparation of a preliminary plan by a surveyor, public notification and consultation is held in accordance with the Act and Council's *Public Consultation Policy* (Policy). As an adjacent 'landholder', feedback on the proposal would also be sought directly from the Commissioner of Highways.

Following community engagement, Council would receive a further report to consider any objections from the consultation outcomes before resolving whether or not to make the road process order to close the road. Copies of the minutes of all meetings held in relation to the road closure are provided to the Surveyor-General as part of this process.

The Recommendation seeks for Council to receive and note this report as the information required to consider this matter as an outcome of the 21 July 2025 Council resolution and, to progress this proposal in accordance with the legislative requirements of the Act and Council's Policy.

Financial Implications

In accordance with the Alexandrina Council's Adopted Budget / Long Term Financial Plan, the financial implications of adopting this recommendation are considered low. There would be revenue from the sale of the road and a small increase in rates as the land that was



formerly road would become rateable. The proponent would be required to enter into a 'Costs Agreement' with Council before a surveyor is engaged to commence the works for a road closure. As such, the majority of costs incurred by Council are recoverable, as provided within the *Acquisition and Disposal of Roads Policy* (Policy) for cost recovery on a Road Process Order (RPO).

In accordance with the Policy, a Financial Assessment Formula (calculation of square meter area of road to be amalgamated within 6 months of sale date x Valuer-General square meter assessment of adjacent land to be merged with) can be applied to determine the disposal value of a piece of road instead of by Independent Valuation, in instances such as this, where the proposed sale is for portion of a road only, of an area that would not permit the new land parcel to be divided according to the relevant zoning and, the CEO is satisfied that the formula considerations establish that the sale value proposed will return a value adequately consistent with an Independent Market Valuation. Applying this formula to the road section the subject of the report, the proceeds if the road was disposed of are estimated at > \$22,000 (plus recovery of costs incurred by Council) subject to a calculation of the proponent's adjacent land value within 6 months of the proposed date of disposal. The majority of costs incurred by Council in facilitating this process are on-charged to the applicant.

In accordance with Council's *Annual Budget and Performance Policy*, the operational budget will be structured such that there is no reliance on asset sales to fund core services, therefore, if sold, the income would be recognised through the next quarterly budget review.

Risk Implications

In accordance with Alexandrina Council's Risk Assessment Matrix, the risk of adopting this recommendation is considered low as the Act will guide Council's actions and processes. Undertaking community engagement on the proposal as the first step, will inform Council of the community's appetite for such a road closure. If the road closure does not go ahead, the risk to Council remains low however there is no advantage in Council retaining this portion of unmade road, particularly when the road is not used as road and the adjacent landowner is farming it.

If the proposal to proceed to a road closure is not supported, this section of unformed road located within private land will be managed under delegation as a Road Rental permit (permit) in accordance with the *Local Government Act 1999*. These permits incur an annual fee in accordance with Council's Annual Fees and Charges. In the circumstances associated with this road anomaly, it is anticipated that the minimum annual road rental charge of \$60 would be applied (subject to extent of commercial use of the permit area).

Retention in Confidence Recommendation

- 1. That subject to the Chief Executive Officer, or their delegate, disclosing information or any document (in whole or in part) for the purpose of implementing the Council's decision(s) in this matter in the performance of the duties and responsibilities of office, the Council having considered Agenda Item 12.5 (Confidential) Strategic Land Program Group 2 - Long Valley Road, Strathalbyn in confidence under section 90(2) and (3)(b) of the *Local Government Act 1999* the Council, pursuant to section 91(7) of the *Local Government Act 1999*, orders that the minutes, report and attachments and audio recording relative to the Agenda Item 12.5 (Confidential) Strategic Land Program Group 2 - Long Valley Road, Strathalbyn be retained in confidence until further order.**



2. That pursuant to section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to revoke, in whole or in part, the order made in paragraph 1 of this resolution.

Attachments

Attachment 1 - Information Pack - Long Valley Road