

Information Sheet

Janlyn Reserve, Vista Proposed Community Land revocation And land transfers



Council is seeking feedback from the community about the proposed change of Community Land classification for Janlyn Reserve in Vista to enable land transfers to adjacent property owners affected by encroachments.

Background

Council is the owner of Janlyn Reserve, which is located at the rear of 17 properties in Janlyn Road and Alan Street, Vista. The Reserve is a narrow strip of land 1- 1½ m wide and 214m long with a total area of 360m². The Reserve contains underground Council stormwater pipes and SA Water CWMS (sewer) pipes. Its primary purpose is a drainage reserve.

Some time ago Council became aware of the presence of fences and other structures along the entire length of Janlyn Reserve. In early 2022 Council engaged Mosel Surveyors to peg out the Council's property boundary and identify the structures within the Reserve including fences and sheds etc.

In April 2024 Council wrote to affected residents, seeking in-principle agreement to its preferred approach to address fence encroachments within Janlyn Reserve which was to:

- redraw property boundary alignments to reflect existing fence locations
- transfer portions of the Reserve to property owners currently occupying it at no cost to the property owners
- create an adequate easement over the infrastructure (underground pipes) in favour of Council along the entire length of the pipe alignment so that Council can retain access to the existing pipes for maintenance/repairs if required

What's being proposed?

A report to Council in August 2024 noted that all affected landowners had provided in-principle agreement to the land transfer and granting of the easement, subject to Council providing a clear indication of the easement boundary on their land.

Janlyn Reserve is classified as Community Land under the *Local Government Act 1999*. The Minister for Local Government's approval to revoke (change) the classification is required before any land transfers can occur, where necessary. The revocation process requires that Council must consult with the community before seeking Ministerial approval (subject to the outcomes of community consultation).

Key effects of this proposal include:

- Property boundaries are accurately presented on property titles
- The preferred approach causes the least inconvenience to property owners/residents (subject to the property owners agreeing to the land transfer and easement creation)
- Improved access to the infrastructure for maintenance purposes through a 3-4 metre easement in favour of Council

- A greater risk of damage to public infrastructure when located on private land, however this is a standard practice for service infrastructure when required
- Council would gain income from increase in rate revenue and retain access to its infrastructure through establishment of the easement

Further work on the survey plan identified that:

- fourteen (14) property owners would gain land ranging from 3.6m² to 64.7m²
- two (2) property owners would not gain or 'lose' land
- one (1) property owner would lose 4.6m² of land and would be compensated accordingly.

More information about the impact of this proposal on the area and local community can be found in the [Report for Consultation \(Section 194\)](#) available on Council's 'Have Your Say' website, at Council's Civic Centre reception or on request.

In order to expedite the finalisation of this matter, Council will carry out consultation for the revocation process at the same time as the negotiation process for land transfers and easements with each affected land owner.

If agreement is not reached with each land owner regarding the land transfers (where relevant) and easement creation, Council may still consider revoking the community land classification (subject to the Minister's approval) as the land is used purely for drainage and is not accessible by the public (there are private gates at both entry points on Janlyn Road and Allan Street). Council would explore other options to address the encroachments.

Have your say

Before any further steps are taken, Council would like to hear from the community, including affected residents about their views on this proposal.

You can provide your feedback online at haveyoursay.cttg.sa.gov.au/janlyn

If you would like a hard copy feedback form posted to you please contact us. Copies will also be available at Civic Centre reception, 571 Montague Road, Modbury.

We value your comments and would appreciate your feedback **by 5pm, 15 April 2025**.

All feedback received will be presented at a Council meeting before any further decisions are made. If you provide feedback, we will let you know the Council meeting date. After the meeting we will let you know Council's decision.

Questions

If you have any questions please use the Question & Answer tool at the website listed above, or you are welcome to contact Rosa Gagetti, Property & Projects Facilitator on 8397 7444.

