

Prospect Estate Right of Way

Frequently Asked Questions

Where is Prospect Estate Reserve?

Prospect Estate Reserve (Prospect Estate) is located at 286 Prospect Road, Prospect and is 6,500 square metres in size.

The reserve is classified as a 'Neighbourhood Park' in the Open Space Strategy and features a grassed open space play area, an artificially watered creek with bridges, bbqs, public toilets, and a carpark.

What is a Right of Way?

A Right of Way is a form of easement which grants an individual or company a right to travel over part of a landowner's property.

Why is a Right of Way being requested?

The land owners are proposing a development on land at 408-410 Regency Road and 282-284 Prospect Road, located on the north western corner of Prospect and Regency Roads, adjacent to Prospect Estate Reserve.

As vehicle access to the future development site will be constrained due to its location near a signalised intersection (Prospect and Regency Road intersection) and the natural gradient of the land, the land owners have requested Council grant them an easement (Right of Way) through the adjoining carpark which forms part of the Prospect Estate Reserve.

What impact will a Right of Way have on the Reserve?

Areas affected: The Right of Way would not affect the total number of public carparks currently available on the site (16), however, would cause the movement and reconstruction of the existing toilet block, some gradient changes and some relocation of carparks.

Intended Use: The Right of Way will give the adjoining land owner's development free and unrestricted right to cross over the land. It will not grant rights for the storage of goods, unloading of deliveries or any other matter that is not already allowed in a public carpark.



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The Right of Way will support the development of the adjoining land holdings in a unified manner that maximises frontage to Prospect and Regency Roads.

Limitations: The Right of Way would be in the form of an easement and would limit Council's ability to alter or move the carpark as part of future developments if deemed warranted.

Compensation: Subject to the land owners agreeing, and as a form of compensation, Council will request for them to construct a new toilet block to Council's specification, undertake various landscaping works and reconstructing as necessary the existing carpark, to meet the adjoining development and Council requirements.

Ownership: The carpark will remain Council-owned for public use.

Planning Decision: It is important to note that the Development Application for any proposed development at 408 and 410 Regency Road and 282 and 284 Prospect Road is a separate process to the Right of Way discussed for this consultation and makes no commitment to any planning decision.

Who will pay for the Right of Way?

Council will not be contributing any funding to this project.

Should the Right of Way be granted (and subject to the land owners agreeing), as a form of compensation, Council will request for them to construct a new toilet block to Council's specification, undertake various landscaping works, and reconstructing as necessary the existing carpark to meet the adjoining development and Council requirements.

Prospect Estate has a 'medium' term priority (6-10 years) for upgrades as per the Open Space Strategy and will not be upgraded prior to this. Should the Right of Way be denied, Council will not be upgrading the carpark.

How will my feedback be used?

Community feedback can influence whether the Right of Way will be granted, under what terms the Right of Way will be granted (e.g. Restrictions on parking via specified timeframes to avoid residents from the development parking in the public carpark) as well highlighting any other issues for consideration.

How can I provide feedback?

You can complete the online survey through Engagement Hub.

You can provide a written submission via:

- email to admin@prospect.sa.gov.au
- post to: PO Box 171
Prospect SA 5082
- Attention: Nina Phillips, Landscape Architect

Relevant Contacts

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