

Information Sheet

Trail Users and Road Reserve Access

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This information sheet will assist trail users to understand the nature of road reserves and the management practices that apply to them.

What is a Road Reserve?

- Road Reserves are a corridor of land bordered by property.
- The Roadway or carriageway is the formed section of road reserve for the passage of vehicles.
- The Roadside or road verge is the portion of land within the road reserve between the carriageway and the property boundary.
- An unmade Road Reserve is not developed or formed and thus doesn't have a defined carriageway or verge.

Management of Road Reserves by Councils

- Road reserves are public roads managed by Councils via the *Local Government Act 1999*.
- Councils are self-insured through the Local Government Association Mutual Liability Scheme. They are responsible for the care and control of road reserves in the absence of any agreement to the contrary.
- Councils can manage Road Reserves in a number of ways in accordance with a number of Acts, which impinge on them.

Trail Users on Road Reserves

Trails promote public access along road reserves. By way of this access the public may wander onto private land unknowingly.

This is of concern to landowners because of the possibility of the spread of diseases, potential impacts on land management practices and the issue of public risk and liability.

- When on an unmarked trail on a road reserve it can be difficult to gauge when and where a road reserve is under a form of public access restriction. In the case of some unmade road reserves it can also be difficult to gauge where the boundary exists between the road reserve and private property.



- If there is fencing or signage, which appears to restrict public access, or the boundary between private property and the road reserve is poorly defined, then err on the side of caution and find an alternative route or contact either the Council or neighbouring landowner.

It is important that the community is mindful of landowners and trail users demonstrate ‘neighbourly’ practices and minimal impact ethics.

The Office for Recreation and Sport (ORS) and Road Reserves

The ORS is notified when:

- applications for temporary authorisations and permits in relation to a road reserve are submitted pursuant to the *Local Government Act 1999*, and
- when permanent closure of a road reserve is proposed pursuant to the *Roads (Opening and Closing) Act 1991*.

The Office for Recreation & Sport maintains a Geographic Information System of road reserves in the greater Adelaide area. The database assists with assessment of road reserves for authorisations, permits and closures.

Legislation and Road Reserves

Acts These acts are available at www.parliament.sa.gov.au	Management Specifics for Road Reserves
<i>Local Government Act 1999</i>	For the care and responsibility of road reserves and the granting of authorisations and permits, and making of by laws.
<i>Roads (Opening & Closing) Act 1991</i>	For the closing and opening of roads.
<i>Road Traffic Act 1961</i>	For the management of traffic on road reserves.
<i>Summary Offences Act 1953</i>	For the management of traffic on roads in special situations.
<i>Country Fires Act 1989</i>	For the management of fires on roads.
<i>Native Vegetation Act 1991</i>	For the management of native vegetation on road reserves.



Restrictions on Road Reserves

- Councils have the ability to negotiate agreements with landowners to use road reserves and make arrangements to restrict public access where appropriate.
- Trail users need to be aware of the different ways that road reserves (made and unmade) can have restrictions placed on them.
- Remember that restrictions are temporary, they are reviewed, and they do not infer permanency.

Types of Road Restrictions	Acts and their sections (S) that are directly related to the restriction(s).
Traffic Restrictions	<p>S 32 <i>Road Traffic Act 1961</i></p> <ul style="list-style-type: none"> - Refer to the Act for consultation details. - Vehicle restrictions include riding of horses and bicycles. <p>S 359 <i>Local Government Act 1934</i></p>
Event Restrictions	<p>S 33 <i>Road Traffic Act 1961</i></p> <ul style="list-style-type: none"> - Refer to the Act for notification details. <p>S 59 <i>Summary Offences Act 1953</i></p>
<p>Works Restrictions <i>Undertaken by Council</i></p> <p><i>Works Undertaken by other organisations</i></p>	<p>S 212 <i>Local Government Act 1999 (LGA)</i> Sets out powers of Councils to undertake works on roads.</p> <p>S 221 LGA (Authorisation for altering a road) eg. Erecting a bridal post, adding trail markers.</p> <p>S 223 LGA (Public Consultation for Authorisation in certain circumstances). Public Consultation is a statutory requirement where the authorisation:</p> <ul style="list-style-type: none"> - Confers a right of exclusive occupation. - Has the effect of restricting access to a road. - Falls within Regulation 17 categories: Prescribed uses including cultivation, fencing, enclosing or partitioning of any part of the road. <p>Council usually requires an indemnity and an insurance cover.</p> <p>Certain works may be undertaken under other powers eg. SA Water (the <i>Waterworks Act</i> and the <i>Sewerage Act</i>).</p>



<p>Business Restrictions</p>	<p>S 222 <i>Local Government Act 1999</i> (LGA) (Permit required for Business Purposes on Roadway) eg. Farming, selling goods.</p> <p>S 223 LGA (Public consultation for authorisation or permits in certain circumstances). Public Consultation is a statutory requirement where the permit:</p> <ul style="list-style-type: none"> - Confers a right of exclusive occupation. - Has the effect of restricting access to a road. - Falls within Regulation 17 categories: Prescribed uses including cultivation, fencing, enclosing or partitioning of any part of the road. <p>Business permits are for a period of up to 5 years. Council usually requires an indemnity and an insurance cover.</p>
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Refer to *Guidelines for the Planning, Design, Construction and Maintenance of Recreational Trails in South Australia*, Case Study 3, Unmade Road Reserves as trail corridors,

For further information contact the Office for Recreation and Sport

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