

South Australia

Roads (Opening and Closing) Regulations 1991

under the *Roads (Opening and Closing) Act 1991*

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Legislative history

1—Short title

These regulations may be cited as the *Roads (Opening and Closing) Regulations 1991*.

2—Commencement

These regulations will come into operation on 11 November 1991.

3—Interpretation

In these regulations, unless the contrary intention appears—

the Act means the *Roads (Opening and Closing) Act 1991*;

unmade road means a road that is not sealed with bitumen (or other surfacing material) for use by motor vehicles.

4—Prescribed public utilities

For the purposes of the definition of *prescribed public utility* in section 3(1) of the Act, the following are prescribed public utilities:

- (a) Australian Telecommunications Corporation;
- (b) an electricity entity within the meaning of the *Electricity Act 1996*;
- (c) Engineering and Water Supply Department;
- (d) Pipelines Authority of South Australia;
- (e) South Australian Gas Company.

5—Prescribed public authorities

For the purposes of paragraph (d) of the definition of *person affected* in section 3(1) of the Act, the following are prescribed public authorities in relation to land of the class prescribed:

- (a) the Commissioner of Highways, in relation to land vested in, or under the care, control and management of, the Commissioner pursuant to the *Highways Act 1926* that adjoins land subject to a road process or proposed road process or that is near such land and may be affected by the road process or proposed road process;
- (b) the Coast Protection Board, in relation to land within a coast protection district constituted under Part 3 of the *Coast Protection Act 1972* that is subject to, or adjoins land that is subject to, a road process or proposed road process;
- (c) the National Parks and Wildlife Service, in relation to land within a national park, conservation park, game reserve, recreation park or regional reserve constituted under the *National Parks and Wildlife Act 1972* that adjoins land that is subject to a road process or proposed road process;
- (d) the Native Vegetation Council, in relation to land subject to a road opening or proposed road opening on which native vegetation within the meaning of the *Native Vegetation Act 1991* is growing;
- (e) the Department of Recreation and Sport, in relation to land forming the whole or a part of an unmade road that is subject to a road closure or proposed road closure.

6—Public notice of proposed road process

- (1) For the purposes of section 10 of the Act, public notice of a proposed road process must be given in accordance with this regulation.
- (2) The notice of a proposed road process must—
 - (a) describe, with reasonable particularity, the nature of the proposal; and
 - (b) specify, by means of a diagram or written description or a combination of the two, the land subject to the proposed road process; and
 - (c) where the proposed road process is or includes a road closure—specify the manner in which it is intended to deal with each part of the land that is subject to the closure; and
 - (d) state the address of an office of the council and the times at which the preliminary plan and statement prepared by the council pursuant to section 9 of the Act are available for examination by the public and indicate that the plan and statement are also available for inspection on request at the Adelaide office of the Surveyor-General during normal office hours; and
 - (e) state that any person who objects to the proposal may lodge a written objection for the consideration of the relevant authority at a meeting of the authority, and indicate—
 - (i) the time within which such an objection must be made; and
 - (ii) where the objection should be lodged; and

- (iii) the information that the objection should contain; and
- (f) where the proposed road process is or includes a road closure—state that an adjoining landowner or other person substantially affected by the closure who wishes to apply for an easement over any part of the land subject to the closure may do so in accordance with these regulations, and indicate—
 - (i) the time within which such an application must be made; and
 - (ii) where the application should be lodged; and
 - (iii) the information that the application should contain.
- (3) The notice must be published in the Gazette and in a newspaper circulating generally in the area in which the proposed road process is to be undertaken.

7—Form of objection to proposed road process

- (1) For the purposes of section 13(3) of the Act, a notice of objection to a proposed road process must comply with this regulation.
- (2) The notice must—
 - (a) be in writing; and
 - (b) set out the full name and address of the person making the objection; and
 - (c) state with reasonable particularity the reasons for the objection; and
 - (d) state whether the objector wishes to make submissions to the relevant authority at any meeting held by the authority to consider objections and applications made in relation to the proposed road process.

8—Form of application for easement

- (1) For the purposes of section 13(3) of the Act, a notice of application for the grant of an easement over land subject to a proposed road closure must comply with this regulation.
- (2) The application must—
 - (a) be in writing; and
 - (b) set out the full name and address of the person applying for the grant; and
 - (c) give full particulars of the nature and location of the easement that is being applied for; and
 - (d) where the application is made by a person as the owner of adjoining or nearby land—specify the land to which the easement is to be annexed; and
 - (e) state with reasonable particularity the reasons for the application for the grant of the easement.

9—Notice of discontinuance of road opening

- (1) For the purposes of section 15(3)(c), 19(b)(ii), 20(3)(b) or 24(2)(b)(ii) of the Act, where a proposed road opening is discontinued in respect of the whole or a part of the land that was subject to the proposed opening, a notice of discontinuance given by a council or the relevant authority to a person who has an interest in that land must be given in accordance with this regulation.

- (2) The notice of discontinuance must—
- (a) state that notice of a proposed road opening over land in which the person has an interest was given under the Act and specify—
 - (i) the date of that notice; and
 - (ii) the name of the council that commenced the road opening; and
 - (b) indicate that the road opening has been discontinued in respect of the whole or a part of that land; and
 - (c) specify, by means of a diagram or written description or a combination of the two, the land that is no longer subject to the proposed road opening; and
 - (d) state that the person may, by written notice served on the council, claim compensation from the council pursuant to section 32 of the Act and indicate—
 - (i) in time within which such a claim must be made; and
 - (ii) where the claim should be lodged; and
 - (iii) the matters, specified in Part 3 of the *Land Acquisition Act 1969*, in respect of which compensation may be claimed.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Revocation of regulations

The *Roads (Opening and Closing) Regulations 1991* were revoked by r 13 of the *Roads (Opening and Closing) Regulations 2006* on 1.9.2006.

Principal regulations and variations

Year	No	Reference	Commencement
1991	226	<i>Gazette 31.10.1991 p1212</i>	11.11.1991: r 2
1999	159	<i>Gazette 29.7.1999 p626</i>	29.7.1999: r 2

Provisions varied

Provision	How varied	Commencement
r 4	varied by 159/1999 r 4(b) (Sch 2 cl 7)	29.7.1999