



Local Government Association
of South Australia

The **Voice**
of Local
Government

MANAGEMENT OF OFF ROAD RECREATION VEHICLES IN SOUTH AUSTRALIA

DISCUSSION PAPER

December 2011

CONTENT

EXECUTIVE SUMMARY	3
DISCUSSION PAPER QUESTIONS	Error! Bookmark not defined.
BACKGROUND	5
PROJECT OBJECTIVES AND SCOPE	5
1. STRATEGIC CONTEXT	6
1.1 Off Road Vehicle.....	6
1.2 Road.....	6
1.3 Rail Premises.....	7
2. ROLE AND RESPONSIBILITIES	7
2.1 Crown Land – Department of Environment and Natural Resources	7
2.2 South Australia Police.....	7
2.3 Native Vegetation Council.....	8
2.4 Department for Transportation, Energy and Infrastructure	8
2.5 Natural Resource Management	9
2.6 Local Government.....	9
2.7 User Groups	9
3. TRAIL ACCESS	10
3.1 Prohibition.....	10
3.2 Uncontrolled Vehicle Access.....	11
3.3 Controlled Vehicle Access	11
4. ACCESS CONSIDERATIONS	12
4.1 Environmental.....	12
4.2 Social Impacts	12
4.3 Risk/Safety.....	13
4.4 Economic.....	13
CONCLUSIONS	14

EXECUTIVE SUMMARY

The management of vehicles on Crown land under the care and control of Councils (Local Government Land) has become a significant issue. Particularly in relation to increasing numbers of vehicles which are accessing this land to utilise the beaches, parks, rail corridors and reserves, either legally or illegally. It is likely that demand for access will not diminish, rather demand is likely to increase.

This is resulting in significant environmental and natural heritage damage to coastal landscapes, conservation areas, native vegetation and some endangered species as well as impacting on safety of other people sharing the land with vehicles. Much of this damage is the result of vehicles failing to stay on marked access roads or tracks.

Councils have called for clarity how respective jurisdictions and legislative frameworks might be utilised to assist with access management.

The nature of designated land use of Council Land means that there are many overlapping jurisdictions and stakeholders include:

- Department of Transport, Energy and Infrastructure – responsible for land below the ‘mean high water mark’ (out of Council area) as well as roads and road related areas;
- Department of Environment and Natural Resources (DENR) – responsible for coastal and park protection (Coast Protection Board and Parks and Wildlife);
- Natural Resources Management (NRM) Boards – responsible for management of natural resources;
- South Australia Police – responsible for the manner in which a vehicle is driven on any road or road related area including foreshores, parks and reserves on Local Government land; and
- Local Government – responsible as landowners (roads) and managers for foreshores, parks and reserves that are within Local Government land.

The multitude of overlapping jurisdictions means it is difficult to establish any single solution that Local Government could adopt as across the state.

Accessing land for the purpose of off road vehicle use could be managed in 3 key ways:

1. prohibition of all vehicle access;
2. uncontrolled vehicle access; and
3. controlled vehicle access.

Enforcement options might include:

- establishment of Codes of Practice through community and representative user organisations;
- enactment of Council by-laws to enforce breaches of the Code of Practice (including appointment of authorised officers which might also include persons from representative jurisdictions);
- partnering (delegated authority) with State Government Agencies under existing legislation to facilitate enforcement; and
- enactment of State Government legislation to prohibit and or control identified activities on Council land.

The option of prohibition of all Off Road Vehicle (ORV) will require enactment of legislative mandate, be resource intensive and very likely to be unpopular with the community.

Uncontrolled access to Council land is considered significantly less resource intensive in the short term, however the public would most likely not consider the resultant public risk, liability, and degradation acceptable.

Controlling access to Council land (off road trails) is considered a reasonable option. Establishment of designated trails and areas that is appropriate for ORV use removes users from potentially more sensitive areas and can allow for the rehabilitation of unnecessary or unsafe tracks. It may be appropriate to identify, protect and even enhance existing sustainable venues while prohibiting access to other areas.

Any activity that Councils allow must be managed to relevant standards or best practice. This is prudent from a liability perspective.

It is considered that generally Councils do not have the key expertise or skills to design, construct and maintain assets and resources required. Engagement and support from relevant jurisdictions identified in this paper is required. This will be particularly important in relation to requirements of the Local Government Act 1999 (including Community land Management Plans), and the Crown Land Management Act 2009 and provision of resources.

Resources required might be facilitated through Federal and State Government investing in environmental and recreation outcomes, funding grants, sponsorship, Council budget revenue or user fees/memberships or through volunteers.

It is acknowledged, however that some resources may be minimal in remote areas but still may remain an option to help offset cost to Councils

In a controlled access system, Councils will need to map all existing tracks and identify which tracks are to remain open to the public, tracks that may be requires as service only roads (eg gates and locked), and tracks to be closed. Analysis of the current strategic context as well as identification and assessment of potential sites will be of use to Councils looking at providing particular sites for ORV use.

BACKGROUND

The issue of vehicle access management has remained an on going concern for Councils. In recognition of this, the 'Recreational Vehicles and the Coast' forum was held in Robe, South Australia on 15 October 2008. This forum examined impacts on Council land and involved stakeholders from throughout the Limestone Coast and Coorong Coastal network. Further interest in this area was raised at the SAROC (South Australian Regional Organisation of Councils) meeting held on 28 January 2009 where a representative from the Murray and Mallee LGA recommended that strategic action be taken to address these concerns. At the 11 March 2009 SAROC meeting, a motion was carried that the LGA State Executive Committee request the LGA Secretariat to organise a strategic workshop of key stakeholders on ORV use. As a result of this motion, the LGA hosted a Statewide forum on 28 July 2009. The key theme for this forum was to examine the differing roles and involvement of respective organisations in assisting Councils in the management of vehicles on land under the care and control of Local Government.

The Local Government Land Access Working Group was established to address concerns highlighted at the forum. This group consists of Council representatives, South Australia Police, the Department of Environment and Natural Resources, Natural Resources Management Boards, user groups and the Local Government Mutual Liability Scheme. Specifically the working group was to examine the merits of a regional approach regarding land access management, consider the legislative framework governing vehicles on public land and the feasibility of Councils establishing off road facilities.

The issue of providing 'specific or dedicated' use of Council land for off road access is considered to be a separate issue to the scope of this paper and is not discussed.

PROJECT OBJECTIVES AND SCOPE

At the first meeting of the Local Government Land Access Working Group, it was determined that a discussion paper outlining the issues be prepared to help with understanding of the issues involved and possible options for mitigation.

The discussion paper objectives are to:

- outline the current issue of off road vehicles (ORV) in South Australia on land under the care and control of Councils;
- consider the roles and responsibilities of stakeholders;
- identify and mitigate risk;
- identify the broad options for Councils and regions;
- identify the environmental and social impacts and constraints; and
- identify options for a way forward.

Partly as a result of the overlapping areas of responsibility, the use of ORV on Councils land is a complicated issue and it is not the intent of this paper to resolve them. It is understood that while Councils share common issues surrounding ORV use, they are managed quite differently and have various levels of support.

1. STRATEGIC CONTEXT

1.1 Off Road Vehicle

There are numerous types of ORV and numerous disciplines of riding, and for the purpose of this paper all are being considered on a recreational level.

The types of vehicles include:

- mountain/downhill/trials bikes;
- dirt bikes;
- quads; and
- 4 x 4s.

The disciplines include:

- mountain/downhill/trail riding;
- winching;
- enduro; and
- 4 x 4 driving.

1.2 Road

Pursuant to the Road Traffic Act 1961, a road is an area that is open to or used by the public and is developed for or has as one of its main uses the driving of motor vehicles.

For the purpose of this paper, a road is also considered:

- an area that divides a road; a footpath or nature strip adjacent to a road such as a road reserve;
- an area that is open to the public and designated for use by cyclist or animals; or
- any public place which a vehicle may be driven upon, whether or not it is lawful to drive a vehicle there.

Pursuant to the Local Government Act 1999 a road means:

a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes –

- (a) a bridge, viaduct or subway; or*
- (b) an alley, laneway or walkway.*

Furthermore, a public road means:

- (a) any road or land that was, immediately before the commencement of this Act, a public street or road under the repealed Act; or*
- (b) any road –*
 - (i) that is vested in a council under this or another Act; or*
 - (ii) that is placed under a council's care, control and management as a public road after the commencement of this Act, but not including an alley, laneway, walkway or other similar thoroughfare vested in a council; or*
- (c) any road or land owned by a council, or transferred or surrendered to a council, and which, subject to this Act, is declared by the council to be a public road; or*
- (d) any land shown as a street or road on a plan of division deposited in the Lands Titles Registration Office of the General Registry Office and which is declared by the council to be a public road; or*
- (e) any land transferred or surrendered to the Crown for use as a public road that was, immediately before the transfer, held by a person in fee simple or under a*

lease granted by the Crown, (and includes any such road that is within the boundaries of a public square).

1.3 Rail Premises

Pursuant to the *Rail Safety Act 2007*, a rail premises means any land on or in which rail infrastructure is situated, freight centres or depots, or any building premises connected with the carrying out of railway operations. Under Regulations 33 and 34 of this Act motor vehicles, cyclists, horseback riders, etc must not, without the permission of the rail transport operator who has effective management and control of the railway premises, drive or ride a vehicle on railway premises. Therefore, it is illegal for a vehicle to be used on a rail corridor and any enforcement action required is the responsibility of the particular rail owner or lease holder including but not limited to:

- the Department for Transport, Energy and Infrastructure;
- Australian Rail Track Corporation;
- Genesee & Wyoming Australia; or
- TransAdelaide.

As entering a rail premises is considered trespassing, this report will not address this particular area and all Council concerns regarding access onto these areas should be referred to the rail premises lease holder or owner.

2. ROLE AND RESPONSIBILITIES

2.1 Crown Land – Department of Environment and Natural Resources

The Department of Environment and Natural Resources (DENR) manages unalienated Crown land, including the enforcement of the National Parks and Wildlife Act 1972 and the Crown Land Management Act 2009 (CLMA). Under the new CLMA Part 4 Division 5, specifically Section 61(1)(c), states that:

*A person who, without lawful authority or excuse –
Drives a motor vehicle (within the meaning of the Motor Vehicles Act 1959) on Crown Land, other than on an established road or track or in circumstances prescribed by regulation, is guilty of an offence.
Maximum penalty \$20 000.
Expiation fee \$315.*

In this section, Crown Land means unalienated Crown Land, land owned by or under the control of the Minister. Including Crown leasehold land or dedicated land with a custodian where the Minister has a sign affixed declaring that Part 4 Division 5 applies to that land.

These offence provisions could apply to Council land. In this regard, application by Council would need to be made to the Minister. SAPOL would be the responsible authority for enforcement. However, it may be possible for Councils to facilitate appointment of suitable trained authorised officers under the Act, though this may not be desirable for all Councils. It should be noted that revenue from any enforcement process under the CLMA is required to be paid to State Government Consolidated Revenue.

2.2 South Australia Police

The responsibilities of SAPOL in relation to the management of ORV include investigating breaches of the road rules including speeding, drink driving, unregistered vehicles, and

defective vehicles; investigating vigilante or sabotage behaviour; damage to private property; and violence.

The *Australian Road Rules* apply to vehicles and road users on roads and road related areas. In the Rules, a reference to a road generally includes road related areas and if a particular rule does not apply to road related areas, or applies only to road related areas, this will be stated. Therefore, the speed limit applying to a driver for a length of road to which a speed limit sign applies is the number of kilometres per hour indicated by the number on the sign.

If a speed limit sign does not apply to a length of road and the length of road is not a speed limited area, school zone or shared zone, the speed limit applying to a driver for the length of the road is the default speed limit:

- 50 km/hour in a built up area; and
- 100 km/hour for any other length of road.

Under the *Crown Land Management Act 2009*, a Police Officer is an Authorised Officer that under Part 4 Division 5 of the CLMA, sets up the Offences and Powers of Authorised Officers as highlighted under Section 3.1 above.

While SAPOL is responsible for managing these infringements it is often difficult to enforce as they typically occur in areas out of view of witnesses and require police to monitor the trails, which may not be feasible with available resources. Therefore, it is important that Councils establish availability of resources and appropriate service levels with SAPOL to manage ORV and monitoring of trails.

2.3 Native Vegetation Council

The Native Vegetation Council (NVC) is established under the Native Vegetation Act 1991 and is responsible for making decisions on a wide range of matters concerning native vegetation in South Australia. The NVC is also responsible for providing permission to clear native vegetation and monitoring any unauthorised breach (clearance, damage) of the Native Vegetation Act.

In the creation or maintenance of ORV trails, the NVC is responsible for assessing applications for vegetation removal as well as legally enforcement of the Native Vegetation Act 1991. If Councils encounter the illegal removal or destruction of vegetation the NVC should be advised.

2.4 Department for Transportation, Energy and Infrastructure

The Department of Transportation, Energy and Infrastructure (DTEI) is responsible for land below the 'mean high water mark' and for determining speed limits on roads or road related areas. This may include determining the speed limit on a beach.

If a Council decides it is appropriate to change a speed limit on a beach or road related area, it must produce a traffic impact statement discussing the effects the change in speed limit may have and a plan showing the proposed changes to the regional office of Transport Services Division of DTEI. If it is supported, it will be forwarded to the Traffic and Access Standards Section for review. The manager of this Section has the delegated power from the Minister for Transport to grant approval to install speed limit signs.

2.5 Natural Resource Management

Regional NRM boards are responsible for the proper management of our natural resources. Issues of concerns for the boards include degradation of sand dunes, compacting of soil, spread of weeds, alterations and pollution of waterways, killing of fauna, and erosion of hills and cliffs. Despite the NRM having responsibility for these areas, the enforcement of the NRM Act 2004 is seen as less efficient and less effective than the Local Government Act 1999 (LG Act) regarding use of land. Therefore, if the NRM deems the activities of an ORV user to be illegal they are often pursued under the LG Act. In such instances, the NRM may work closely with Councils to ensure the most beneficial outcome.

2.6 Local Government

Councils are responsible for the management of Local Government land. This may include the installation of gates and signs, the creation of codes of conduct, creation of by-laws permitting/prohibiting ORV use, opening and closing of roads or trails and numerous other functions.

Despite all of the other stakeholders roles principal responsibility for management of the land and maintaining its environmental value (within designated uses) appears to rest with Local Government. As a result, it is necessary for Councils to remain engaged with the appropriate stakeholders in dealing with ORV use. It must also be recognised that there are resource implications for Councils enforcing ORV access, it is Councils experience that these activities occur on weekends when there is a lack of resources.

2.7 User Groups

Throughout South Australia, there are numerous user groups that have indicated their willingness to work with Councils to assist in the development, management and maintenance of trails. Where appropriate Councils may work with these groups to remain engaged with the user groups and help minimise cost to Council.

Key user groups include but are not limited to:

- Motor Cycling South Australia Inc;
- Bike SA;
- Southern Explorers 4WD Club; and
- the Walking Federation of South Australia.

3. TRAIL ACCESS

Accessing land for the purpose of off road vehicle use can be managed in 3 key ways:

1. prohibition of all vehicle access;
2. uncontrolled vehicle access; and
3. controlled vehicle access.

There are both social and environmental costs and risks involved in all three management styles including management and insurance implications. Councils should determine how best to handle ORV use based on available resources, the land being accessed and the extent of the problems being faced.

3.1 Prohibition

This option would propose to make all forms of ORV use illegal within designated areas or part thereof. Prohibition of ORV activity would require enactment of legislation to prohibit use of the land and importantly the availability of resources to enforce the legislation. This might be via Council by-law, or an enactment of the SA Parliament, or the use of CLMA request to the Minister.

Legal advice would be required to determine the authority of Council to enact any proposed by-law and Parliament would need to be convinced of the merits of enacting the required legislation. A strong ongoing enforcement presence from Council Authorised Officers and a significant initial and ongoing investment in infrastructure to keep vehicles out of designated areas would be required. Such infrastructure may include fencing, signs, and barriers. Any activity that Councils allow must be managed to relevant standards or best practice. This is prudent from a liability perspective.

It should also be noted that vehicles are able to access unmade road reserves, beaches and open spaces as they are considered a road. It would be necessary for a Council to undertake closure processes pursuant to Section 4 of the *Roads (Opening and Closing) Act 1991* to prohibit access and use. Section 4 provides that:

A road may be opened or closed by a road process order made by the relevant authority, confirmed by the Minister and notified in the Gazette in accordance with the Act.

However, not all trails are considered roads. While access and use to perceived trails are illegal there is little to no deterrent for user groups to stop access. These issues are particularly prevalent in mountain biking where it is easy to access or create trails on Council land. Without significant allocation of Council resources prohibition of ORV users will remain largely ineffective. In prohibiting vehicle access, Councils might consider pursuing the option of the CLMA on all Crown Land, as highlighted in section 2.1 of this report.

While there are undoubtedly circumstances where prohibition of certain types of activities is necessary, complete prohibition of ORV use throughout the whole region will ultimately be ineffective. Particularly where activities gain public and even international recognition, such as cross-country mountain biking being added as an Olympic Sport, there will be growing pressure to provide safe and challenging areas to ride.

3.2 Uncontrolled Vehicle Access

Uncontrolled access will provide a 'free-for-all' environment for ORV use on relevant Council land and could contribute to liability risk issues for Councils.

Absence of appropriate management will also increase detrimental environmental impacts such as:

- destabilisation of river banks and sand dunes;
- removal and compacting of vegetation and soils;
- spread of invasive species;
- destruction of native vegetation;
- destruction and removal of habitat for native fauna; and
- potential oil contamination of waterways from vehicles.

Uncontrolled access of vehicles is not a preferred or long-term option for Councils when considering good environmental management, management of risk and ensuring appropriate social behaviour.

3.3 Controlled Vehicle Access

Controlled vehicle access provides a range of management levels that can be varied dependent on numerous variables including proximity to residential areas, size of track, type of ORVs used and environmental concerns within the area. This form of management also recognises that the majority of those participating in off road activities generally want to do so in a responsible manner.

Material costs and resources would be required in the initial formalising of trails and infrastructure. On going costs would also be incurred in the maintenance and management of trails. Some of these costs could be offset with the use of volunteers in formalising and maintaining tracks as well as possible sponsorship opportunities, grant funding, user fees and partnerships.

There are various levels of controlled access that can be adopted by Councils from providing a small selection of trails to a more extensive network. However, it should be recognised that if an insufficient number of trails are provided or are deemed too easy, inappropriate access will continue to occur.

Public consultation should be undertaken to determine the appropriate level of access and relevant level of enforcement. From this body of work it would be necessary for Councils to adopt a policy to outline a position of acceptance for ORV use. This policy might include considerations relating to:

- extent of access
- trail design and construction
- maintenance;
- education;
- signage;
- voluntary codes of practice; and
- enforcement.

Numerous issues relating to unmanaged and rapid growth of ORV use have occurred throughout the State. With careful and effective management, many issues can be addressed and over come as has been the case in other areas around Australia and the world.

4. ACCESS CONSIDERATIONS

4.1 Environmental

One of the most common concerns regarding ORV use is the potential environmental impacts associated with these sports. Most research has found that all forms of outdoor recreation include bicycling, bush-walking, running, horse riding, 4x4 driving and dirt biking all cause impacts on the environment to differing degrees.

Much of the degradation occurs when vehicles use trails not designed for that purpose, forging new trails or riding in wet conditions.

To help prevent environmental impacts such as soil erosion the gradient of the trail should be taken into consideration. A steeper gradient promotes erosion as vehicles loosen the soil, which is then washed away by rain, often exposing bedrock, loose stones or tree roots.

Other significant environmental impacts include compacting of soil, removal of vegetation; increased littering and disruption to fauna in the area. It is important to design trails that provide the experience trail users seek, to reduce their desire to venture off-trail¹

On the 8 July 2010, the Adelaide Advertiser website highlighted the impact ORV use on beaches is having on migratory birds. It was indicated that there is strong evidence that the use of ORV on beaches is contributing to the decline of up to 21 migratory bird species north of Adelaide. These impacts are not limited to coastal areas and can occur inland as well.

While the tendency is for stakeholders to focus on the negative aspects of ORV use there are also numerous positive attributes that should not be overlooked. Encouraging responsible use of ORV on designated trails allows the general community to experience nature and the “out doors”. This experience promotes a greater appreciation for the environment and makes users aware of the impacts of misuse. Furthermore, by encouraging responsible trail use a sense of ownership and pride in the area is generally promoted to trail users.

4.2 Social Impacts

Social impacts vary depending on the location of the trail, the types of vehicles using the area and if there are any conflicting trail users. Social impacts can include:

- damage to private property;
- trespassing on private property;
- driving in a manner hazardous to other trail users;
 - trail user conflict;
- noise and nuisance behaviour by trail users;
- abuse of trail users by residents;
- abuse of residents by trail users; and
- parking issues at trail heads.

¹ Marion, J. and J. Wimpey; Environmental Impacts of Mountain Biking: Science Review and Best Practices, <http://www.imba.com/resources/research/trail-science/environmental-impacts-mountain-biking-science-review-and-best-practices>.

Although safety concerns were also commonly highlighted, the problem related more to apprehension about what might happen rather than concern based on any inherent danger, or an established record of incidents.²

The increased use of land by various types of ORV can lead to increased conflict between other users including walkers and private property owners whose land adjoins public land. The user that is smaller and slower will have the tendency to feel more uneasy whether it is a walker and a mount biker, or a dirt bike and a 4x4. It is necessary to educate users of reserves on trail etiquette in order to help reduce this conflict.

It is important to minimise the social impacts of ORV use to help prevent vigilante behaviours from other trail users such as putting trail hazards in place. Such activity may be illegal and raises significant liability concerns for Councils. If such activities occur, it is necessary for the police to become involved.

Despite concern of social impacts, the use of ORV provides the community with many benefits. ORV users often create social networks, which improves social skills, reduces isolation, can enhance self-esteem and confidence, and promotes physical and mental health benefits.

4.3 Risk/Safety

Safety concerns along trails are often a perceived risk of what a trail user may believe ORV users pose to them. Cessford (1995) concluded that some trail users will feel uncomfortable knowing that ORV may be present, whether a real hazard exists or not. In order to alleviate some of this concern and potential hazards, it may be necessary for users to be separated in some areas, in particular downhill mountain bike riding in its nature is not compatible with other trail users while dirt bikes may not be compatible in some areas. In such circumstances, a separate trail may need to be provided to minimise the risk of conflict, as the speeds of the vehicles may not be able to quickly adjust to a walker on the trail.

Access to and from reserves via public roads may include numerous risks including riding more than two abreast, riding without due care, speeding, and riding unregistered vehicles. Such activities are illegal under the Australian Road Rules and are an issue for SAPOL to handle.

There is often an inherent risk and hazards that come with the use of ORV use on trails and risk management practices should be undertaken.

Councils should consult with the LGA Mutual Liability Scheme to develop a strategy (risk management plan) for ORV use.

Should Councils decide not to provide authorised ORV trails, a comprehensive risk management plan would still need to be developed to keep riders out of reserves and to ensure the safety of other reserve users.

4.4 Economic

The cost associated with permitting ORV use includes maintenance cost of the trails, signage, education, and relevant levels of enforcement, however these costs are also incurred if ORV use is prohibited. While these costs may be higher when permitting the ORV use, a Council should also take into consideration the other benefits of permitting controlled access.

² Cessford, G.R. 1995. Off-Road Impacts of Mountain Bikes, <http://www.mbosc.org/Impacts/>.

To help offset costs there are numerous funding opportunities for trails including seeking Federal and State Government investment in environmental and recreation outcomes grants, sponsorships, and permit fees. Furthermore, various ORV clubs are often willing to volunteer to help maintain trails on Council land.

Where there will be a cost associated with the management of ORV trails there are also economic benefits for the community. Such benefits include the support of local businesses, increased tourism, health savings and creation of employment.

All of these economic factors should be examined at the Council or Regional level to assess the true cost of permitting or prohibiting ORV access.

CONCLUSIONS

It is likely that public demand for access to Council land will not diminish rather demand is likely to increase. Given the multiple jurisdictions that have some element of responsibility associated with the Council land, consideration to establish an access to Council Land Management Strategy should be undertaken.

The option of prohibition of all ORV will require enactment of legislative mandate, be resource intensive and very likely to be unpopular with the community.

Uncontrolled access to Council land is considered significantly less resource intensive in the short term, however resultant the public would most likely not consider environmental degradation acceptable. As would the resultant public risk and liability considerations.

Controlling access to Council land (off road trails) is considered the best option. Establishment of designated trails and areas that is appropriate for ORV use removes users from potentially more sensitive areas and can allow for the rehabilitation of unnecessary or unsafe tracks. It may be appropriate to identify, protect and even enhance existing sustainable venues while prohibiting access to other areas.

Clearly, engagement and support from the relevant jurisdictions identified in this paper is required to design access trails and undertake effective controlled management.

Resources required might be facilitated through Federal and State Government investment in environmental and recreation outcomes grants, sponsorship, Council rates, or user fees/memberships or through volunteers. It is acknowledged, however that availability of resources may be minimal in remote areas but may remain an option to help offset cost to Councils. Furthermore, through the creation of by-laws Councils may create a code of conduct for ORV users.

Enforcement options might include:

- establishment of Codes of Practice through community and representative user organisations;
- enactment of Council by-laws to enforce breaches of the Code of Practice (including appointment of authorised officers which might also include persons from representative jurisdictions);
- partnering (delegated authority) with State Government Agencies under existing legislation to facilitate enforcement; and
- enactment of State Government legislation to prohibit and or control identified activities on Council land.

In a controlled access system, Councils will need to map all existing tracks and identify which tracks are to remain open to the public, tracks that may be requires as service only

roads (eg gates and locked), and tracks to be closed. Analysis of the current strategic context as well as identification and assessment of potential sites will be of use to Councils looking at providing particular sites for ORV use.