

ROADSIDE WEED & VEGETATION SPRAYING POLICY

Policy No.	C95	Adoption Date:	Council Meeting 13 December 2023
Revision Date:	December 2027		
Directorate:	Sustainable Infrastructure	Department:	Infrastructure Maintenance Open Space & Environment

GOOD GOVERNANCE FRAMEWORK – OVERARCHING PRINCIPLES

Supporting Pillar:	Pillar 4 - Structure, Systems & Policies
Link to Pillar:	The Policy explains roles and responsibilities for roadside weed and vegetation management, including obligations of property owners on the No Spray Register to maintain the roadside as per Council's standards, and provisions for how Council will manage non-conformance of the Policy.

1. PURPOSE

- 1.1. The purpose of the *Roadside Weed & Vegetation Spray Policy (C95)* (the Policy) is to provide the framework for Council's roadside weed and vegetation spraying practice and management of Council's No Spray Register.
- 1.2. The Policy has been developed in accordance with *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* and *Catchment and Land Protection Act 1994* (CaLP).

2. BACKGROUND AND OVERVIEW

- 2.1. The South Gippsland Shire Council (Council) is responsible for the management of vegetation within its road reserves in accordance with the *Road Management Act 2004* (RMA) and CaLP.
- 2.2. The CaLP, requires that Councils manage declared noxious weeds and pest animals on municipal roadsides. Councils must take all reasonable steps to eradicate regionally prohibited weeds and prevent the growth and spread of regionally controlled weeds.
- 2.3. Control methods include slashing, mowing, manual removal and the use of chemical products.



- 2.4. Managing vegetation along road reserves helps to; reduce fire hazards, control noxious weeds, improve sight distance for traffic, and ensure surface water runoff by maintaining free flowing drains which helps protect the condition of the road.
- 2.5. Where road reserves abut non-council owned land, property owners and/or occupiers (property occupier) can apply to be on the No Spray Register. This means Council will not apply chemical products for weed/vegetation control along the section of the road reserve abutting their property, subject to the occupier undertaking weed and vegetation control to the satisfaction of the Council.
- 2.6. Council may still undertake vegetation maintenance activities that do not involve spraying, such as felling a dangerous tree, removing a tree or branches obstructing a view, or trimming vegetation to provide space for machinery in maintenance works.
- 2.7. As a part of the application and approval process to be on the No Spray Register, Property occupiers must prepare a proposed weed/vegetation management plan detailing how they intend to manage the road reserve themselves. They will also need to complete an application form and pay an application fee as set by Council.
- 2.8. The application, including the management plan, must be approved by the relevant Council officers and carried out in a timely manner. If the plan is not carried out satisfactorily, Council may resume responsibility for the maintenance of the land using chemical products if necessary.

3. SCOPE

- 3.1. This Policy applies to the spraying of Chemicals in the width of the road corridor: The space between the road edge and property boundary.
- 3.2. In accordance with the Policy, Council will consider requests by property occupiers to desist in the chemical spraying of weeds and vegetation in road reserves abutting their property.
- 3.3. The property occupier's vegetation/weed control plan is to ensure the following:
 - 3.3.1. Control of all regionally controlled weed species as per the CaLP: The plan is to include measures to effectively control and manage all weed species present on the road reserve abutting their property. This may involve regular inspections, appropriate chemical application, manual removal, or other suitable methods.
 - 3.3.2. Keeping drainage and/or paths free of obstruction and fully operational at all times: The property occupier is to ensure that from the road edge to the back of the drain is kept free from obstructions, including long grass.
 - 3.3.3. The vegetation/weed control plan applies not only to the frontage of the property but also extends to the side and rear areas if they abut a Council road reserve. The property occupier will be required to maintain all of these areas in accordance with the plan.



- 3.3.4. Removal of existing trees and vegetation must not occur without permission from the Council: This ensures that important environmental considerations and regulations are considered.
- 3.3.5. The planting of trees and vegetation must not occur without permission from the Council: This helps ensure that the selection and placement of vegetation align with local regulations and environmental requirements.
- 3.4. It is important for the property occupier to adhere to these guidelines to maintain a well-managed and compliant property, while also considering the ecological and environmental impact of their actions.
- 3.5. When assessing an application, Council will consider the following:
 - 3.5.1. Whether the proposed alternative method for the control of weeds and vegetation is deemed an achievable method.
 - 3.5.2. Whether the applicant may have previously been on the No Spray Register and has undertaken the required obligations to the Council's satisfaction.
 - 3.5.3. All points under Clause 3.2 are considered and addressed.
 - 3.5.4. Safety is considered as a part of the proposed methods.
- 3.6. Successful applications will be included on the Council's No Spray Register, as detailed below:
 - 3.6.1. Applications are open annually for a limited period;
 - 3.6.2. Applications are non-transferrable.
 - 3.6.3. Applications for inclusion on the Register will be advertised annually.
 - 3.6.4. Following a successful application, Council signage will be erected by Council on each approach to property boundaries. The signs will be erected so that:
 - 3.6.1.1. they can be clearly seen by approaching drivers;
 - 3.6.1.2. they are not causing any obstruction to a driver's view; and
 - 3.6.1.3. they are securely mounted.
- 3.7. Applicants, when undertaking works to implement their management plan, are required to comply with the *Road Management (Works & Infrastructure) Regulations 2015* in regard to working in the road reserve.
- 3.8. Should the applicant not manage the control of weeds and vegetation to the satisfaction of the Council, the following will occur:
 - 3.8.1. Council will advise the applicant in writing that maintenance must occur within twenty-eight (28) days of the date of the correspondence.



- 3.8.2. Failure by the applicant to conduct maintenance of the area within twenty-eight (28) days will result in Council undertaking, without further notice, any necessary work to control the vegetation. A fee may apply for these works.
 - 3.8.3. Council will resume responsibility for the maintenance of the land, using chemical products if necessary.
 - 3.8.4. The applicant be removed from the Register at the end of the twenty-eight (28) day period, without further notice, if the required maintenance has not been completed.
 - 3.8.5. The applicant may reapply to be placed on the register at the next application period.
- 3.9. Tenders and contracts for the spraying of Council road reservations are to acknowledge no spray zones and properties as listed on the No Spray Register.
 - 3.10. Council Officers and contractors are to abide by the No Spray Register.
 - 3.11. Council may also designate 'No Spray zones' through the No Spray Register for conservation and environmental protection purposes. In these areas, Council will manage the roadside in a considered manner.
 - 3.12. Procedures to implement the above Policy will be developed to the satisfaction of the Director Sustainable Infrastructure.

4. POLICY PRINCIPLES

- 4.1. Council will use chemicals including glyphosate and other herbicides as part of our management of weeds across our municipality.
- 4.2. Council will consider the natural environment when we select what Chemicals we use, and where and how they are applied.
- 4.3. Each Chemical will have a risk assessment undertaken.
- 4.4. Council will only use chemicals currently approved for use (assessed and registered by the Australian Pesticide and Veterinary Medicines Authority) and in accordance with the label and permit requirements.

5. RISK ASSESSMENT

This Policy mitigates Council's risks as described below:

Environmental

- 5.1. Ecological Imbalance: Uncontrolled roadside weeds and vegetation can disrupt the natural balance of ecosystems. Invasive plant species may outcompete native plants, leading to a loss of biodiversity. This can impact the food chain, disrupt pollination, and reduce habitat availability for various organisms, including insects, birds, and small mammals. Council aims to find the balance between using



chemicals and herbicides in a controlled way to manage noxious weeds and create environmental benefits.

- 5.2. **Reduced Water Quality:** Chemical use near water bodies can contribute to water pollution. When it rains, runoff from roadside areas can carry pollutants, such as herbicides, pesticides, and fertilizers, into nearby streams, rivers, and lakes. This pollution can harm aquatic life and degrade water quality, affecting both human and ecosystem health. Measures to control this risk include minimizing application in wet conditions, undertaking risk assessments on chemicals used, and consideration to the environment before spraying.
- 5.3. **Increased Fire Hazards:** Tall and dry roadside vegetation can become potential fuel for wildfires, especially in areas prone to fire outbreaks. Without a policy to manage roadside weeds and vegetation, the risk of accidental fires and the spread of wildfires can increase significantly. This poses a threat to surrounding communities, ecosystems, and wildlife.
- 5.4. **Pest and Disease Spread:** Weeds and vegetation can act as hosts for pests, insects, and plant diseases. In the absence of a well-implemented policy, the uncontrolled growth of these plants can facilitate the spread of pests and diseases to nearby agricultural fields, forests, and gardens. This can result in crop losses, damage to natural ecosystems, and economic impacts on local industries.

Infrastructure

- 5.5. **Compromised Drainage Function:** Unmanaged roadside vegetation, particularly in areas with ditches, culverts, or stormwater drains, can obstruct the flow of water. Overgrown plants, fallen leaves, branches, and other debris can accumulate in the drainage systems, leading to clogging. This can have a negative impact on the condition of the road network, causing damage to the pavement, and creating safety hazards such as under pavement cavities, water pooling on the road surface causing localised flooding, and increased hydroplaning risks.
- 5.6. **Aesthetic and Recreational Value:** Neglected roadside areas with overgrown weeds and vegetation can have negative aesthetic impacts on local communities and visitors. These neglected spaces may discourage outdoor activities, reduce recreational opportunities, and negatively affect tourism, potentially impacting the local economy.

Safety

- 5.7. **Impaired Road Safety:** Uncontrolled roadside vegetation can obstruct visibility for drivers and impede the effectiveness of road signs, leading to increased accidents and injuries. Overgrown plants may encroach on the road surface, reducing the usable width of the road and making it more dangerous for motorists. Additionally, vegetation growth near drainage systems can block proper water flow, leading to flooding and hazardous road conditions.



Economy

- 5.8. Biosecurity: Weeds, invasive plants and animals are recognized as a threat to primary production and biodiversity. Council is legislated to manage invasive plants on public land including where necessary, to protect adjoining land and engage with the community in pursuing coordinated approach. However, chemical treatments can pose a risk to our primary production industry. Undertaking risk assessments on chemicals used, and using products as per the label will minimise this risk.

Implementing a *Roadside Weeds & Vegetation Spraying Policy* helps address these risks by promoting sustainable vegetation management practices, invasive species control, regular monitoring and maintenance, and considering ecological factors to minimize negative environmental impacts while ensuring road safety and preserving biodiversity.

6. IMPLEMENTATION STATEMENT

Human Rights Charter

- 6.1. This Policy has considered the *Charter of Human Rights and Responsibilities Act 2006* in its development.

Gender Equality

- 6.2. This Policy has considered the *Gender Equality Act 2020* in its development.

Roles and Responsibilities

- 6.3. This Policy outlines Council's responsibilities in roadside weed and vegetation management as per the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* and *Catchment and Land Protection Act 1994* (CaLP).
- 6.4. This Policy also outlines the obligation for roadside weed and vegetation management of the applicant, where they have been approved to be on the 'No Spray Register'. However, if the applicant is not complying with their obligations and approved management plan, the responsibility as per 6.3 remains with Council to undertake necessary works.

Non-compliance with this Policy

- 6.5. Should the applicant not manage the control of weeds and vegetation to the satisfaction of the Council, Council can request the works and/or complete the necessary works, as set out in 3.7, in order to meet the requirements of the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* and *Catchment and Land Protection Act 1994* (CaLP).

7. MONITORING, EVALUATION AND REVIEW

- 7.1. This Policy will be reviewed and adopted by Council on a four-year cycle.



8. REFERENCE DOCUMENTS

Legislative Provisions	Agricultural and Veterinary Chemicals (Control of Use) Act 1992 Catchment and Land Protection Act (CaLP) 1994 Charter of Human Rights and Responsibilities Act 2006 Dangerous Goods Act 1985 Drugs, Poisons and Controlled Substances Act 1981 Environment Protection Act 1970 Freedom of Information Act 1982 Local Government Act 1989 Local Government Act 2020 Occupational Health and Safety Act 2004 Public Health and Wellbeing Act 2008 Road Management Act 2004
Council Supporting Documents	Road Management Plan Roadside Vegetation Planting Guidelines
Related External Documents (<i>optional</i>)	Road Management (Works & Infrastructure) Regulations 2015 South Gippsland Landcare Network Weed Management Principles South Gippsland Landcare Network Weed Identification and Control

9. DEFINITIONS

No Spray Register	A register managed by Council which lists all successful applications from residents wishing that the road reserve abutting their residence not be sprayed with chemicals as part of Council's routine maintenance and weed control programs.
No Spray Zone	A zone as determined by Council to be included on the No Spray Register, due to high conservation and environmental value and/or risk.
Pest control plan	A plan detailing how the property occupier intends to control a pest.
Road Corridor	The space between the road edge and property boundary.
Weed	A plant which is either growing in an undesirable location (ie. within a footpath or kerb and gutter) or a weed listed in a Federal or State weed index, or other weed list recognised by the Council.

10. REVISION HISTORY

Approved By	Approval Date	Sections Modified	CM9 Ref#
<i>Council Meeting</i>	<i>13 December 2023</i>	<i>New Policy</i>	<i>D402223</i>