

Our Vision

Nambucca Valley ~ Living at its best

Our Mission Statement

'The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.'

1.0 Policy Objective

Council, as the Roads Authority under the Roads Act 1993, provides and maintains roads to support the social and economic wellbeing of the community. Council has a duty of care to manage the risks within its road reserves that may have an impact on infrastructure, people and/or the property/buildings in regards to vegetation management throughout the Council owned or managed road reserve network. Section 88 of the Roads Act 1993 stipulates that:

"A roads authority may, despite any other Act or law to the contrary, remove or lop any tree or other vegetation that is on or overhanging a public road if, in its opinion, it is necessary to do so for the purpose of carrying out road work or removing a traffic hazard."

Council does not have the staff and resources to implement a full road side vegetation management plan across the Nambucca Local Government Area.

The development and purpose of the Roadside Vegetation Management Policy is to provide a ~~balanced compromise between promoting~~ good management of roadside vegetation particularly in relation to:

- environmental values,
- Council's Mission Statement and duty of care to manage the risks within its road reserves.
- Private landholders **or residents** who are certified organic, biodynamic producers, chemically sensitive, or have a philosophical aversion to the use of herbicides.

The policy defines the strategic framework and management principles which will guide actions within the road reserves and determines acceptable levels of roadside maintenance activities.

Priority will be given to the safety of people and property, including community infrastructure, when planning and undertaking vegetation treatment, removal and/or tree lopping. **A formal documented Review of Environmental Factors (REF) must be undertaken before Council will consider the approval of any vegetation removal or maintenance to Endangered Ecological Community (EEC) or vegetation housing threatened species to protect underground services or other infrastructure within the road reserve if it is impacting, or likely to impact, the functionality of the structure or road.** ~~Council will undertake vegetation removal or maintenance to Endangered Ecological Community or vegetation housing threatened species to protect underground services or other infrastructure within the road reserve if it is impacting, or likely to impact, the functionality of the structure or road, any vegetation clearing shall be via a formal documented Review of Environmental Factors (REF).~~

Council will endeavour to limit clearing of vegetation to that required for the purposes ~~outlined~~ **of:**

- **Managing agreed risks within road reserves**
- **Protecting underground services or other infrastructure within the road reserve if it is impacting, or likely to impact, the functionality of the structure or road.**

This policy aims to provide council workers with the ability to investigate and use forms of weed control other than herbicides, where they feel appropriate and within council's budgetary constraints.

2.0 Related legislation

- Electricity Supply Act, 1995
- Environmental Planning and Assessment Act, 1979
- ~~Vegetation Act, 2003~~
- Biosecurity Act 2015,
- ~~Biodiversity Act 2015~~ **Biodiversity Conversation Act 2016**
- Protection of the Environment Operations Act, 1997
- Roads Act, 1993
- State Environmental Planning Policy (Infrastructure) 2007
- ~~Native Vegetation Act 2003~~
- Local Government Act, 1999
- **Local Land Services Act 2013**
- Rural Fires Act 1997
- Work Health and Safety Act, 2011

3.0 Definitions

3.1 Principles

The Roadside Vegetation Management Policy promotes Council's duty of care to take reasonable measures within the limitations of its budget to manage the risks arising on Council's rural and urban road networks. It outlines the various techniques and methods that will be utilised by Council to manage vegetation within the Council managed road reserve system to protect infrastructure and/or public safety, for maintenance or construction purposes.

The Policy outlines Council has a requirement to maintain vegetation within the road reserve system to provide appropriate vision and safety for road users, including on school bus routes. Roads are also considered to be important in bushfire management as they are a point of ignition, provide containment and firebreak opportunities, and most importantly are a route of escape in the event of an evacuation.

Control methods include slashing and the use of herbicide to manage vegetation including weed species declared under the ~~Biosecurity Act 2015~~ **Biodiversity Conversation Act 2016**, growing along road verges to reduce fire hazards, improve sight and safety distance and to ensure surface water runoff by maintaining free flowing drains.

Roadside vegetation will be treated on an as required basis, within budgetary constraints and in accordance with the asset management hierarchy of the road reserve system; i.e: higher use roads will be given priority over **lower class roads** for vegetation management.

Any known populations of high ecological value native or recognised threatened species within the road reserve system will be identified and mapped within the **Geographical Information System (GIS)** ~~GIS system~~, with any works surrounding these populations placed under strict constraints.

Council will ensure weed spray operators are trained and possess ground applicator licences issued by the EPA and are skilled in the identification and control of weedy plant species. They are also required keep the appropriate records for a period of seven years.

3.2 ~~Chemical No Spray~~ **Roadside Vegetation Management (by Resident) Register**

Application Process, Approval Period and Enforcement

The Applicant, **or resident** of a property can make formal application to Council to be included on the Council's ~~Chemical No Spray~~ **Roadside Vegetation Management (by Resident)** Register which will be developed by Council.

The Application attracts ~~an~~ **a one off** application fee **set by Council as part of the fees and charges** ~~and an annual fee~~ for the installation of an identification guidepost at each extremity of the property **and inclusion on the Geographical Information System (GIS)** ~~and sign to be erected on the entry gate and provision of work site warning signs to be installed while vegetation control works are being undertaken on Council's Road Reserve.~~ Signage and Guideposts **are** to be clearly visible from the roadside and after installation by Council **shall** become the responsibility of the applicant/resident. **The resident is required to report the loss or damage of their guideposts to Council and organise to have a new post installed at their cost.**

Council will replace the guidepost if they are damaged by Council maintenance operations at no cost to the resident.

~~All approved applications will be reviewed for their relevance after for a 5 (five) year period and are subject to cancellation by Council if deemed necessary.~~

The applicant is to ensure the roadside vegetation is not overgrown and this is defined as follows:

- Appropriate sight distance is **to be** maintained on **the road pavement where vegetation is growing within the the table drain to a minimum of 1.5m towards the property boundary from the edge of bitumen, 2.0m on a gravel pavement and no higher than 0.5m;**
- Vegetation does not narrow the road or create an obstruction **on embankments;** and
- All weed species listed in the North Coast Regional Strategic Weed Management Plan (NCRSWMP) are effectively controlled. A copy of the NCRSWMP will be supplied with each approval.

The Applicant will be given approximately 2 weeks' notice by email prior to Council applying herbicide to Council managed roadside areas adjacent to any ~~Chemical No Spray~~ **Roadside Vegetation Management (by Resident)** areas. If the vegetation within the ~~Chemical No Spray~~ **Roadside Vegetation Management (by Resident)** area is found to be overgrown at the time of the application of herbicide, the licensed applicator may apply an approved herbicide to that ~~Chemical No Spray~~ **Roadside Vegetation Management (by Resident)** area.

The onus will be on the Applicant to maintain the roadside vegetation to an acceptable standard if the area is on an approved ~~Chemical No Spray~~ **Roadside Vegetation Management (by Resident)** Register.

Excluded Areas

Chemical No Spray areas do not exist within townships or where roadside infrastructure exists such as around guard railing, barrier fencing or bridge approaches.

4.0 Policy Content

4.1 Background

A vital component of maintenance activities on roads, bridges, drains and for stormwater, water and sewer lines includes the removal, thinning or lopping of trees and vegetation to:

- maintain adequate sight distance and protect infrastructure from damage;
- ensure infrastructure, e.g., stormwater culverts and sewer lines, performs the intended function and remains accessible for maintenance;
- mitigate the risk to the public, e.g., from risk of falling or overhanging trees, by the provision of adequate clear zones from roads, for bushfire purposes, and to mitigate the risk to private infrastructure, e.g., damage to driveways or dwellings from vegetation.
- weed management in accordance with the Biosecurity Act requirements

4.2 Principles

The Policy promotes Council's duty of care to take reasonable measures within the limitations of its budget to manage the risks arising on Council's rural and urban road networks. It also recognises the need for a chemical no spray area to be identified for private landholders and residents who are certified organic, biodynamic producers, chemically sensitive, or have a philosophical aversion to the use of herbicides.

Control methods include slashing and the use of herbicide to manage vegetation including weed species declared under the Biosecurity Act, established along road verges to reduce fire hazards, improve sight distance and to ensure surface water runoff by maintaining free flowing drains.

4.3 Scope

Specifically the goals of the Roadside Vegetation Management Policy are to:

- Improve the management of Roadside Vegetation in the Nambucca Shire Local Government Area;
- Better integrate roadside environmental management with Council planning mechanisms including the Community Strategic Plan and Delivery Plan;
- Protect and enhance the environmental values of roadside vegetation under Council care and control;
- Identify priority management actions to enhance the environmental values of the roadside reserves;
- Provide strategies to improve community awareness of roadside environmental values and compliance with relevant legislation and Council policies.
- Acknowledge known populations of high ecological value, native or recognised threatened species within the road reserve network which will progressively be identified and mapped within council Geographical Information System (GIS) system.
- Establish a ~~Chemical No Spray~~ Roadside Vegetation Management (by Resident) Register which identifies Applicants, who have successfully registered, as being chemically sensitive, have a philosophical aversion to the use of herbicides, or their property is certified organic or they are biodynamic producers.

~~Chemical No Spray~~ Roadside Vegetation Management (by Resident) REGISTER

The objectives of a ~~Chemical No Spray~~ Roadside Vegetation Management (by Resident) Register (RVM) are as follows:

- To reduce the potential for unintended adverse impacts of pesticide use on the community.
- To support the considered use of pesticides to reduce the volume of pesticide used in Local Government.
- To increase the wellbeing of the general public
- To increase the quality of the environment we live in
- To achieve an effective mechanism to reduce overall exposure to herbicides.

URBAN - Mowing of Footpath Verges

Council will only mow footpath verges on a regular basis under the following conditions:

- The footpath is an integral part of an adjacent park or reserve.
- The footpath is the frontage for Council owned land for which Council provides mowing (eg Council's Administrative Centre).
- Council will only mow footpath verges on a needs basis if road and pedestrian safety is an issue where a sight restriction has been created at an urban intersection by vegetation growth.

URBAN - Use of Herbicides

Council's Pesticide Notification Plan applies.

- The use of herbicides must comply with the label instructions.

- Weed control using herbicide can be carried out on the main arterial roads into the towns eg Mann Street/Riverside Drive, to control growth in gutters, footpaths, median strips, fencing and guardrail as required.
- Weed control using herbicide can be carried out in the commercial areas of towns and villages to control growth in pavers, footpaths, against buildings, around electricity poles and landscaping as required.
- Weed control using herbicide can be carried out in recreation areas including beaches, parks and reserves to control growth and to create efficient maintenance as required. Such work can include grass control around bench seating, shelters, drains, fencing, playgrounds and the like.
- Bindii control throughout of Council reserves as required.

RURAL - *Mowing of Rural Roadsides*

The road shoulder of bitumen sealed roads is to be mown by a tractor/slasher combination where the terrain permits. The mowing is to be restricted to the immediate shoulder adjacent to the bitumen edge. The typical width of mowing will be 1.0 – 2.0 metres in width. Council does not require mowing of the road reserve to the fenced boundary at level areas or over the top of cuttings.

The following exceptions will apply:

Location	Area To be Mowed	Reason
Intersections	Mow area to ensure adequate sight distance for motorists.	Road Safety
Public Halls	Mow the frontage of halls and parking areas	Maintenance of Public Facilities
Stockpiles	Mow around gravel stockpiles	To reduce fire hazard and weed growth
Taylor's Arm Hall	Slash the area at the entrance to Taylor's Arm Hall and the avenue of trees	Maintenance of Public Facilities

The main arterial roads are to be mown 2 to 3 times a year with lesser roads mown 1 to 2 times a year or within budgetary constraints.

The vegetation control of steep batters and around structures such as bridges, behind guardrails is to be undertaken using herbicide control due to budgetary constraints, the use of a **mulching head on a wheeled excavator** ~~slope mower~~ will be used on both sealed and unsealed roads when funding permits.

This type of vegetation treatment is undertaken for the following reasons:

- To ensure adequate sight distance for motorists on bends and narrow roads.
- To provide adequate clearance from the road pavement to roadside vegetation for vehicles.
- To retain adequate sight distance at structures such as bridges.

This is a rolling program that addresses identified problem areas but with the aim of working through all road network over time.

RURAL - Use of **mulching head on a wheeled excavator** ~~rubber wheeled excavator and flail mower~~ for Rural Roadsides

The utilisation of the **mulching head on a wheeled excavator** ~~wheeled excavator powered reach mower~~ is cost effective to Councils maintenance operations and has reduced the amount of overhanging vegetation, which in places has historically damaged heavy vehicles through the removal of flashing beacons, side mirrors and aerials. Reach mowing reduces the amount of herbicide use as noxious and environmental weeds are mechanically controlled through the use of the reach mower, thus reducing the need for herbicide control.

The use of a rubber wheeled excavator and flail mower is a rolling five year program across the road network. Engagement of the contractor is subject to budget constraints and based on the Nambucca Shire Council Road Hierarchy Plan i.e. ~~Wilson Road (a Class 1 road)~~ versus ~~that of a Lemans Road (a lower Class 4 road.~~

RURAL - Use of Herbicides

Council's Pesticide Notification Plan applies:

- The use of herbicides must comply with the label instructions. Glyphosate is registered for use by the APVMA for the control of various grass and woody weed species. Council or its contractors strictly adhere to label requirements when applying this herbicide. Weeds being targeted include but are not limited to Lantana, Coolatai Grass, Giant Rats Tail Grass, Giant Parramatta Grass, Crofton Weed, Narrow and Broad Leaf Privets and Camphor laurel seedlings
- Weed control using herbicide can be used to control vegetation growth for a width of 1.0 to 1.5 metres against the edge of the bitumen should this be necessary to assist the mowing program.
- Weed control using herbicide can be used to control dense vegetation such as lantana where it is deemed not practical to mow.
- Gravel roads can be subject to encroachment on the edges from vegetation growth. This does not apply to all roads but where such vegetation is growing in the water table, on road shoulders and in gravel windows generally within 1.5 metres of the road edge it will be sprayed with herbicide if required in advance of grading and gravel maintenance and contamination of the road making material and improving the efficient operations of the equipment.
- After the use of the "rubber wheeled excavator and flail mower" to cut down vegetation there will be regrowth. This should be treated with a herbicide suitable for woody weeds to improve the effectiveness of the work
- The control of roadside vegetation on road reserves will at times require the removal of earth, trees and other vegetation by using earthmoving equipment such as excavators.

5.0 Responsibility

Budgeting - Council will assess, in formulating its annual maintenance budget (in the context of its overall budget), the appropriate allocation of funding to maintenance works in such a way as to generally achieve the best possible long term overall condition of the road network.

Council will allocate human and financial resources in order to conduct inspections and assessments for the implementation of the policy and procedures within Council's budget constraints.

Councillors - are responsible for adopting the policy, allocation of funding towards resources, providing high level oversight of the delivery of the organisation's risk management strategy and delivery plan and maintaining accountability for financial sustainability to ensure that organisational resources are appropriately utilised to address the organisation's risk priorities.

General Manager - has overall responsibility for the organisation's financial sustainability developing risk management strategy, plans and procedures and reporting on the status and effectiveness of risk management and to ensure that an allocation of funding is provided to the resources, required for the provision and implementation of the delivery program.

Assistant General Managers and Managers - to develop and address appropriate risk management for asset categories under their control and provide leadership in implementing and monitoring risk management principles across the organisation.

Staff - will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training and instruction on how to implement the elements within the Code of Practice are to have an understanding of risk management principles and the effect of the work undertaken to enhance or maintain the asset and mitigate risk.

6.0 Related Procedures or Documents

- Community Strategic Plan
- Delivery Plan
- Geographic Information System
- ~~Chemical No Spray~~ Roadside Vegetation Management (by Resident) Register
- ~~Chemical No Spray~~ Roadside Vegetation Management (by Resident) Application Form
- Nambucca Shire Council's Road Hierarchy Plan
- North Coast Regional Strategic Weed Management Plan
- Pesticide Use Notification Plan

7.0 History

This is a revision of the Roadside Maintenance Policy (Our Ref: 25823/2007) which now acknowledges the new work practices within Councils operations using a rubber wheeled excavator and flail mower and the primary function of the road corridor. The amended policy has also been renamed to "roadside vegetation management policy".

The amended policy recognises private landholders who are certified organic or biodynamic producers, or are chemically sensitive, or have philosophical aversion to the use of herbicides but does not allow the utilisation of the road reserve as their buffer similar to Councils approach for a Fire APZ on community and operational land.

Council manages more than 800 lineal kilometres of road reserve throughout the Nambucca Shire Council and some residents have an aversion to the use of herbicides being applied to road reserves adjoining the boundaries of their properties. There has also been some angst among a minority of residents over the utilisation of a wheeled excavator operated reach mower within the Council managed road reserve system, with a small number of complaints received over the residual vegetative material that is left as a result of this machine.

Post rubber wheeled excavator and flail mowing of the vegetation can look quite stark in the first few weeks, but the trees and shrubs soon recover with appealing aesthetics returning to the vegetation within 3-4 weeks post control. The use of herbicide is an essential tool in the management of roadside weed species and Council as the Local Control Authority has a legal requirement under the Biosecurity Act to actively control, reduce spread or eradicate declared Weed and other environmental weed species.

The utilisation of the wheeled-excavator powered reach mower has reduced the amount of overhanging vegetation, which in places has historically damaged heavy vehicles through the removal of flashing beacons, side mirrors and aerals. Council has also seen a reduction in the number of call outs from dead trees and limbs obstructing roads post weather events as a result of the use of the reach mower throughout the council managed road reserve system. Reach mowing also reduces the amount of herbicide use as noxious and environmental weeds are mechanically controlled through the use of the reach mower, thus negating the need for herbicide control.

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