
NO SPRAY REGISTER POLICY

(COUNCIL POLICY)

1. PURPOSE

The purpose of this policy is to provide the framework for Clarence City Council's No Spray Register whereby property owners and residents may apply to council to request that weeds and vegetation on council road reservations adjacent to their property not be sprayed with chemical herbicides.

2. SCOPE

This Policy covers council-maintained road reservations and property frontages that are subject to council-managed weed and vegetation management programs.

3. DEFINITIONS

The following definitions apply to this policy:

Council	means the Clarence City Council.
Herbicide	means a registered pesticide, usually chemical, designed to kill or inhibit the growth of undesirable plants.
Road reservation	means for the purposes of this Policy, the nature strip (urban areas) and road verge (rural and semi-rural areas).
Register	means the No Spray Register developed by council.

4. POLICY STATEMENT

This policy provides the framework for council to manage requests under s2.26 of the *Code of Practice for Spraying in Public Places* (DPIPWE 2014) which details how property owners who request the council to desist from spraying in front of their properties must prepare a proposed weed control plan detailing how they intend to control the problem themselves.

5. RELATIONSHIP TO COUNCIL STRATEGIC PLAN

The following strategies are identified in Council's Strategic Plan 2016 – 2026:

- *Protect natural assets within Council managed land through development and review of strategies in relation to bushfire, weed, land and coastal management.*

6. RELATED DOCUMENTS

The legislation and documents listed below form the framework to give effect to this policy:

LEGISLATIVE (ACTS, REGULATIONS AND STANDARDS)

- Code of Practice for Spraying in Public Places (DPIPWE 2014)
- *Weed Management Act 1999*
- *Work Health and Safety Act 2012*
- AS 17432.3 : 2019 - Manual of uniform traffic control devices Part 3: Traffic control for works on roads in conjunction with Austroads Guide to Temporary Traffic Management

COUNCIL POLICY, PLANS, PROCEDURES AND GUIDELINES

- Clarence Weed Strategy 2016 - 2030

7. POLICY REQUIREMENTS

The purpose of this policy will be achieved through implementation of a No Spray Register and application process outlined below.

APPLICATION PROCESS

Applications for inclusion on the Register will be advertised annually and promoted on council's website and by any other identified suitable means.

Application period to be open for one month (1 June to 30 June) each calendar year, except in regard to the initial trial period where the application period will be determined subject to commencement date of the policy.

The application form and procedures will set council's duties and the duties of a property owner or occupier in ensuring their obligations are met under the No Spray Register Policy.

APPLICATION GUIDELINES

- The No Spray Register applies to property frontages of Council owned road reservations.
- A person may only apply for inclusion on the register in respect of land they own, or at which they reside.
- Tenants of a property or residents of a strata property must provide written confirmation from the landlord or body corporate in support of any application.
- Property owners or residents who request the council to desist from spraying in front of their properties on council-maintained land must prepare a plan detailing how they will control the weeds and manage the vegetation.
 - The plan must be approved by council and carried out in a timely manner by the property owner / resident.
 - If the area is not maintained in accordance with the approved plan, council may resume responsibility for the maintenance of the land, including the use of chemical herbicides.

ASSESSMENT OF APPLICATIONS

Council assessment of an application will include the following criteria.

- How council vegetation management activities that include spraying relate to the property.
- Whether the property owner / resident is able to safely undertake the required weed management activities.
- The assessed effectiveness of the alternative method for the control of weeds.
- Previous adherence to No Spray Register conditions.

Applicants will be notified in writing of the outcome of their application.

INCLUSION ON NO SPRAY REGISTER

Where an application is approved, the identified property frontage will be included on the No Spray Register for an initial trial period (expiring 30 June 2022). Following the initial trial period approved applications may be included on the Register for a 24-month period.

NO SPRAY REGISTER

- The Register will be maintained in an appropriate form, detailing the property frontage and area to be excluded from herbicide spraying; and the date of issue and expiry of the no spray application.
- The details will be included in a 'No Spray Register' layer within council's GIS system.
- Tenders and contracts for the spraying of road reservations will be required to acknowledge no spray zones and properties listed on the Register.
- Council staff and contractors are to be made aware of and adhere to the Register as far as is reasonably practicable.

MARKING OF NO SPRAY AREAS

- On rural roadsides approved no spray areas will be marked by two orange markers (one at each end of area) at a height of 900mm above natural ground level and in line with property boundary.
- On urban roadsides approved no spray areas will be marked by two orange markers (one at each end of area) painted on the front face and on the top of the kerb and gutter.

EXEMPTIONS

Council reserves the right to, within the relevant area subject to a 'No Spray' application:

- apply herbicides in circumstances where it has a responsibility to manage roadside vegetation e.g. declared weed management under the *Weed Management Act 1999*.
- apply herbicides in circumstances where it has a responsibility to maintain roadways and road furniture within 3 metres of the road edge and around power poles in semi-rural and rural areas for road safety.
- reject an application due to speed limit and associated risk management concerns of working on roadsides.
- reject any application on grounds that it is not within the overall interest of council to include the area in the No Spray Register.

8. IMPLEMENTATION AND COMMUNICATION

The Manager Open Space and Operations Manager are responsible for the implementation of this Policy.

This policy will be communicated via:

- council's website
- internal circulation to staff.

9. REPORTING

Not applicable.

10. ADMINISTRATIVE ARRANGEMENTS

TABLE OF AMENDMENTS

No.	Date	Brief Details

APPROVAL

COUNCIL APPROVAL DATE	21 September 2020
REVIEW	Every 5 years
RESPONSIBLE POSITION	Manager Open Space
ECM REFERENCE	4456054