

P120104 NO SPRAY REGISTER POLICY

Objective

This policy is intended to allow property owners and residents to apply to Council to request that vegetation on Council road reserves and/or Council land directly abutting their property not be sprayed with chemical herbicides.

Policy

Council is responsible for vegetation management within its road reserves. Management methods for the control of vegetation include hand weeding, slashing and the use of chemical herbicides to eradicate vegetation growing in the road reserve.

Council acknowledges that there will be residents within the Shire that do not wish to have the frontage of their property sprayed with chemical herbicides due to a variety of reasons including registered organic farms and where residents have a medical condition where avoidance of spray is necessary.

Rural Roads - Council has responsibility for maintenance of Council owned or managed roadways. This includes, but may not be limited to, spraying verges, drains, woody weeds within the entire road reserve, around ends of culverts, marker posts and other street furniture. Declared weeds and other priority pest plants are a priority of Council to be controlled within the road reserve.

Urban Roads - Council endeavours to keep the roadway between the back edges of any kerb and the full width of footpaths free of vegetation. Additionally, Council endeavours to keep the road reserve free of declared weeds and priority pest plants in a prioritised manner which is consistent with Councils various weed management strategies.

Council Land - Council is required to manage declared and pest weeds in its reserves.

This policy applies to vegetation management on Council managed road reserves and Council land. Council will consider applications to cease spraying operations where Council road reserves and/or land abut private land on a case by case basis.

Note well: This Policy does not relate to Road Reserves managed by Main Roads WA and/or the Department of Parks and Wildlife.

Procedure

This policy will be administered by the Director of Infrastructure Services as part of the Council land and road reserves maintenance program.

Applications to be included within the No Spray Register

An advertisement shall be placed in the Denmark Bulletin, Walpole Weekly, and Corporate Website and via social media no later than 31 July each year advising that applications are invited for road reserve frontages and for the frontage of Council land directly abutting a person's land to be placed on the No Spray Register.

An application must be undertaken in writing on the approved application form and lodged with Council no later than 31 August each year. An application can only be applicable to the entire frontage of the resident's immediate property and for the area parallel to a distance of no greater than 10m.

In completing the application, the resident agrees to take over the responsibility for:

- controlling all National, State and Locally-listed pest plants;
- keeping the road frontage clear and/or tidy;
- keeping drainage and or paths free of obstruction and fully operational at all times; and,
- ensuring kerbs, footpaths and gutters are free of vegetation growth.

Removal of native vegetation must not occur without prior written approval from Council and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

In considering an application, the following shall be taken into consideration:

- whether the adjoining land is used for certified organic vegetable/fruit production.
- existence of a medical condition in the household which may be exacerbated by exposure to herbicides or associated additives.

- The applicant has other mitigating circumstances that would warrant an area not being exposed to the use of herbicide chemicals.

Council reserves the right to reject any application on grounds that it is not within the overall interest of Council to include the area within the No Spray Register.

Upon acceptance or refusal of an application for the No Spray Register, Council Staff will reply in writing to the resident with the outcome.

Where the application is approved, Council Staff will add the property onto the No Spray Register. Applications are non-transferrable.

Residents who are not the landowner must provide written confirmation from the landowner that they do not object to the request.

If an application is refused, applicants will be informed in writing by Council Staff outlining the reasons for refusal. Applicants may reapply if they feel they can adequately address the concerns that caused Council Staff to refuse their initial application.

No Spray Register:

The register shall be in the form of an electronic spreadsheet detailing the residents' details, area to be excluded from herbicide chemical spraying and the date the application was approved and date of expiry.

Each application will have a valid period of two (2) years in which the applicant will have to reapply after that expiry date.

The register shall be maintained by Council's Infrastructure Services Directorate and be available in an appropriate Drive for all relevant staff to be able to access.

Failure to Comply

In agreeing to take over responsibility for managing Council's road reserves and/or Council land abutting the applicant's property, the applicant will maintain the above areas to the same standard that can be achieved by the herbicide control method. If Council's standards for management are not being met, the following will occur:

- Council will advise the applicant in writing that maintenance must occur within twenty one (21) days of the date of the correspondence;
- Failure by the applicant to conduct maintenance of the area within 21 days will result in Council undertaking, without further notice, any necessary work to reduce the vegetation; and,
- The applicant will be removed from the No Spray Register at the end of the twenty one (21) day period if the required maintenance has not been completed. The applicant may reapply at the next application period.

Roadside spraying and slashing tenders and contracts:

Council Staff shall include within all tenders and contracts for roadside spraying the advice that No Spray Zones have been established and provide a list of the areas to appointed contractors.

Council Staff shall ensure that roadside spraying contractors have acknowledged the No Spray Zones and ensure that the contractor does not breach the contract by spraying within the zones.