

	<b>NO SPRAY REGISTER POLICY</b>	<b>Policy Number 5.10</b>		
		LAST REVIEW  Aug 2016	NEXT REVIEW  Aug 2018	MINUTE REF  C387/18-16
<b>POLICY STATEMENT:</b>	<p>1.1 Council is responsible for vegetation management within its road reserves. Management methods for the control of vegetation include slashing and the use of chemical herbicides to kill vegetation growing in the road reserve.</p> <p>1.2 Council acknowledges that there will be residents within Kingborough 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.</p>			
<b>OBJECTIVE:</b>	<p>2.1 This policy is intended to allow property owners and residents to apply to Council to request that vegetation on Council road reservations and/or Council land abutting their property not be sprayed with chemical herbicides.</p>			
<b>SCOPE:</b>	<p>3.1 Rural Roads - Council is required to maintain 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 to be controlled with in the road reserve.</p> <p>3.2 Urban Roads - Council is responsible for keeping the roadway between the back edges of the kerb and 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 Council's various weed management strategies.</p> <p>3.3 Council land - Council is required to manage declared weeds in its reserves.</p> <p>3.4 This policy applies to vegetation management on Council managed road reservations and Council land. Council will consider applications to cease spraying operations where Council road reservation and/or land abut private land on a case by case basis.</p>			
<b>PROCEDURE: (POLICY DETAIL)</b>	<p>4.1 This Policy shall be administered by the Manager Works as part of the Council land and road reservation maintenance program.</p> <p><u>Applications to be included within No Spray Register:</u></p> <p>4.2 An advertisement shall be placed in daily and weekly papers circulating within Kingborough and via social media no later than 31 July each year advising that applications are invited for road reservation frontages and Council land to be placed on the No Spray Register.</p> <p>4.3 An application must be undertaken in writing on the approved application form and lodged with Council no later than 30 August each year. An application can only be applicable to the frontage of the resident's immediate property.</p> <p>4.4 In completing the application, the applicant is signifying their agreement to undertake vegetation management in accordance with Council's permit issued in accordance with Council's Roads, Parking and Stormwater By-Law 2011.</p> <p>4.5 In considering an application, Council shall take into consideration:</p> <ul style="list-style-type: none"> <li>• whether the adjoining land is used for certified organic vegetable/fruit production;</li> <li>• existence of a medical condition in the household which may be exacerbated by exposure to herbicides or associated additives.</li> <li>• The applicant has other mitigating circumstances that would warrant an area not being exposed to the use of herbicide chemicals.</li> </ul>			

4.6 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.

No Spray Permit:

4.7 Where an application is approved, a permit shall be issued to the applicant in accordance with Clause 13 of the *Roads, Parking and Stormwater By-Law*. Permits (unless cancelled) shall have a permit period up to a maximum of two (2) years from the date of issue.

4.8 A permit will specify the approved actions that can be undertaken within the Council road reservation and outline Council's actions in the event that permit conditions are not complied with. Management of the No Spray Zone shall be generally in accordance with Tasmanian Code of Practice for Spraying in Public Places (2004).

4.9 If an application is refused, applicants will be informed as such and communication will be provided by Council outlining the reasons for refusal. Applicants may reapply if they feel they can adequately address the concerns that caused Council to refuse their application.

4.10 Permits shall be registered into ECM on file no. 23.1049.

4.11 In the event of non-compliance with a permit, the permit holder shall be advised in writing that:

- (a) The permit conditions must be complied with within twenty one (21 days) of the notice;
- (b) Failure to maintain the area within the 21 days will result in Council undertaking, without further notice, any necessary spraying and/or slashing to reduce the vegetation; and
- (c) The permit issued will be cancelled at the end of the twenty one (21) day period if the works have not been completed.

4.12 A permit is not transferrable to another owner/resident.

No Spray Register:

4.13 The register shall be in the form of electronic spread sheet detailing the permit holder's details, area to be excluded from herbicide chemical spraying and the permit date of issue and date of expiry and the date of cancellation of a permit if applicable.

4.14 The register shall be maintained within ECM on file no 23.1049 maintained by the Works Department.

4.15 The permit area shall be included with the "No Spray Area" table within Council's GIS system.

Marking of No Spray Areas:

4.16 No Spray Areas shall be marked at each end by an orange marker at a height of 900mm above natural ground level.

4.17 The initial installation of markers shall be undertaken by Council at Council's cost.

4.18 Permit holders must ensure that the markers are maintained in a clearly visible standard.

4.19 Where markers have been damaged to an extent that they must be replaced or removed, the cost of replacing the markers shall be at the permit holder's expense.

Roadside spraying and slashing tenders & contracts:

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

	4.21 Council 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.
<b>GUIDELINES:</b>	<p>5.1 Council is responsible for the issuing and refusal of permits in accordance with the <i>Roads, Parking and Stormwater By-Law No. 4 of 2011</i>. Delegation has been provided to the General Manager in accordance with Council Minute C300/10-11.</p> <p>5.2 Applications will be assessed within two (2) weeks of their lodgement with Council provided that all relevant details are included within the application.</p>
<b>COMMUNICATION:</b>	<p>Kingborough Council staff</p> <p>Kingborough Councillors</p> <p>Kingborough Residents.</p>