

1. Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	22/10/2019	19/338	13/12/2019
2	09/07/2024	24/182	08/08/2024

2. Introduction

Councils are responsible for the management and protection of public lands that are under the care and control of a Council. This may include parks, reserves, operational land and road reserves.

Roadside reserves often contain significant biodiversity, including remnant vegetation that is absent in other areas of the landscape due to land-use changes. Because they are often continuous, particularly in rural areas, road reserves provide invaluable habitat corridors allowing for native animals and plants to migrate across the landscape. This aspect is particularly important to protect if we are concerned with preserving some level of resilience in the face of threats such as climate change, and feral predation or competition.

Vegetation on land under the care or control of Griffith City Council may be threatened by inappropriate activities that reduce the extent and quality of native and other vegetation and wildlife habitats.

The Council, as a land manager, has a responsibility to ensure activities do not have a detrimental impact on protected or threatened plants and animals or Endangered Ecological Communities.

The Council, in its actions, is guided by the relevant legislation and operational guidelines such the *NSW Biodiversity Conservation Act 2016* or the Griffith City Council Roadside Reserves Vegetation Management Guidelines.

3. Policy Objective

The objective of this policy is to enable Griffith City Council:

- a) To promote the environmental, social and economic values provided by roadside environments across council and to the broader community.
- b) To recognise roadside environments as an important asset that require active management in order to maintain and improve the values and services they provide.
- c) To promote consistency across council to the environmental assessment of roadside environments when planning and undertaking works in these locations.

- d) To promote consistency across council to the management, maintenance and rehabilitation strategies implemented within and adjacent to roadside environments so as to maintain and improve the ecosystem services and values they provide.
- e) To facilitate and encourage the sharing of experience, expertise and resources within council in relation to planning and implementing activities that aim to protect, maintain and rehabilitate roadside environments.

4. Scope of Policy – Land to Which this Policy Applies

This policy applies to the Griffith City Council Local Government Area. It applies to all roadsides under the care and control of Griffith City Council.

For Roadside Conservation Values, see Roadside Vegetation mapping within the following documents:

- Griffith Roadside Reserves Vegetation Management Plan, Part 1: Background, Application and Integration
- Griffith Roadside Reserves Vegetation Management Plan, Part 2: Prioritisation for Rehabilitation, and accompanying
- Griffith Roadside Reserves Vegetation Management Guide and scored GIS data layers of roadside reserve vegetation.

This policy provides the framework necessary to provide:

- A consistent approach to the environmental assessment of roadside environments in a manner that meets relevant legislative requirements.
- A consistent approach to the design and implementation of works that are consistent with protecting and enhancing the environmental, social and economic values and services provided by roadside environments.
- The appropriate level of skills and resources required by council staff to effectively implement the objectives of this policy.

For the purposes of Section 158 of the *Local Government Act 1993*, this policy comprises three parts:

- Part 1 specifies the circumstances and activities in which a person is exempt from the necessity to apply for an approval issued under this Policy.
- Part 2 specifies the criteria the Council must take into consideration in determining whether to give or refuse an approval under this Policy, and
- Part 3 specifies other matters relating to approvals issued under this Policy.

5 Policy Definitions

Roadside Environment:	For the purpose of this policy, a Roadside Environment is defined as ‘the entire width of the road reserve between the edge of the road pavement and the adjacent property boundary’
Roadside Environment Activity	For the purposes of this policy, a Roadside Environment Activity is defined as ‘any maintenance, construction or rehabilitation task undertaken within the roadside environment. Examples of activities include grading, shoulder grading, slashing / mowing, weed control, road reconstruction or upgrading, revegetation, drainage and utility works.
Land to which the policy applies:	This policy applies to all roadside environments that are under the care, control and management of council.
Authorised officer	Is taken to be an authorised person as defined in the <i>Local Government Act 1993</i> .
Collection	The collating, stacking or removal of a thing from its pre-existing location.
Commercial purposes	The doing or undertaking of an activity for the purpose of financial or other gain.
Domestic purposes	The doing or undertaking of an activity for the purpose of serving one’s place of residence or the residence of an immediate family member.

6. Part 1 - Activities that do not Require Approval – Exemptions

The following activities may be undertaken without the approval of Griffith City Council, that is they are exempt:

- (a) As part of an approved development under Part 4 of the *Environmental Planning and Assessment Act 1979*.
- (b) As part of Council activities in accordance with an approved Review of Environmental Factors under Part 5 of the *Environmental Planning and Assessment Act 1979*.
- (c) As part of normal Council maintenance activities that do not require a Review of Environmental Factors under Part 5 of the *Environmental Planning and Assessment Act 1979*.
- (d) As part of state electrical infrastructure works under Section 41 of the State Environmental Planning Policy (Infrastructure) 2007.

- (e) As part of flood mitigation work under Section 49 of the State Environmental Planning Policy (Infrastructure) 2007 and in accordance with an approved Review of Environmental Factors and/or a Part 7 Fisheries Permit.
- (f) As part of state road works that are conducted in accordance with an approved environmental assessment.
- (g) Pruning of limbs which project over private property boundary.
- (h) Priority weed control in accordance with the *Biosecurity Act 2015*.
- (i) An approved Bushfire Hazard Reduction activity under Section 63 and Section 100C of the Rural Fires Act 1997.
- (j) Grazing and travelling of stock in or through areas of Low Conservation Value. A permit is required from Local Land Services under the *Local Land Services Act 2013*.
- (k) For maintenance of fence lines in accordance with the *Local Land Services Act 2013* and Regulations.

7. Activities that Require Approval

The following activities may be undertaken with the approval of Griffith City Council:

- (a) Clearing for 'rural infrastructure' such as the replacement of boundary fences as defined in Schedule 5A 'Allowable Activities clearing of Native Vegetation' of the *Local Land Services Act 2013* where the maintenance activity is to occur on a road reserve or public land.
- (b) Disposal or provision of timber to third parties, created as part of activities that do not require approval under this policy (i.e. road works, electricity infrastructure installation or maintenance, flood mitigation works).
- (c) Collection of wildflowers and seeds in accordance with National Florabank National Code of Practice (1998) and Guidelines, and only with an appropriate licence under Part 2 of the Biodiversity Conservation Act 2016.
- (d) Creation of firebreaks or bush fire hazard reduction in association with private land or private property protection whereby the maintenance activity is to occur on the roadside reserve or public land

8. Prohibited Activities

The following activities are prohibited:

- (a) The felling or clearing of any vegetation that is not permitted by Section 6 or 7 of this policy.
- (b) Collection of firewood from any area for commercial purposes.
- (c) Collection of firewood for any purpose from areas of High or Medium Conservation value.

- (d) Collection of firewood for any purpose from an unformed Public or Crown road.
- (e) Collection of firewood from any site of road works.
- (f) NOTE: SCHEDULE HAS BEEN REPEALED Picking or pruning plants or collecting seed from a protected or listed threatened species or endangered ecological community under the *Biodiversity Conservation Act 2016* or the *Environmental Protection and Biodiversity Conservation Act 1999* unless approved under Part 2 of the Biodiversity Conservation Act 2016 with an appropriate Biodiversity Conservation Licence.
- (g) Removal or moving of any rock, soil or sand, unless in accordance with Section 6 of this Policy.
- (h) Disposal of litter or waste.
- (i) Any other activity that is prohibited by an Act or Regulation of NSW or the Commonwealth.

9. Part 2 - Gaining Approval from Council

A person wishing to undertake an activity as per Section 7 of this Policy may request an approval in accordance with the process and requirements of Approval for Activities on Public Land – Guideline, as amended from time to time.

An approval may be refused for the following reasons:

- The proposed activity is a prohibited activity as per Section 8 of this Policy.
- The proposed activity is likely to result in a negative impact on threatened species or a threatened species habitat or an endangered ecological community.
- The proposed activity is likely to have a significant impact upon the native vegetation, protected species, wildlife habitat, public amenity or landscape value.
- The proposed activity may present a danger to members of the public, council staff or any other person.

10. Part 3 - Offences

An Authorised Officer may impose a penalty for each individual action.

- (a) It is an offence to undertake an activity listed in Section 7 of this Policy without an appropriate approval having first been granted by the Council.
 - (i) Maximum Penalty: 20 penalty units as per Section 629 of the *Local Government Act 1993*.
- (b) It is an offence to undertake an activity listed in Section 8 of this Policy.
 - (i) Maximum Penalty 20 penalty units as per Section 629 of the *Local Government Act 1993*.

- (c) It is an offence to undertake an activity if acting contrary to a notice erected by Griffith City Council at that place, or if acting contrary to any condition imposed upon the person undertaking an activity for which an approval has been granted as per Section 9 of this Policy.

Offences may also be reported to the NSW EPA Environment Line and incur additional penalties.

11. Part 4 – Other Information Relevant Legislation

Legislation relevant to this Roadside Reserves Vegetation Management Policy includes:

- *Contaminated Lands Management Act 1997*
- *Environmental Protection and Biodiversity Conservation Act 1999*
- *Environmental Planning and Assessment Act 1979*
- *Fisheries Management Act 1994*
- *Heritage Act 1977*
- *Local Government Act 1993*
- *Biosecurity Act 2015*
- *Biodiversity Conservation Act 2016*
- *Protection of the Environment Operations Act 1997*
- *Roads Act 1993*
- *Rural Fires Act 1997*

12. Related Documents

Documents relating to this Roadside Reserves Vegetation Management Policy include:

- Griffith Roadside Reserves Vegetation Management Plan, Part 1: Background, Application and Integration, this document including:
 - Review of Environmental Factors (REF) template
 - Review of Environmental Factors – Shoulder Grading (short REF) template
 - Review of Environmental Factors – Slashing (short REF) template
- Griffith Roadside Reserves Vegetation Management Plan, Part 2: Prioritisation for Rehabilitation
- Griffith Roadside Reserves Vegetation Management Guide
- Griffith Roadside Reserves Vegetation Management Plan (Landholder Information Sheet)
- Tablet based platform (App)

13. Directorate

This Griffith Roadside Reserves Vegetation Management Policy is of relevance to the following Directorates within Griffith City Council:

- Sustainable Development Directorate
- Infrastructure and Operations Directorate