

NARACOORTE LUCINDALE COUNCIL

COUNCIL POLICY

105

REMOVAL OF VEGETATION ON ROADSIDES

(Timber Collection & Roadside Grazing)

VERSION 1

RESPONSIBLE OFFICER:

Director Operations
Operations Manager
Manager Planning and Compliance

LEGISLATION AND REFERENCES:

Livestock Disease Control Act 1994
Landscape South Australia Act 2019
Local Government Act, 1999
Native Vegetation Act, 1991
Prevention of Cruelty to Animals Act 1986

PURPOSE OF POLICY

- To establish clear guidelines for the collection of dead fallen timber on Council roadsides
- To establish clear guidelines for the grazing of livestock on Council roadsides
- To provide approval, and to remove bureaucracy for persons wishing to collect timber, or graze livestock on our roadsides without making application to Council

EXCLUSIONS

This policy does not apply to unformed road reserves that are unfenced on one or both sides and for all intents and purposes are part of an adjoining property.

Where a landowner has land on both sides of an unformed road reserve a section 222 of the Local Government Act permit to use the road reserve for business purposes must be obtained from Council.

BACKGROUND

Council's road network includes over 1,000 kilometres of roads in the rural area.

Council recognises that roadsides:

- have conservational value where native vegetation exists
- may pose a fire risk where vegetation growth cannot be reduced through slashing or spraying
- provide a resource of vegetation for grazing livestock
- provide a resource of fallen timber for firewood collection

Section 221 of the Local Government Act states *that a person (other than the council or a person acting under some other statutory authority) must not make an alteration to a public road unless authorised to do so by the council.*

An alteration to a road includes: - *plants a tree or other vegetation on the road, interferes with vegetation on the road, or removes vegetation from the road.*

Removal of vegetation includes the collection of fallen dead timber and grazing of livestock.

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An authorisation under this section—

- (a) may be granted for a particular act or occasion; or
- (b) may be granted for a term and if so granted is, subject to revocation for breach of a condition, to remain in force for a term (not exceeding 42 years) stated in the authorisation and, at the expiration of a term, may be renewed by the council for a further term (not exceeding 42 years) fixed by the council at the time of the renewal.

TIMBER COLLECTION

Subject to meeting all of the general conditions and special conditions (timber collection) included below, dead fallen timber may be collected from Council controlled roadsides outside of township boundaries from 1 May to 31 October (inclusive) annually, without obtaining a permit from Council.

Timber **MUST NOT** be collected on days of Total Fire Ban as declared by the Country Fire Service (CFS).

Information of township boundaries is available on Council's website at <https://www.naracoortelucindale.sa.gov.au/council/council/townships>

ROADSIDE GRAZING

Subject to meeting all of the general conditions and special conditions (roadside grazing) included below grazing of roadsides may occur outside of township boundaries, without obtaining a permit from Council.

GENERAL CONDITIONS

1. Public liability insurance in the name of the person collecting timber or responsible for the livestock grazing the roadside, to a minimum value of \$10,000,000, must be held at all times. (*This insurance is known as Legal Liability Insurance and is normally part of domestic contents insurance*).
2. Council, its servants and agents must be indemnified against all actions, costs, claims, demands, damages, charges and expenses whatsoever which may be brought or made or claimed against them or any of them in relation to the collection of timber or grazing of livestock on roadsides.
3. Collection of timber or grazing of livestock shall not occur in areas identified as containing significant vegetation sites. These areas are identified by blue roadside markers.
4. To manage timber collection or roadside grazing to ensure the safety of all road users.
5. All due care to be taken to prevent damage to live vegetation including trees and shrubs.
6. To take appropriate precautions to ensure that no damage occurs to road surfaces, road furniture, drains, culverts, bridges, private entrance ways or other infrastructure.
7. To not cause damage to, or in way affect, the property of any other person.
8. The area must be left in a neat and tidy condition.

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105

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9. All repairs, damage or rectification work to any, road, road furniture, service or other property resulting from the collection of timber or grazing of livestock shall be borne by the person collecting timber or responsible for the livestock. Council must be notified immediately of any damage.
10. To comply with any direction given by a Council Officer or any other Authorised Person.

SPECIAL CONDITIONS – TIMBER COLLECTION

1. Standing timber, whether alive or dead, must not be cut and/or removed.
2. The Native Vegetation Act 1991 must be complied with in regard to clearing of timber. This includes not removing branches that have a trunk circumference of 2 metres, or comprising a species native to South Australia or are part of a group of other plants or trees that could potentially provide a habitat for animals.
3. Timber shall not be removed from any roadside adjacent to parks and reserves or roadsides clearly occupied for grazing by an adjoining landholder.
4. Timber shall not be removed from areas containing noxious weeds. Information regarding these weeds can be obtained from Landscape South Australia Limestone Coast at <https://www.naturalresources.sa.gov.au/southeast/plants-and-animals/pest-plants-and-animals/pest-plants>
5. Vehicles must be parked completely off the road so they do not create a hazard to other road users and must be parked on the same side of the road as the timber being collected.
6. High visibility clothing shall be worn when collecting timber.
7. Timber Collection to occur during daylight hours only.

SPECIAL CONDITIONS – ROADSIDE GRAZING

1. A landowner may graze the roadside abutting their own property.
2. Where a landowner does not wish to use an adjoining roadside for grazing of livestock they may provide written consent for another landowner to do so.
3. Temporary fencing must be placed one (1) metre behind the white posts, or where no white posts are present, one (1) metre from the edge of the trafficable section of the road.
4. Protect against erosion by ensuring that excessive grazing does not occur.
5. In the event that livestock are causing damage to vegetation including where overgrazing occurs, they must be removed from the roadside.
6. The carcass of any livestock which dies on a roadside must be removed and appropriately disposed of.
7. The provisions of the Livestock Disease Control Act 1994 and the Prevention of Cruelty to Animals Act 1986 must be complied with at all times.

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8. Stock on road signage to be in place when livestock are grazing the roadside to warn other road users.
9. It is the landowners' responsibility to undertake weed control in accordance with the Landscape South Australia Act.

OTHER RELEVANT POLICIES / PROCEDURES

Other Council Policies and Procedures which may be relevant and require consideration when applying this policy include –

92 *Council Land*

Council Delegations and Sub-Delegations

POLICY REVIEW

This Policy will be reviewed every four years.

AVAILABILITY OF POLICY

The public may inspect a copy of this policy, without charge, at the Council's Naracoorte and Lucindale offices during office hours, and may obtain a copy for a fee fixed by Council.

The Policy is also available on Council's website www.naracoortelucindale.sa.gov.au

Any grievances in relation to this policy or its application should be addressed to the Chief Executive Officer.

ADOPTION AND AMENDMENT HISTORY

| <i>Date</i> | <i>Authorised by</i> | <i>Minute Reference</i> |
|-------------|----------------------|-------------------------|
| Next review | | March 2024 |
| 26 May 2020 | Council | Resolution 542/20 |