

Draft Mitchell Shire Rural Roadside Environmental Management Plan

Appendix 1: Legislative Background

Federal and State Legislation

The management of roadsides is influenced by several pieces of Federal and State Government legislation.

LEGISLATION	FUNCTION RELATED TO ROADSIDES
Aboriginal Heritage Act 2006	An Aboriginal Cultural Heritage Permit may be required for an activity that may harm Aboriginal cultural heritage.
Aboriginal & Torres Strait Islander Cultural Heritage Protection Act 1984	Recording and protection of sites of significance.
Agricultural and Veterinary Chemicals Act 1992	Regulates spray drift, licences agricultural chemical user permits, chemical registration requirements and chemical control areas.
Australian Heritage Commission Act 1975	The Australian Heritage Commission considers nomination and approved listing to protect heritage site.
Catchment and Land Protection Act 1994	Identifies responsibilities for the control of proclaimed noxious weeds and pest animals.
Conservation, Forest & Lands Act 1987	Prior to works being undertaken, which may disturb critical habitat, a plan of works must be submitted to DSE. This Act refers to action statements for critical habitat as defined in the Flora and Fauna Guarantee Act 1988.
Country Fire Authority Act 1958	Council is responsible for the managing roadside vegetation for the prevention of fire. This Act aims to prevent and suppress fires and protect life and the property in the case of fire. Provides for the establishment of stations and brigades, preparation of Municipal Fire Preventions Strategy and the issuing of fire prevention notices.
Crown Land Act 1958	<p>Gives the Crown ownership of all vegetation on roadsides, Royalties for timber collection, cropping & haymaking. Prosecution for unauthorised cutting of timber.</p> <p>Allows for the licensing of Unused Government Roads for specific purposes (e.g. grazing and conservation licences).</p>

Crown Land (Reserves) Act 1978	Provides for the reservation of Crown land for Public purposes and the appointment of Trustees and Committees of management.
Electricity Safety Act 1998	Regulates power line safety by establishing clearance between powerlines and vegetation through the Code Of Practice for Power line Clearance (Vegetation).
Extractive Industries Development Act 1995	Regulate the extraction of stone from public land. Permit needed for a search on Crown Land. Issuing of Work Plan and Rehabilitation Plan. Some exemptions related to road works.
Environment Protection Act 1970	Provides for the control of polluted runoff from disturbed roads.
Environment Protection and Biodiversity Conservation Act 1999	<p>The EPBC Act promotes the conservation of biodiversity by providing strong protection for threatened species and ecological communities, migratory, marine and other protected species.</p> <p>The Act provides for:</p> <ul style="list-style-type: none"> • identification of key threatening processes; • protection of critical habitat; • preparation of management plans; and • Issuing of conservation orders and regulation of wildlife import/export.
Flora and Fauna Guarantee Act 1988	<p>Public Authorities must have regard to flora and fauna conservation and management objectives, which aim to ensure that Victoria's flora and fauna can survive, flourish and retain their potential for evolutionary development in the wild.</p> <p>The Act places a responsibility on Government, business organisations and the community to act in a way so as to conserve Victoria's flora and fauna and their genetic diversity.</p>
Forest Act 1958	Give local municipalities responsibilities for managing vegetation on most roadsides. Regulates cutting and removal of timber from roadsides.
Heritage Act 1995	Protection and conservation of places and objects of cultural heritage significant. Enforcement of provisions, which prohibit removal, damage or destruction of places or object on the Heritage Register. A permit is necessary to carry works in relation to registered place or objects.
Land Act 1958	Allows prosecution for removal of timber for roadsides.

Litter Act 1964	Makes it an offence to litter roadsides and other specified public places.
Local Government Act 1989	Assigns power to Councils including the care and management of roads. Gives Council the power to create certain local laws relating to roadsides.
Mineral Resources Development Act 1990	Cover the right of searching for minerals and ownership. Issuing of Work Plan and Rehabilitation Plan.
Planning & Environment Act 1987	<p>Development and administration of Planning scheme. Controls the removal of native vegetation from roadsides under the local planning provisions and Native Vegetation retention Controls, and seeks to encourage the retention of native vegetation on private and public land.</p> <p>Prior to removal, destroying or lobbing an area of native vegetation on any roadsides for works not exempt under the controls, the responsible authority must issue a permit. In certain circumstances, applications for permits to remove native vegetation on roadside must be referred to the Department of Sustainability and Environment.</p>
Protection of the Environment Operations Act 1997	Makes it an offence to litter roadsides and other specified public places.
Road Management Act 2004, Section 63	Permission is needed from either the Mitchell Shire Council or the VicRoads to do works on roadsides.
'Servicing Authority' Acts	Permit servicing authorities to locate assets on roadsides and give them rights of access for maintenance works.
Telecommunication Act 1997	Provide for planning, installation and maintenance of services. Carries powers and immunities. Provisions for threatened species, environmental impact assessments.
Transport Act 1983	Regulation of use of freeways, State highways, main roads, tourist roads, forest roads or stock route. VicRoads are responsible for management of declared roads.

Regional Strategies and Plans

- Hume Regional Growth Plan
- Hume Strategy for Sustainable Communities (Hume Strategy)
- Northern Region Sustainable Water Strategy
- North Central River Health Strategy 2005
- Vegetation Plan 2005
- North Central Dryland Management Plan 2008
- North Central Floodplain Management Strategy 1999
- North Central Community Engagement Strategy 2008
- Goulburn Broken Biodiversity Strategy 2010-15
- Goulburn Broken Land Health Statement 2012
- Goulburn Broken Invasive Plants and Animals Strategy 2010
- Goulburn Broken Regional River Health Strategy Addendum 2010
- Goulburn Broken Water Quality Strategy 1996-2016
- Goulburn Broken Floodplain Management Strategy 2002-12
- Port Phillip and Westernport Healthy Waterways Strategy 2013
- Port Phillip and Westernport Native Vegetation Plan 2006
- Port Phillip and Westernport Rabbit Action Plan 2003
- Port Phillip and Westernport Weed Action Plan 2003
- Profile of Bushfire Risk within the Mitchell Shire 2015

Mitchell Shire Council Strategies, Policies and Laws

- Mitchell Shire Environment Strategy
- Mitchell Shire Community Local Law #1
- Mitchell Shire Road Management Plan
- Mitchell Shire Planning Scheme
- Mitchell Shire Open Space Strategy
- Mitchell Shire Waste Management Strategy
- Mitchell Shire Municipal Fire Prevention Plan
- DSE Roadside Vegetation Agreement
- Mitchell Shire Risk Management Framework
- Infrastructure Design Manual
- Mitchell Community Engagement Framework
- Municipal Emergency Management Plan

