

Role of Local Government in environmental weed control

Ian Stevenson, Shire of Mornington, Queens Street, Mornington, Victoria 3931, Australia.

Summary

Local Government has the legislative power to control weeds on both private and public land. In particular, the *Local Government Act 1989* and *Planning and Environment Act 1987* provide opportunities for local Councils to enforce environmental weed control. Successful weed control campaigns have occurred in many urban-rural fringe municipalities around Melbourne. Furthermore, Local Government has the ability to initiate a range of non-regulatory activities by producing policy and education strategies as well as creating incentives for environmental weed control.

Introduction

Local Government is in close contact with the community and can have an impact on control of environmental weeds on both public and private land. Local Government has some selective and limited legislative power which is explored in this paper. Just as importantly, Local Government has the ability to use a range of non-regulatory activities to achieve control of environmental weeds.

Legal powers

The *Local Government Act 1958*, under section 696A, gives power to Local Government authorities to notify the owner or occupier of a property 'to destroy any weed which is a noxious weed within the meaning of the *Vermin and Noxious Weeds Act 1958*'. The latter Act aimed to achieve two primary objectives:

1. To stop the spread of vermin and weeds from contaminated to clean areas of the State and;
2. To protect one property owner from another where the latter is not undertaking responsible vermin and weed management programs.

The use and value of this legislation is limited for Local Government. The *Vermin and Noxious Weeds Act* relates to rural land-use practices and weeds of agricultural importance and is more applicable to municipalities outside the Melbourne and Metropolitan Area.

In recent years, the then Department of Conservation, Forests and Lands (CFL) determined that it would be more efficient to have four categories of noxious weeds and thus direct State Government resources towards high priority species. Control costs for Category 1 noxious weeds, species that have limited distribu-

tion or do not occur in the State, are borne by the Department of Conservation and Environment (DCE). Landholders are requested to control weeds in Categories 2 and 3 on their properties and Category 3 weeds on their adjoining half width of roadside. Non-urban municipalities are responsible for controlling weeds in these categories where they occur on public land (reserves, roadsides, Crown Land) managed by Local Government.

In 1987, the Dandenong Region of DCE found that due to expanding urbanization, it was not possible for the Department to enforce the *Vermin and Noxious Weed Act* on all urban and rural residential properties. To make the most of dwindling resources, it decided to focus its efforts on specific weeds in designated areas, particularly agricultural, horticultural and public land. Consequently, DCE will not service properties where the average landholding is under two hectares. If municipalities wished to enforce vermin and noxious weeds control in these urban areas, they are able to use discretionary powers under the *Local Government Act* when deemed to be necessary. DCE will, however, provide weed control advice and information to both private and public landholders.

Under the *Vermin and Noxious Weed Act*, Local Government can issue weed removal notices in both urban and rural precincts within its municipal boundaries. Therefore, it has powers similar to those of State Government. A survey of eight Local Government bodies in the Melbourne urban-rural fringe showed that noxious weed infringement notices were not being issued. Reasons for this included: lack of resources, 'not a Council priority' or an inability for Council to 'clean up its own backyard'. The occurrence of dense weed infestations on its public reserves make it very difficult for Councils to attempt to control weeds 'over the fence' on private land. Furthermore, some Councils are averse to further diversification of their services, especially in hard economic times. Some are also wary of State Government passing their initiatives onto Local Government, imparting increased responsibilities to Local Government without commensurate increases in financial resources.

Legislation for environmental weeds?

At present, only plants declared under the *Vermin and Noxious Weeds Act* can

officially be controlled by Local Government. However, in municipalities around Melbourne's urban-rural fringe, there are a range of non-noxious weeds (environmental weeds) invading bushland as well as urban areas. Although there may be some interest in controlling these weeds, neither State nor Local Government are empowered under the *Vermin and Noxious Weed Act* to do so.

Attempts by some Councils to control noxious weeds usually consists of issuing infringement notices for the removal of blackberry (*Rubus fruticosus* spp. agg.), often following a complaint from nearby residents. It is normally blackberry which is referred to by municipal fire prevention officers (most of whom have little ecological training) when issuing fire hazard notices under the *Country Fire Authority Act 1958*. Under the 1973 schedule of the Act, fire hazard notices (in Mornington Shire) may state 'Dispose of all bracken, undergrowth, noxious weeds, other weeds and grass over the height of 75 mm'. The referral to 'other weeds' is discretionary and vague but provides an opportunity for the removal of environmental weeds.

Another opportunity available to Local Government for control of environmental weeds is the creative use of the *Local Government Act 1989* which permits a council to pass local laws (By-Laws) for any matter which it 'deems to have a function'. Accordingly, the Shire of Eltham is formulating a local law to restrict the sale and presence of a range of environmental weeds declared by the Council. This local law aspires to achieve two goals:

1. Prohibit the sale of environmental weeds from nurseries within the Shire;
2. Sanction the issuing of infringement notices for private land that direct the owner to remove declared environmental weeds.

This law is still to be enacted. No doubt, it will be watched with interest by municipalities wishing to create similar laws. Local laws must not conflict with any other legislation and can be challenged in court. Community support for the principle of environmental weed control will be a necessary requirement before the local law is officially passed. The commitment by council to resource the action with enforcement officers is also fundamental to the law's effectiveness in weed control. It may be advisable to phase in the controls in more weed-prone or ecologically sensitive areas and establish effective community acceptance for the law before expanding it to the entire municipality.

Another opportunity for Local Government to influence environmental weed control is through its statutory planning responsibilities. The *Planning and Environment Act 1987*, which determines the basis

for local planning schemes for a municipality, is the legislative tool. This Act allows for conservation provisions and vegetation protection laws, offering a local authority legal powers to regulate vegetation removal on private land. Coupled with the statewide regulations on native vegetation removal, which are included in every planning scheme within Victoria, it is possible for a Council to affect the type and form of vegetation on private land.

Loss of native vegetation, due to urban expansion may be retarded by vegetation protection laws. Opportunities for environmental weed invasion are therefore minimized. In many bayside municipalities, the gradual loss of coastal tea-tree (*Leptospermum laevigatum* (J.Gaertn.) F. Muell.) along roadsides, foreshores and private land has resulted in the invasion of grasses such as *Pennisetum clandestinum* Hochst. (kikuyu grass), *Ehrharta erecta* Lam. (panic veldt grass) and *Briza* spp. (quaking grasses) and the subsequent displacement of most herbaceous native ground-covers, including orchids.

An evaluation of local planning schemes to determine the strength of vegetation protection laws was conducted by Durkin (1990). He recorded municipalities with planning schemes having wording directed to vegetation retention and enhancement. In 28 Melbourne metropolitan and urban-rural municipalities there was no reference to environmental weeds in any planning scheme examined. It can be inferred from this survey that the ecological effects of weed invasion, especially those of environmental weeds, are of low priority in Local Government town planning.

Nevertheless, there is scope under the Planning and Environment Act for Local Government to have an impact on environmental weed control. Because some Councils request a permit for clearing vegetation there is an opportunity for input into the loss of indigenous plants as well as advising applicants on problems associated with environmental weeds.

Vegetation change can be one of several criteria given consideration when assessing planning applications. For example, from the Hastings Conservation Zone, 'Where applicable all building plans shall show a landscape plan clearly indicating all existing trees on site, those trees to be retained and the type, density and other vegetation to be planted on the land'.

Through the Planning and Environment Act it is possible for committed Councils to stipulate landscape plans as a provision of planning permits. Officers inspecting these plans can exercise some degree of control over the removal of environmental weeds on the site or in-

cluded on the revegetation schedule. Experiences in Mornington have shown that many landscape designers and developers are willing to co-operate; many are not familiar with local weed problems and are grateful for the advice. However, enforcement of the landscape plans is critical. Frequently, the species planted are not those on the original council-endorsed plan as it can sometimes be difficult to acquire all listed plants from nurseries.

Problems in implementation

Planning scheme provisions may be difficult to implement because of a misunderstanding of the terms. Terms such as 'weed', 'pest plant', 'native' and 'exotic' are vague and open to interpretation. Planners and other enforcement officers, most of whom have little or no ecological training, lack expertise to interpret correctly these terms.

The lack of broad ecological principles and protection in Local Planning Schemes is evident from studies by Durkin (1990). Most of the terms and clauses used concentrate on tree removal and replacement, neglecting the ecological importance of native understorey species. Most common environmental weeds in southern Victoria occur in the understorey and receive little attention by planning schemes.

Another problem is that of resource availability. Some Councils lack funds or commitment towards aspects of environmental weed control. Many rural municipalities are small and unlikely to enforce weed control on private land. In a small but growing number of municipalities on the rural-fringe, Councils have strengthened their commitment to environmental weed policies and education; some have employed Conservation Officers, e.g. Sandringham, Springvale, Sherbrooke, Eltham, Mornington and Flinders Shire. Appointment of a Land Protection Officer at Eltham is an innovative appointment for Local Government. It is a specialized position concentrating on regulation, incentives and educational aspects of both noxious and non-noxious weed control.

Initiatives in environmental weed control

Concerns about environmental weeds are most pronounced in the urban-rural fringe municipalities around Melbourne including those in the Dandenongs, Mornington Peninsula and Diamond Valley. Here, population growth has caused an increase in urbanization and subdivision of rural properties. The large numbers of hobby-farmers in these areas recognize the problems caused by environmental weeds. These urban people derive their income from work in nearby cities

and seek privacy and refuge in rural residential living (Wagner 1975). Perhaps it is this background that has reduced the importance of noxious agricultural weeds but highlighted the threat of environmental weeds to bushland in these areas. Consequently, it is the communities in municipalities such as Eltham, Sherbrooke, Mornington, Hastings and Flinders that are most active in environmental weed control.

The success of weed removal campaigns frequently depends on the links developed between Council and the community. Local environment groups and schools have assisted with the removal of environmental weeds, such as willow wattle (*Acacia longifolia* (Andr.) Willd.) and sweet pittosporum (*Pittosporum undulatum* Vent.) In Frankston, Local Government crews concentrate on weed removal in areas where community assistance is available. The involvement of schools, environment groups and 'friends groups' not only assist labour-intensive efforts but also assist in recruiting grants from sources other than Council's rate revenue.

The Local Government Act under Section 86 allows for Councils to establish advisory committees of non-elected community representatives as a means of strengthening their own expertise. In the municipalities of Sandringham and Frankston a Natural Environment Advisory Committee fulfils this role. In Flinders, a Weed Advisory Committee is used.

Policy and education

Many Councils are committed to some form of policy development for environmental weeds. Many Melbourne municipalities on the urban-rural fringe have listed the main environmental weeds in their area. Municipalities in Eltham, the Dandenongs and the Mornington Peninsula have produced related educational material for distribution in their Shires. For example, a Peninsula Municipal Group formed to produce the booklet 'Peninsula Pest Plants' that contained colour photographs of 32 main weed species and control measures for each. This publication was funded by rate revenue from a number of Councils and freely distributed to residents throughout the region and has helped to raise awareness about environmental weeds. It does not directly regulate the sale of offending weeds from nurseries, but aims to change attitudes and buying preferences by the public. A companion booklet on 'Peninsula Local Native Plants' is currently being produced.

The development of local conservation strategies under the auspices of Councils is unique to Victoria. This process is able to assess community attitudes to environ-

mental matters including environmental weeds. Local Government can, however, have a tendency to be parochial in its outlook and activities. This may be due to localized rate collection schemes which normally restricts works and programs to those affecting rate-payers within the municipal boundaries. Ecological issues such as environmental weed control cannot be solved on this basis. Alternatively, Local Government can:

1. Share resources by combining skills and finances. These initiatives also tend to attract greater external grant funding for projects than individual Council submissions.
2. Develop a 'weed week' activity across a region. Co-ordinated by a regional municipal group, this activity can concentrate working-bees in local reserves and draw attention to problem weed species across a larger area.
3. Initiate a local municipality 'Environment Week' involving schools, community and council representatives. In the Shire of Mornington, about 2500 primary school children attend a range of horticulture and environmental activities provided by community groups, local nurseries and government representatives.

Incentives

The use of incentives in weed management is seldom used in Local Government. The Victorian Local Government Act, section 161 allows Councils to apply a lower level of rating on properties which conform to sound management practices. Councils could also give rate concessions to conserve areas of special significance (Bowman 1990) such as remnant vegetation. This may be of particular value along streamlines on private land.

In the Shire of Eltham, a series of rate rebates, not reductions, are envisaged for landholders willing to revegetate their land and control weed invasion to the satisfaction of the Local Council. Other incentives offered include herbicide subsidies and distribution of herbicides to 'friends groups' or catchment management groups for supervised use in reserves controlled by Council. Community attitudes and Council priorities determine the effectiveness of these actions; unlike South Australia, no municipalities within Victoria have taken the lead in offering rate incentives to this stage.

Conclusion

The traditional role of Local Government has been to provide a range of local serv-

ices. In doing so, it has the power to seize opportunities for conservation in addition to acting as a link between Government and local non-government community organizations. Potentially, Local Government has a wide range of functions and possibilities in environmental weed control – not fully understood by the general public.

Not only are there opportunities for Local Government to be involved in environmental weed control but there is also a responsibility to do so. Especially in urban-rural fringe localities, Local Government involvement in weed control has been effective, even if filling the 'gaps' and needs that have not been satisfied by any other source. Local Government can be a resource that the Commonwealth and State Governments cannot afford to ignore. It is a resource that needs to be further nurtured and tapped.

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