

Ku-ring-gai Council

Draft Policy

Weed Management

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Weed Management Policy

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Controlled Document Information

Authorisation Details

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Related Document Information, Standards & References

Related Legislation:	Local Government Act 1993 Local Government (General) Regulation 2005 Biosecurity Act 2015 (NSW) Biosecurity Regulations 2017 Environmental Planning & Assessment Act	
Related Policies (Council & Internal)	Compliance Policy	(enter in this section any details of how the contents of another policy relate to this policy)
Related Documents - Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements, etc	2018/202758 - Weed Management Policy Schedule 1 State level determined priority weeds 2018/202759 - Weed Management Policy Schedule 2 Regional priority weeds 2018/202761 - Weed Management Policy Schedule 3 - Other Weeds of regional concern	These documents contain the lists of priority weeds and will be updated as required.
Other References	Greater Sydney Regional Weed Management Plan 2017-2022	(enter in this section any details of how the contents of these references relate to this policy)

Version History

Version Number	Version Start Date	Version End Date	Author	Details and Comments
1	March 2007	30/6/18	Unknown	First version. No longer current as written under repealed legislation (Noxious Weeds Act)
2	25/07/2018	TBA	Anne Seaton	Prepared with reference to Council's new obligations as a "Local Control Authority" under Biosecurity Act, 2015 and associated regulations.

Policy

1. Purpose and Objectives

Weed management is an essential activity on all land in respect to state legislation, common law, the community's desire to maintain local landscape and Council's commitment to the principals and practices of Ecologically Sustainable Development (ESD). Aspects of economy, community and environment can be seriously affected by weeds and other biosecurity hazards.

The Ku-ring-gai Council area covers approximately 8536 hectares. Land uses include approximately 3730 hectares of residential zoning, 369 hectares of special use zoning, 48 hectares of business zoning, 1047 hectares of road reserves, 59 hectares of open space parks, 212 hectares of open space sportsgrounds, 70 hectares of State Authority land, 180 hectares of private open space, 1100 hectares of bushland managed by Council and 1683 hectares of bushland declared as National Parks or Nature Reserves.

This policy outlines Council's weed management responsibilities and philosophy concerning its obligations under the New South Wales (NSW) Biosecurity Act 2015 in respect of responding to legislation and community concerns, and provides guidance for various Council programs.

The objective of the policy is to establish a framework for the management of weeds that will achieve the greatest outcomes in terms of preventing weeds from establishing, eradicating new weeds and minimising the impact of weeds where established.

2. Scope

Ku-ring-gai Council is a Local Control Authority (weeds only) under the NSW Biosecurity Act 2015 (*The Act*).

In accordance with section 371 of the Act, Council has the "following functions over the land in which it operates:

- (a) the prevention, elimination, minimisation and management of the biosecurity risk posed or likely to be posed by weeds,
- (b) to develop, implement, co-ordinate and review weed control programs
- (c) to inspect land in connection with its weed control functions
- (d) to keep records about the exercise of the local control authority's functions under this Act
- (e) to report to the Secretary about the exercise of the local controls authority's functions under this Act

3. Responsibilities

Under the Biosecurity Act 2015, Ku-ring-gai Council is a Local Control Authority and has a legal obligation to manage the biosecurity risk posed or likely to be posed to human health, the economy, community and environment by Priority Weeds.

Council will meet these obligations via;

- Controlling priority weeds on Council managed land
- Working with private landowners and other public utility land owners and occupiers to ensure they too carry out their individual obligations as imposed under the Act to prevent, eliminate or minimise the Biosecurity Risk posed or likely to be posed by priority weeds.
- Appointing suitably qualified officers in the role of "Authorised Officers" as defined by the NSW Biosecurity Act 2015, whose role will be to carry out routine inspections across the Ku-ring-gai

Council area, including those for high risk sites or pathways (e.g. main roads, rail corridors) and oversee control programs for priority weeds. The Authorised Officers will offer weed control advice, education, seek voluntary compliance and issue notices and directions under the Act as appropriate.

The Biosecurity Act applies equally to all land in the state, regardless of whether it is publically or privately owned and is premised on the concept of risk, so that weed management investment and response is appropriate to the risk.

Policy Statement

1. General Biosecurity Duty

The General Biosecurity Duty (GBD) is a key feature of the Biosecurity Act 2015 (NSW). It requires that all private and public land managers (or anyone who deals with weeds) must prevent, eliminate or minimise the risk those weeds present.

To assist the community to meet their requirements, this policy may be used as a guide to show how each priority weed needs to be managed.

2. NSW Biosecurity Act 2015

The New South Wales Biosecurity Act 2015 commenced on 1 July 2017. On commencement of the new legislation, the Noxious Weeds Act 1993 was repealed with transitional arrangements put in place that allowed Council to continue to deliver its weed management obligations, prescribed under the former Noxious Weeds Act 1993. These transitional arrangements formally ceased on 30 June 2018.

Under the Noxious Weeds Act, all landowners had a responsibility to control noxious weeds on their property. Under the new Act, all landowners have a responsibility to prevent, eliminate or minimise the biosecurity risk posed or likely to be posed by priority weeds.

Priority weeds are categorised into “State, Regional and Local Priority Weeds”. [The Greater Sydney Regional Strategic Weed Management Plan 2017-2022](#) lists weeds of State and Regional Priority. It also lists weeds of a regional concern that are common to a number of Local Control Areas in the Sydney basin. In addition, Council has identified Weeds of Local Priority to the Ku-ring-gai Local Government Area.

Attached to this policy are three schedules that list all priority weeds. These schedules will be updated from time to time as new issues and pressures emerge.

3. Weed control on public land

If a State or Regional Priority Weed, as listed under the Act or the *Greater Sydney Regional Weed Management Plan*, is identified on public land, Council will set about to undertake control and or eradication of the priority weed species in accordance with the prescribed measures as set out in the Act, Regulations and the *Greater Sydney Regional Weed Management Plan*, as amended.

In addition, Council will control Weeds of Local Priority on-public land in accordance with the weed management priorities listed below:

- A. In natural areas in accordance with the following priorities; where weeds impact on:
- Biodiversity (threatened species and communities)
 - Management burn areas (pre and post –fire weeding)
 - Bushland areas in good condition
 - Local bushland areas maintained by Bush care volunteers
 - Health and safety of recreational users
 - Aesthetic values
- B. In parks and sportsgrounds in accordance with the following priorities; were weeds impact on:
- Health and safety of recreational users
 - Use and enjoyment of recreational users
 - Native vegetation or natural areas
 - Areas maintained by Park Care volunteers
 - Aesthetic values

- C. In road reserves, car parks, pathways, business centres in accordance with the following priorities; were weeds impact on
- Driver visibility and safety
 - Health and safety of pedestrian users
 - Native vegetation or natural areas
 - Aesthetic values
- D. Ensure weed removal and control is an integral part of the establishment and maintenance stages of new capital and project works.
- E. Undertake weed eradication in conjunction with planned landscape refurbishment within parks, sportsgrounds, road reserves, business centres, car parks and pathways.
- F. Participate in relevant catchment and regional weed plans and projects.

4. Weed control in places where plants are sold (Council nursery, private nurseries, and markets)

Council's own nursery staff will be vigilant in their dealings with all plants to ensure they do not trade, deal or handle any plants classified as a Priority Weed. Should a Priority Weed be identified, appropriate control measures will be immediately put in place to ensure its eradication.

Authorised Council Officers will regularly visit all private nurseries or other premises trading plants to inspect for Priority Weeds, including aquatic species, within the Ku-ring-gai local government area for the purpose of education, and where needed enforcement of obligations applicable to traders in respect of priority weeds identified within the Biosecurity Act 2015 and the *Greater Sydney Regional Weed Management Plan*. The NSW Department of Primary Industries will be kept informed of any adverse findings.

5. Weed control on private land and land under the care and control of public utilities, agencies or departments

Council's Authorised Officers will inspect premises that are considered to be hosting a plant or vegetation types listed as a "State Level Priority Weed" under the *Biodiversity Act 2015* or listed as a "Regional Priority Weed or Weed of Concern" under the *Greater Sydney Regional Strategic Weed Management Plan* or a "Weed of Local Priority" list by Council. Council's Authorised Officers may also from time to time inspect premises that may share a common border with a threatened community or natural area so as to help ensure the preservation of the threatened community or natural area from general invasive or Priority Weed species.

Should an Authorised Officer inspect a private or public property that includes a Priority Weed, then a property record will be generated for the premises. If the weed species is high risk, then education, followed by enforcement of the regulatory provisions of the NSW Biosecurity Act 2015 will proceed.

If the weed species is low risk, the Authorised Officer will proceed with education but generally not regulatory enforcement under the Act, unless in the opinion of the Authorised Officer, one or more of the following conditions are occurring:

- The weed species is having a proven health impact on a person directly adjoining the land. Proof of this would be a written notice from an appropriate licenced medical health professional.
- Council's Annual Operational Plan has specifically targeted a weed eradication program project focussed on Priority Weeds in the particular local area or catchment, for example, a weed eradication project within a particular reserve or park.

- A decision is made by the Authorised Officer in relation to the General Biosecurity Duty that the weeds/s are posing a significant risk to an asset and warrants the attention of formal actions.

All parties will be informed of their options for redress under this policy.

Council staff will not become involved in any dispute of a civil nature.

6. Record Keeping

Council will maintain records of its control, education and inspection functions and make these available to NSW Department of Primary Industries and the community as required.

7. Enforcement Action

If a property is considered to contain weeds posing a biosecurity risk, an Authorised Officer of Council may request to enter the property to view the plants. Initially a verbal request may be made, alternatively a formal written request may be made to enter upon the land.

A formal request to enter a property will generally consist of two letters from Council:

1. "Notice of Entry" is a notification that an Authorised Officer will be entering the property (exercising the power of entry under Section 98 of the NSW Biosecurity Act 2015), to inspect for the presence of Priority Weeds. This letter will give an indication of the date on which the Authorised Officer intends to enter the land, and will offer an opportunity to arrange a time to meet the Authorised Officer on site to answer questions.
2. "Presence of Priority Weeds" is a notification that Priority Weeds have been identified on site and informs the occupier / owner which weeds are present. Information will generally be supplied providing information on weed control and techniques. A range of dates that an officer will revisit the property will be provided to check for voluntary compliance prior to a 'Formal Biosecurity Direction' being issued.

8. Redress

If a landowner disagrees with an Authorised Officer's judgement of a situation they should, in the first instance, write to the General Manager, Ku-ring-gai Council, and state their issue and circumstance.

For disputes between property owners, the preferred option is for the parties to contact NSW Community Justice Centre (<http://www.cjc.nsw.gov.au>) free advice and mediation. Taking a neighbour to court should always be the last resort.

9. Other Weeds

If a weed is not listed in the in Act, the *Greater Sydney Regional Strategic Weed Management Plan* or listed as a *Weed of Local Priority*, it is not considered to warrant the priority attention and resources of the Council. However, it may still be deemed a biosecurity risk by an Authorised Officer and control, education or enforcement action may be taken. Any such weed identified may be added to the Act, the *Greater Sydney Regional Strategic Weed Management Plan* and *Weed of Local Priority* list in due course.

10. Reporting Priority Weeds

A Priority Weed has a notification requirement in accordance with the Act.

All Priority Weeds must be reported to Council in the following manner:

Phone	(02) 9424 0000
In person:	Directly to a Ku-ring-gai Authorised Officer, or by visiting Ku-ring-gai Council office at 818 Pacific Highway, Gordon.
Email:	kmc@kmc.nsw.gov.au
Post:	Locked Bag 1006 Gordon NSW 2072

Schedule 1: State level determined priority weeds

Refer to [2018/202758 - Weed Management Policy Schedule 1 State level determined priority weeds](#) for latest list.

Schedule 2: Regional priority weeds

Refer to [2018/202759 - Weed Management Policy Schedule 2 Regional priority weeds](#) for latest list.

Schedule 3: Other weeds of regional concern

Refer to [2018/202761 - Weed Management Policy Schedule 3 - Other Weeds of regional concern](#) for latest list.

Definitions

Term / Abbreviation	Definition
Biosecurity	Protecting the economy, environment and community from the negative impacts of pests, diseases and weeds
Biosecurity Duty	Any person who deals with any plant, who knows (or ought to know) of any biosecurity risk, has a duty to ensure the risk is prevented, eliminated or minimised, so far as is reasonably practicable.
Containment	Preventing the spread of weed species beyond a predefined area and reducing the impact where it occurs.
Eradication	To permanently remove a weed species and its propagules from an area
Prevention	To prevent a weed species arriving and establishing in an area.
Priority Weeds	All plant species as listed within the NSW Biosecurity Act 2015, as amended from time to time. It includes both aquatic and land species. All plant species listed must not be sold, imported or dealt with in NSW. These plants pose a significant biosecurity risk to the state.
Regional Priority Weeds	All plant species as listed in the Regional priority weed listing for the greater Sydney region. It includes both aquatic and land species. The plants pose a significant biosecurity risk to the Sydney region.
The Act	New South Wales (NSW) Biosecurity Act 2015
Weed	Plants (foreign to the region) that are unwanted in a given situation and which usually have detachable negative economic, environmental or social impacts.
Local Control Authority	The council of a local government area is the local control authority for land within that local government area unless the weed control functions for that area have been conferred on a county council or joint organisation (within the meaning of the <i>Local Government Act 1993</i> under any other Act. If the weed control functions for an area have been conferred on a county council or joint organisation, the county council or joint organisation is the local control authority for that area.
Authorised Officer	A person appointed by a local control authority who has met the pre training requirements of the NSW Department of Primary Industries and who is jointly registered with the NSW Department of Primary Industries.