

Wagga Wagga City Council

WEED MANAGEMENT POLICY

REFERENCE NUMBER	POL 033		
ORIGINAL APPROVAL DATE	September 2000		
RESPONSIBLE MANAGER	Manager Environment and City Compliance		
RESPONSIBLE DIRECTOR	Community Director		
<p>This document is to be reviewed: every four years or in the first twelve months of the new term of Council, whichever is the earliest. Next Review Date: 2020</p>			
Revision number	Issue Date	Council Resolution	Council Meeting Date
1		Res. No. 1155/00	September 2000
		Res. No. 141/03	February 2003
2		Res. No. 04/243	August 2004
3	August 2009	Res No:09/077	27 July 2009
4	July 2012	E-Team	July 2012
5	August 2013	Res No: 13/244.1	26 August 2013
6	July 2015	Res No: 15/212.5	27 July 2015
8	July 2017		



PART 1: INTRODUCTION

The goal of this policy is to control the impact of all listed priority weeds on the community, industry, environment and economy within the Wagga Wagga Local Government Area (LGA).

1.1 Policy Objectives

The overall objectives of this Policy are as follows:

1. To implement the provisions of the NSW Biosecurity Act 2015 (The Act).
2. To carry out an efficient and cost effective program for the control of priority weeds on Council controlled land.
3. To conduct systematic surveys and inspections of all land.
4. Ensure best practice weed management is adopted including chemical, mechanical and biological methods of control.
5. To provide education and advisory services to the community.

1.2 Scope of Policy

The control of weeds in NSW is specified by the NSW Biosecurity Act 2015. This policy has been developed to set out the actions required by land managers or occupiers and Local Control Authorities to fulfil their obligations under the the Act.

It aims to provide standardised, tenure neutral and prioritised approaches to weed management planning, investment and delivery across the region.

This policy applies to all land owners and land managers in the Local Government Area including, but not limited to:

- Private landowners/occupiers
- Council, and
- Public Authorities.

Council's main focus is on controlling priority weeds in agricultural areas and high risk pathways.

Council is responsible for implementing the NSW Biosecurity Act 2015 within its area as follows:

- Responsibility for the control of priority weeds by occupiers of land (other than public authorities or local control authorities),
- Control of priority weeds on land owned or occupied by the local control authority and on certain roads and watercourses, rivers or inland waters as provided by the Act,

- To ensure, so far as practicable, that owners and occupiers of land (other than public authorities or other local control authorities) carry out obligations to control priority weeds imposed under the Act,
- To develop, implement, co-ordinate and review weed control policies and weed control programs,
- Inspection of land within the local area in connection with its weed control functions,
- To report, at the request of the Minister, on the carrying out of the local control authority's functions under the Act,
- To co-operate with local control authorities of adjoining areas to control priority weeds, where appropriate,
- Any other functions that are conferred or imposed on the local control authority by or under the Act.

1.3 Legislative Context

The control of weeds in NSW is specified by the NSW Biosecurity Act 2015 and associated regulations.

Wagga Wagga City Council has obligations under the Act as a landholder, and as a Local Control Authority.

Under the Act, Council Authorised Officers are able to enter and inspect any land to which this Act applies for the purposes of inspection. A Biosecurity Undertaking, a General Biosecurity Direction or an Individual Biosecurity Direction may be issued under the Act to require control works to be undertaken by the land owner.

Failure to comply with a Biosecurity Undertaking or Biosecurity Direction can result in Council instituting a fine or court proceedings, or the issue of a penalty infringement notice under section 138 and 145 of the Act. Following this, Council may enter onto the property to carry out the work at the owners' expense.

1.4 Definitions

Definitions used in Biosecurity legislation and associated documentation shall apply.

Authorised Officer: A person who is appointed as an authorised officer under this Act and authorised by that appointment to exercise the function in relation to which the expression is used.

Biosecurity Impact: A biosecurity impact means an adverse effect on the economy, the environment or the community that arises, or has the potential to arise, from biosecurity matter, a carrier or dealing with biosecurity matter or a carrier, being an adverse effect that is related to:

- The introduction, presence, spread or increase of a disease or disease agent into or within the State or any part of the State, or
- The introduction, presence, spread or increase of a pest into or within the State or any part of the State, or

- Stock food or fertilisers, or
- Animals, plants or animal products becoming chemically affected, or
- Public nuisance caused by bees, or a risk to public safety caused by bees or non-indigenous animals, or
- Any thing declared by the regulations to be a biosecurity impact.

Biosecurity Matter: Biosecurity matter is:

- Any living thing, part of a living thing or product of a living thing (other than a human),
- A disease, prion or contaminant, or
- A disease agent that can cause disease in a living thing (other than a human) or that can cause disease in a human via transmission from a non-human host (i.e. zoonosis).

Biosecurity Undertaking: An Authorised Officer may accept undertakings as follows:

- An Authorised Officer may accept a written undertaking (a Biosecurity Undertaking) given by a person if the person has contravened or the authorised officer suspects that the person has contravened or is likely to contravene a requirement imposed by the Act.
- An Authorised Officer may accept a biosecurity undertaking from a person instead of giving the person a Biosecurity Direction.
- The giving of an undertaking does not constitute an admission of guilt by the person giving it in relation to the contravention, suspected contravention or likely contravention to which the undertaking relates.
- A Biosecurity Undertaking must specify:
 - The contravention, suspected contravention or likely contravention to which the biosecurity undertaking relates, and
 - The measures that the person has agreed to implement to remedy or prevent the contravention, suspected contravention or likely contravention,
 - The period or periods by the end of which the measures must be implemented.

Carrier: A carrier means any thing (whether alive, dead or inanimate, and including a human) that has, or is capable of having, any biosecurity matter on it, attached to it or contained in it.

General Biosecurity Direction: An Authorised Officer may give a General Biosecurity Direction to the public generally or to a specified class of persons, if the officer reasonably believes it is necessary to do so for any of the following purposes:

- To prevent, eliminate or minimise a biosecurity risk
- To prevent, manage or control a biosecurity impact that has occurred, is occurring or is likely to occur
- To enforce, administer or execute the Biosecurity Act 2015 (including any instrument made under the Act)

Individual Biosecurity Direction: An Authorised Officer may give an Individual Biosecurity Direction to a particular person if the officer reasonably believes it is necessary to do so for any of the following purposes:

- To prevent the person from contravening or continuing to contravene a requirement imposed by or under the Act,
- To prevent, eliminate or minimise a biosecurity risk
- To prevent, manage or control a biosecurity impact that has occurred, is occurring or is likely to occur
- To enforce, administer or execute the NSW Biosecurity Act 2015 (including any instrument made under the Act).

1.5 Related Documents

- NSW Biosecurity Act 2015 and associated regulations
- NSW Local Government Act 1993 and associated regulations
- NSW Local Land Services Act 2017 and associated regulations
- NSW Biosecurity Strategy 2013-2021
- Australian National Weeds Strategy 2017-2027
- Riverina Local Land Services Strategic Plan 2016-2021
- Riverina Regional Strategic Weed Management Plan 2017-2022.

PART 2: POLICY CONTENT

2.1 General Provisions

Council will:

- Implement an Inspection Program, focusing on early identification to aid control.
- Educate and advise landholders and the community so they are aware, willing and able to assist in weed identification and control.
- Serve notices or litigate against people whose actions (or failure to act) adversely affect other landholders, or who fail to take advice.
- Control weeds, where needed and able, with available resources on lands owned and controlled by Council. Control works will be targeted to make the best use of resources.
- Continue to evaluate and assess practices to ensure that strategies used are appropriate and reasonable.

2.2 Policy Implementation Guidelines

This implementation of this policy sets out Council's weed control program and its commitments to achieve the requirements for weed control work as agreed by the Riverina Regional Weeds Committee. Council will maintain membership and active involvement in the Riverina Regional Weeds Committee in delivering on the objectives of this policy and the outcomes and objectives of the Riverina Regional Strategic Weed Management Plan and its associated supplementary plans and policies.

The Inspection Policy, Rapid Response Plan and New Incursion Plan established by the Committee will be followed as part of this.

Given that financial resources for weed control are limited, Council will place greater emphasis on those weeds that pose greatest risks to human health, the environment, livestock or the agricultural industry. The highest priority in implementation of this policy is given to the control of weeds in the following hierarchy as identified in the Riverina Regional Strategic Weed Management Plan.

1. State-determined Priority Weeds for the Riverina Region- PREVENTION
2. State-determined Priority Weeds for the Riverina Region- ERADICATION
3. Region-determined Priority Weeds for the Riverina Region- PREVENTION
4. Region-determined Priority Weeds for the Riverina Region- ERADICATION
5. Region-determined Priority Weeds for the Riverina Region- CONTAINMENT
6. Other regional weeds – CONTAINMENT

PREVENTION means those weeds are currently not found in some parts of the state, pose significant biosecurity risk, and prevention of the biosecurity risk posed by these weeds is a reasonably practical objective for the Riverina region.

ERADICATION means those weeds are present in limited distribution and abundance in some parts of the state. Elimination of the biosecurity risk posed by these weeds is a reasonably practical objective within the Riverina region.

CONTAINMENT means that while broad scale elimination is not practicable, minimisation of the biosecurity risk posed by these weeds is reasonably practicable.

The list of priority weeds for the Riverina region can be found in the Riverina Regional Strategic Weed Management Plan.

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