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| POLICY:- | |
| Policy Title: | Priority Weed Policy (Previously Priority Weeds Policy) |
| File reference: | F10/618 |
| Date Policy was adopted by Council initially: | 21 May 2009 |
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| Other Review Dates: | 20 August 2009, 15 November 2015, 15 September 2022 |
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| Current Policy adopted by Council: | 19 October 2023 |
| Resolution Number: | 200/23 |
| Next Policy Review Date: | 2025 |

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| PROCEDURES/GUIDELINES:- | |
| Date procedure/guideline was developed; | Biosecurity Act 2015 Biosecurity Regulation 2017 South East Regional Strategic Weed Management Plan 2023-2027 |
| Procedure/guideline reference number: | This can be found on NSW Government website under NSW Legislation. |

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| RESPONSIBILITY:- | |
| Draft Policy Developed by: | Director of Environment and Planning |
| Committee/s (if any) consulted in the development of this policy:: | NA |
| Responsibility for implementation: | Director of Environment and Planning |
| Responsibility for review of Policy: | Director of Environment and Planning |

OBJECTIVE

This Policy aims to put in place a framework to responsibly and effectively eradicate, control or manage priority weeds within the Upper Lachlan Shire Council area to ensure that agricultural production, biodiversity and the environment are protected.

Key issues to meet this objective include:-

1. To outline Council's regulatory functions under and in accordance with the provisions of the Biosecurity Act 2015.
2. To meet the requirements of the South East Regional Weed Management Plan.
3. To undertake effective eradication or control programs for priority weeds growth on Council owned lands.
4. To ensure that private owners and occupiers of lands control priority weeds through an inspection program and the enforcement of the Biosecurity Act 2015.
5. To maximize weed control awareness and education within the local communities.

LEGISLATIVE PROVISIONS:

(1) Biosecurity Act 2015.

The Biosecurity Act 2015 (section 22) governs the control functions of local control authorities.

Section 36:

- (1) A person who becomes aware of, or suspects, the presence of biosecurity matter in a part of the State in which it is prohibited matter has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk posed or likely to be posed by the prohibited matter is prevented, eliminated or minimised.
- (2) A biosecurity duty arises under this Division only if the person—
 - (a) is the owner, occupier or person in charge of, or has the care, custody or control of, premises, a carrier or other thing in relation to which the prohibited matter is present or suspected of being present, or
 - (b) becomes aware of, or suspects, the presence of prohibited matter as a result of any consultation or other work carried out in relation to premises, a carrier or other thing in the person's professional capacity, or
 - (c) is a person of a class prescribed by the regulations.

Section 12

Private occupiers of land must control priority weeds on land

An occupier (other than a public authority or a local control authority) of land to which a weed control order applies must control priority weeds on the land as required under the order.

Section 13

Public authorities' obligations to control priority weeds on own land

- (1) A public authority that is an occupier of land to which a weed control order applies must control priority weeds on the land as required under the order, to the extent necessary to prevent the weeds from spreading to adjoining land.
- (2) A public authority must provide information as to the name and contact details of an occupier of land owned by a public authority, and a description of the land occupied, to the relevant local control authority, if the land is subject to a weed control order.

Section 14

Local control authorities' obligations to control priority weeds on own land

- (1) A local control authority that is an occupier of land subject to a weed control order must control priority weeds on the land as required under the order.
- (2) A local control authority must control priority weeds on any road (other than a freeway, toll way or State work within the meaning of the Roads Act 1993) in the local area of the authority that is subject to a weed control order as required under the order.
- (3) The obligation to control priority weeds on a road is a joint obligation with any occupier required to control the weeds under section 17 or 17B.

Priority Weeds Declaration:

The Biosecurity Act 2015 provides for the Minister for The Department of Primary Industries to issue an order declaring a plant priority, either in the whole state or a portion of the state.

Priority Weeds are those weeds listed in the South East Regional Strategic Weed Management Plan 2023-2027 for the Upper Lachlan Shire Council and the whole of the South East Region.

Regional priority weeds are regulated through the general biosecurity duty and each weed has a management category. Regional recommended measures are listed for each weed and communicate how landholders and stakeholders in the region should discharge their general biosecurity duty for that weed.

POLICY STATEMENT

Council has responsibility, as the local control authority under the Biosecurity Act 2015 and the South East Regional Weed Management Plan to carry out functions as specified in the Act. Regular reporting of priority weed programs will be provided to Council to ensure that these programs are relevant and available to the community.

Council will monitor the spread of Priority Weeds within Upper Lachlan Shire Council and implement strategies to prevent, eradicate or control infestations which will include:

1. Undertake priority weed control programs on land owned and controlled by Council
2. Establish and implement a Private Property Inspection program, focusing on the early identification and control of priority weeds
3. Educate and advise landholders and the community on priority weed awareness to assist in weed identification and control programs
4. Carry out the priority weed regulatory program that utilises all regulations and offences under the Biosecurity Act 2015.
5. Work cooperatively with Government Agencies and neighbouring LCA'S to promote priority weed control
6. Review strategies to ensure appropriate outcomes are achieved
7. Report annually in respect to the effectiveness of weed control programs

Control of Priority Weeds on Land Owned or Occupied by Council

Council will undertake an ongoing priority weed control program on land that it owns or occupies. These programs will be aimed at eradicating or controlling priority weeds to the extent specified in the South East Regional Weed Management Plan and the Biosecurity Act 2015.

The overriding aim of this program will be to prevent the spread of priority weeds from lands under the responsibility of Council to areas free of weeds or where weeds are under control. It is intended that this program will set a positive example for weed control within the community.

All complaints received regarding priority weeds growth on Council land will be investigated by Biosecurity Officers and appropriate action taken.

Control of Priority Weeds on Private Property

Council will continue an ongoing routine private property inspection and regulatory program which will aim to facilitate a maximum level of priority weed control compliance on privately owned lands within Upper Lachlan Shire Council. The

primary aim of this program is to obtain the co-operation of landholders with Biosecurity Officers acting in a professional manner with landholders.

All complaints received regarding priority weeds growth on privately owned lands will be investigated by Biosecurity Officers and appropriate action taken to ensure that control actions are conducted as required by this Policy.

A priority weed inspection is an observation by Council's authorized Biosecurity Officers where the presence of weed infestations can be clearly identified.

Where private land owners / occupiers have clearly failed to comply with the requirements of the Biosecurity Act 2015 Council will give consideration to instigating legal action utilising offences prescribed under the Biosecurity Act 2015.

Communication and Education Program

Council will engage with our community in relation to priority weed control with the implementation of a communication and education program aimed at providing the community with the most up to date information on the presence, spread and control options of priority weeds within our area.

Council will support Weed Officer training programs to enable and facilitate effective weed control information to be provided to Council and the community.

Regional Co operation

Council will work cooperatively with Government Agencies and neighbouring Local Control Authorities to productively address and promote weed control on a regional level.

Council will contribute to the Local Land Services South East Regional Committee and make staff available to play a role in regional weed control forums and functions.

Budgetary Implications

Council will investigate the possibilities of obtaining supplementary revenue sources to further promote weed control programs within Upper Lachlan Shire Council.

Council will seek to identify opportunities to maximise resources to support programs and activities that have a beneficial effect on weed control outcomes within the community.

Related Legislation

- Biosecurity Act 2015
- Biosecurity Regulation 2017
- South East Regional Weed Management Plan 2023-2027

Related Documents

- ULSC Pesticide Notification Plan

Related Delegations

- Weed Officers delegations under Division 2 Section 375 of the Biosecurity Act 2015.

Variation

Council reserves the right to vary, amend or revoke this Policy.