



Noxious Weeds Policy

Date policy was adopted by Council:	26 May 2010
Resolution number:	128/2010
Previous Policy review date:	November 2013
Next Policy review date:	November 2016
Reference number:	C1021059

1 OUTCOMES:

To effectively manage the control of Noxious Weeds.

2 POLICY:

Queanbeyan City Council has the following functions under the Noxious Weeds Act 1993, within the Local Government Area administered by the Council:

- Council is the designated Local Control Authority within its Local Government Area
- control of noxious weeds on land occupied by Council
- control of noxious weeds on certain roadsides within the Council's area of responsibility
- inspection of properties within Council's area of responsibility in respect of Noxious Weed Control functions
- ensuring that private landholders meet the obligations imposed under the Act
- ensuring that public authorities understand their obligations imposed under the Act
- development of a Noxious Weeds Control Policy
- preparation of reports, upon request, to the Minister detailing Council's response to control of noxious weeds in its area of responsibility
- cooperate with Local Control Authorities of adjoining Local Government Areas to control noxious weeds as appropriate

3 DEFINITIONS

Nil.

4 LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

Noxious Weeds Amendment Act 1997 No 70.
Noxious Weeds Amendment Act 2005 No. 29.

5 CONTENT:

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6 NOXIOUS WEEDS AND CONTROL MEASURES

6.1 DECLARED NOXIOUS WEEDS

The Act applies only to those plants declared by order of the Minister for Primary Industries, and published in the Government Gazette, to be noxious weeds.

The following plants are declared noxious weeds within the Local Government Area administered by Queanbeyan City Council:

<u>Botanical Name:</u>	<u>Common Name:</u>	<u>Control category:</u>
<i>Lycium ferocissimum</i>	African boxthorn	4
<i>Pennisetum macrourum</i>	African feathergrass	5
<i>Eragrostis curvula</i>	African love grass	4
<i>Sisymbrium runcinatum</i>	African turnipweed	5
<i>Sisymbrium thellungii</i>	African turnipweed	5
<i>Alternanthera philoxeroides</i>	Alligator Weed	2
<i>Eichhornia azurea</i>	Anchored water hyacinth	1
<i>Ambrosia artemisiifolia</i>	Annual ragweed	5
<i>Sagittaria montevidensis</i>	Arrowhead	5
<i>Cynara cardunculus</i>	Artichoke thistle	5
<i>Tamarix aphylla</i>	Athel tree	5
<i>Xanthium</i> spp.	Bathurst/Noogoora/ Californian/Cockle burrs	4
<i>Festuca gautieri</i>	Bear-skin fescue	5
<i>Centaurea nigra</i>	Black Knapweed	1
<i>Rubus fruticosus</i> (agg. spp.)	Blackberry	4
<i>Asparagus asparagoides</i>	Bridal creeper	5
<i>Orobanche</i> spp. (except <i>O. cernua</i> var. <i>australiana</i> and <i>O. minor</i>)	Broomrapes	1
<i>Ambrosia confertiflora</i>	Burr ragweed	5
<i>Cabomba</i> spp	Cabomba	5
<i>Stachytarpheta cayennensis</i>	Cayenne snakeweed	5
<i>Nassella neesiana</i>	Chilean needle grass	4
<i>Asystasia gangetica</i> subsp. <i>Micrantha</i>	Chinese violet	1
<i>Gaura lindheimeri</i>	Clockweed	5
<i>Gaura parviflora</i>	Clockweed	5
<i>Sonchus arvensis</i>	Corn sowthistle	5
<i>Cuscuta</i> spp. Except <i>C. australis</i>, <i>C. tasmanica</i> and <i>C. victoriana</i>	Dodder	5
<i>Hygrophila polysperma</i>	East Indian hygrophila	1
<i>Cytisus scoparius</i>	English broom	4
<i>Achnatherum brachychaetum</i>	Espartillo	5
<i>Myriophyllum spicatum</i>	Eurasian water milfoil	1
<i>Cenchrus brownii</i>	Fine-bristled burr grass	5
<i>Pennisetum setaceum</i>	Fountain grass	5

<i>Cenchrus biflorus</i>	Gallon's curse	5
<i>Carthamus glaucus</i>	Glaucus starthistle	5
<i>Cuscuta campestris</i>	Golden Dodder	4
<i>Scolymus hispanicus</i>	Golden thistle	5
<i>Ulex europaeus</i>	Gorse	3
<i>Cestrum parqui</i>	Green Cestrum	3
<i>Harrisia</i> spp.	Harrisia cactus	4
<i>Hieracium</i> spp.	Hawkweed	1
Conium maculatum	Hemlock	4
<i>Equisetum</i> spp.	Horsetail	1
<i>Hymenachne amplexicaulis</i>	Hymenachne	1
<i>Acacia karroo</i>	Karoo Thorn	1
<i>Kochia scoparia</i>	Kochia	1
<i>Lagarosiphon major</i>	Lagarosiphon	1
<i>Lantana</i> spp.	Lantana	5
<i>Egeria densa</i>	Leafy elodea	5
<i>Ludwigia longifolia</i>	Long-leaf willow primrose	5
<i>Nassella tenuissima</i>	Mexican feather grass	1
<i>Argemone mexicana</i>	Mexican poppy	5
<i>Miconia</i> spp.	Miconia	1
<i>Mimosa pigra</i>	Mimosa	1
<i>Cenchrus echinatus</i>	Mossman River grass	5
<i>Carduus nutans</i>	Nodding Thistle	4
<i>Romulea</i> spp. (except <i>R. rosea</i> var. <i>australis</i>)	Onion grass	5
<i>Oxalis</i> (except <i>O. chnoodes</i> , <i>O. exilis</i> , <i>O. perennans</i> , <i>O. radicata</i> , <i>O. rubens</i> and <i>O. thompsoniae</i>)	Oxalis	5
Cortaderia spp.	Pampas Grass	4
<i>Parthenium hysterophorus</i>	Parthenium weed	1
Echium spp.	Paterson's Curse, Viper's Bugloss, Italian Bugloss	4
<i>Annona glabra</i>	Pond apple	1
<i>Acacia nilotica</i>	Prickly acacia	1
Cylindropuntia spp.	Prickly Pears	4
Opuntia spp. (except <i>O. ficus-indica</i>)	Prickly Pears	4
<i>Orzya rufipogon</i>	Red rice	5
<i>Toxicodendron succedaneum</i>	Rhus tree	4
<i>Cryptostegia grandiflora</i>	Rubbervine	1
<i>Sagittaria</i>	<i>Sagittaria platyphylla</i>	5
<i>Salvinia molesta</i>	Salvinia	2
<i>Avena strigosa</i>	Sand oat	5
Cytisus scoparius	Scotch or English Broom	4
Onopordum spp.	Scotch/Illyrian/Stemles s/ Taurian thistles	4

<i>Gymnocoronis spilanthoides</i>	Senegal tea plant	1
<i>Nassella trichotoma</i>	Serrated tussock	4
<i>Chromolaena odorata</i>	Siam Weed	1
<i>Cassinia arcuata</i>	Sifton Bush	4
<i>Brassica barrelieri</i> sub spp. <i>oxyrrhina</i>	Smooth –stemmed turnip	5
<i>Picnoman acarna</i>	Soldier thistle	5
<i>Centaurea maculosa</i>	Spotted knapweed	1
<i>Hypericum perforatum</i>	St John’s wort	3
<i>Rosa rubiginosa</i>	Sweet Briar	4
<i>Helianthus ciliaris</i>	Texas blueweed	5
<i>Ailanthus altissima</i>	Tree of Heaven	4
<i>Trapa</i> spp.	Water caltrop	1
<i>Eichhornia crassipes</i>	Water Hyacinth	2
<i>Pistia stratiotes</i>	Water lettuce	1
<i>Stratiotes aloides</i>	Water soldier	1
<i>Salix</i> spp. (except <i>S. babylonica</i>, <i>S. reichardtii</i>, <i>S. calodendron</i>)	Willows	5
<i>Striga</i> spp. (except <i>S. parviflora</i>)	Witchweed	1
<i>Limnocharis flava</i>	Yellow burrhead	1
<i>Cyperus esculentus</i>	Yellow nutgrass	5

Note: Weeds in **BOLD TYPE** are common in the Queanbeyan Local Government Area.

Source: www.dpi.nsw.gov.au – NSW Agriculture website - Order 20

6.2 CONTROL CATEGORIES FOR NOXIOUS WEEDS

The Minister shall specify in the order, which control category shall apply to the noxious weed. This may be uniform throughout the State or may vary from place to place.

6.3 EFFECT OF CONTROL CATEGORIES

Actions for Noxious Weed Categories

<p>1. The plant must be eradicated from the land and the land must be kept free of the plant. This is an All of NSW declaration. Note: Class 1 noxious weeds are plants that pose a potentially serious threat to primary production or the environment and are not present in the State or are present only to a limited extent</p>
<p>2. The plant must be eradicated from the land and the land must be kept free of the plant Note: Class 2 noxious weeds are plants that pose a potentially serious threat to primary production or the environment of a region to which the order applies and are not present in the region or are present only to a limited extent</p>
<p>3. The plant must be fully and continuously suppressed and destroyed and the plant may not be sold, propagated or knowingly distributed Note: Class 3 noxious weeds are plants that pose a serious threat to primary production or the environment of an area to which the order applies and are not widely distributed in the area and are likely to spread in the area or to another area</p>
<p>4. The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority (Queanbeyan City Council) Note: Class 4 noxious weeds are plants that pose a serious threat to primary production, the environment or human health, are widely distributed in an area to which the order applies and are likely to spread in the area or to another area</p>
<p>5. The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with. This is an All of NSW declaration Note: Class 5 noxious weeds are plants that are likely, by their sale or the sale of their seeds or movement within the State, to spread in the State or outside the State</p>

6.4 WEED CONTROL ORDERS

Section 7 of the Act specifies the manner in which a weed may be declared in the Queanbeyan City Council LGA. Council may make a submission to the Minister to have the declaration class of a weed amended or to have a weed added or removed from the list of declared noxious weeds:

Section 7 Weed control orders

- (1) The Minister may, by order published in the Gazette, make a weed control order for a specified plant.
- (2) A weed control order is to do the following:
 - (a) declare that the plant is a noxious weed,
 - (b) apply a weed control class or classes to the plant,
 - (c) specify the land (being part or the whole of the State) to which the order applies,
 - (d) specify the control measures that are to be, or may be, used to control the plant in general or particular circumstances,
 - (e) specify the control objectives for the plant,
 - (f) specify the term of the order (being a period not exceeding 5 years).
- (3) A plant that is the subject of a weed control order is a **noxious weed** for the purposes of this Act.

- (4) An order takes effect from the date of its publication in the Gazette or on a later date specified in the order.
- (5) The Minister may not make an order declaring any plant that is native to the State to be a noxious weed, except with the consent of the Minister administering the National Parks and Wildlife Act 1974

7.0 RESPONSIBILITY FOR CONTROL OF NOXIOUS WEEDS

7.1 Council's obligation to control weeds is contained in S 14 of the Act, which states:

- (1) A local control authority that is an occupier of land subject to a weed control order must control noxious weeds on the land as required under the order.
- (2) A local control authority must control noxious weeds on any road (other than a freeway, tollway 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 noxious weeds on a road is a joint obligation with any occupier required to control the weeds under section 17 or 17B.

7.2 Under the provisions of the Act, an occupier of land is defined as:

- “(a) the person for the time being entitled to possession of the land and includes, if the person so entitled does not reside on the land, the resident manager or other person in charge of the land, or
- (b) in the case of Crown lands or lands of the Crown to which no person is entitled to possession, the person having the care, control and management of the lands, or
- (c) the trustees of the land, if it is reserved or dedicated for any public purpose, or
- (d) if the land consists of a road, street, stock route or reserve under the control of a rural lands protection board, the board, or
- (e) any other person designated by the regulations as an occupier of land for the purposes of this definition.”

7.3 Section 12 of the Act states that:

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

7.4 PUBLIC AUTHORITIES' OBLIGATIONS TO CONTROL NOXIOUS WEEDS ON OWN LAND

Section 13 of the Act provides:

- (1) A public authority that is an occupier of land to which a weed control order applies must control noxious 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 the public authority to the relevant local control authority, if the land is subject to a weed control order.

7.5 REQUIREMENTS IN RESPECT OF WATER COURSES

Adjacent owners of properties that are separated by watercourses are required to control noxious weeds to the boundary or to a "give and take fence", should such a fence exist.

If no fence is present, then the area of responsibility will extend to the middle line of the watercourse.

Where the property extends to either side of the watercourse, the occupier of the land is responsible for control on noxious weeds between the sides of the watercourse.

If, in the opinion of Council, it is considered unreasonable to expect these conditions to apply, Council may exempt a defined area of the watercourse from these provisions and may proceed with control of any noxious weeds in the exempted area on behalf of the landholder.

7.6 REQUIREMENTS IN RESPECT OF ROADSIDES

7.6.1 ROADSIDES

In respect to control of weeds on roadsides, the Act specifies that Council must control noxious weeds "on roadsides (other than freeways, toll ways, or State works under the State Roads Act 1986), in the local area of the Council], as required under the control category specified."

7.6.2 FENCED ROADSIDES

When a road is fenced on both sides, Council will be responsible for control of noxious weeds within the roadway easement, up to the fence line.

7.6.3 UNFENCED ROADS

The obligation to control noxious weeds imposed by the Act on an occupier of land extends to:

- "(a) any part of a road which intersects the land, not being part of the road that is fenced on both sides
- (b) the half of the width of any part of a road which forms part of the boundary of the land, not being a part of the road that is fenced on both sides; and
- (c) any part of a road which forms part of the boundary of the land, being a part of the road that is not fenced on the side forming part of the boundary but is fenced on the other side."

8.0 WEED CONTROL NOTICES

Council's Noxious Weeds Inspector may issue a Weed Control Notice to the occupier of land, requiring that person to carry out the occupier's obligations to control noxious weeds, in accordance with the appropriate control category, as specified in the notice.

A Weed Control Notice may be only issued if Council's Noxious Weeds Inspector is satisfied that the occupier of the land has failed to meet his/her obligations under the Act to control noxious weeds.

8.1 CONTENT OF WEED CONTROL NOTICES

Weed Control Notices shall:

- require the occupier to carry out his/her obligations to control noxious weeds on the land, as required under the specified control class or classes.
- the manner in which such control will be carried out.
- the time in which such action is to be taken (not less than 14 days).

8.2 REVOCATION OF WEED CONTROL NOTICES

Council or the Minister may revoke or amend any Weed Control Notice issued by the Noxious Weeds Inspector.

8.3 CONTROL OF NOXIOUS WEEDS AFTER FAILURE TO COMPLY WITH A WEED CONTROL NOTICE

Under Section 20 of the Act, Council may control noxious weeds on land, if the occupier fails, or a predecessor in title has failed, to comply with a Weed Control Notice issued under Section 18 of the Act.

The Noxious Weeds Inspector must seek specific written authority from Council, permitting him, or a contractor, authorised in writing by Council, to enter on to land and control noxious weeds, where an occupier of land has failed to comply with a notice under Section 18 of the Act.

Council must give 24 Hours' notice to the occupier of land of any proposed entry to control weeds that have not been controlled in accordance with Section 18 of the Act.

Costs incurred by Council under Section 20 of the Act, in respect of the inspection(s) and control of noxious weeds, shall become a charge on the land like rates.

The amount of any expense due and payable may be recovered by Council as a debt in any court of competent jurisdiction.

8.4 WEED CONTROL NOTICES IN RELATION TO LAND OCCUPIED BY A PUBLIC AUTHORITY

Council has no authority to issue a Weed Control Notice in relation to lands occupied by a Public Authority.

Council may recommend to the Minister that a Weeds Control Notice be given by the Minister to the Public Authority. (s21)

8.5 WEED CONTROL NOTICES ISSUED BY THE MINISTER

The Minister may issue a Weed Control Notice to an occupier of land, a Public Authority, or a Local Control Authority [Greater Queanbeyan City Council] requiring the occupier to carry out any of the occupier's obligations in respect to the control of noxious weeds on the land.

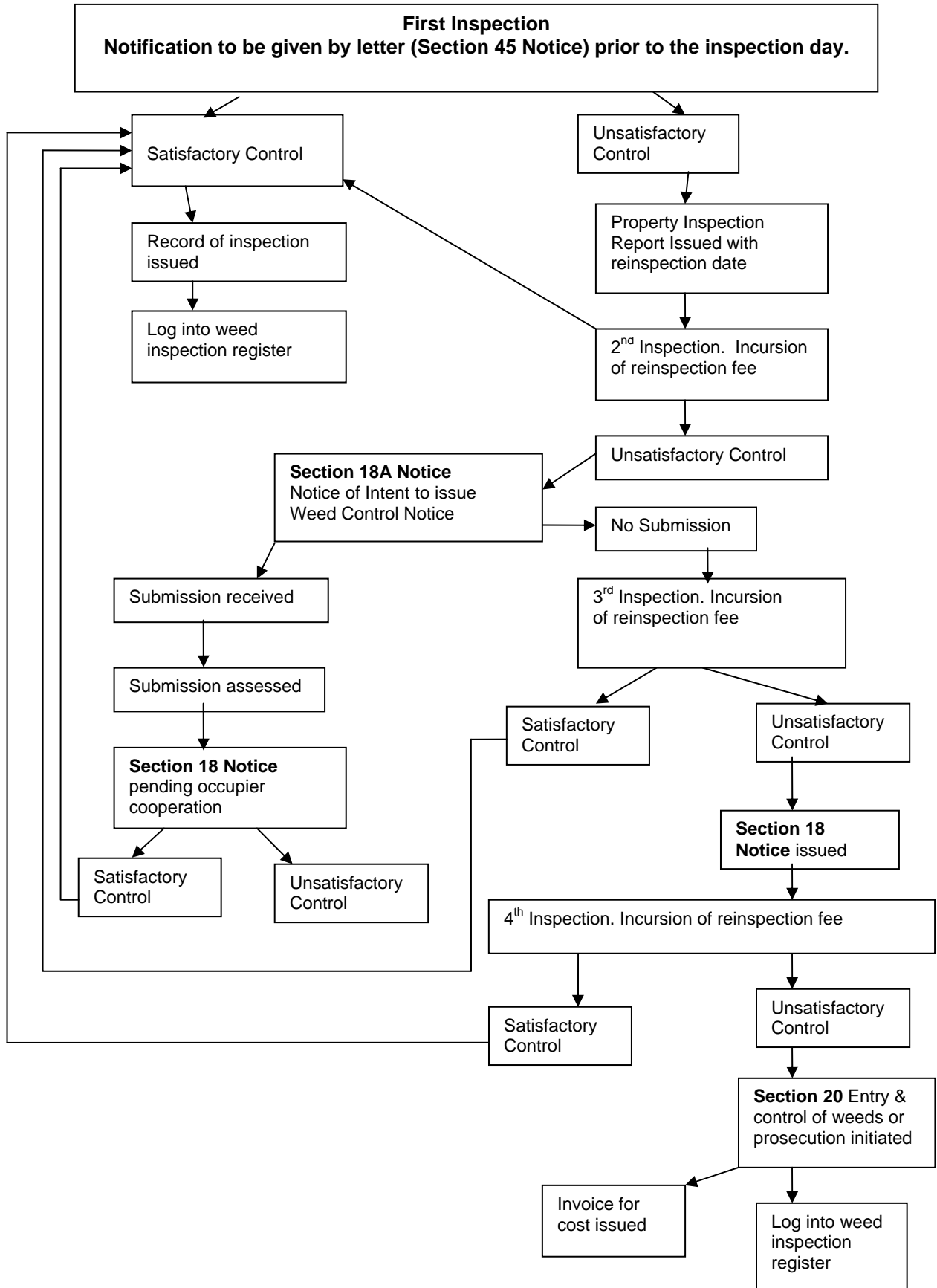
Such a notice may require Council to act jointly with another local control authority and may specify the proportion of costs of complying with the notice for which each party is responsible

9.0 APPEALS AGAINST WEED CONTROL NOTICES

An occupier of private land or a successor in title to land, may appeal against a Weed Control Notice issued by a Council, to the Land and Environment Court.

Appeals must be lodged within 28 days of service of the Notice.

The Notice cannot be acted upon while the appeal is before the Court, unless the Court confirms or amends the order or the appeal is withdrawn.



10.0 NOXIOUS WEEDS INSPECTOR

Council shall appoint a Noxious Weeds Inspector under the provisions of the Act.

The functions of the Noxious Weeds Inspector are conferred or imposed by the Act.

The Noxious Weeds Inspector may not exercise any functions conferred by the Act outside the Local Government Area administered by the Local Control Authority.

10.1 NOXIOUS WEEDS CONTROL FUNCTIONS OF INSPECTOR

The Noxious Weeds Inspector has the following functions as to the control of noxious weeds in relation to the Local Government Area administered by Queanbeyan City Council:

- to inspect land and any other premises for the presence of noxious weed material
- to advise as to the presence of noxious weed material and as to the means of controlling those weeds
- to report to Council on noxious weeds and noxious weed control
- such other functions as may be conferred or imposed on inspectors by or under this Act or by Council

10.2 NOTICE OF ENTRY

Before the Council's Noxious Weeds Inspector can enter premises for the purpose of inspection, Council must give oral or written notice of the intention to enter the premises on a day specified in the Notice.

10.3 NOTICE OF ENTRY IS NOT REQUIRED

If the occupier of the land has given his consent for Council's Noxious Weeds Inspector to enter the premises, other than residential premises, under the powers conferred by the Act.

If entry is required urgently and Council has authorised the Noxious Weeds Inspector, in writing, to enter the premises without notice.

Council's Noxious Weeds

10.4 POWER OF ENTRY

Council's Noxious Weeds Inspector may enter any premises for the purpose of exercising the functions conferred under the Act.

Entry may be made at any reasonable hour.

10.5 INSPECTION AND INVESTIGATION

Council's Noxious Weeds Inspector, having the power to enter premises, for the purposes of the Act, may do any of the following:

- "(a) inspect the premises;
- (b) search the premises;
- (c) examine, seize, detain or remove any noxious weeds material in or about those premises;
- (d) require the production of and inspect any records in or about those premises;
- (e) take copies of, or extracts or notes from, any such records;
- (f) require any person in or about the premises to answer questions or otherwise furnish information;
- (g) require the occupier of those premises to provide the inspector with such assistance and facilities as is or are reasonably necessary to enable the inspector to carry out his functions;
- (h) remove or destroy or cause to be removed or destroyed any noxious weed material found in or about those premises;
- (i) break open and search any box, container, package or receptacle (including any place that could be used as a receptacle) in or about those premises."

10.6 INSPECTION PRACTICES

Council's Noxious Weed Inspector is not obligated to make contact with the occupier if prior notice of inspection has been given. If requested by the occupier the Noxious Weeds Inspector can arrange a time for the occupier to be present during the inspection.

Council's Noxious Weed Inspector is to conduct the inspection without causing any damage and is to ensure all gates are left in the manner that they were prior to the inspection.

If the inspection cannot be conducted due to the presence of dangerous animals or other factors that inhibit the inspection the occupier is to be contacted and the dilemma be rectified.

10.7 USE OF FORCE

Council's Noxious Weeds Inspector may use reasonable force to gain entry to any premises, other than residential premises, under the powers conferred by the Act.

Use of force in any specific circumstance must be authorised by Council, in writing.

Council's Noxious Weeds Inspector must do as little damage as possible when entering premises, under Council's written authority.

The Act requires that Council must compensate all interested parties for any damage caused by Council's Noxious Weeds Inspector when entering premises, under Council's written authority, in the exercise of powers conferred by the Act, unless the occupier of the premises has obstructed, hindered or restricted the inspector in the exercise of the power of entry.

10.8 ENTRY INTO A RESIDENCE

The powers of entry and inspection conferred by the Act do not permit Council's Noxious Weeds Inspector to enter into a residence unless the inspector enters:

- "(a) with the permission of the occupier of that part of the premises; or
- (b) under the authority conferred by a search warrant."

10.9 OUTCOMES OF INSPECTIONS

Council's Noxious Weeds Inspector will determine if there is sufficient control of noxious weeds on privately owned and occupied lands. If it is deemed by Council's Noxious Weed Inspector that there has not been sufficient weed control on those lands the owner/occupier will be notified in writing of the following:

- a) the weeds present,
- b) the weed classes those weeds are in,
- c) the density of the weeds,
- d) information regarding the weeds present and land holders obligations under the *Noxious Weeds Act 1993* and,
- e) the date of a reinspection and any fees and charges that reinspection will incur.

In the event of a reinspection and Council's Noxious Weed Inspector is still not satisfied that sufficient weed control has been undertaken a S18A notice will be issued.

Section 18A Prior notice of weed control notice

- (1) A local control authority must give prior notice of a proposed weed control notice (other than an emergency weed control notice) to the owner or occupier to whom it is to be given.
- (2) The notice procedure is as follows:
 - (a) the local control authority must give notice to the owner or occupier of the terms of the proposed notice and the period within which action must be taken,
 - (b) the notice must specify a period (being not less than 7 days) within which submissions about the proposed notice may be made to the local control authority,
 - (c) the local control authority must consider any submissions made by or on behalf of an owner or occupier,
 - (d) the local control authority must determine whether to proceed with the proposed notice and, if proceeding, whether to change its terms.
- (3) A local control authority must, if practicable, give prior oral or written notice of an emergency weed control notice to the owner or occupier to whom it is to be given.

If after the time specified in the 18A Notice Council's Noxious Weed Inspector is still not satisfied that sufficient weed control has been undertaken a S18 Notice will be issued and all fees and charges for that inspection will be incurred by the land holder.

Section 18 Local control authority may require owners or occupiers of land (other than public authorities or other local control authorities) to control noxious weeds

- (1) A local control authority may, by notice (a **weed control notice**) given to an owner or occupier of land, require the owner or occupier to carry out any of the occupier's obligations to control noxious weeds on that land as required under a weed control order
- (2) The notice may specify the time (not being less than 14 days) within which action is to be taken.
- (3) No notice (an **emergency weed control notice**) may require compliance within a shorter time (not being less than 24 hours) if the notice relates to obligations under an emergency weed control order.
- (4) The local control authority may give a weed control notice only if satisfied that an occupier has failed to carry out any of his or her obligations under this Act to control noxious weeds.
- (5) A local control authority may by notice revoke or amend a weed control notice given by the authority.

(6) A local control authority may not give a weed control notice to a public authority or another local control authority.

(7) An owner of land who is not the occupier of the land may, at all reasonable times, and after giving reasonable notice to the occupier, enter the land for the purpose of complying with a weed control notice.

If after the time specified in the Section 18 Notice Council's Noxious Weed Inspector is still not satisfied that sufficient weed control has been undertaken the Local Control Authority will determine whether to issue a penalty infringement notice or a Section 20 Notice.

Section 20 Noxious weed control by local control authority after notice not complied with

(1) A local control authority may control noxious weeds on land subject to a weed control order if the owner or occupier fails, or a predecessor in title to the owner or occupier has failed, to comply with a weed control notice given in accordance with sections 18 and 18A.

(2) Persons authorised in writing by a local control authority may control noxious weeds on behalf of the local control authority under this section and may enter premises for that purpose.

Note. See Division 1 of Part 5 (sections 41-55) for provisions about powers of entry.

(3) A local control authority must give not less than 24 hours' notice of any proposed control of noxious weeds under this section to the owner or occupier of the land concerned, except where an emergency weed control notice has been given.

(4) If an emergency weed control notice has been given, a local control authority must, if practicable, give prior oral or written notice to the owner or occupier of the land concerned of any proposed control of noxious weeds under this section.

10.10 INSPECTION FEES AND CHARGES

If Council's Noxious Weed Inspector is required to reinspect a property due to unsatisfactory weed control then the land holder will be subject to a reinspection fee. The fee will be incurred by the land holder every time the Noxious Weed Inspector is required to inspect the property regarding the control of noxious weeds recorded from the first inspection.

Council's Supervisor, Noxious Weeds & Urban Bushland and Parks and Recreation Manager are authorised to waive the reinspection fee, where the property owner / manager is genuinely working toward a satisfactory outcome.

The fee will be reviewed annually and any changes adopted accordingly.

10.11 SEARCH WARRANTS

Council's Noxious Weeds Inspector may apply to an authorised justice for a search warrant, if he has reasonable grounds for believing that a provision of the Act has been or is about to be contravened in or about any premises.

The Inspector shall:

- (a) have written approval from Council to follow this course of action;
- (b) have notified the Director-General of N.S.W. Department of Agriculture of the intended application.

11.0 CERTIFICATE OF AUTHORITY

The powers conferred on Council's Noxious Weeds Inspector by the Act, to enter premises or do anything in or about the premises may not be exercised unless the Inspector is in possession of a Certificate of Authority issued by the Council.

The Certificate of Authority must be produced, if so required by the occupier of the premises.

11.1 FORMAT OF CERTIFICATE OF AUTHORITY

The Certificate of Authority issued by the Council shall be in the following format (as approved by the Minister):

Photograph	(Council Identification)
	Name: _____
	Issue Date: _____
	Expiry Date: _____
	Certificate No: _____
	Signature: _____

(Council Identification)
CERTIFICATE OF AUTHORITY
WEEDS INSPECTOR
Issued under Section 50 of the Noxious Weeds Act 1993
This is to certify that _____
has the authority under Sections 43 and 44 of the Noxious Weeds Act 1993 to:
. enter, search and inspect all premises (except residences) defined in the Act
. remove and destroy noxious weed material
. inspect and take copies of any notes or records
. break open and search any container or package
. require any person to answer questions and assist the inspector

12.0 MISCELLANEOUS PROVISIONS

12.1 SUPPLY OF CHEMICAL AND EQUIPMENT

The Act empowers Council to supply materials and equipment to occupiers of land and other persons.

Council may, at its discretion, or at the discretion of the Noxious Weeds Inspector, charge for supply of materials and plant hire.

12.2 SUPPLY OF SERVICES

Council may supply noxious weeds control services to:


- occupiers of land
- public authorities
- other local control authorities
- other individuals

12.3 CONTROL OF NOTIFIABLE WEEDS

Council may, at its discretion, or at the discretion of the Parks and Recreation Supervisor or Noxious Weeds Inspector, supply weed control services to control **Notifiable Weeds** to occupiers of the land at the expense of the Council.

12.4 CONTROL OF NOXIOUS WEEDS IN RESIDENTIAL PROPERTIES

Council may supply weed control services to residents occupying residential properties. The cost of these services will be charged at an hourly rate deemed suitable by the Parks and Recreation Supervisor or Noxious Weeds Inspector. At the discretion of Parks and Recreation Supervisor or Noxious Weeds Inspector these costs can be absorbed by Council.

POLICY:-		
Policy No:		
Policy Title:		Noxious Weeds Policy
Date Policy was adopted by Council:		26 May 2010
Resolution Number:		128/2010
Previous Policy Review Date:		November 2013
Next Policy Review Date:		November 2016
PROCEDURES/GUIDELINES:-		
Date Procedure/Guideline (if any) was developed:		Nil
RECORDS:-		
Container Reference in TRIM: Policy		SF080616
Container Reference in TRIM: Procedure		Nil
Other locations of Policy:		Intranet (linked to TRIM Container)
Other locations of Procedures/Guidelines:		Nil
DELEGATION (if any):-		
		Nil
RESPONSIBILITY:-		
Draft Policy developed by:		Supervisor – Noxious Weeds & Urban Bushland
Committees (if any) consulted in the development of the Draft Policy:		Nil
Responsibility for Implementation:		Supervisor – Noxious Weeds & Urban Bushland
Responsibility for Review of Policy:		Supervisor – Noxious Weeds & Urban Bushland
INTEGRATED PLANNING FRAMEWORK:		
Community Strategic Plan:		Strategic Priority No. 7
Delivery Program Title:		Pest and Weed Control
Operational Plan:		Program No. 550
Senior Authorising Officer	Position General Manager	Signature/Date  27 May 2010

ACTION	COUNCIL MEETING DATE	RESOLUTION NUMBER	REPORT ITEM NUMBER
NEW/RECONFIRMED/ AMENDED			
New	19 May 1995	532	-
Amended	26 November 2008	582/08	Item 12
Revised	26 May 2010	128/10	Item 14

DATE REVIEWED	REVIEWER POSITION	REVIEWER NAME
July 2013	Manager Parks and Recreation	Tim Geyer