

**ITEM NO: 5**

**SUBJECT: APPOINTMENT OF BLUE MOUNTAINS CITY COUNCIL NOXIOUS WEEDS INSPECTORS.**

**FILE NO: F00715**

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**Recommendation:**

*That Council Officers David Whiteman, John Brell, Rachel Swindell, Bernadette Scott, David Simmons and Chris Dewhurst are appointed as Inspectors under Section 41 of the Noxious Weeds Act 1993.*

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**Report by the Group Manager, BM City Services**

**Reason for Report**

Noxious Weeds Inspectors are appointed under s41 of the Noxious Weeds Act 1993. It is a requirement of the Act that Council Officers so appointed must be by way of Council Resolution that identifies each officer by name.

**Background**

Blue Mountains City Council Weeds Officers perform a vital role in the management of noxious and environmental weeds as required by the Noxious Weeds Act 1993. Their role is to inform, coordinate, facilitate and if necessary, enforce weed management as required under the Noxious Weeds Act 1993. Such duties can only be carried out by properly delegated named persons.

Under s68 of the Noxious Weeds Act 1993:

*“A local control authority may delegate to a person any of the local control authority’s functions under this Act other than this power of delegation”*

s41 of the Noxious Weeds Act 1993 provides:

- (1) A local control authority may appoint inspectors for the purposes of this Act.*
- (2) An inspector has the functions conferred or imposed on inspectors by or under this Act.*
- (3) An inspector appointed by a local control authority may not exercise any functions under this Act outside the local area of the authority.*

**Sustainability Assessment**

Officers nominated are involved in minimising the impact of Noxious Weeds on the biodiversity of our local reserves and natural areas. Where appropriate, they also seek to reduce Noxious Weed impact on land subject to agricultural production. The approving of delegated authority therefore has a positive effect on sustainability within the Blue Mountains.

<b>Effects</b>	<b>Positive</b>	<b>Negative</b>
Environmental	<ul style="list-style-type: none"> <li>• Reduced impact of weeds on local biodiversity.</li> </ul>	nil
Social	<ul style="list-style-type: none"> <li>• Reduce the spread of weeds across neighbouring properties, between private blocks and public land.</li> </ul>	nil
Economic	<ul style="list-style-type: none"> <li>• Improved production on agricultural land.</li> </ul>	nil

**Financial Implications**

Officers nominated are currently employed in the capacity of Noxious Weeds Officers and are covered within approved employment budgets. The approving of delegated authority does not therefore have any adverse financial implication.

**Legal and Risk Management issues**

It is important that the Council’s obligations for the control of noxious weeds are carried out by properly trained and qualified officers bearing the appropriate delegated authority. A high level of legal risk would result from unauthorised persons undertaking such functions without delegated authority. There are no outstanding legal or risk management issues relating to the approval of the delegations to the officers nominated in this report.

**External Consultation**

There has been no requirement for external consultation in matters that are the subject of this report.

**Conclusion**

The appointment of David Whiteman, John Brell, Rachel Swindell, Bernadette Scott, David Simmons and Chris Dewhurst as inspectors under s41 of the Noxious Weeds Act 1993 will enable these officers to carry out their role in undertaking lawful duties that contribute to the Council meeting it’s obligations under the Noxious Weeds Act 1993 .

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