

4 LEGISLATION

As camphor laurels are found in so many different situations there are a number of acts, laws etc. that affect its control. Noxious weed declaration is summarised in 4.1, other legislation is summarised in 4.2 and the details given in 4.3. Legislation has been listed to help you protect yourself, your neighbours and the environment. Contact details of the various government departments is given in chapter 12.1.

This chapter was produced with the assistance of each of the various departments listed below, especially Hank Bower (Byron Council), and the Camphor Laurel Taskforce.

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4.1 **Noxious weed declaration**

Most Local Weed Control Authorities within the region are considering the declaration of camphor laurel as a noxious weed. The declaration places a legal responsibility for all land managers to undertake the control measures outlined in the declaration. Noxious weed declaration is also discussed in the Assistance chapter (see 8.2.12).

4.1.1 **Where is it currently declared?**

Camphor laurel is currently declared noxious in the Council areas of Copmanhurst, Maclean, Pristine Waters (currently only the former Ulmarra Shire; the former Nymboida Shire is in the process of declaration), Richmond Valley, Kyogle, Lismore and that portion of Ballina Shire south of the Bruxner Highway and south of a line extending from the junction of the Bruxner and Pacific Highway's east along Emigrant Creek and along the Richmond River to its mouth (FNCCC, 1999). Several other Shire's are also in the process of seeking declaration (contact your local Council if unsure – see chapter 12.1).

4.1.2 **What is the declaration?**

In the above areas, camphor laurel is declared a **W4(d) noxious weed**. Under this category the weed must not be sold, propagated or knowingly distributed and the weed must be fully and continuously suppressed and destroyed if it is:

- three (3) metres in height or less, or
- within half a kilometre of remnant urban bushland, as defined by SEPP 19, and is not deemed by a local control authority as having historical or heritage significance, or;
- is over three metres in height and not included in a Management Plan approved by the local control authority.

The wording of the declaration is similar to that of a W2 noxious weed (i.e “fully and continuously suppress and destroy”), however, provisions have been made for the gradual replacement of heavy infestations through establishment of management plans.

4.1.3 **What will I have to do as part of the declaration?**

In areas where camphor laurels are isolated or scattered, land managers are encouraged to control all camphor laurels as soon as possible.

In heavy camphor infestations (or “core” areas), land managers that cannot control them all in one program can establish a plan to gradually control and replacement them. Chapter 3.5 includes a suggested outline of a camphor laurel management plan. As part of the plan, land managers must specify how many mature camphor laurels will be controlled at what time, and when replacement species will be planted.

The declaration also refers to the control of camphor laurels under 3 metres in height to ensure that land occupiers do not allow them to grow to maturity whilst gradually controlling mature camphor laurels.

No SEPP19 urban bushland areas are found on the NSW north coast, although the replacement of camphor laurels (gradually; see Chapter 3.4) in close proximity to significant urban bushland areas is encouraged.

4.2 Summary of other legislation

Legislation affecting the control of camphor laurels is summarised below:

LOCAL COUNCILS

Approval *is required* to work on **Roadsides** (see 4-6) or to **Burn** off in the fire danger period (see p4-6)

Approval *may be required* if:

- Your Council has a **Tree Preservation Order** or LEP provisions regarding vegetation;
- You will affect **Heritage** trees or is located near heritage items;
- Is undertaken in **Urban** areas,
- You will affect **wetlands, littoral rainforest, scenic** protection areas, significant **vegetation, wildlife** corridors / **habitat** or land zoned **Environmental Protection** (page 4-6 - 4-9).

DEPARTMENT OF LAND AND WATER CONSERVATION (DLWC)

Page 4-3

Consult DLWC if you will impact on protected land (**steep** land, **streambanks** / environmentally **sensitive** lands listed by them). Approval *is required* to control woody weeds on protected land in shire's where they are **not declared noxious** (as well as native plants in all protected lands).

Approval *is required* from DLWC if carrying out **earthworks** within 40m of a watercourse, **clearing** more than **2ha** / year or activities affecting **crown** land / crown reserves.

NATIONAL PARKS AND WILDLIFE SERVICE (NPWS)

Page 4-3

Approval *is required* from NPWS if your work will affect **threatened** species, populations or ecological communities or **aboriginal** relics or sites.

A license is required from NPWS to **collect seed** from protected plants.

Consult NPWS if affecting **flora / fauna** and you require consent from Councils or other depts.

DEPARTMENT OF URBAN AFFAIRS AND PLANNING (DUAP)

Page 4-5

Consent *is required* from DUAP if undertaking development affecting **wetlands, littoral rainforests** or **koala** habitat.

ENVIRONMENT PROTECTION AUTHORITY (EPA)

Page 4-5

A licence is required from EPA / Council if you will **pollute** waterways (incl. herbicides).

A permit is required from the National Registration Authority to use an **unregistered pesticide**, or a pesticide contrary to the label.

Notify EPA if you believe land is **contaminated**.

4.3 **Details of other legislation**

Each different piece of legislation affecting the control of camphor laurel is listed below. Where specific land zonings that may affect control are mentioned in the following pages, consult local Council maps. Contact details for all relevant government departments and Councils are given in chapter 12.1.

4.3.1 **Department of Land and Water Conservation (DLWC)**

Streambanks, steep land and other protected land

Where camphor laurel is being controlled on Protected Land, consult with DLWC regarding appropriate techniques. Where it is not declared a noxious weed (see 4.1.1), consent under the Native Vegetation Conservation Act is required for clearing of non-native woody vegetation (as well as any native vegetation) on protected land. Protected land is defined as:

- steep slopes (slopes greater than 18° or 33% from the horizontal);
- land in the bed or within 20 metres of the bank of any river, stream, lake, lagoon or wetland mapped or listed by DLWC;
- land mapped by DLWC as being environmentally sensitive, or affected by or liable to, erosion, siltation or degradation.

Earthworks

Consent is required to carry out works which remove material, places fill or affects the flow of water within 40m of a watercourse under s22A and 22B of the Rivers and Foreshores Improvement Act.

Clearing more than 2ha / year

Permission is required from DLWC before clearing more than 2 ha of woody vegetation per year under the Native Vegetation Conservation Act. In some parts of the region there are changes being made to vegetation management due to the establishment of Regional Vegetation Management Plans in these locations.

Crown land

Permission from DLWC is required to undertake activities on Crown Land which are not specifically allowed for by the status of the land or the terms / conditions of the tenure.

Any activity on a Crown Reserve should be consistent with the public purpose defined for the area or any Plan of Management adopted for the area.

4.3.2 **National Parks and Wildlife Service (NPWS)**

Threatened species, populations and ecological communities

Under the National Parks and Wildlife Act 1974 it is an offence to knowingly pick (in the case of a plant) or harm (in the case of an animal) or damage the habitat of a threatened species, population or ecological community unless the person has approval from NPWS under the Threatened Species Conservation Act 1995. Approval is given in the form of:

- a Section 95 certificate where NPWS conclude that there is an insignificant impact;
- a Section 91 licence where the impact is deemed significant.

Threatened species/communities that may need to be considered when controlling camphor laurel (particularly when controlling over substantial areas) are:

- Lowland Subtropical Rainforest on floodplains;
- Superb, Wompoo and Rose-crowned Fruit Doves;

- A number of other animal species including Pouched Frog (*Assa darlingtoni*), Black Bittern (*Ixobrychus flavicollis*), Bush Hen (*Amaurornis olivaceus*), White-eared Monarch (*Monarcha leucotis*), Barred Cuckoo-shrike (*Coracina lineata*), Black Flying Fox (*Pteropus alecto*) and several insect-eating bat species which have been recorded in camphor laurel-dominated forest (Bower and Stewart, pers. comm.);
- A number of threatened plant species such as (listed in order of distribution from south to north):

Common Name	Scientific Name	Distribution
Rusty Plum	<i>Amorphospermum whitei</i>	Upper Macleay and Port Macquarie area north
Red Boppel Nut	<i>Hicksbeachia pinnatifolia</i>	Nambucca-Bellingen and Richmond-Tweed
-	<i>Marsdenia longiloba</i>	Coffs Harbour north
Thorny Pea	<i>Desmodium acanthocladum</i>	Clarence-Tweed
Rusty Rose Walnut	<i>Endiandra hayesii</i>	Clarence north
Rough-shelled Bush Nut	<i>Macadamia tetraphylla</i>	Clarence north
Ball Nut	<i>Floydia praealta</i>	Clarence catchment north
Green-leaved Rose Walnut	<i>Endiandra muelleri</i> ssp. <i>bracteata</i>	Macleay north
	<i>Randia moorei</i>	Coraki – Mt. Warning
-	<i>Randia moorei</i>	Lismore north
-	<i>Austromyrtus fragrantissima</i>	Lismore north
Southern Ochrosia	<i>Ochrosia moorei</i>	Richmond River north
Red Lilly Pilly	<i>Syzygium hodgkinsoniae</i>	Richmond catchment north
Durobby	<i>Syzygium moorei</i>	Richmond catchment – Upper Mudgeeraba Creek, SE Qld
Arrowhead Vine	<i>Tinospora tinosporoides</i>	Richmond catchment north
Small-leaved Tamarind	<i>Diploglottis campbellii</i>	Tintenbar (Richmond R.) north
Smooth Davidson's Plum	<i>Davidsonia</i> sp. <i>A</i>	Broken Head – Currumbin valley, SE Qld
Davidson's Plum	<i>Davidsonia puriens</i>	Brunswick – Tweed
-	<i>Endiandra floydii</i>	Tweed only

Contact NPWS for information about these and other threatened species that may be affected by camphor laurel control in your area.

Seed collection of protected plants

Seed collection of protected plants (listed on schedule 13 of the NP& W Act 1974) requires permission from NPWS regional offices (see 12.1) as well as the appropriate land manager (e.g Local Councils for roadsides, land owner for private land etc.).

Aboriginal heritage

A permit is required for activities which will remove or destroy Aboriginal “relics” and consent is required to damage an Aboriginal “site” as defined in the National Parks and Wildlife Act. Control activities that disturb surface features and soil may fall into this category.

Development affecting flora and/or fauna

If the activity requires development consent from Local Council or State Government and native flora or fauna habitat is affected then NPWS must be consulted.

4.3.3 Environment Protection Authority (EPA)

Pollution of waters

Under s120 & s122 of the Protection of the Environment Operations (POEO) Act 1997, an Environment Protection Licence is required if the activity will 'pollute' 'waters' within the meaning of the Act. Pollute means to 'place any matter whether solid, liquid or gaseous' in waters so that the physical, chemical or biological condition of the waters is changed'. The POEO Act replaces the Clean Waters Act, Clean Air Act, Environmental Offences and Penalties Act, the Noise Control Act and the Pollution Control Act. The EPA is the regulatory authority for such activities as large-scale mining, agriculture and manufacturing industries (listed in schedule 1 of the Act). Local Councils are the regulatory authority for the Act where the activity is generally of a small-scale nature (activities other than those listed in schedule 1).

Supervisors and staff who are intending to use herbicides near waterways should obtain a copy of the draft EPA document "Environmental Matters Series: using herbicides near water". The protocols and advice in the document can assist users of herbicides and land managers undertaking vegetation control work near waterways to use a best practice precautionary approach prior to and during the intended work. Phone 131 555 or email: info@epa.nsw.gov.au for more information.

Unregistered use of a pesticide

A permit is required from the National Registration Authority (phone 6272 3216) to use an unregistered pesticide (which includes herbicides), or to use any pesticide for a use which is not specified on the label under the Agricultural and Veterinary Chemical Code Act 1994.

The Pesticide Act 1999 requires that pesticides are used according to instructions on the label or permit and that steps are taken before the use of the pesticide to determine all the risks involved and that the supervisor / applicator have taken appropriate actions to minimise those risks.

Significant penalties may be issued for breaches of the Pesticide Act, especially if the pesticide application is likely to or has resulted in injury to a person, damage to property, harm of non-target plants / animals. Particular caution should be exercised when applying pesticides in an area known to support threatened flora or fauna species. EPA may also issue penalty notices in certain circumstances for minor breaches of the Pesticide Act.

Contaminated land

Owners and/or polluters of land are required to notify the EPA that they believe land could be contaminated, the EPA can then investigate and order remediation under the Contaminated Land Management Act.

4.3.4 Department of Urban Affairs and Planning (DUAP)

DUAP should be consulted if there is a possibility that your site may fall within one of the following situations:

Coastal wetlands

Development in coastal wetlands as mapped by DUAP (State Environment Planning Policy No. 14) requires the consent of DUAP.

Littoral rainforest

Development in littoral rainforests as mapped by DUAP (State Environment Planning Policy No. 26) requires the consent of DUAP.

Koala habitat

Development affecting Koala habitat (State Environment Planning Policy No. 44) requires the consent of DUAP.

4.3.5 NSW Rural Fire ServiceBurning off

A permit is required from the Shire Fire Control Officer (at your local Council) to burn off vegetation during the bush fire danger period under the Rural Fires Act. The bush fire danger period is generally from 1st October through to 31st March, however, this may vary considerably depending on weather conditions. Permits can be valid for a period of up to 21 days and may include a number of conditions. Whether you are burning in the bush fire danger period or not, you must give adjoining landowners at least 24 hours notice.

4.3.6 Local Government4.3.6.1 ALL COUNCIL AREAS

Consent from your local Council is required before undertaking any work such as weed control, control or planting of vegetation on public roadsides.

4.3.6.2 Tweed Shire

Consent from Council is not required to control camphor laurel or privet except on land zoned 7 Environmental Protection. Within Environmental Protection zones, permission is required before any vegetation control occurs.

Council's Tree Preservation Order restricts the control (lopping, removing etc.) of any tree with a circumference greater than 30cm (measured at 45cm above ground) or that is greater than 3m in height in areas where it applies, however, camphor laurel and privet are exempt.

4.3.6.3 Kyogle Shire

Kyogle Shire Council is in the process of preparing a Local Environment Plan so at this stage Council does not have any restrictions on the control of weeds with the exception of state and federal government legislation listed above.

4.3.6.4 Byron Shire

Permission is not required to control camphor laurel trees unless they are greater than 1m in diameter, measured at breast height, and located in urban and village zones under the Tree Preservation Order. Development consent is required to remove and/or prune camphor laurel trees which are heritage listed.

4.3.6.5 Ballina Shire

Consent by Council is not required to control camphor laurels and other introduced species unless the land is zoned as:

- 7(a) Environmental Protection – wetlands;
- 7(c) Environmental Protection – water catchment;
- 7(d) Environmental Protection – scenic/escarpment;
- 7(f) Environmental Protection – coastal lands;
- 7(i) Environmental Protection – urban buffer;
- 7(l) Environmental Protection – habitat;
- 1(d) Urban Investigation;
- SEPP14- coastal wetlands, and;
- SEPP26- Littoral Rainforests.

4.3.6.6 Lismore City

Consent by Council is not required to control camphor laurel unless the tree is a heritage item or within a heritage conservation area.

4.3.6.7 Richmond Valley Shire currently has two Local Environment Plans – one for the former Casino Shire, the other for the former Richmond River Shire;

Former Casino Shire

Consent by Council is not required to control camphor laurel and other introduced species except on land zoned as Environmentally sensitive. Within Environmentally sensitive zones, approval from Council is required before any vegetation control occurs.

Former Richmond River Shire

Consent by Council is not required to control camphor laurel and other introduced species except on land zoned 7 Environmental Protection. Within Environmental Protection zones, approval from Council is required before any vegetation control occurs.

4.3.6.8 Maclean Shire

As camphor laurel is a declared noxious weed in the Shire, consent to control it is not required provided that:

- it is carried out “by means not likely, in the opinion of the Council, to be detrimental to the native ecosystem”, and;
- it is not over 3 metres in height and located on the same property as a heritage listed building, work, relic or place.

Consent from Council may be required before controlling other environmental weeds.

A Camphor Laurel Management Plan has been produced by the Shire and is available for public examination.

4.3.6.9 Copmanhurst Shire

Consent by Council is not required to control camphor laurels and other introduced species except on land zoned 7(a) Environmental Protection - Wetlands. Within Environmental Protection zones, approval from Council is required before any vegetation control occurs.

4.3.6.10 Grafton City

Consent by Council is not required to control camphor laurels unless the tree is a heritage item or within a heritage conservation area. Camphor laurel is the only species of tree permitted to be damaged or despoiled, without the need for development consent, in Conservation Areas defined by the Local Environmental Plan.

4.3.6.11 Pristine Waters Shire currently has two Local Environment Plans – one for the former Ulmarra Shire, the other for the former Nymboida Shire:

Former Ulmarra Shire

Permission is not required to control camphor laurels unless the trees are in urban areas and are either:

- 3.5m or more in height;
 - have a trunk diameter greater than 300mm at a height of 1 metre above the natural ground surface, or;
 - have a branch span of 3.5m or more.
- under the Tree Preservation Order.

Under the Local Environment Plan, permission is not required to control camphor laurel trees / seedlings except on land zoned as 7 Environmental Protection.

Former Nymboida Shire

Consent by Council is not required to control camphor laurels and other introduced species except on land zoned 7(a) Wetlands and 7(d) Scenic Protection. Within these zones, approval from Council is required before any vegetation control occurs.

4.3.6.12 Coffs Harbour City

Consent by Council is not required to control camphor laurels and other introduced species except on land zoned 7(a) Environmental Protection. Environmental Protection zones include SEPP 14 Wetlands, SEPP26 Littoral Rainforest and riparian zones. Within Environmental Protection zones, approval from Council is required before any vegetation control occurs. The Coffs Harbour Local Vegetation Management Plan, when completed, may affect control of introduced species in some other areas. Tree Preservation Orders in Coffs Harbour only apply to native species.

Council policy does not permit burning within 500 metres of residences.

4.3.6.13 Bellingen Shire

Consult with Council before controlling, damaging or removing any trees or other vegetation. A Development Application may not be required. If a Development Application is required by Council, there is no fee when the activity involves the control of environmental weeds.

Bellingen Local Environment Plan (BLEP) was being updated at time of publication. Control of camphor laurel is often exempt from the need for approval, however, approval may be required under the BLEP, SEPP 14 – Coastal Wetlands, SEPP 26 – Littoral Rainforests or the Native Vegetation Conservation Act due to the environmental sensitivity of some sites. The requirement for approval is to ensure that appropriate conditions are in place to prevent soil erosion or other environmental damage.

4.3.6.14 Nambucca Shire

Consent by Council is not required to control camphor laurels or other environmental weeds except on land zoned as 7 Environmental Protection and areas identified as “significant vegetation and wildlife corridors”. Within these areas, approval from Council is required before any vegetation control occurs.

4.3.6.15 Kempsey Shire

Consent by Council is not required to control camphor laurels except on land zoned as 7 Environmental Protection. Within Environmental Protection zones, approval from Council is required before any vegetation control occurs.

For areas not zoned Environmental Protection, some species require consent from council to control under the Tree preservation Order. Tree species exempt from the Tree Preservation Order (and hence not requiring approval from Council before controlling) are Rubber Tree (*Ficus elastica*), Willow Tree (*Salix spp.*), Poplar Trees (*Populus spp.*), Privets (*Ligustrum spp.*), Umbrella Tree (*Schefflera actinophylla*), Pepper Trees (*Schinus spp.*) and White Cedar (*Melia azedarach var. australasica*).

Earthworks on the Lower Macleay floodplain require the consent of Council under the Kempsey Local Environment Plan.

4.3.6.16 Hastings Shire

Permission is required before controlling camphor laurel trees with a trunk diameter greater than 300mm under the Tree Preservation Order. Permission is not required to control camphor laurel trees / seedlings with a trunk diameter under 300mm except on land zoned as 7 Environmental Protection. Irrespective of size, development consent is required to remove and/or prune camphor laurel trees which are heritage listed.

Tree species exempt from the Tree Preservation Order (and hence not requiring approval from Council before controlling) are Rubber Tree (*Ficus elastica*), Willow Tree (*Salix spp.*), Poplar Trees (*Populus spp.*), Rhus Trees (*Toxicodendron succedaneum*), False Acacia (*Robinia pseudoacacia*), Small-leaf Privet (*Ligustrum sinense*), Broad-leaf Privet (*Ligustrum lucidum*), Tree of Heaven (*Ailanthus altissimin*), Coral Tree (*Erythrina spp.*), Umbrella Tree (*Schefflera actinophylla*), Cocus Palm (*Arecastrum romanzoffianum*), Honey Locust (*Gleditsia triacanthos*), Angels Trumpet (*Datura candida*), Paulownia (*Paulownia tomentosa*), Cotoneaster (*Cotoneaster spp.*) and Ochna (*Ochna serrulata*).

4.3.6.17 Greater Taree

Consult with Council before controlling, damaging or removing any trees or other vegetation. A Development Application may not be required.

Under the Greater Taree Local Environmental Plan a person shall not clear, drain, excavate or fill land zoned as:

- 7(a) Environmental Protection Habitat, or;
- 7(d) Environmental Protection Scenic, except with the consent of Council.

A person shall not clear, drain, fill or construct a levee on land designated under State Environmental Planning Policy No. 14 – Coastal Wetlands.

It is an offence to burn refuse where a regular garbage service is available within the Greater Taree City Council local government area under the Clean Air (Control of burning) Regulation. In other areas, seek advice from Council before burning camphor laurels.