



11/11/2018

James Connelly, Property & Asset Manager  
Sydney Water  
PO Box 399  
Parramatta NSW 2124

Dear James,

I am writing regarding Sydney Water's plant selector tool, which is accessible via the Sydney Water website.

I understand the objective of the plant selector tool is to reduce consumption of water by encouraging people to choose garden plants based on their local soil and weather conditions. However, I wish to draw your attention to the fact that a number of species identified in the tool are well known invasive weeds and that the planting or growing of such plants should be actively discouraged. This is particularly important within local government areas that contain threatened species and communities, National Parks and bushland.

The *Biosecurity Act 2015* (NSW) has replaced the *Noxious Weeds Act 1993* (NSW) as the principal legislation regulating the management of weeds in NSW. The Biosecurity Act represents a significant move away from the prescriptive nature of the Noxious Weeds Act. While some high priority weeds continue to be regulated by specific legal requirements, for the most part the prescriptive control requirements of the Noxious Weeds Act have been replaced by a General Biosecurity Duty.

The General Biosecurity Duty is defined in Part 3 of the Biosecurity Act.

*Any person who deals with biosecurity matter or a carrier and who knows, or ought reasonably to know, the biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimized.*

For weeds, the General Biosecurity Duty means that any person dealing with plant matter must take measures to prevent, minimise or eliminate the biosecurity risk (as far as is reasonably practicable). Any species that poses a biosecurity risk is subject to the General Biosecurity Duty.

Dealings are defined in Section 12 of the Biosecurity Act and include displaying biosecurity matter and causing a dealing in biosecurity matter to occur.


On this basis we consider that recommending specific plants known to be invasive for planting by a land owner or manager could constitute a biosecurity dealing in that it is assisting others to create a biosecurity risk.

The authors of the plant selector tool have demonstrated knowledge of the biosecurity risk posed by some of the plants that are recommended. For example, the plant descriptions for African Daisy, Agapanthus, Box elder, Broom, Brush box and Honey locust include references to invasiveness.

Given that some plants identified by the plant selector tool pose a biosecurity risk, it is our opinion that you should remove these plants from display on the tool or any other public information you produce where their use is recommended. In addition you may wish to include a statement to the effect that growing invasive plants is not recommended and may be prohibited in some areas.

If you wish to find out more about the Biosecurity Act or weeds in general, please contact Anthony Schofield, Regional Weed Coordinator, at [Anthony.schofield@lls.nsw.gov.au](mailto:Anthony.schofield@lls.nsw.gov.au).

Yours sincerely

 (Copy)

Graham Wilson  
Manager, Biosecurity and Emergency Services  
Acting Chair, Greater Sydney Regional Weeds Committee