

**FILE NO:** PSC2008-2921

**TITLE:** TREE VANDALISM POLICY

**OWNER:** STRATEGY AND ENVIRONMENT SECTION MANAGER

## 1. PURPOSE:

1.1 This policy sets out a consistent approach for Council when responding to tree vandalism incidents in Port Stephens. It includes a range of response measures which are collectively aimed at raising the public profile of the tree vandalism in the community in order to serve as effective deterrence measures.

## 2. CONTEXT/BACKGROUND:

2.1 Tree vandalism continues to be of concern in Port Stephens and is particularly apparent in coastal areas where development pressure as well as conflicts between water views and vegetation puts trees / vegetation on Council managed land at risk.

2.2 Tree vandalism has a significant and cumulative impact on Council assets and the environment. Impacts include reduced visual and community amenity, the loss of wind- breaks and erosion control in some locations, and the loss of wildlife habitat.

2.3 Such vandalism can also have substantial financial and human resource costs for Council including tree replacement costs, the cost of the investigation, rehabilitation and repair costs, and the cost of implementing potential punitive and/or deterrence measures.

## 3. SCOPE:

3.1 This policy applies to all instances of tree vandalism on Council managed land.

## 4. DEFINITIONS:

4.1 An outline of the key definitions of terms included in the policy.

Council managed land	Any land that is under the care, control and management of Port Stephens Council.
Prosecution	Investigation and determination of compliance action in response to alleged vandalism, with action taken where an offence is proven. May include caution, fines or court appearance.

Tree vandalism                      The intentional and unlawful destruction, damage or injury to trees and/or vegetation on Council managed land. Examples include poisoning, mowing, pruning, removal and ringbarking.

## **5. STATEMENT:**

- 5.1 Vandalism of trees on community and public land is criminal offence and all reports of tree vandalism on public land will be investigated.
- 5.2 The long term protection and management of trees and vegetation on public land (including re-establishment in previously cleared areas) is integral to maintaining the economic, cultural, environmental and social values of Port Stephens.
- 5.3 Council is committed to reducing/stopping tree vandalism within Port Stephens.
- 5.4 The identification and prosecution of perpetrators of public tree vandalism will be pursued by Council consistent with this policy, Council's Compliance Policy and Council Prosecutions Policy.
- 5.5 Council will assess the retention value (Very low, Low, Medium, or High) of the vandalised tree in accordance with Port Stephens Council Tree Technical Specification which takes into account the following factors: significance of the tree; the tree's life cycle stage; the profile of the site; the tree's safe useful life expectancy; the environmental effects; the target where the tree could fall; damage caused; and the cost of remediation.
- 5.6 In the absence of successful prosecutions, Council and the community will work together for the prevention of further damage and the rehabilitation of damaged areas.
- 5.7 Community education is a key mechanism to promote the value of trees and vegetation, and to encourage the reporting of vandalism.
- 5.8 Council will report on the number of recorded tree vandalism incidents within Port Stephens every 6 months.
- 5.9 Council may install surveillance equipment in certain areas experiencing reoccurring tree vandalism incidents as required to protect trees and vegetation.

## **6. RESPONSIBILITIES:**

- 6.1 All members of the public have responsibility for complying with this policy.

- 6.2 Strategy and Environment have responsibility for monitoring, reviewing and providing advice on this policy.
- 6.3 Strategy and Environment have responsibility for undertaking compliance in accordance with Council's Compliance Policy.
- 6.4 Public Domain and Services have responsibility for undertaking and funding relevant response measures under this policy.
- 6.5 All Council officials have a responsibility to comply with this policy and associated procedure.

## **7. RELATED DOCUMENTS:**

- 7.1 Compliance Policy
- 7.2 Council Prosecutions Policy
- 7.3 Environmental Assessment Procedure (EMS 3.0)
- 7.4 Environmental Incident Procedure (EMS 4.0)
- 7.5 Environment Policy
- 7.6 Heritage Policy
- 7.7 Legal Management Directive
- 7.8 Tree Vandalism Management Directive
- 7.9 Environmental Planning & Assessment Act (EP&A) 1979
- 7.10 Port Stephens Council Tree Technical Specifications

## CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website: <a href="http://www.portstephens.nsw.gov.au">www.portstephens.nsw.gov.au</a> .			
<b>EDRMS container No.</b>	PSC2008-2921	<b>EDRMS record No.</b>	23/75818
<b>Audience</b>	Councilors, staff and community		
<b>Process owner</b>	Strategy and Environment Section Manager		
<b>Author</b>	Natural Systems Coordinator		
<b>Review timeframe</b>	3 years	<b>Next review date</b>	14 March 2026
<b>Adoption date</b>	August 2018		

## VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	August 2018	Natural Resources Coordinator	<p>Reviewed the previous policy (Tree/Vegetation Vandalism Policy), included numbering to each paragraph and updated the version control.</p> <p>Substantial re-write of the policy which necessitates replacing the existing policy dated July 2014.</p> <p>Intent of existing policy remains unchanged.</p>	246

Version	Date	Author	Details	Minute No.
2	December 2020	Natural Resources Coordinator	<p>1.1 - Deleted paragraph.</p> <p>5.1 – Insert ‘healthy ecosystems’ delete environmental health.</p> <p>5.1 - added ‘of Port Stephens’ residents’.</p> <p>5.3 – Deletion of consistently.</p> <p>5.5 – Insert ‘proportionate’, ‘deterrent’, to rehabilitate”.</p> <p>5.5 - Delete ‘deterrence, the rehabilitation of, and in accordance with the relevant guidelines’.</p> <p>7.9 – Insert ‘Environmental Planning &amp; Assessment Act (EPA&amp;A) 1979’.</p> <p>7.10 – Insert Tree Vandalism Guidelines: Response measures for low, medium and high impact vandalism events.</p> <p>Delete Appendix 1 – Tree Vandalism Guidelines: Response measures for low, medium and high impact vandalism events.</p>	277

3	14 March 2023	Natural Systems Coordinator	<p>2.2 – Delete ‘This.</p> <p>2.2 – Insert ‘Tree’.</p> <p>4.1 – Insert ‘Prosecution’ to the table.</p> <p>4.1 – Insert definition to the table ‘Investigation and determination of compliance action in response to alleged vandalism, with action taken where an offence is proven. May include caution, fines or court appearance’.</p> <p>5.1 – Insert ‘Vandalism of trees on community and public land is criminal offence and all reports of tree vandalism on public land will be investigated.’</p> <p>5.2 – Replace ‘Council values trees and vegetation on Council managed land and the significant contribution they make to healthy ecosystems and the health and wellbeing of Port Stephens’ residents’ with ‘The long term protection and management of trees and vegetation on public land (including re-establishment in previously cleared areas) is integral to maintaining the economic, cultural, environmental and social values of Port Stephens.’</p> <p>5.3 – Delete ‘maintaining the economic, cultural, environmental and social values of Port Stephens.’</p> <p>5.3 – Insert ‘Council is committed to reducing/stopping tree vandalism within Port Stephens.’</p>	051
---	---------------	-----------------------------	--	-----

Version	Date	Author	Details	Minute No.
			<p>5.4 – Delete ‘and’.</p> <p>5.5 – Removed reference to assessment to industry standards and replaced with reference to Port Stephens Council Tree Technical Specification for tree value.</p> <p>5.8 – Insert “Council will report on the number of recorded tree vandalism incidents within Port Stephens every 6 months.”</p> <p>5.9 – Insert “Council may install surveillance equipment in certain areas experiencing reoccurring tree vandalism incidents as required to protect trees and vegetation”.</p> <p>6.5 – Insert “All Council officials have a responsibility to comply with this policy and associated procedure.”</p> <p>7.3 – Replaced reference to Environmental Legislative Requirements Procedure with Environmental Assessment Procedure.</p> <p>7.10 – Replaced reference to Tree Vandalism Guidelines: Response measures for low, medium and high impact vandalism events with Port Stephens Council Tree Technical Specification.</p> <p>Changed author to reflect name change.</p>	