

FILE NO: PSC2008-2921

TITLE: PUBLIC TREE AND VEGETATION VANDALISM POLICY

OWNER: STRATEGY AND ENVIRONMENT SECTION MANAGER

1. PURPOSE:

- 1.1 This policy sets out a consistent approach for Council when responding to public tree and vegetation vandalism incidents in Port Stephens. It includes a range of response measures including education, monitoring, regulation, enforcement and rehabilitation which are collectively aimed at curbing tree and vegetation vandalism, raising the public profile of tree and vegetation vandalism, fostering greater community stewardship of trees and vegetation and supporting effective deterrence measures.

2. CONTEXT/BACKGROUND:

- 2.1 Tree and vegetation 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 and vegetation vandalism has a significant and cumulative impact on Council assets, the community and the environment. Impacts include reduced visual amenity, community amenity and well-being, the loss of wind- breaks and erosion control in some locations, the loss of wildlife habitat, and reduced shade.
- 2.3 Such vandalism can also have substantial financial and human resource costs for Council including tree and vegetation 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 and vegetation 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.
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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. Engaged contractors may also be prosecuted for tree and vegetation vandalism.
Public tree and vegetation vandalism	The intentional and unlawful destruction, damage or injury to trees and/or vegetation on Council managed land. Examples include poisoning, slashing, pruning, removal and ringbarking.
Vegetation	Includes any of the following, whether dead or alive, native or exotic: - a tree - an understorey plant - a groundcover - a plant occurring in a wetland or inter-tidal area

5. STATEMENT:

- 5.1 Vandalism of trees and vegetation on community and public land is unlawful and all reports of vandalism on public land will be investigated in accordance with the Port Stephens Council Compliance Policy and responded to in accordance with Appendix 1 – Tree and Vegetation Response Assessment Model.
- 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 and vegetation vandalism within Port Stephens and responding to the events in accordance with Appendix 1.
- 5.4 The identification and prosecution of perpetrators of public tree and vegetation vandalism will be pursued by Council consistent with this policy, and Council's Compliance Policy.
- 5.5 Council will assess and respond to tree and vegetation vandalism in accordance with Appendix 1.
- 5.6 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 and vegetation vandalism incidents within Port Stephens every 6 months.
- 5.9 Council may install surveillance equipment in certain areas experiencing reoccurring tree and vegetation vandalism incidents as required to protect trees and vegetation including rehabilitation.

6. RESPONSIBILITIES:

- 6.1 All members of the public have responsibility for complying with this policy.
- 6.2 Strategy and Environment have responsibility for reviewing and providing advice on this policy.
- 6.3 Development and Compliance have responsibility for monitoring and 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 understand and comply with this policy.

7. RELATED DOCUMENTS:

- 7.1 Compliance Policy
- 7.2 Environmental Management Systems Framework
- 7.3 Environment Policy
- 7.4 Legal Management Directive
- 7.5 Environmental Planning & Assessment Act (EP&A) 1979
- 7.6 Port Stephens Council Biodiversity Technical Specifications
- 7.7 Biodiversity Conservation Act 2016
- 7.8 State Environmental Planning Policy (Biodiversity and Conservation) 2021

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2008-2921	EDRMS record No.	26/92932
Audience	Councilors, staff and community		
Process owner	Strategy and Environment Section Manager		

Author	Natural Systems Coordinator		
Review timeframe	4 years	Next review date	24 March 2030
Adoption date	August 2018		

VERSION HISTORY:

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

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

3	14 March 2023	Natural Systems Coordinator	2.2 – Delete ‘This. 2.2 – Insert ‘Tree’. 4.1 – Insert ‘Prosecution’ to the table. 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’. 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.’ 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.’ 5.3 – Delete ‘maintaining the economic, cultural, environmental and social values of Port Stephens.’ 5.3 – Insert ‘Council is committed to reducing/stopping tree vandalism within Port Stephens.’	051
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			5.4 – Delete ‘and’. 5.5 – Removed reference to assessment to industry standards and replaced with reference to Port Stephens Council Tree Technical Specification for tree value. 5.8 – Insert “Council will report on the number of recorded tree vandalism incidents within Port Stephens every 6 months.” 5.9 – Insert “Council may install surveillance equipment in certain areas experiencing reoccurring tree vandalism incidents as required to protect trees and vegetation”. 6.5 – Insert “All Council officials have a responsibility to comply with this policy and associated procedure.” 7.3 – Replaced reference to Environmental Legislative Requirements Procedure with Environmental Assessment Procedure. 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. Changed author to reflect name change	
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4	029	Natural Systems Coordinator	Title – Insert ‘Public’ and ‘and Vegetation’ 1.1 - Insert ‘public’ and ‘and vegetation’ 1.1 – Replace ‘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’ with ‘It includes a range of response measures including education, monitoring, regulation, enforcement and rehabilitation which are collectively aimed at curbing tree and vegetation vandalism raising the public profile of tree and vegetation vandalism, fostering greater community stewardship of trees and vegetation, and supporting effective deterrence measures.’ 2.1 - Insert ‘and vegetation’ 2.2 – Replace ‘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.’ with ‘Tree and vegetation vandalism has a significant and cumulative impact on Council assets, the community and the environment. Impacts include reduced visual amenity, and community amenity and well-being, the loss of wind- breaks and erosion control in some locations, and the loss of wildlife habitat, and reduced shade.’ 2.3 - Insert ‘and vegetation’	
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			3.1 - Insert 'and vegetation' 4.1 – Insert 'Engaged contractors may also be prosecuted for tree and vegetation vandalism.'" to the Prosecution definition 4.1 – Insert definition to the table 'Public tree and vegetation vandalism - The intentional and unlawful destruction, damage or injury to trees and/or vegetation on Council managed land. Examples include poisoning, slashing, pruning, removal and ringbarking.' 4.1 – Insert definition to the table 'Vegetation - Includes any of the following, whether dead or alive, native or exotic: - a tree - an understorey plant - a groundcover - a plant occurring in a wetland or inter-tidal area 5.1 – Replace 'Vandalism of trees on community and public land is criminal offence and all reports of tree vandalism on public land will be investigated.' with 'Vandalism of trees and vegetation on community and public land is unlawful and all reports of vandalism on public land will be investigated in accordance with the PSC Compliance Policy and responded to in accordance with Appendix 1 - Tree and Vegetation Vandalism Response Assessment Model.' 5.3 – Replace 'Council is committed to reducing/stopping tree vandalism within Port Stephens.' with 'Council is committed to reducing/stopping tree and vegetation vandalism within Port Stephens and to responding to the events in accordance with Appendix	
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			1.' 5.4 – Replace '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.' with 'The identification and prosecution of perpetrators of public tree and vegetation vandalism will be pursued by Council consistent with this policy and Council's Compliance Policy.' 5.5 – Replace '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.' with 'Council will assess and respond to tree and vegetation vandalism in accordance with Appendix 1.' 5.6 – Delete 'In the absence of successful prosecutions,' 5.8 - Insert 'and vegetation' 5.9 – Replace 'Council may install surveillance equipment in certain areas experiencing reoccurring tree vandalism incidents as required to protect trees and vegetation.' with 'Council may install surveillance equipment in certain areas experiencing reoccurring tree and vegetation vandalism incidents as required to protect trees and vegetation including rehabilitation	
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			sites.' 6.2 – Delete 'monitoring,' 6.3 – Replace 'Strategy and Environment' with 'Development and Compliance' and insert 'monitoring and' 6.5 – Insert 'understand and' and delete 'and associated procedure' 7.0 – Replace 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' with 7.1 Compliance Policy 7.2 Environmental Management System Framework Environment Policy 7.3 Legal Management Directive 7.4 Environmental Planning & Assessment Act (EP&A) 1979 7.5 Port Stephens Council Biodiversity Technical Specifications 7.6 Biodiversity Conservation Act 2016 7.7 State Environmental Planning Policy (Biodiversity and Conservation) 2021' Insert Appendix 1 – Tree and Vegetation Response Assessment Model	
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APPENDIX 1 – TREE AND VEGETATION RESPONSE ASSESSMENT MODEL

Location: _____

Officer: _____

Date: _____

VANDALISM ASSESSMENT

Criteria (0.125 Weighting for each Main Criteria)	T#1	T# 2	T# 3	T# 4	T# 5	T# 6	T# 7	T# 8	T# 9
Significance of the tree									
Type 2 for YES or 1 for NO for each item									
Historical value									
Commemorative tree									
Significant tree (on register)									
Exceptionally old or fine specimen									
Curious growth habit or physical appearance									
Horticultural/scientific value									
Unusually large size									
Rare to the area									
Outstanding aesthetic quality									
Valuable habitat or corridor or community area									
Key stone species									
Contributes to landscape									
TOTAL	0	0	0	0	0	0	0	0	0
WEIGHTED TOTAL	0	0	0	0	0	0	0	0	0
Life Cycle Stage									
Type 3 for young, 10 for semi-mature, 42 for mature									
WEIGHTED TOTAL	0	0	0	0	0	0	0	0	0
Site									
1 for low profile, 2 for average profile and 3 for high profile									
WEIGHTED TOTAL	0	0	0	0	0	0	0	0	0
SULE (Safe Useful Life Expectancy)									
Type 1 for short, 2 for medium or 3 for long									
WEIGHTED TOTAL	0	0	0	0	0	0	0	0	0

Criteria (0.125 Weighting for each Main Criteria)	T#1	T# 2	T# 3	T# 4	T# 5	T# 6	T# 7	T# 8	T# 9
Environmental effects									
Type 2 for YES or 1 for NO									
Did the vandalism cause contamination?									
Did the vandalism contribute to erosion?									
Did the vandalism result in the loss of nesting sites?									
Is the area able to be restored?									
Did the vandalism impact threatened species?									
TOTAL	0	0	0	0	0	0	0	0	0
WEIGHTED TOTAL	0	0	0	0	0	0	0	0	0
Target									
1 for occasional, 2 intermittent, 3 frequent, 4 for constant									
WEIGHTED TOTAL	0	0	0	0	0	0	0	0	0
Damage									
Type 2 for major or 1 minor									
WEIGHTED TOTAL	0	0	0	0	0	0	0	0	0
Cost of remediation									
Type in actual amount divided by 1000									
WEIGHTED TOTAL	0	0	0	0	0	0	0	0	0
TOTAL SCORE	0	0	0	0	0	0	0	0	0

RESPONSE ACTIONS

SIGNIFICANCE	ACTION
Minor Significance 2.63 - 6.253	- Upon preliminary assessment the following may occur: - Letterbox surrounding residents - Install temporary signage - Leave tree in place as far as safety allows - Rehabilitate or replant - Consider recouping remediation costs where lawfully available - Refer to Port Stephens Council's Compliance Policy for regulatory response options
Moderate Significance 6.253 - 9.876	- Letterbox surrounding residents - Install temporary signage - Leave tree in place as far as safety allows - Consider if permanent signage is warranted - Replant and rehabilitate damaged areas - Consider recouping remediation costs where lawfully available - Refer to Port Stephens Council's Compliance Policy for regulatory response options

SIGNIFICANCE	ACTION
Major Significance 9.876 - 13.5	• Letterbox surrounding residents • Install temporary signage • Leave tree in place as far as safety allows • At the discretion of the General Manager, erect permanent signs on the site highlighting the damage and its consequences • Publicise damage, responses and prosecutions in the media • Involve residents and community groups (eg. Landcare and schools) directly in planning and implementing rehabilitation strategies • Persist with rehabilitation works and maintenance of rehabilitated areas to ensure no loss of vegetation over time • At the discretion of the General Manager, draw attention to the damage through banners. • Consider use of covert surveillance cameras on sites where vandalism is frequent, and camera resources permit. • Consider recouping remediation costs where lawfully available • Refer to Port Stephens Council's Compliance Policy for regulatory response options