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# Tree Vandalism Management Policy

XXXX 2020

Policy No: CCC079

Policy owner:	Environmental Management Unit, Environment & Planning
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## Purpose

1. The purpose of this policy is to provide a consistent approach across the Central Coast Council Local Government Area (LGA) in deterring and responding to the vandalism of trees and vegetation on both private and Council owned or managed land.

## Scope

2. This Policy applies to all persons living, visiting or undertaking business activity within the Central Coast Council LGA as further detailed below:
  - a. individuals, groups, businesses or other organisations,
  - b. residents or visitors.
  - c. personnel employed by Council; any person or organisation contracted to or acting on behalf of Council; or any person or organisation employed to work on Council premises or facilities where relevant approvals are not obtained to remove or damage trees and vegetation.
  - d. excludes any land where Council is not the Authorised Regulatory Authority, including land managed by Department of Crown Lands, NSW Local Land Services, Department of Planning, Industry and Environment, or education facilities where works are undertaken in accordance with other state or federal legislation.

## Background

3. This policy has been developed to consolidate a consistent approach across the Central Coast Council LGA. It is based on the *Regional Tree and Vegetation Vandalism Policy* that was developed by Hunter Joint Organisation (HJO) as part of its Hunter & Central Coast Regional Environmental Management Strategy (HCCREMS) Program, due to increasing tree/vegetation vandalism being experienced by councils across the region.
4. Central Coast Council is a member of the HJO. The HJO comprises the following Councils:

Central Coast Council	Muswellbrook Shire Council
Cessnock City Council	Newcastle City Council
Dungog Shire Council	Port Stephens Council
Mid Coast Council	Singleton Council
Lake Macquarie City Council	Upper Hunter Shire Council
Maitland City Council	

5. The vandalism that led to development of the HCCREMS Regional Tree and Vegetation Vandalism Policy was particularly apparent in the coastal zone, where development pressure and conflicts between water views and vegetation have seen an increase in the unlawful destruction of trees and vegetation on both private and public managed land. This has continued to be the case across the Central Coast Council LGA, with ongoing reports of tree poisoning and removal.

## General

6. The following objectives and principles provide the framework to address tree and vegetation vandalism.

### Policy Objectives

- a. To promote the value of trees and vegetation across the Central Coast LGA and a greater understanding of the implications from damage or injury to trees and vegetation, and
- b. To provide consistency in the investigation and response to tree and vegetation vandalism incidents, and
- c. To share experience, expertise and resources within Council and through benchmarking with other Councils, when responding and deterring tree and vegetation vandalism, and
- d. To promote broader community involvement in the prevention and reporting of vandalism and assisting in the investigation following vandalism incident, and
- e. To achieve a reduction in the illegal vandalism or removal of trees and vegetation.

### Policy Principles

- a. Vandalism of trees and vegetation on community and public land is a serious criminal offence.
  - b. The long-term 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 the Council area. Trees and vegetation contribute significantly to environmental health, and to human health and wellbeing.
  - c. The identification and prosecution of perpetrators of public tree or vegetation vandalism should be pursued consistently.
  - d. In the absence of successful prosecution, Council and the community must carry some shared responsibility for the prevention of further damage and the rehabilitation of damaged areas.
  - e. Education is a key mechanism to promote the value of trees and vegetation within both Council and the community and will encourage the reporting of vandalism, and a reduction in vandalism activity.
7. The implementation of this policy will consider the Central Coast Council Policy for Compliance and Enforcement

8. This policy (Tree Vandalism Policy) will take precedence in determining action regarding tree or vegetation compliance where there is an inconsistency with the Central Coast Council Policy for Compliance and Enforcement.

## Compliance, monitoring and review

9. Compliance with the purpose, principles and objectives of this policy may be achieved through several actions, including but not limited to:
- a. **Education** of person/s investigated for compliance breaches, whether proven or unproven of committing an offence, of the social, environmental and legal implications of tree and vegetation vandalism including
    - i. Broader community education to also include awareness of Council Policy changes to the DCP Chapter (3.3 and 3.6) Tree and Vegetation Management and Compliance Policy.
    - ii. Dissemination of information to be in accordance with an approved Communication Plan incorporating both electronic and written options to maximise community contact.
  - b. **Monitoring and Prevention** of vandalism utilising technology, physical deterrents, increased site attendance and community reporting. The types of physical deterrents for vandalism of public trees or vegetation include:
    - iii. Screens (including billboard style or shipping containers or other appropriate visual barriers) where vandalism is for views.
    - iv. Construction fence panels with shade cloth and signs identifying tree or vegetation has been vandalised, which can be used for both individual trees in street scapes and vegetated areas.
    - v. Installation of surveillance cameras and signs.
  - c. **Regulatory Enforcement** will be considered once an investigation has obtained all available and relevant information. The type of enforcement action taken will be determined by consideration of all relevant factors including:
    - i. Education,
    - ii. Warning or formal caution,
    - iii. Issue notice of intent to serve an order, and serving of order if appropriate,
    - iv. Voluntary undertaking to remedy the damage (includes replacement planting),
    - v. Issue a penalty notice,
    - vi. Commence legal proceedings for court action.
  - d. **Rehabilitation** of vandalised sites to be undertaken to reinstate the vegetation that has been damaged or removed, with the cost of the works to be recovered from person/s proven to have committed the offence wherever possible. Where an act of tree or vegetation vandalism

(directly or indirectly) creates an environmental risk, such as increased erosion into a watercourse, Council will undertake immediate remedial action to minimise the environmental risk and will seek costs from any person proven as the perpetrator of the vandalism.

10. Councils compliance response to tree and vegetation vandalism issues will be applied in recognition of available staffing and monetary resources available to undertake compliance. Council staff will prioritise compliance in response to tree and vegetation vandalism based on relevant factors which may include the significance and severity of the offence, and the impact it has on the broader community and the environment.
11. Suspected breaches or misuse of this policy are to be reported to the Chief Executive Officer. Alleged breaches of this policy shall be dealt with by the processes outlined for breaches of the Code of Conduct, as detailed in the Code of Conduct and in the Procedures for the Administration of the Code of Conduct.
12. This policy will be reviewed each Council term to ensure it is up to date and achieving its purpose, aligns with relevant legislation, government policy and/or Central Coast Council requirements, strategies, values and activities, and
13. This policy is implemented and monitored by the relevant operational area of Council responsible for tree compliance to ensure the policy reflects the changing environment and emerging issues are identified as they develop.
14. Staff must manage all compliance investigations in accordance with the requirements of the Evidence Act 1995.
15. Staff must maintain all records relevant to administering this policy in a recognised Council recordkeeping system.

## Definitions

16. In this policy:
  - a. **Authorised Regulatory Authority** means the government agency with jurisdiction over activity undertaken on a parcel of land.
  - b. **Damage or Injury** means any activity that results in severing, bruising or breaking any part of the tree including the bark layer above or below ground; activities include pruning, impact, cut down, fell, uproot, kill, poison, ringbark, burn, clear or otherwise destroy the vegetation.
  - c. **Prosecute** means 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.
  - d. **Tree** means a perennial plant with at least one self-supporting woody or fibrous stem, which:

- i. is three metres or more in height, or
  - ii. has a trunk diameter of 75 mm or more measured at 1.4 metres above ground level, or
  - iii. any tree species on public managed land regardless of size.
- e. **Unlawful Destruction** means any activity that results in whole or partial tree removal, death, severing, bruising or breaking of the bark layer, or damage to any part of the tree above or below ground without a lawful permit, consent or lawful exemption.
- f. **Vandalism** means the unlawful destruction, damage or injury to trees and vegetation on any land.
- g. **Vegetation** means a tree or other vegetation, including understorey and groundcover plants, whether or not it is native to New South Wales.

## Related resources

### 17. Legislation:

- a. [Biodiversity Conservation Act 2016 \(NSW\)](#)
- b. [Environmental Planning and Assessment Act 1979 \(NSW\)](#)
- c. [Evidence Act 1995 \(NSW\)](#)
- d. [Local Government Act 1993 \(NSW\)](#)
- e. [Pesticides Act 1999 \(NSW\)](#)
- f. [Privacy and Personal Information Protection Act 1998 \(NSW\)](#)
- g. [Protection of the Environment Operations Act 1997 \(NSW\)](#)
- h. [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017](#)

### 18. Council policies and associated documents:

- i. [Central Coast Council Development Control Plans](#)
- j. Policy for Compliance and Enforcement 2017
- k. [Code of Conduct](#)

## History of revisions

Amendment history	Details
Original approval authority details	<p data-bbox="603 528 1018 566">Chief Executive Officer / Council</p> <p data-bbox="603 600 903 638">&lt;remove as required &gt;</p> <hr/> <p data-bbox="603 663 1423 741">XX/XX/20XX &lt;insert Council Meeting date and minute number of resolution adopting the policy &lt;remove if not needed&gt;</p> <hr/> <p data-bbox="603 797 1414 1037">This policy is to provide a consistent approach across the Central Coast Council Local Government Area in deterring and responding to the vandalism of trees and vegetation on both private and Council managed land. It replaces former policies including the Regional Tree/Vegetation Vandalism Policy, former Gosford City Council.</p> <hr/> <p data-bbox="603 1061 1054 1099">CM document number D13988776</p>

*Note: delete lines or add in additional lines as required*