



**BYRON
SHIRE
COUNCIL**

DRAFT Policy

Tree/Vegetation Vandalism

2024

Information about this document

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DM911295	05/08/10	Policy Developed in response to Resolution of Council 04-210
DM1146221	11/11/10	Adopted Res No. 10-884 (reformatted in line with Policy template)
E2021/30925	Xx/xx/22	Review in relation to development of Operational Guidelines for enforcement investigation and response.

Further Document Information and Relationships

Related Legislation	Environmental Planning and Assessment Act 1979 Local Government Act 1993 Biodiversity Conservation Act 2016 Biodiversity Conservation Regulation 2017
Related Policies	Enforcement Policy 2020
Related Standards, Procedures, Statements, documents	Guidelines for Tree Management on Council Land Byron Shire Council Tree Preservation Order Thyer Tree Evaluation Method

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.

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1. Purpose, scope and background

1.1. Purpose

The purpose of this policy is to promote a consistent Shire wide approach to the protection and management of trees and vegetation in the landscape, particularly in deterring and responding to the loss of vegetation arising from deliberate vandalism on public land.

1.2. Scope

This policy outlines the recommended procedures and activities to provide:

- a) A consistent approach by Council to deterring and responding to incidences of tree/vegetation vandalism on Council managed public land throughout the Byron Shire LGA.
- b) A consistent Council approach to engaging and involving the community in the long-term protection and management of vegetation and in reporting illegal vandalism

The policy supplements Byron Shire Council Guidelines for Tree Management on Council Land with a tree/vegetation vandalism policy that is based on common objectives, values and needs.

This policy will assist Council in meeting the recommendations of the NSW Ombudsman's Enforcement Guidelines for Councils (2015) and Council's Enforcement Policy 2020.

1.3. Background

This policy was developed in a period where increasing tree/vegetation vandalism was being experienced by Council. This was particularly apparent in the coastal zone where development pressure and conflicts between water views and vegetation saw an increase in the vandalism of trees on public land under the care, control, and management of council. The issue has reduced over the decade since Policy was first developed however Council will continue to proactively address any identified tree vandalism incidents.

2. Objectives

- 2.1. To promote the value of and need for protection of trees and vegetation on community land.
- 2.2. To provide consistency in the deterrence, investigation, and response to tree vandalism incidents
- 2.3. To encourage the sharing of experience, expertise and resources among land management agencies when deterring and responding to tree/vegetation vandalism incidents throughout Byron Shire.
- 2.4. To promote and guide broader community involvement in the prevention of vandalism, and investigation and enforcement following vandalism incidents.

3. Policy Statement

3.1. Definition of Tree Vandalism

Within this policy, Tree Vandalism is defined as; 'the unlawful destruction, damage or injury to trees and vegetation on community and public land. Examples include poisoning, mowing, pruning, removal, and ringbarking'.

3.2. Land to which the policy applies

This policy applies to land that is under the care, control, and management of Byron Shire Council.

4. Policy principles

- 4.1. Vandalism of trees and vegetation on community and public land is a serious criminal offence.
- 4.2. 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, environment and social values of the Shire. Trees and vegetation contribute significantly to environmental health, biodiversity values and aesthetics, including human health and well-being.
- 4.3. The identification and prosecution of perpetrators of public tree/vegetation vandalism should be pursued consistently throughout the Shire.
- 4.4. In the absence of successful prosecutions, Council and the community must carry some responsibility for the prevention of further damage and rehabilitation of damaged areas.
- 4.5. Community education is a key mechanism to promote the protection of trees and vegetation, and to encourage the reporting of vandalism.

5. Relevant legislation provisions

- 5.1. There exists a range of offences under various legislation that have the potential to apply in case of tree / vegetation vandalism. Council staff will maintain a register of relevant Legislation, including legislated offence provisions and responsible prosecution authorities.

6. Policy responses

6.1. Education

Council's community education programs will include the following key elements about the value of vegetation and the adverse impacts of tree and vegetation vandalism:

- a) To explain the various environmental functions of vegetation in natural and urban environments including habitat, water quality, air quality, shade, erosion control, aesthetics, weed suppression, noise attenuation, climate change mitigation and wind breaks.
- b) To explain the cumulative impacts of vegetation loss, so that the impact of a single act can be judged in the context of impacts over time.
- c) To give an economic value to the aesthetic and environmental functions of vegetation and, therefore, to the cost of vegetation loss, damage and replacement by using the Thyer (or similar) Tree Evaluation method.
- d) To highlight the legal significance of offences (i.e., they are criminal acts), and the potential fines and punishments.
- e) To calculate and publicise the direct economic cost to residents of acts of vandalism, in terms of investigation, replacement and remediation costs.
- f) To publicise successful rehabilitation and other positive outcomes, as well as successful prosecutions and enforcement actions.
- g) To involve the community directly in maintenance and protection of vegetation, and in rehabilitation of damaged areas (e.g., through Dunecare and Landcare).

6.2. Monitoring and Prevention

- a) Council will record vandalism incidents and its response to these within the Authority CRM database. Council will, as a minimum, record the following details about vandalism events:
 - i) the area of canopy that has been impacted upon.
 - ii) location of the offence.
 - iii) Species affected, age class and number
 - iv) vegetation type, (natural bushland or amenity).
 - v) method of vandalism (cut, cleared, poisoned or unknown).
- b) Council may prepare management plans for individual trees and/or stands of vegetation in high-risk areas. These plans will include rehabilitation responses in case of loss or damage. These plans will involve residents in their preparation and implementation when possible and be communicated to residents. Existing adopted plans of Management for Council lands and / or Coastal Management Plans may be adapted to provide this information.
- c) Council will actively promote community involvement in stewardship and maintenance of high-risk bushland areas.
- d) Council will target community education initiatives toward high-risk vandalism areas.

6.3. Regulation and Enforcement

- a) Council will follow Council's Enforcement Policy 2020 when responding to tree and vegetation vandalism events.
- b) Council commits to working with adjoining councils on an ongoing basis through the sharing of experience, expertise and resources towards the development and review of a regionally standardised Council 'Response Assessment Model' for the purpose of identifying both the level of impact of vandalism events and the appropriate initiatives that should be implemented by Council in response.