

TREE AND/OR VEGETATION VANDALISM PROCEDURE

1. Scope

The Tree and/or Vegetation Vandalism Procedure (this Procedure) applies to all Council-managed land in Livingstone Shire including parks, reserves and road reserves.

2. Purpose

The purpose of this Procedure is to provide staff with a Council endorsed framework that:

- a) promotes consistent and transparent decision making in relation to the vandalism of trees and or vegetation on land under Council management; and
- b) actively addresses the principles identified in the overarching Tree and/or Vegetation Vandalism Policy.

3. Related Documents

Legislative reference

Coastal Protection and Management Act 1995

Environmental Protection Act 1994

Environmental Protection and Biodiversity Conservation Act 1999

Fisheries Act 1994

LSC Local Law No. 1 (Administration) 2011

LSC Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

LSC Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas or Roads) 2011

LSC Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

Nature Conservation Act 1992

Vegetation Management Act 1999

Related documents

Coastal Vegetation and Sand Dunes Information Sheet

Livingstone Shoreline Management Plan (2007)

Management of Vegetation on Council Controlled Land Policy

Management of Vegetation on Council Controlled Land Procedure

Our Living Coast Strategy

Our Living Environment Strategy (*Under Development*)

4. Definitions

To assist in interpretation, the following definitions shall apply:

| | |
|----------------------|--|
| Council | The Mayor and Councillors of Livingstone Shire Council. |
| Council-Managed Land | Land managed by Livingstone Shire Council (LSC) including land for which LSC is the: |

| | |
|-------------------------------|--|
| | <ul style="list-style-type: none"> • freehold title owner; and • day-to-day manager i.e., parks, reserves and road reserves. |
| Tree and Vegetation Vandalism | <p>The unlawful destruction, damage or injury to trees and vegetation including:</p> <ul style="list-style-type: none"> • poisoning; • mowing (particularly of the native understory); • pruning; • removal; • destruction; • lopping; • topping; and • ringbarking. |

5. Procedure

A range of options are available to both prevent and respond to tree and vegetation vandalism including:

- a) education;
- b) monitoring and prevention activities;
- c) regulation and enforcement; and
- d) rehabilitation.

The most effective responses:

- a) involve a suite of actions, combining enforcement, education and rehabilitation, rather than a single action; and
- b) are quick, predictable, consistent, fair and well resourced.

The following processes and practices will be applied to ensure the effective and sustainable prevention and response to tree and vegetation vandalism.

5.1 Responses to Tree or Vegetation Vandalism

- a) Responses to tree and/or vegetation vandalism will be determined by the scale of the vandalism.
- b) Vandalism can be “Moderate, Significant, or Extremely Significant” (*Refer to Appendix 1: Table 1 - Responses to tree or vegetation vandalism*).
- c) The significance level will be determined by using the significance level assessment framework (*Refer to Appendix 2: Table 2 - Significance Level Assessment Framework*).
- d) Responses to tree and/or vegetation vandalism fall under the following categories:
 - Education;
 - Monitoring and Prevention;
 - Investigation, Regulation and Enforcement; and
 - Response Measures (such as Restoration and Shade Cloth/Signage).

5.1.1 Education

Unless the community understands the benefits and value of trees and vegetation, and the adverse impacts of vandalism, it is difficult to sustain the level of community support necessary to deter and respond to such activities.

Community education is recognised as a key component in deterring tree and vegetation vandalism.

The community education program should aim to:

- a) 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 reduction, climate change mitigation and wind breaks;
- b) 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) highlight the legal significance of offences (i.e. they are illegal acts), and the potential fines and punishments;
- d) calculate and publicise the direct economic cost to residents of acts of vandalism, in terms of investigation, replacement, maintenance and monitoring costs, as well as loss of ecosystem services;
- e) publicise successful rehabilitation and other positive outcomes, as well as successful prosecutions and enforcement actions; and
- f) involve the community directly in maintenance and protection of vegetation, and in rehabilitation of damaged areas (e.g. through Coastcare activities or working with school groups).

5.1.2 Monitoring and Prevention

It is often possible to predict areas facing high risk of damage, such as developments abutting coastal areas, parkland or bushland reserves.

The risk of damage to these areas can be reduced by:

- a) Targeting community education material;
- b) Increasing the presence of engagement and enforcement officers;
- c) Monitoring vegetation condition by photographs or aerial photography;
- d) Involving the community in stewardship and maintenance of natural areas; and
- e) Developing and implementing management plans for these areas.

Livingstone Shire Council does not have the resources to monitor all areas at risk, therefore community involvement and reporting of vandalism is integral to any monitoring and prevention program.

The community must have confidence that if they do report incidents, they will be followed up promptly and effectively by Livingstone Shire Council. Recording and responding to information provided by the community is therefore extremely important.

5.1.3 Investigation, Regulation and Enforcement

In order to promote consistency when investigating and responding to vandalism events, Ranger Services Standard Operating Procedures will be followed.

Standard Operating Procedures will also be followed when proceeding with prosecution.

Although successful investigations and prosecutions may be difficult, unless people come forward with evidence, their impact is significant in making the community aware of the seriousness of illegally damaging vegetation.

Livingstone Shire Council will conduct investigations with a view to prosecuting those responsible for vegetation vandalism wherever possible.

Subject to Council endorsement, surveillance cameras may be used to gather evidence in certain situations e.g. where repeated offences have occurred at isolated sites.

If individuals who are responsible for damage come forward with an admission, Livingstone Shire Council will work with them to develop an approach to repair the site, with the remediation works to be funded by the individuals as an alternative to prosecution.

Maintenance costs for a period of five years will be included in the remediation works.

5.1.4 Response Mechanisms including Restoration, Shade Cloth and Signage

Replanting and restoration of areas where vandalism has occurred is critical. In natural areas, revegetation will occur with local native species consistent with the Regional Ecosystem present (or previously present) at that site.

Planting may occur at an equal or higher density than the vegetation removed. Specific planting patterns, such as allowing for viewing corridors, may also be considered.

Maintenance will occur until the plants are established, including watering and weed control.

Where possible restoration will be conducted in partnership with other relevant community groups and organisations, including traditional custodians.

In some cases, devices such as shade cloth and/or signage may be installed initially to advise people that vegetation has been vandalised and to encourage reporting.

Billboard type signage will only be erected as a 'last resort' for Extremely Significant cases and will require approval of Council.

Signage will remain in place until the vegetation has grown to the height of the top of the sign. If the damaged vegetation is a street tree, a small temporary sign will be installed until a replacement tree is established.

6. Changes to this Procedure

This Procedure is to remain in force until otherwise amended/replaced or other circumstances as determined by Council.

7. Repeals/Amendments

| Version | Date | Action |
|----------------|-------------|--------------------------|
| 1.0 | 18/05/2022 | New Procedure – Approved |

| Significance Level | Action |
|---|--|
| Moderate (<30) | <p>All of or a combination of the following:</p> <ul style="list-style-type: none"> • Immediately assess the site and gather information, including contacting the perpetrator to collect information; • Letterbox residents with information letter; • Enforcement (PIN or Local Court) where evidence exists; • Install small temporary educative signage (corflute); • Replant and maintain trees or vegetation at an appropriate density; • Monitor the site. |
| | <p>Example:</p> <p>Removal or damage to a small number of seedlings in a revegetation area. Minor pruning or limited damage to a street tree in a residential street.</p> |
| Significant (31-60) | <p>All of or a combination of the following:</p> <ul style="list-style-type: none"> • Immediately assess the site and gather information, including door knocking local residents; • Letterbox residents; • Leave trees or vegetation in place if safe to do so; • Enforcement (PIN or Local Court) where evidence exists; • Install shade cloth, which is to remain in place until vegetation is as tall as the height of the top of the shade cloth; • Replant and maintain trees or vegetation; • Monitor the site. |
| | <p>Example:</p> <p>Removal of seedlings from a revegetation area on more than one occasion or removal of a large number of seedlings or tree. Poisoning or major damage to a mature tree.</p> |
| Extremely Significant (61-100) | <p>All of or a combination of the following:</p> <ul style="list-style-type: none"> • Immediately assess the site and gather information, including door knocking local residents; • Letterbox residents and issue a media release. Publicise widely including issuing a mayoral/councillor statement; • Leave trees or vegetation in place if safe to do so; • Enforcement (Local Court) where evidence exists; • Install billboard type signage, shade cloth or other mechanisms to block views, which are to remain in place until vegetation is as tall as the height of the top of the signs or other device; • Monitor the site. |
| | <p>Example:</p> <p>Major damage to multiple trees in a coastal location or natural vegetation area.</p> |

Appendix 2: Table 2 - Significance Level Assessment Framework

Location:

Officer

Date:

| Criteria | Score |
|---|-------|
| Significance of the tree (36) | |
| <i>Type 3 for yes</i> | |
| 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 wildlife corridor (mapped) | |
| Keystone species for community | |
| Contributes to the landscape | |
| Total | |
| Life cycle stage (15) | |
| <i>Type 3 for young, 10 for semi-mature, 15 for mature</i> | |
| Total | |
| Site (5) | |
| <i>1 for low profile, 3 for average profile, 5 for high profile</i> | |
| Total | |
| Environmental effects (20) | |
| <i>Type 4 for yes</i> | |
| Will method cause environmental problems such as poison contamination | |
| Will method cause problems such as erosion | |
| Will method cause problems such as branches left on site | |
| Habitat loss – loss of nesting sites | |
| Does the lost tree impact threatened species | |
| Total | |
| Frequency of damage (4) | |
| <i>Type 1 for occasional, 2 intermittent, 3 frequent, 4 constant</i> | |
| Total | |
| Damage (5) | |
| <i>Type 1 for minor (2 sq. metres or less), 5 for major (greater than 2 sq. metres)</i> | |
| Total | |
| Number of trees (10) | |
| <i>Type 1 for 1-5, 5 for 5-10 and 10 for 10+</i> | |
| Total | |
| Cost of remediation (5) | |
| <i>Type 1 for Low, 3 for Medium and 5 for High Cost</i> | |
| Total | |
| Total score (100) | |