

Policy Title: UNAUTHORISED VEGETATION DAMAGE ON COUNCIL LAND
Policy Subject: Protection of the Environment
Policy No: #3379660 v3

Directorate: Development & Community
Department: Open Space and Environment

Responsible Officer: Executive Manager, Open Space & Environment
Authorised by: Director Development & Community

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Risk Assessment: Low

1. OBJECTIVE:

The objective of this policy is to promote a consistent Local Government Area (LGA) wide approach to the protection and management of vegetation in the landscape, specifically in deterring and responding to the loss of vegetation arising from unauthorised vegetation damage on Council controlled public land.

The specific objectives of the policy are:

- a) To promote the value of, and need for, protection of vegetation on public land.
- b) To provide consistency in the deterrence, investigation and response to Vegetation Vandalism incidents.
- c) To encourage the sharing of experience, expertise and resources among various land management agencies (Councils, DNRM and DEHP) when providing information to the public and responding to Unauthorised Vegetation Damage incidents throughout the Fraser Coast LGA.
- d) To promote and guide broader community involvement in the prevention of vandalism and investigation and enforcement following vandalism incidents.

2. POLICY:

2.1 Philosophy

This policy is based on the following philosophy:

- a) Unauthorised damage of vegetation on public land is a serious offence.
- b) The long term protection and management of vegetation on public land (including re-establishment in previously cleared areas) is integral to maintaining the economic, cultural, environmental and social values of the LGA. Vegetation contributes significantly to environmental health, biodiversity values and aesthetics, including human health and well-being.

- c) The identification and prosecution of perpetrators of Vegetation Vandalism should be pursued consistently throughout the LGA. 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.
- d) Community education is a key mechanism to promote the protection of vegetation, and to encourage the reporting of vandalism.

2.2 Authorities & Responsibilities

Council has authority under the Local Government Act, 2009 to make Local Laws for the areas under Council's control. Details of the Local Laws that apply to this policy are outlined in section 3 of this policy.

Responsibility for the implementation of this policy rests with the Executive Manager, Open Space & Environment and Executive Manager, Regulatory Services.

2.3 Scope & Activities

The implementation of the policy will rely upon the utilisation of a combination of education, monitoring, regulation, enforcement and rehabilitation to address vandalism of vegetation on public lands under Council's care and control a detailed below:

2.3.1. Education

Council's community education programs will include the following key elements:

- a) Details of the environmental functions provided by 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) Explanation of 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) Quantify the economic value of the environmental functions vegetation provides and the cost of vegetation loss and/or damage.
- d) Highlight the legal significance of offences (i.e. they are criminal acts), and the potential fines and punishments.
- e) Preparation and public release of costings of the direct economic cost to residents of acts of vandalism in terms of investigation, replacement/remediation and signage production and installation.
- f) Publicity regarding successful rehabilitation and other positive outcomes, as well as successful prosecutions and enforcement actions.
- g) Encourage the direct involvement of the community in maintenance and protection of vegetation, and in rehabilitation of damaged areas (e.g. through Community Environmental Programs (CEP)) and to reiterate Council's support of input from volunteers.

2.3.2. Monitoring and Prevention

Council will record vandalism incidents and its responses to these on a database to allow an assessment of the cumulative impacts of vandalism, to identify high risk areas and to monitor the effectiveness of rehabilitation and response efforts and community education over time, and will at a minimum, record the following details in regard to vandalism events:

- a) Location of the offence
- b) The extent of the damaged vegetation
- c) Details of the vegetation damaged (specific species, natural bushland or amenity planting, etc.)
- d) Method of vandalism (e.g. cut, cleared or poisoned).

Council will actively promote community involvement in stewardship and maintenance of high risk bushland areas, and will target community education initiatives toward high risk vandalism areas.

2.3.3. Regulation and Enforcement

When responding to Unauthorised Vegetation Damage events, Council will undertake an investigation and take appropriate action. Signage and / or shade cloth screens will be erected at sites of vegetation damage considered to be either “medium” or “high” significance.

2.3.4. Rehabilitation

Council will ensure that rehabilitation is a key element in addressing the impacts of Unauthorised Vegetation Damage. Where possible, persons and/or corporations identified as responsible for the Unauthorised Vegetation Damage shall be required to fund all costs associated with response measures. This may include some or all of the following:

- a) professional costs associated with assessing and reporting on the vegetation vandalism;
- b) the costs of signage and its installation;
- c) initial and follow up replanting and/or rehabilitation costs until the area vandalised has regenerated to the satisfaction of the Director Development & Community or delegate;
- d) remediation of contaminated / poisoned soil

In determining costs, the value of the vegetation damage will be assessed using current industry standard vegetation valuation methodologies.

2.4 Implementation & Resourcing

The implementation of this policy will be a joint responsibility of the Executive Manager, Open Space & Environment (OS&E), and the Executive Manager, Regulatory Services.

All OS&E section field staff will be advised to report incidents of suspected unauthorised vegetation damage to their Supervisors and those staff will undertake a preliminary investigation using the standardised reporting form designed by Regulatory Services section.

Depending on the determined impacts of the action, the matter will be referred to the appropriate section of Council for follow up investigation and / or legal action.

Letter box drops around affected areas and media releases will be undertaken by the OS&E section in liaison with Council's Communications section. A standard letter template will be used for this purpose.

Rehabilitation of damaged sites, including the erection of signage where appropriate will be undertaken by staff of Council's Natural Areas team.

3. HEAD OF POWER:

Council has authority under Section 28 of the Local Government Act, 2009 to make and enforce a local law that is necessary or convenient for the good rule and local government of its area of responsibility.

Fraser Coast Regional Council has made the following Local Laws that relate to this matter;

Local Law 1 (Administration), 2011 creates prescribed activities, including "*planting, clearing or damaging of vegetation in a local government controlled area or on a road*" (LL 1 Part 2, 1(b).)

Subordinate Local Law 1 allows for the undertaking of certain vegetation modification works on Council controlled areas in the following circumstances:

- (1) *An approval under the authorising local law is not required for the following activities—*
 - (a) *vegetation maintenance by a person of a nature strip immediately adjacent to the person's property provided the maintenance is not likely to create a risk to the safety of pedestrian and vehicular traffic;*
 - (b) *vegetation maintenance by a person of an area of up to 1.5 metres from the person's side or rear property boundary, provided no vegetation greater than 2 metres in height is interfered with; and*
 - (c) *interference with landscaping or planting constructed or installed by the local government where—*
 - (i) *there is an immediate danger to person or property; or*
 - (ii) *such interference is authorised under a Community Environment Program of the local government.*

- (2) *In this section—*

vegetation maintenance means *mowing, slashing or edging of grass, weeding or watering.*"

Subordinate LL 4 creates the prescribed activity of "alteration or improvement including planting or removal of, damage to or interfering with vegetation" unless undertaken in accordance with a permit issued by Council under Local Law 1 (Administration) 2011 as outlined above.

4. RELATED LEGISLATION:

In addition to its responsibilities under the Local Government Act and the Fraser Coast Regional Council Local Laws, Council, as Trustee of Crown Lands has obligations under the Land Act (1994)

and the Vegetation Management Act (1999) to protect remnant vegetation on land under its control.

Council also has responsibilities under the Commonwealth Environmental Protection & Biodiversity Conservation Act, (1999) in relation to federally listed species.

5. RELATED DOCUMENTS (LOCAL LAWS, POLICIES, DELEGATIONS, ETC):

This policy is to be read and applied in conjunction with the Fraser Coast Regional Council Enforcement Policy, 2017 and the annual Compliance Priorities Program as adopted by Council.

6. DEFINITIONS:

Public Land is all land under the care, control and management of the Fraser Coast Regional Council either as freehold land, reserves held as Trustee under the Land Act, or land held as parks or other reserves.

Unauthorised Vegetation Damage is the unauthorised destruction, damage or injury to trees and vegetation on public land. Examples include poisoning (either foliar or soil), mowing, pruning, removal and ringbarking.

Vegetation includes any of the following, whether dead or alive, native or exotic:

- a) a tree (including any sapling or shrub);
- b) an understorey plant;
- c) a groundcover (being any type of grass or herbaceous vegetation);
- d) a plant occurring in a wetland.

7. HISTORY:

Amended: N/A