

Program: Parks, Environment and Sustainability
Date of Adoption: 24 May 2023
Resolution Number: ORD-2023-127
Review Date: 24 May 2026

Scope

This policy applies to all public and Council-managed land in the region including parks, reserves and road reserves.

Objective

The purpose of this policy is to promote a consistent approach to deterring and responding to the loss of trees or vegetation arising from deliberate vandalism on Council-managed land.

Policy Statement

This policy has been developed in response to numerous instances of vandalism of trees and vegetation on Council-managed land across the region. This is particularly apparent in the coastal zone, where development pressure and conflicts between sea views and vegetation has seen the vandalism of trees and vegetation on public land under the control and management of MRC.

Council considers that to the extent this policy engages and limits, or potentially limits, any human rights, that limitation is reasonable in that it is proportionate and justified.

This process to remain in force until otherwise determined
by Mackay Regional Council

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1.0 Principles

This policy outlines the recommended steps to be followed to provide:

- A consistent approach to deterring and responding to instances of tree or vegetation vandalism on Council-managed land across the region;
- A consistent approach to engaging and involving the community in the long-term protection and management of vegetation and in reporting tree and vegetation vandalism; and
- A transparent investigation and decision-making framework when responding to tree and vegetation vandalism events.

There are many reasons why vandalism of trees and vegetation occurs. Some acts are random and without purpose, while others occur through ignorance, perceived risk or are motivated by personal self-interest or gain (e.g. better access to the waterfront, or unimpeded views). Where possible, the response to acts of vandalism should be adapted to suit the perceived motivation (For example, community education and Ranger patrols may be the best response to random vandalism, while prosecution and fines may be the most effective deterrent to economically-motivated acts).

Tree and vegetation vandalism can occur in a variety of forms, including poisoning, pruning, removal, destruction, and mowing of native understory. This kind of vandalism has a significant and cumulative impact on the region. Impacts include reduced visual and community amenity, loss of environmental services such as wind-breaks and erosion control, and loss of wildlife habitat.

Such vandalism can have substantial financial and human-resource costs for MRC. These include the direct loss of the asset value of the trees or vegetation, the cost of the investigation, rehabilitation and repair costs, and the cost of implementing potential deterrence measures.

There are a range of options available to MRC to both prevent and respond to tree and vegetation vandalism. These include education, monitoring and prevention activities, regulation, enforcement and rehabilitation.

The most effective responses involve a suite of actions, rather than a single action, and combine enforcement, education, and rehabilitation. Effective responses need to be quick, predictable, consistent, fair and well resourced.

2.0 Complaints

Any complaints in relation to a decision or a service relating from this policy will be assessed and managed in accordance with MRC's Administrative Action Complaints Policy, a copy of which can be found on MRC's website.

When an individual feels that they are the subject of MRC's failure to act compatibly with human rights, they can make a complaint directly to MRC. These complaints will be assessed against the *Human Rights Act 2019*.

Complaints may be made as following:

In writing to
Chief Executive Officer
Mackay Regional Council
PO Box 41
MACKAY QLD 4740

Via Email - complaints@mackay.qld.gov.au

In person at the following Council Client Services Centres:

- MRC Mackay Office – 73 Gordon Street, Mackay
- MRC Sarina Office – 65 Broad Street, Sarina
- MRC Mirani Council Office – 20 Victoria Street, Mirani

3.0 Definitions

To assist in interpretation the following definitions shall apply:

Council shall mean all elected representatives including the Mayor of Mackay Regional Council.

Council-managed land shall mean all land managed by Mackay Regional Council (MRC) including land for which MRC is the freehold title owner, and land for which MRC is a trustee, including parks, reserves and road reserves.

MRC shall mean Mackay Regional Council.

Tree and/or vegetation vandalism shall mean the unlawful destruction, damage or injury to trees and or vegetation. Examples include poisoning, mowing, pruning, removal, lopping, topping and ringbarking.

4.0 Review of Policy

This policy will be reviewed when any of the following occur:

- The related documents are amended or replaced.
- Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.

5.0 References

- MRC Local Law No. 4, Part 2, Section 5 (Subordinate LL4, Schedule 1)
- MRC Local Law No. 1, Part 2, Section 5 (Schedule 2, Part 2, 1(b))
- *Environmental Protection Act 1994*
- *Coastal Protection and Management Act 1995*
- *Vegetation Management Act 1999*
- *Environmental Protection and Biodiversity Conservation Act 1999*

6.0 Attachments

- Corporate Standard 013.1 – Tree and/or Vegetation Vandalism

Version Control:

| Version | Reason / Trigger | Change | Endorsed / Reviewed | Date |
|---------|------------------|---------------------------|---------------------|------------|
| 2 | Review of Policy | Amendments made to Policy | Council | 09/10/2019 |
| 3 | Review | Amendments | Council | 24/05/2023 |

| | |
|----------------------------|---------------------------------------|
| Program | Parks, Environment and Sustainability |
| Date of Endorsement | 24 May 2023 |
| Review Date | 24 May 2026 |

1.0 Scope

This Standard applies to all public and Council-managed land in the region including parks, reserves and road reserves.

2.0 Objective

This policy outlines the recommended steps to be followed to provide:

- A consistent approach to deterring and responding to instances of tree or vegetation vandalism on Council-managed land across the region;
- A consistent approach to engaging and involving the community in the long-term protection and management of vegetation and in reporting tree and vegetation vandalism; and
- A transparent investigation and decision-making framework when responding to tree and vegetation vandalism events.

3.0 Reference

- MRC Local Law No. 4, Part 2, Section 5 (Subordinate LL4, Schedule 1)
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5.0 Standard Statement

5.1 Policy Principles

1. The long-term protection of trees and vegetation on Council-managed land is important in maintaining the economic, cultural, environmental, recreational and social values of the region;
2. The identification and prosecution of perpetrators of tree or vegetation vandalism should be consistent throughout the region;
3. Vandalism of trees or vegetation on Council-managed land is a serious offence;
4. Community education is a key strategy to promote the protection of trees and vegetation and to encourage the reporting of vandalism; and
5. Offenders should not be advantaged by tree or vegetation vandalism and where possible, offenders should be prosecuted. Enforcement, signage, leaving dead trees in place (where safe to do so) and replanting at higher density can be key strategies to ensure no advantage is gained.

5.2 Responses to Tree or Vegetation Vandalism

Responses to tree and/or vegetation vandalism will be determined by the scale of the vandalism. Vandalism can be “Significant, Highly Significant or Extremely Significant” (Table 1).

The significance level will be determined by using the significance level assessment framework (Table 2), though noting instances of street tree damage or destruction will be replaced at a ratio of 1 to 1 rather than any higher ratio determined by the assessment framework.

5.3 Education

Unless the community understands the benefits and value of trees and vegetation, and understands 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 of deterring tree and vegetation vandalism.

The community education program should aim to address the following:

- 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 reduction, climate change mitigation and wind breaks;
- 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;

- To highlight the legal significance of offences (i.e. they are illegal acts), and the potential fines and punishments;
- To 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;
- To publicise successful rehabilitation and other positive outcomes, as well as successful prosecutions and enforcement actions; and
- To 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).

5.4 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:

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

MRC 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 MRC. Recording and responding to information provided by the community is therefore extremely important.

5.5 Investigation, Regulation and Enforcement

To promote consistency when investigating and responding to vandalism events, Health and Regulatory Services Standard Operating Procedures (SOPs) will be followed. SOPs 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. MRC will conduct investigations with a view to prosecuting those responsible for vegetation vandalism wherever possible.

Subject to Council endorsement, surveillance cameras and private investigators may be used to gather evidence in certain situations, such as where repeated offences have occurred at isolated sites.

If individuals who are responsible for the damage come forward with an admission, MRC will work with those individuals 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.

5.6 Responses including Restoration and Signage

Replanting and restoration of areas where vandalism has occurred is critical. In natural areas, the revegetation will occur with local native species consistent with the Regional Ecosystem present (or previously present) at that site. Planting may occur at a higher density than the vegetation removed, should this be recommended in the response table. Existing site conditions may mean that it may not be possible to replant trees at a higher density. In this situation, consideration should be given to replanting trees on a one for one basis and including additional plants that are low growing or ground covering, to reduce weed encroachment and maintenance costs. If the site does not allow for increasing density, trees will be replanted on a one for one basis. Maintenance will occur until the plants are established, including watering and weed control.

If the damaged vegetation is a street tree, replanting will not occur at a higher density, but will be a one for one replacement using advanced tree stock.

Signage will be installed initially to advise people that vegetation has been vandalised and to encourage reporting. Signage will be erected in all cases. Billboard type signage (extremely significant cases) will remain in place for a minimum of 5 years, or until the vegetation has grown to the height of the top of the sign. There may be instances where more than one sign is installed. If the damaged vegetation is a street tree, a small temporary sign will be installed until a replacement tree is established.

6.0 Review of Standard

This corporate standard will be reviewed when any of the following occur:

1. The related policy documents are amended or replaced.
2. Other circumstances as determined from time to time.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.

Version Control:

| Version | Reason / Trigger | Change | Endorsed / Reviewed | Date |
|---------|------------------|--------|---------------------|---------|
| 1 | Converted | | Council | 24/5/23 |
| | | | | |

Table 1: Responses to tree or vegetation vandalism.

| Significance Level | Action |
|--------------------------------------|---|
| Significant (2.63-6.25) | 1. Immediately assess the site and gather information, including door knocking or calling local residents |
| | 2. Letterbox residents with information letter |
| | 3. Leave trees or vegetation in place if safe to do so |
| | 4. Install temporary educative signage for a minimum period of one year (approximate size 450 x 600mm) |
| | 5. Enforcement (PIN or Local Court) where evidence exists |
| | 6. Replant and maintain trees or vegetation at a density of one to one. |
| | 7. Monitor the site |
| Example | <i>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.</i> |
| Highly Significant (6.25-9.87) | 1. Immediately assess the site and gather information, including door knocking or calling local residents |
| | 2. Letterbox residents and issue a media release |
| | 3. Leave trees or vegetation in place if safe to do so |
| | 4. Install signage (signs to be 600 x 900mm and to remain in place until new vegetation is as tall as the height of the top of the signs). |
| | 5. Enforcement (PIN or Local Court) where evidence exists |
| | 6. Replant and maintain trees or vegetation. Increase the density 'two for one' if the site allows |
| | 7. Monitor the site |
| Example | <i>Removal of seedlings from a revegetation area on more than one occasion or removal of a large number of seedlings. Poisoning or major damage to a mature tree.</i> |
| Extremely Significant (9.87-13.5) | 1. Immediately assess the site and gather information, including door knocking or calling local residents |
| | 2. Publicise widely including issuing a mayoral/councillor statement |
| | 3. Leave trees or vegetation in place if safe to do so |
| | 4. Install billboard type signage (signs to be 1800 x 3600mm and to remain until new vegetation is as tall as the height of the top of the signs or minimum of 5 years). |
| | 5. Other measures to block views such as shade cloth or other mechanisms (eg shipping containers) may also be installed, in addition to or as an alternative to the billboard type signage. Multiple billboards may also be used depending on severity of case and Council discretion |
| | 6. Replant and maintain trees or vegetation. Increase density 'three for one' if the site allows |
| | 7. Enforcement (PIN or Local Court) where evidence exists |
| | 8. Monitor the site |
| Example | <i>Major damage to multiple trees in a coastal location or natural vegetation area. Repetitive damage to the same area</i> |

Table 2: Significance Level Assessment Framework

Location:

Officer

Date:

(0.125 Weighting for each criteria)

| Criteria | Score |
|---|-------|
| Significance of the tree | |
| <i>Type 2 for yes and 1 for no for each item</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 | |
| Keystone species for community | |
| Contributes to the landscape | |
| Total | |
| Weighted total | |
| Life cycle stage | |
| <i>Type 3 for young, 10 for semi-mature, 42 for mature</i> | |
| Weighted total | |
| Site | |
| <i>1 for low profile, 2 for average profile, 3 for high profile</i> | |
| Weighted total | |
| Safe useful life expectancy (SULE) | |
| <i>Type 1 for short, 2 for medium, 3 for long</i> | |
| Weighted total | |
| Environmental effects | |
| <i>Type 2 for yes and 1 for no</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 | |
| Weighted total | |
| Frequency of damage | |
| <i>Type 1 for occasional, 2 intermittent, 3 frequent, 4 constants</i> | |
| Weighted total | |

| Criteria | Score |
|---|-------|
| Damage | |
| <i>Type 2 for major, 1 for minor</i> | |
| Weighted total | |
| Number of trees | |
| <i>Type 1 for 1-5, 2 for 5-10 and 3 for 10+</i> | |
| Weighted total | |
| Cost of remediation | |
| <i>Type in actual amount divided by 1000</i> | |
| Weighted total | |
| Total score | |