



Policy Owner: Director Open Spaces & Infrastructure

Category: Operational

Direction: 1. Our Living Environment

1. STATEMENT OF INTENT

- 1.1 This Policy promotes a consistent 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. It identifies the actions to be undertaken by North Sydney Council against tree vandalism on public land.
- 1.2
- 1.3 This Policy assists Council to meet the recommendations of the NSW Ombudsman's *Enforcement Guidelines* (2015).
- 1.4 The objectives of the Policy are to:
 - a) promote the value of and need for protection of trees and vegetation on community land;
 - b) provide regional consistency in the deterrence, investigation and response to tree vandalism incidents;
 - c) encourage the sharing of experience, expertise and resources among councils when deterring and responding to tree/vegetation vandalism incidents throughout the North Sydney local government area; and
 - d) promote and guide broader community involvement in the prevention of vandalism, and in investigation and enforcement following vandalism incidents.

2. ELIGIBILITY

- 2.1 The Policy applies across the whole of the North Sydney local government area.

3. DEFINITIONS

- 3.1 Tree Vandalism - is the unlawful destruction, damage or injury to trees and vegetation on private and public land, examples include poisoning, mowing, pruning, removal and ringbarking.
- 3.2 Tree or Trees - refers to any tree or plant on public land, regardless of height.

4. PROVISIONS

4.1 Guiding Principles

Council's guiding principles for regarding the protection of trees and vegetation are:

- 4.1.1 Values - Trees and vegetation contribute significantly to environmental health and sustainability, as well as providing tangible benefits to human health and wellbeing. The unauthorised destruction of trees and vegetation is a serious offence.
- 4.1.2 Education - Council's community environmental education program will promote the value of vegetation and the adverse impacts of tree and vegetation vandalism. Community reporting of tree vandalism will be encouraged through education and access to digital reporting media.
- 4.1.3 Monitoring and Prevention - Council will record vandalism incidents and its response 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.

Council may prepare management plans for individual trees and/or strands of vegetation in high-risk areas. Where prepared, these plans will include rehabilitation response in case of loss or damage. Where appropriate these plans will involve residents in their preparation and implementation and/or will be communicated to residents.

- 4.2 Where offenders are caught in the act of tree or vegetation vandalism, they will be prosecuted under the *Development Control Plan 2013: Section 16 - Trees and Vegetation Management (formerly the Tree Preservation Order 2006)*.
- 4.3 Where Council identifies or suspects tree or vegetation vandalism to have taken place on public land, an investigation and response procedure will be instigated in accordance with Council's *Tree Vandalism Response Guidelines*. These guidelines provide an incident severity-based response to tree/vegetation vandalism that is both flexible and consistent in its application.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Council's Open Space & Infrastructure Division is responsible for administering this Policy and taking actions as defined in Sections 4.2 to 4.3 in this Policy.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Bushland Plan of Management
- Development Control Plan
- Overhanging Branches Policy
- Urban Forest Strategy
- Tree Vandalism Response Guidelines

The Policy should be read in conjunction with the following documents/legislation:

- Environmental Planning and Assessment Act 1979 (Section 125)
- Native Vegetation Act 2003 Sections S12(1), S42(2) and 43(1)
- NSW Ombudsman’s Enforcement Guidelines (2015)
- Pesticides Act 1999 (Sections 7(1)(b), 10(1)(b) and 15(1))
- Rivers and Foreshores Improvement Act 1948 (Section 22B(1)b)

Version	Date Approved	Approved by	Resolution No.	Review Date
1	23 October 2006	Council	832	2008/09
2	16 February 2009	Council	61	2012/13
3	18 February 2013	Council	61	2016/17
4	25 June 2018	Council	214	2020/21
5	22 August 2022	Council	251	2024/25

APPENDIX A: INCIDENT AND RESPONSE PROTOCOL

