

	<b>COUNCIL POLICY</b>	
	<b>Illegal Vegetation Damage on Council Controlled Land Policy</b>	
	Policy Number	CP058
	Directorate	Infrastructure Services
	Owner	Executive Manager: Open Space and Environment Executive Manager: Regulatory Services
	Last Approved	25/09/2024
	Review Due	25/09/2026

## 1. PURPOSE

This policy guides a consistent Local Government Area-wide approach to the protection of vegetation in both the natural and urban landscape - specifically in deterring and responding to the loss of vegetation arising from illegal vegetation damage on Council controlled land.

The specific objectives of the policy are to:

- a) Promote the value of, and need for, protection of vegetation on Council controlled land.
- b) Provide consistency in the deterrence, investigation and response to incidents of illegal vegetation damage.
- c) Encourage the sharing of experience, expertise and resources among various land management agencies (Council, Department of Environment, Science and Innovation) when providing information to the public and responding to incidents of illegal vegetation damage throughout the Fraser Coast region.
- d) Promote and guide broader community involvement in the prevention of illegal vegetation damage, and investigation and enforcement following these incidents.

## 2. SCOPE

This policy applies to all land owned or managed by Council comprising:

- Sportsgrounds
- Environmental and recreation parks
- Constrained areas such as those accommodating utilities, and nature strips.

## 3. HEAD OF POWER

Under Section 28 of the Local Government Act “a local government may make and enforce any local law this is necessary and convenient for the good rule and local government of its local government area.” Consequently, Council has made the following Local Laws that affect this matter:

- Local Law 1 (Administration) 2011,
- Subordinate Local Law 1, and
- Subordinate Local Law 4.

## 4. DEFINITIONS

To assist in the interpretation of this Policy the following definitions apply:

**Council controlled land** means land under Council freehold ownership or Crown Land (reserve) managed by Council under trust or gazetted bathing reserve or gazetted foreshore. It also includes Council managed road reserves and State controlled road reserves that are managed by Council.

**Illegal vegetation damage** is the destruction, damage or injury to trees and vegetation that has not been approved or consented to by Council. Examples of damage include poisoning via foliage, trunk or soil, complete removal, ringbarking, or pruning/lopping.

**Vegetation** is any native or exotic tree, plant, grass or non-woody herbage, be it terrestrial, tidal or aquatic and living or dead.

## **5. POLICY STATEMENT**

Council is committed to the prevention and management of illegal vegetation damage on Council controlled land, and will achieve this through:

### **5.1 Education and awareness raising**

Council's community education programs will promote awareness and understanding of the benefits and critical value of vegetation on Council controlled land. Education initiatives will target areas surrounding the location of serious and repeat incidents, particularly in urban areas, and will include the illegal nature of these damaging acts.

Awareness raising in response to incidents of illegal vegetation damage will be delivered via varying means depending on the severity of the incident as determined by Council's Illegal Vegetation Damage Assessment and Response Procedure. Options for awareness raising include, but are not limited to:

- Letterbox drop in vicinity of damage,
- Social media campaign,
- Informative signage detailing the monetary and environmental value of the vegetation affected, and
- Screening and informative signage may be used at high significance sites as determined by the Illegal Vegetation Damage Assessment and Response Procedure.

### **5.2 Monitoring and prevention**

Using the Illegal Vegetation Damage Assessment and Response Procedure, Council will apply a standard process to assess and record incidents of illegal vegetation damage. These reports will be used to document the cumulative impacts of damage, identify high-risk areas and monitor the effectiveness of rehabilitation and response efforts. Council will actively promote community involvement in the stewardship and maintenance of illegal vegetation damage in high-risk areas.

Activities aimed at preventing illegal vegetation damage will include, but not be limited to:

- Drone mapping and baseline vegetation surveys along high-risk locations such as coastal foreshores and significant trees,
- Imagery comparison to determine incidents of illegal vegetation damage/clearing,
- The use of CCTV for known high-risk sites being rehabilitated, and new high visibility sites, and
- Developing a more robust customer service script to ensure that reports of illegal vegetation damage are responded to as a high priority.

### **5.3 Regulation and enforcement**

Investigation into the person(s) responsible for illegal vegetation damage will also occur. Where Council succeeds in identifying and proving the actions of an illegal vegetation damage perpetrator, the perpetrator will be penalised in accordance with Council's Compliance and Enforcement Guideline and invoiced for the cost of remedial works.

#### 5.4 Rehabilitation

Although rehabilitation is a key element in addressing the impacts of illegal vegetation damage, it is costly. Rehabilitation will therefore be prioritised to target the rectification of damage that is likely to cause significant consequential environmental damage and based on the Illegal Vegetation Damage Assessment and Response Procedure.

Offenders should not be advantaged by illegal vegetation damage; therefore, rehabilitation of the site may involve leaving dead or damaged trees in place (where safe to do so) and replanting at higher densities, with species akin to those damaged.

### 6. ASSOCIATED DOCUMENTS AND LEGISLATION

This policy is to be read and applied in conjunction with:

- Environmental Protection and Biodiversity Conservation Act 1999
- Fraser Coast Regional Council Compliance and Enforcement Guideline (eDocs #4581250)
- Fraser Coast Regional Council Enforcement Manual 2021 (eDocs #4473576)
- Illegal Vegetation Damage Assessment and Response Procedure (internal, eDocs: #4783104)
- Vegetation Management Act 1999

### 7. REVIEW

This Policy will be reviewed when related legislation is amended or replaced, other circumstances as determined from time to time by Council, or at intervals of no more than two years.

#### Version Control

Version Number	Key Changes	Approval Authority	Approval Date	Document Number
3	New Policy		06/09/2017	#3379660
5	Reviewed Policy	Council	25/09/2024	#3379660