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Port Stephens Council

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Revised Tree Vandalism Policy

File number: PSC2013-00406-0062

Submission

The proposed changes are very minor and are not in themselves controversial. This review has however provided an opportunity to comment on the overall adequacy of the Policy.

Policy progressively weakened

TRRA has made representations on earlier versions of this policy. We observe that the policy has become progressively less transparent and more fragmented since the policy was first adopted in 2008, following a good 'model' issued in 2007 by the Joint Organisation of Hunter Councils.

Through several subsequent revisions, the Port Stephens Policy has progressively diverged from that model, whereas other Councils (e.g. Central Coast, Coffs Harbour, Tweed) have adopted the model more completely.

We submit that as a result, the Port Stephens Policy has become less effective in clearly explaining all the relevant procedures and criteria and therefore also in serving to educate the community and in deterring unlawful tree removal.

The policy has been progressively 'pared back' to a broad high-level statement of worthy intent, with critical operational detail now contained only in secondary documents, some of which are not publicly available (e.g. *Environmental Assessment Procedure (EMS 3.0)*, *Environmental Incident*



Procedure (EMS 4.0), Tree Vandalism Management Directive), with others being significantly out of date (e.g. Council's Tree Technical Specifications, 2014).

Staff resources

The effectiveness of the policy also cannot be divorced from the issue of staff resources. We understand that Council no longer has a requirement for the Vegetation Management Officer to have advanced qualifications as an arborist. Instead, Council uses qualified contractors on an 'as-needed' basis. This is a problem generally in relation to Council's overall Tree Management policy, which is currently also on exhibition as part of a package of amendments to the DCP. TRRA will be commenting separately on that Section B1 of the DCP.

But the lack of a qualified in-house arborist is particularly serious in relation to Tree Vandalism, when an urgent response is often required to reports of vandalism. The bureaucratic process of engaging an external contractor is no substitute for the ability of a staff arborist to quickly inspect and assess damage.

The renaming of the relevant position from Tree Preservation Officer in itself sends a disappointing message to the community about Council's priorities, as has the failure to permanently replace the long term incumbent several years ago, and a succession of vacancies and/or temporary appointments.

We do not criticise the efforts made by various Council staff in the Natural Resources team in relation to tree management generally and tree vandalism specifically, but we are very critical of the priority Council has given to resourcing of this important function – it seems to have been treated as one of lesser importance where savings could, and have been, made.

Relationship to Tree Management more generally

Given that the proposed changes to the Tree Management section of the DCP are still on exhibition until 8 December, we submit that no final decision should be made on the Tree Vandalism Policy in isolation from that document. The two are clearly very closely related.

A typical enquiry from a member of the public about damage or removal of a significant tree will need to be assessed to see if it:

- is permitted without an application;
- has been approved under the Tree Management Policy;
- falls under the exception for imminent risk, or
- is unjustified and falls under the Tree Vandalism Policy, requiring enforcement action.

We submit that pending clarification of the relationship to the Tree Vandalism Policy, and relevant operational processes EITHER the changes to the Tree Management Section should be removed from the package of other DCP changes OR the entire DCP amendment be deferred. We will have more to say on this in our submission on the DCP amendment.

In any case the revised Tree Vandalism Policy should *not* be finalised until Councillors have had the opportunity to consider it alongside the Tree Management section of the DCP.

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