
Our Vision

Nambucca Valley ~ Living at its best

Our Mission Statement

'The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.'

1.0 Policy Objective

- 1.1 To identify the actions to be taken by Council in response to deliberate tree vandalism on public land managed by Council and to promote community involvement in the deterrence, investigation and response to tree vandalism incidents.
- 1.2 To ensure that Council's approach to the issue of rewards for information concerning tree vandalism is managed in a consistent, transparent and appropriate manner through the development of clearly defined eligibility criteria. The eligibility criteria will describe who and under what circumstances a person is eligible for a reward for information given regarding vandalism of Council's trees, together with their entitlement.
- 1.3 That when trees on public land are found to be cut down or dying the following steps are to be taken:
 - Investigate and determine if the tree has been deliberately cut down, lopped, damaged by poison or ringbarked.
 - Deliberate acts are to be further investigated by seeking information by letter from neighbours and those living in close proximity and advising of the reward.

2.0 Related Legislation

Native Vegetation Act 2003 – Clear Native Vegetation
Pesticides Act 1999 – Use Of A Pesticide
Environmental Planning and Assessment Act 1979
Rivers and Foreshores Improvement Act 1948– Remove Material From Protected Land

3.0 Definitions

- 3.1 Tree Vandalism – 'the unlawful destruction, damage or injury to trees and vegetation on public land. Examples include poisoning, lopping, mowing, pruning, removal, ringbarking and root damage.'
 - 3.2 Tree or trees – will refer to any tree or plant on public land, regardless of height.
 - 3.3 Public land and reserves – refers to road reserves, public parks, beaches and foreshores and all Crown land.
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PROCEDURES AND GUIDELINES FOR TREE VANDALISM INVESTIGATION AND RESPONSE PROTOCOL

4.0 Policy Statement

- 4.1 Trees on public land are important natural assets belonging to the community, which Nambucca Shire Council (NSC) manages on its behalf. NSC is committed to ensuring the protection and retention of trees in open spaces to improve the visual and environmental quality of public land.

The long term protection and management of trees and vegetation on public land (including reestablishment in cleared areas) is integral to maintaining the cultural, environmental and social values of the Nambucca Valley.

Vandalism of trees and vegetation on public land is a serious criminal offence. Council is committed to the preservation of trees on public land and are determined to deter attacks acts of vandalism by:

- Investigating all reports of vandalism of trees.
- Assessing and attempting to repair damage to vandalised trees on public land.
- Gathering evidence and witness statements and where possible to prosecute for breaches.
- Notifying residents and the public of what has occurred and ask for their cooperation.
- Erecting 'shaming' signage on trees on public land and where necessary install shrouding to block an illegally obtained view.
- Notifying and publicising serious breaches in the local papers and media.
- Replacing severely damaged trees with advanced trees and erecting tree guards and signs for added protection.
- Encouraging residents to take pride in the trees in their street and to report any suspicious activities near trees.
- Where possible, vandalised/poisoned vegetation to remain in place until such time as they pose a risk from falling limbs.
- Replacement planting be undertaken with appropriate species in the event of the tree or vegetation being cut down or removed.
- That a sign or banner up to 900 x 2000 mm (size and position to be determined by staff) be placed on the tree or site of the vandalism with the sign to advise of the offer of a reward . The banner/sign is to remain in place for a minimum of 12 months from the date it was erected.
- That a reward of up to \$5,000 (as identified in the Procedures and Guidelines for Tree Vandalism Investigation and Response Protocol, Response Measures For Low, Medium, and High Impact Vandalism Events) for information leading to a conviction be advertised.
- Tree clearing on Crown Land is to be reported to the Office of Environment and Heritage on 13 15 55 or emailed to info@environment.nsw.gov.au

5.0 Promotion of Policy

This policy will be freely available on Council's website. It will be provided to all S355 Committees of Council responsible for managing public land on Council's behalf. Reference to this policy will be made in any media release relating to tree vandalism and on any board, screen or public notifications relating to tree vandalism.

To help achieve this, signs will be erected for unlawful removal, pruning, lopping or poisoning of trees that will result in the death of the tree. In addition signs may be erected for unlawful pruning, lopping, root damage to a tree as well as additional actions to promote the policy which may include screens, ribbons, large signs, as well as replacement planting.

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Signs will be erected as close to the location of the removed/damaged tree as is possible for a minimum of twelve months to be reviewed annually by the Assistant General Manager – Engineering Services or until any dead tree becomes dangerous.

6.0 Reward

A reward of up to \$5,000 will be considered by Council (in accordance with the impact assessment rating) for information relating to a successful prosecution for vandalism of any tree/s on public land.

The value of the reward will be based on the criteria listed in Section 7 and an impact assessment rating of the vandalism event.

7.0 Evaluation of an application for reward

When evaluating a request for a reward for information under this policy, the Responsible Officer must submit a report to the Assistant General Manager - Engineering Services when the prosecution, including all avenues of appeal has been completed and the alleged offender has been found guilty of the offence.

The report must contain a summary of the proceeding together with a Council and/or independent Arborist report including the value of the tree/s. In addition, the report should contain details of any other relevant information pertaining to the nature of the offence and vandalism.

The value of the reward will be determined by a number of factors including but not limited to:

- The monetary reward value shall be determined by Council following a report by a Responsible Officer or Arborist using the impact assessment rating which categorise the vandalism event into low, medium or high impact.”
- The location of the tree;
- The amenity of the tree;
- The level of publicity relating to the successful prosecution;
- The amount of damage to the tree shall be in accordance with the scale of severity as follows:

Up to \$ 1,000 – Low Impact Events (Low Significance – score rating 2.6 to 6.3)

Up to \$ 3,500 – Medium Impact Events (Medium significance – score rating 6.3 to 10)

Up to \$ 5,000 – High Impact Events (High significance – score rating 10 to 13.5)

Should the Assistant General Manager - Engineering Services determine that a person could be eligible for a reward under this policy the Responsible Officer is to prepare a report for consideration and determination by Council.

Council will consider each application on its own merits giving due consideration to the nature of the vandalism and the effect on the general amenity and aesthetics of the area in accordance with impact assessment rating of the vandalism event.

8.0 Notification of Application

All applications for reward must be acknowledged in writing in the first instance, advising the Applicant of the protocol and procedures as outlined in this Tree Vandalism Policy.

The Applicant will be informed in writing on the conclusion of the investigation whether legal proceedings are warranted. At the conclusion of any legal proceedings and subsequent report to Council further advice will be given to the Applicant detailing whether they are eligible for the reward and the method of payment if applicable.

9.0 Monitoring, Evaluation and Review Eligibility Criteria

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In order for a person to be eligible for consideration of a reward for information concerning the vandalism of vegetation on Council owned or managed land including foreshores where Council is the Committee of Management:

- the alleged offender must be found guilty of the alleged offence by a Court of competent jurisdiction from a prosecution launched by the Council or NSW Police,
- the applicant must be willing to give sworn evidence in Court when and if required, and
- in the opinion of the Responsible Officer, the applicant did not knowingly allow the alleged offender to commit the act in order to obtain a reward.”

10.0 History

The first Tree Vandalism Policy was adopted by Council on 5 July 2007 where Council offered a reward of \$5,000 for anyone that provides information that leads to the conviction of persons vandalising trees on public land.

Despite the reward there has been little information come forward and no eye witness reports to enable prosecution. The following sites are local examples where significant tree damage has occurred:

Bellwood Park, Nambucca Heads

Three large eucalyptus poisoned beside Riverside Drive to improve views.

Riverside Drive, Nambucca Heads

Large eucalypt on the batter poisoned to improve views.

Bemago Street, Nambucca Heads

Extensive numbers of Melaleuca poisoned to improve views.

Parkes Street, Nambucca Heads

Ninety trees ringbarked to improve views.

Banksia Street, Scotts Head

Trees on the sand dune poisoned to improve views.

Crown Reserve Valla Beach

Felling of large trees in the vicinity of Tuna Close to open up views.

Nelson Street, Nambucca Heads

Trees cut down on the headland at the eastern end of Nelson Street.

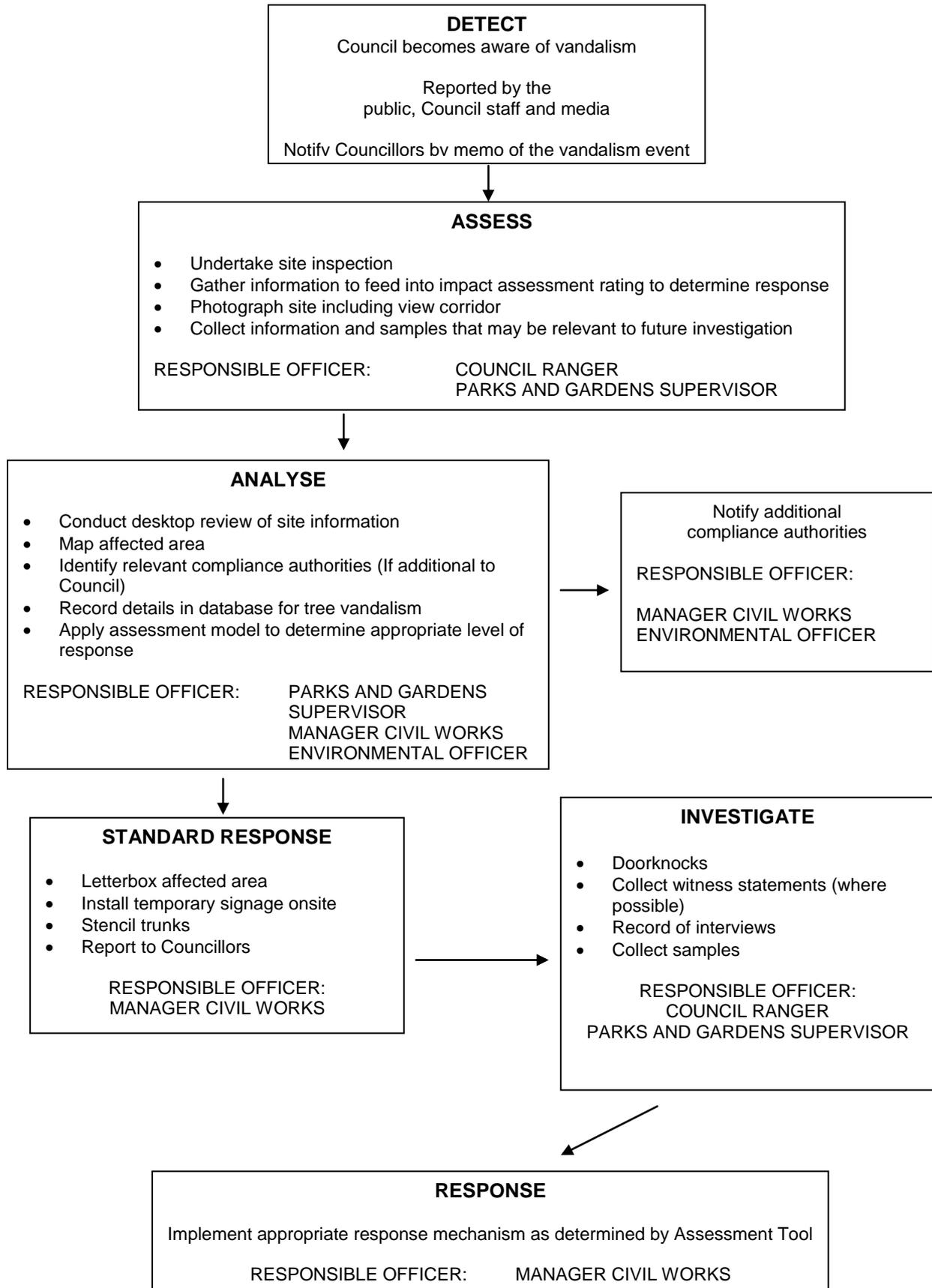
Bowra Street, Nambucca Heads

Poisoning of plants in the landscaping within the shopping centre.

Shrubs in planter boxes cut off.

Department:	Engineering Services	Last Reviewed	Resolution Number
Policy Category	Council	20/10/2010	
Endorsed By:	General Manager	15/04/2010	
Approval Authority	Council	February 2018	78/18
Policy Owner	AGMES		
Contact Officer	AGMES		
Document No.	13553/2012		
First Adopted	5 July 2007		
Resolution No:	?		
Review Date:	Feb 2022		

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PROCEDURES AND GUIDELINES FOR TREE VANDALISM INVESTIGATION AND RESPONSE PROTOCOL

IMPACT ASSESSMENT RATING OF VANDALISM EVENT

Location: _____

Officer: _____

Description of Vandalism: _____

Date: _____

Please Note: The Weighting for each Main Criteria is 0.125

Criteria	T1	T2	T3	T4	T5	T6	T7	T8	T9
SIGNIFICANCE OF THE TREE									
2 for yes; 1 for no; for each item									
Historical value									
Commemorative tree									
Significant tree									
Senescence (exceptionally old)									
Curious growth habit or physical appearance									
Seed tree									
Unusually large size									
Rare to the area									
Aesthetic quality									
Valuable habitat or corridor									
Key stone species									
Contributes to landscape									
TOTAL									
WEIGHTED TOTAL (Multiply by 0.125)									
LIFE CYCLE STAGE									
3 for young; 10 for semi-mature; 42 for mature									
WEIGHTED TOTAL (Multiply by 0.125)									
SITE									
1 for low profile; 2 for average profile; and 3 for high profile									
WEIGHTED TOTAL (Multiply by 0.125)									
SULE (Useful life expectancy)									
1 for short; 2 for medium; 3 for long									
WEIGHTED TOTAL (Multiply by 0.125)									
ENVIRONMENTAL EFFECTS									
2 for yes; and 1 for no									
Will vandalism act cause further problems associated with poison contamination, erosion, debris on site etc?									

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Will method cause problems eg branches left on site?									
Habitat – Loss of nesting sites									
Is the area able to be restored?									
ENVIRONMENTAL CONSIDERATION									
Will debris assist in deterring further vandalism or provide a refuge for wildlife, shade exposed ground and catch sediments?									
TOTAL									
WEIGHTED TOTAL (Multiply by 0.125)									
TARGET									
1 for occasional; 2 intermittent; 3 frequent; 4 constant									
WEIGHTED TOTAL (Multiply by 0.125)									
DAMAGE									
2 for major or 1 for minor									
WEIGHTED TOTAL (Multiply by 0.125)									
COST OF REMEDIATION AND TREE VALUATION									
Actual amount divided by 1000									
WEIGHTED TOTAL (Multiply by 0.125)									
TOTAL SCORE									

ADD COMMENTS _____

_____ _____ _____
 SIGN TITLE DATE

REFERRED TO: _____ _____ _____
NAME DATE

ADD COMMENTS _____

REFERRED TO:
 Please Tick Box General Manager AGM - Engineering Council

ACTION TAKEN

PROCEDURES AND GUIDELINES FOR TREE VANDALISM INVESTIGATION AND RESPONSE PROTOCOL

RESPONSE MEASURES FOR LOW, MEDIUM, AND HIGH IMPACT VANDALISM EVENTS

The suite of response measures considered appropriate to implement in response to high, medium and low impact tree and vegetation vandalism events on public land are outlined below. They include:

VALUE OF REWARD UP TO \$1000.00

Low impact events (Low significance – score rating 2.6 to 6.3)

- Letterbox drop to surrounding residents.
- Install temporary signage.
- Leave tree skeletons in place as far as safety allows and stencil trunks.
- Where sufficient evidence exists, issue Penalty Infringement Notice or pursue prosecution in the Local Court.
- Rehabilitate or replant.

VALUE OF REWARD \$1000.00 to \$3500.00

Medium impact events (Medium significance – score rating 6.3 to 10)

- Letterbox surrounding residents.
- Erect temporary (consider permanent) signage.
- Leave tree skeletons in place as far as safety allows and stencil trunks.
- Treat poisoned plants or soil to attempt to rescue affected vegetation.
- Replant and rehabilitate damaged areas.
- Where sufficient evidence is available, pursue legal proceedings in either the Local Court or Land & Environment Court (NB. While the penalties are more substantial in the Land & Environment Court, so too are the costs of proceedings and the burden of evidence that is required. The decision regarding which court to commence proceedings in will depend largely on an assessment of these factors).

VALUE OF REWARD \$3500.00 to \$5000.00

High impact events (High significance – score rating 10 to 13.5)

- Letterbox residents in the vicinity highlighting the damage and seeking information on perpetrators.
- Leave tree skeletons in place as far as safety allows.
- Erect permanent signs on the site highlighting damage and its consequences.
- Publicise damage and responses in the media.
- Protect site and rehabilitation works with fencing (e.g. construction fencing).
- Involve residents and community groups (e.g. Landcare and schools) directly in planning and implementing rehabilitation strategies.
- Treat poisoned plants or soil to attempt to rescue affected vegetation.
- Increase the density or extent of vegetation in rehabilitation works (e.g. “two-for-one” or “three-for-one”).
- Persist with rehabilitation works and maintenance of rehabilitated areas to ensure no loss of vegetation over time.
- Offer rewards for information.
- Pursue proceedings in the Land & Environment Court where sufficient evidence exists.

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- Draw attention to the damage through public art or painting the dead stumps.
- Block views using barriers such as bunting , shade cloth, fences or shipping containers.

For example, an integrated response to a major incident, combining a suite of actions, may include:

- 1 Immediately assess the site and gather information.
- 2 Erect permanent signs pointing out the damage and seeking information on the perpetrators.
- 3 Letterbox residents in the vicinity to publicise the damage and seek information for the investigation.
- 4 Conduct a thorough investigation including doorknocking local residents with a view to identifying potential witnesses.
- 5 Assess the best response to stabilise the area and ensure the vandalism is not rewarded (eg by cutting down or clearing the dead vegetation). Implement measures to block views that may have been obtained (eg shipping containers or screening with shade cloth) or to highlight the damage that has occurred (eg decorating tree skeletons or installing bunting). Such actions in some way may defeat the vandal's purpose.
- 6 Prepare and implement a rehabilitation plan, preferably involving local residents (although this may not always be possible or desirable). Successful rehabilitation can be linked with the removal of "punishments". For example, bunting or signs may be removed after 12 months if replanted vegetation is established and maintained. This will encourage residents to protect rehabilitation works.
- 7 Where sufficient evidence may be available, pursue prosecution in the NSW Land & Environment Court. If successful, publicise the outcomes.

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TEMPLATE LETTER FOR LETTERBOXING

Occupier
Address 1
Address 2

Dear Occupier

DAMAGE TO VEGETATION ON PUBLIC LAND

In the last few months valuable trees / bushland on public land at [*Location*] has been vandalised.

This vandalism has included [*Insert Offence – Eg Poisoning Of 5 Large Trees*]. The impacts from this deliberate vandalism of community property include [*Insert Impacts Eg Loss Of Habitat, Shade And Amenity*]. The cost to council of rehabilitating the damage caused is likely to exceed [*insert value*], taking money away from other community services.

All native vegetation on public land is protected. Deliberately killing or pruning trees and other vegetation on public land without approval is illegal, and can attract substantial penalties. Council is now investigating this particular incident with a view to identifying those responsible.

Council is planning to [*insert proposed suite of actions eg replace the poisoned trees with three new trees of the same species; rehabilitate the site and fence it off to prevent further damage; invite the local primary school to assist in replanting the damaged area*].

If you have any information that may help Council in its investigation, or if you would like to be involved in rehabilitating and protecting the site in future, please contact [*Name – Position*] on [*Phone Number*].

Council offers a reward up to \$5000 for information leading to a conviction.

Your assistance in this matter would be greatly appreciated.

Yours faithfully

Paul Gallagher
ASSISTANT GENERAL MANAGER – ENGINEERING SERVICES

PG:

PROCEDURES AND GUIDELINES FOR TREE VANDALISM INVESTIGATION AND RESPONSE PROTOCOL

SIGN TEMPLATE

ENVIRONMENTAL VANDALISM!

These trees / vegetation have [*BEEN DESTROYED / KILLED / ARE SICK*]
As a result of deliberate [*POISONING / MOWING / OTHER ACTIVITY.*]

This vandalism is a criminal act. Council is investigating to identify those responsible for this selfish damage to community property and would be grateful for any information from the community that may assist.

Should you have any information that can assist in these inquiries, or if you would like to participate in helping to rehabilitate and protect the site in future, please phone Council on [*PHONE NUMBER*].

Council offers a reward up to \$5000 for information leading to a conviction.