



# **BYRON SHIRE COUNCIL**

**POLICY NO. 10/013**

**TREE / VEGETATION VANDALISM**

**INFORMATION ABOUT THIS DOCUMENT  
(INTERNAL USE ONLY)**

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<b>#911295</b>	0580810	Policy Developed in response to Resolution of Council 04-210
<b>#1146221</b>	11/11/10	Adopted Res No. 10-884 (reformatted in line with Policy template)

***Further Document Information and Relationships***

<b>Related Legislation</b>	S125 of the Environmental Planning and Assessment Act 1979 S629(1) of the Local Government Act 1993 S43(1) of the Native Vegetation Act 2003
<b>Related Policies</b>	Byron Shire Council Unauthorised Development & Activities Policy Byron Shire Council Tree Management Policy and Procedures (in preparation)
<b>Related Procedures/ Procedures, Statements, documents</b>	Byron Shire Council Tree Preservation Order Byron Shire Council Procedure – “Apply the Principles of Ecological Sustainable Development to Environmental Law Enforcement Cases”. Thyer Tree Evaluation Method Doc # 991897

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**POLICY TITLE                      TREE/VEGETATION VANDALISM POLICY**

**1. PURPOSE, SCOPE AND BACKGROUND**

**1.1. Purpose**

The purpose of this policy is to promote a consistent Shirewide 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.

This policy has been adapted from the Port Stephens Council policy. It has been amended for use in the Byron Shire Council Local Government Area to align with other Byron Shire Council policies.

**1.2. Scope**

This policy outlines the recommended procedures and activities to provide:

- a) A consistent approach by Council to deterring and responding to incidences of tree/vegetation vandalism on public land throughout the Byron Shire LGA.
- b) A consistent Council approach to engaging and involving the community in the long term protection and management of vegetation and in reporting illegal vandalism

The policy supplements Byron Shire Council tree and vegetation management policies with a tree/vegetation vandalism policy that is based on common objectives, values and needs.

This policy will assist Council in meeting the recommendations of the NSW Ombudsman's Enforcement Guidelines for Councils (2002) by establishing a consistent and transparent investigation and decision making framework when responding to tree and vegetation vandalism events on public land under the control of Byron Shire Council.

**1.3. Background**

This policy has been developed in light of increasing tree/vegetation vandalism being experienced by Council. This is particularly apparent in the coastal zone where development pressure and conflicts between water views and vegetation has seen an increase in the vandalism of trees on public land under the care, control and management of council. Further background information to the policy and the initiatives it comprises are included in Appendix 1.

**2. OBJECTIVES**

- 2.1. To promote the value of and need for protection of trees and vegetation on community land
- 2.2. To provide consistency in the deterrence, investigation and response to tree vandalism incidents
- 2.3. To encourage the sharing of experience, expertise and resources among various land management agencies (Council, DECCW and NSW Land and Property Management

Authority) when deterring and responding to tree/vegetation vandalism incidents throughout Byron Shire.

- 2.4. To promote and guide broader community involvement in the prevention of vandalism, and investigation and enforcement following vandalism incidents

### **3. POLICY STATEMENT**

#### **3.1. Definition of Tree Vandalism**

For the purpose of this policy, Tree Vandalism is defined as; *‘the unlawful destruction, damage or injury to trees and vegetation on community and public land. Examples include poisoning, mowing, pruning, removal and ringbarking’.*

#### **3.2. Land to which the policy applies**

This policy applies to public and community land that is under the care, control and management of Byron Shire Council.

### **4. POLICY PRINCIPLES**

- 4.1. Vandalism of trees and vegetation on community and public land is a serious criminal offence
- 4.2. The long term protection and management of trees and vegetation on public land (including re-establishment in previously cleared areas) is integral to maintaining the economic, cultural, environment and social values of the Shire. Trees and vegetation contribute significantly to environmental health, biodiversity values and aesthetics, including human health and well-being.
- 4.3. The identification and prosecution of perpetrators of public tree/vegetation vandalism should be pursued consistently throughout the Shire.
- 4.4. In the absence of successful prosecutions, Council and the community must carry some responsibility for the prevention of further damage and rehabilitation of damaged areas.
- 4.5. Community education is a key mechanism to promote the protection of trees and vegetation, and to encourage the reporting of vandalism.

### **5. RELEVANT LEGISLATION PROVISIONS**

- 5.1. There exists a range of offences under various legislation that have the potential to apply in case of tree / vegetation vandalism. An overview of these offences, relevant legislation, responsible authorities and the nature of penalties that apply are included in Appendix 2.

### **6. POLICY RESPONSES**

#### **6.1. Education**

Council’s community education programs will include the following key elements about the value of vegetation and the adverse impacts of tree and vegetation vandalism:

- a) 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 attenuation, climate change mitigation and wind

breaks.

- b) 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.
- c) To give an economic value to the aesthetic and environmental functions of vegetation and, therefore, to the cost of vegetation loss, damage and replacement by using the Thyer Tree Evaluation (2000-b) method as per Appendix 8.
- d) To highlight the legal significance of offences (ie they are criminal acts), and the potential fines and punishments.
- e) To calculate and publicise the direct economic cost to residents of acts of vandalism, in terms of investigation, replacement and remediation costs.
- f) To publicise successful rehabilitation and other positive outcomes, as well as successful prosecutions and enforcement actions.
- g) To involve the community directly in maintenance and protection of vegetation, and in rehabilitation of damaged areas (eg through Dunecare and Landcare).

## **6.2. Monitoring and Prevention**

- a) 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 will, as a minimum, record the following details in regard to vandalism events:
  - i) the area of canopy that has been impacted upon.
  - ii) location of the offence.
  - iii) vegetation type (natural bushland or amenity).
  - iv) method of vandalism (cut, cleared or unknown).
- b) Council will prepare management plans for individual trees and/or stands of vegetation in high risk areas. These plans should include rehabilitation responses in case of loss or damage. These plans should involve residents in their preparation and implementation when possible, and be communicated to residents. Existing adopted plans of Management for Council lands and / or Coastal Management Plans may be adopted to provide this information.
- c) Council will actively promote community involvement in stewardship and maintenance of high risk bushland areas.
- d) Council will target community education initiatives toward high risk vandalism areas.

## **6.3. Regulation, Enforcement and Rehabilitation**

- a) Council will follow the Investigation and Response Procedure included in Appendix 4 when responding to tree and vegetation vandalism events.
- b) To support the effective implementation of the Investigation and Response Procedure Council will clearly define relevant staff responsibilities within the procedure, and establish clear lines of communication between those that are involved.

- c) Council will participate in the development and trial of a regionally standardised 'Response Assessment Model' for the purpose of identifying both the level of impact of vandalism events and the appropriate initiatives that should be implemented by Council in response to these. An example of such an Assessment Model is included in Appendix 5.
- d) Council endorses the suite of potential response measures to vandalism events included in Appendix 6 of this policy.

## **7. RESOURCES**

### **7.1. Resources Required**

The resources required for Council to implement this policy include:

- a) educational materials (eg brochures);
- b) management plans and rehabilitation strategies;
- c) correspondence templates (eg for letter box drops);
- d) signage and/or banners;
- e) paint stencils;
- f) investigative / regulatory staff;
- g) physical materials such as bunting, fencing, sail or shade cloth;
- h) database to record and monitor vandalism events;
- i) access to suitable endemic plants suitable for use in rehabilitation;
- j) team trained and resourced to carry out rehabilitation.

### **7.2. Regional Resource Opportunities**

Consideration should be given to working with adjoining Councils (Tweed and Ballina Shires) in the development of a regional policy on tree vandalism. The effective and consistent application of this policy throughout the region could be enhanced, and the resource implications for individual councils reduced through the sharing of experience, expertise and resources among councils. Particular examples of where such resource and information sharing could occur include:

- a) Development and use of regional templates for:
  - i) educational materials (eg brochures);
  - ii) management plans and rehabilitation strategies;
  - iii) correspondence (eg for letter drops);
  - iv) signs;
  - v) recording vandalism incidents (eg Access database).
- b) The sharing of specialist investigative resources and staff that are experienced in environmental investigation techniques. These skills need to be further developed and shared in the region.
- c) The promotion and sharing of case studies that critique both successful and unsuccessful responses to vandalism events and the lessons learned from these.
- d) Sharing of physical materials required for responding to vandalism events (eg construction fencing, bunting, paint stencils).

There is also the potential for revenue raised through Penalty Infringement Notices and successful court prosecutions to be used as a source of revenue to assist with funding further preventive and regulatory initiatives.



## **Appendix 1 - BACKGROUND TO THE POLICY**

### **1. Tree and Vegetation Vandalism**

This policy has been developed in light of increasing tree/vegetation vandalism being experienced both by Byron Shire Council and other councils across the region. This is particularly apparent in the coastal zone where development pressure and conflicts between water views and vegetation has seen an increase in the vandalism of trees and vegetation on public land under the care, control and management of councils.

This issue is not unique to Byron Shire however, as in November 2005, the NSW Minister for the Environment sought feedback from NSW Local Government Councils regarding ways to improve investigation of breaches of local council Tree Preservation Orders. This was in response to tree poisoning and removal from council reserves and private property “appearing to have reached epidemic proportions in some areas of coastal NSW and being particularly common around the harbour and beachside suburbs of Sydney”. In response, the Minister was investigating ways to provide councils with greater powers to investigate breaches of Tree Preservation Orders.

There are many reasons that motivate vandalism of trees and vegetation. Some acts are random and without purpose often generated from anti-social behaviour, while others occur through ignorance or are motivated by personal self-interest or gain (eg increased property values, better access to the waterfront, or unimpeded views). Tree and vegetation removal in coastal areas are often accompanied by actual encroachments by private developments into dunal reserves.

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.

The physical nature of tree and vegetation vandalism can occur in a variety of forms, including poisoning, pruning, removal and destruction, and mowing of native understorey. This kind of vandalism has a significant and cumulative impact on the environment. Particular impacts include reduced visual and community amenity, loss of environmental services such as wind-breaks and erosion control, and loss of wildlife habitat and biodiversity.

Such vandalism can have substantial financial and human resource costs for councils. 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 punitive / deterrence measures.

The clandestine nature of tree/vegetation vandalism on public land frequently makes the identification of perpetrators difficult. Even where it is possible to identify the most likely offender, it can be difficult to collect sufficient evidence to prove responsibility. This is frequently exacerbated by a general unwillingness among the community to provide testimony, even where an offence may have been witnessed.

## **2. Policy Responses**

### **a. Education**

Unless the community has an understanding of the benefits and value of vegetation, and understands the adverse impacts of vandalism, it is difficult to sustain the level of community and political support necessary to deter and respond to such activities. There is no single strategy or argument that will be successful in engendering this support. As such, long-term and varied programs are required.

In this regard, community environmental education programs should aim to address the following:

- i) 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 attenuation, climate change mitigation and wind breaks;
- ii) 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;
- iii) to give an economic value to the environmental functions of vegetation and, therefore, to the cost of vegetation loss and damage, by using the Thyer Tree Evaluation Method (2000-b). A copy of the valuation formula appears as Attachment 8.
- iv) to highlight the legal significance of offences (ie they are criminal acts), and the potential fines and punishments
- v) to calculate and publicise the direct economic cost to residents of acts of vandalism, in terms of investigation, replacement and remediation costs;
- vi) to publicise successful rehabilitation and other positive outcomes, as well as successful prosecutions and enforcement actions;
- vii) to involve the community directly in maintenance and protection of vegetation, and in rehabilitation of damaged areas (eg through Landcare).

### **b. Monitoring Prevention**

Given the many years of experience by councils and other land managers in dealing with unapproved clearing and damage to vegetation, it is often possible to predict areas facing high risk of damage, such as new developments fronting waterways with bushland reserves.

The risk of damage to these areas can be reduced by:

- i) targeting community education material;
- ii) increasing the presence of enforcement officers;
- iii) monitoring vegetation condition by photographs or aerial photography;
- iv) involving the community in stewardship and maintenance of bushland areas;
- v) developing and implementing management plans for these areas.

Because councils and other land managers do not have the resources to monitor all areas at risk, all of the time, community involvement and reporting of vandalism is integral to any monitoring and prevention program. However, the community must have confidence that, if they do report incidents, they will be followed up promptly and effectively by the council. Recording and responding to information provided by the community is therefore extremely important, and can be facilitated through the development of a tree / vegetation database. Development and maintenance of a database is integral to any monitoring and prevention program as it is the most effective means of recording and demonstrating the cumulative impacts of tree and vegetation vandalism over time.

**c. Regulation, Enforcement and Rehabilitation**

In order to promote consistency among councils when investigating and responding to vandalism events, a guideline procedure has been developed that is included in Appendix 3. Council's implementation of this procedure will ensure quick and consistent assessment of damage and determination of an appropriate response strategy. To support the effective, implementation of this procedure clear delineation of staff responsibilities within the process, and clear lines of communication between staff involved need to be established. This will ensure implementation of clear and consistent responses by Council and assist in ensuring that staff and other resources required to initiate and implement a response are available.

Although successful investigations and prosecutions are difficult, their impact is significant in making the community aware of the seriousness of illegally damaging vegetation. Involvement of police and/or private investigators may be warranted in serious cases to take advantage of their investigative skills. Establishing a body of specialist expertise and experience within the region is essential if investigations and prosecutions are going to succeed. This could be supported through the sharing of staff that possess such expertise between councils in the region.

There are a range of responses that can and have been used to deal with instances of vandalism to trees and other vegetation. Experience has shown that 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. It needs to be recognised, however, that councils do not have the resources available to implement the full suite of response measures that are available every time a vandalism event is detected.

To promote consistency across the organisation, a Response Assessment Model will be developed to assist in assessing the level of impact of vandalism damage and in determining the appropriate level and type of response that is required. An example of such an Assessment Tool is included in Attachment 4. The model to be developed will consider factors such as the ecological value, cultural significance, natural condition and public prominence of damaged vegetation and calculate the level of impact of the damage (ie high medium or low). The suite of potential responses considered appropriate for high, medium and low impact offences is included in Appendix 5.

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Appendix 2 - LEGISLATIVE FRAMEWORK

OFFENCE	OFFENCE PROVISION	PROSECUTION AUTHORITY	JURISDICTION	SHORT OFFENCE CODE	MAXIMUM PENALTIES	LIMITATION PERIOD (FROM THE DATE OF THE OFFENCE)	REMEDATION
Contravene Tree Preservation Order	S125 of the Environmental Planning and Assessment Act 1979	Local Government	Penalty Infringement Notice	Development carried out with out development consent	\$600	1 years	
Contravene Tree Preservation Order	S125 of the Environmental Planning and Assessment Act 1979	Local Government	Local Court	Development carried out with out development consent	1 - 11 Penalty Units	2 year	
Contravene Tree Preservation Order	S125 of the Environmental Planning and Assessment Act 1979	Local Government	Land and Environment Court	Development carried out with out development consent	1 - 11 Penalty Units	2 years	A Court may, impose remediation
Carry out unauthorized development	S125 of the Environmental Planning and Assessment Act 1979	Local Government	Land and Environment Court	Development carried out with out development consent	1 - 11 Penalty Units	2 years	
Contravene Tree Preservation Order	s629(1) of the Local Government Act 1993	Local Government	Local Court	Wilful or negligent damage of a plant in a public place	Up to \$2,200	6 months	
Clear native vegetation	S43(1) of the Native Vegetation Act 2003	Department of Environment and Climate Change	Penalty Notice for s12(1) offence		\$3,300 for individual and \$5,500 for corporations.		

**Policy – Tree/Vegetation Vandalism**

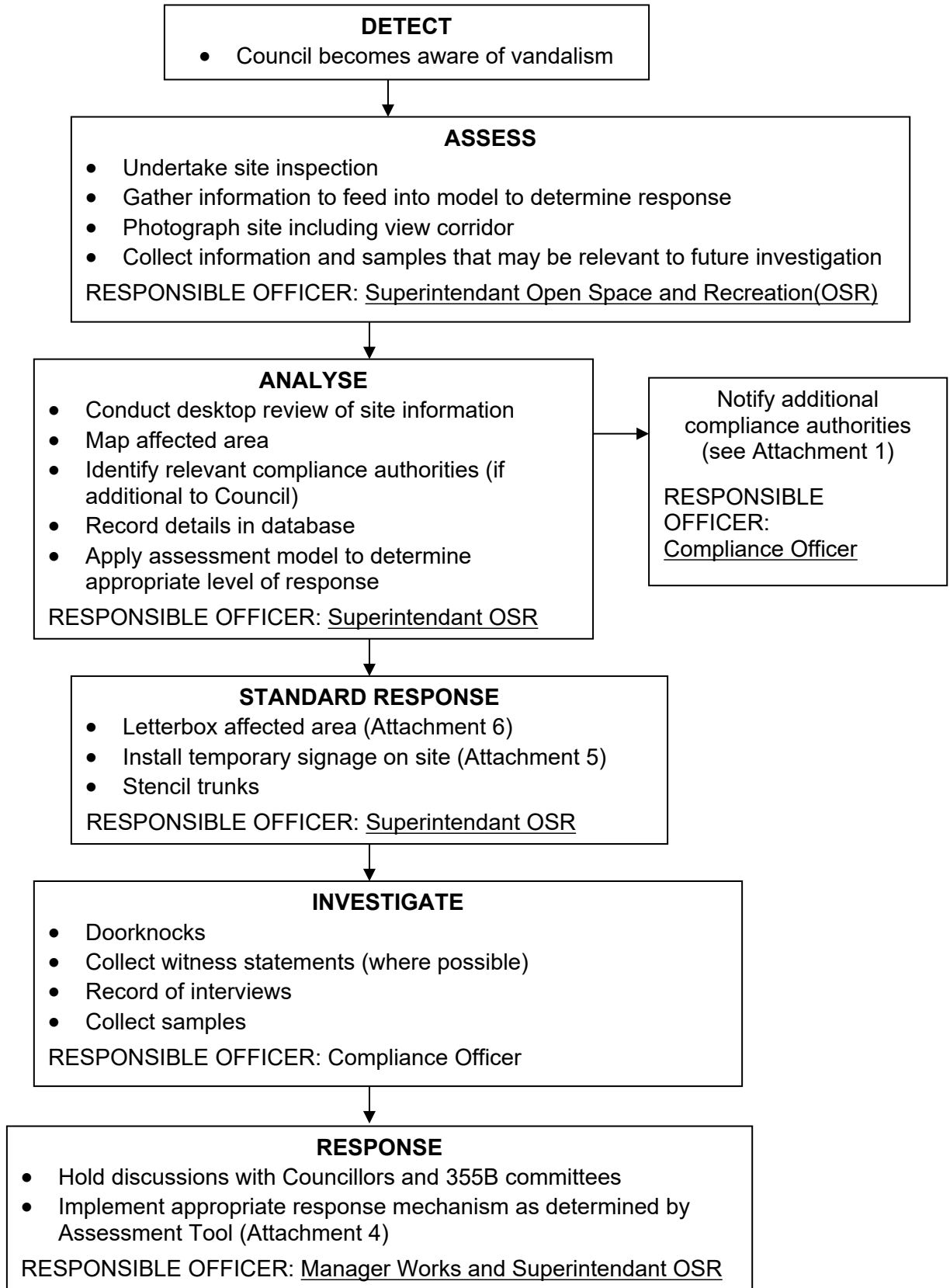
<b>OFFENCE</b>	<b>OFFENCE PROVISION</b>	<b>PROSECUTION AUTHORITY</b>	<b>JURISDICTION</b>	<b>SHORT OFFENCE CODE</b>	<b>MAXIMUM PENALTIES</b>	<b>LIMITATION PERIOD (FROM THE DATE OF THE OFFENCE)</b>	<b>REMEDATION</b>
Clear native vegetation	S12(1) and S42(2) of the Native Vegetation Act 2003	Department of Environment and Climate Change	Local Court	Clearing without approval	Up to \$11,000	2 years from the date of the offence or the date on which the offence first came to the notice of an "Authorised Officer".	S36 remediation notice may be issued by DNR or a S41 (5) Court may make such order as it thinks fit to remedy or restrain the contravention
Clear native vegetation	S12(1) of the Native Vegetation Act 2003	Department of Environment and Climate Change	Land and Environment Court	Clearing without approval	Up to \$1,100,000	2 years from the date of the offence or the date on which the offence first came to the notice of an "Authorised Officer".	S36 remediation notice may be issued by DNR or a Court may make such order as it thinks fit to remedy or restrain the contravention under S41 (5)
Remove material from protected land	s22B(1)b of the Rivers and Foreshores Improvement Act 1948	Department of Environment and Climate Change	Local Court	Carrying out work without a permit	\$66,000 for individual and \$137,500 for corporations.	12 months after the act or omission that form the basis of the alleged offence	
Remove material from protected land	s22B(1)b of the Rivers and Foreshores Improvement Act 1949	Department of Environment and Climate Change	Land and Environment Court	Carrying out work with out a permit	\$66,000 for individual and \$137,500 for corporations.	12 months after the act or omission that form the basis of the alleged offence	
Willful or negligent use of a pesticide that injures the property of another person	s.7(1)(b) of the Pesticides Act 1999	Department of Environment and Climate Change	Land and Environment Court		Up to \$120,000 / \$250,000 (individual / corporation).	3 years from the date of the offence or the date on which the offence first came to notice of an "authorised officer".	A court may also, where the offence is proven, order the offender to restore land damaged as a result of the offence and / or order the offender to pay the

<b>OFFENCE</b>	<b>OFFENCE PROVISION</b>	<b>PROSECUTION AUTHORITY</b>	<b>JURISDICTION</b>	<b>SHORT OFFENCE CODE</b>	<b>MAXIMUM PENALTIES</b>	<b>LIMITATION PERIOD (FROM THE DATE OF THE OFFENCE)</b>	<b>REMEDATION</b>
Use of a pesticide in a manner that harms the property of another person	s.10(1)(b) of the Pesticides Act 1999	Department of Environment and Climate Change	Infringement Notice		\$400 for individual and \$800 for corporation	12 months from the date of the offence or the date on which the offence first came to notice of an 'authorised officer'.	costs of a "public authority" (which includes a Council) where that authority has incurred costs as a result of the offence or in the clean-up, abatement or mitigation of pesticide pollution
Use of a pesticide in a manner that harms the property of another person	s.10(1)(b) of the Pesticides Act 1999	Department of Environment and Climate Change	Local Court		(2) Up to \$20,000		
Use of a pesticide in a manner that harms the property of another person	s.10(1)(b) of the Pesticides Act 1999	Department of Environment and Climate Change	Land and Environment Court.		(3) Up to \$60,000 / \$120,000 (individual / corporation)		
Use registered pesticide in contravention of approved label	s.15(1) of the Pesticides Act 1999	Department of Environment and Climate Change	As for offence under s.10(1)(b) of the Pesticides Act		As for offence under s.10(1)(b) of the Pesticides Act.	As for offence under s.10(1)(b) of the Pesticides Act.	

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Appendix 3 - INVESTIGATION AND RESPONSE PROCEDURE



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**Appendix 4 - EXAMPLE RESPONSE ASSESSMENT MODEL**

Location: \_\_\_\_\_

Officer: \_\_\_\_\_

Date: \_\_\_\_\_

0.125 Weighting for each Main Criteria

Criteria	T#1	T# 2	T# 3	T# 4	T#5	T# 6	T# 7	T# 8	T#9
<b>Significance of the tree</b>									
<b>Type 2 for yes 1 for no for each item</b>									
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 corridor									
Key stone species									
Contributes to landscape									
<b>TOTAL</b>	0	0	0	0	0	0	0	0	0
<b>WEIGHTED TOTAL</b>	0	0	0	0	0	0	0	0	0
<b>Life Cycle Stage</b>									
<b>Type 3 for young, 10 for semi-mature, 42 for mature</b>									
<b>WEIGHTED TOTAL</b>	0	0	0	0	0	0	0	0	0
<b>Site</b>									
<b>1 for low profile, 2 for average profile and 3 for high profile</b>									
<b>WEIGHTED TOTAL</b>	0	0	0	0	0	0	0	0	0
<b>SULE (Safe Useful Life Expectancy)</b>									
<b>Type 1 for short, 2 for medium or 3 for long</b>									
<b>WEIGHTED TOTAL</b>	0	0	0	0	0	0	0	0	0
<b>Environmental effects</b>									
<b>Type 2 for yes and 1 for no</b>									
Will method cause problems eg poison contamination									
Will method cause problems eg erosion									
Will method cause problems eg branches left on site									
Habitat - Loss of nesting sites									
Is the area able to be restored									
Does poisoned tree impact threatened species									
<b>TOTAL</b>	0	0	0	0	0	0			
<b>WEIGHTED TOTAL</b>	0	0	0	0	0	0	0	0	0

<b>Target</b>									
1 for occasional, 2 intermittent, 3 frequent, 4 for constant									
<b>WEIGHTED TOTAL</b>	0	0	0	0	0	0	0	0	0
<b>Damage</b>									
Type 2 for major or 1 minor									
<b>WEIGHTED TOTAL</b>	0	0	0	0	0	0	0	0	0
<b>Cost of remediation and Tree Valuation</b>									
Type in actual amount divided by 1000									
<b>WEIGHTED TOTAL</b>	0	0	0	0	0	0	0	0	0
<b>TOTAL SCORE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>SIGNIFICANCE</b>	<b>ACTION</b>
<b>Low Significance    2.63 - 6.253</b>	A) Letterbox residents
	B) Leave trees in place and tattoo trunks
	C) Install temporary signage
	D) PIN or Local Court where evidence exists.
<b>Medium Significance    6.253 - 9.876</b>	A) Letterbox residents
	B) Leave trees in place and tattoo trunks
	C) Install temporary / permanent signage
	D) Replant and rehabilitate
	E) Pursue action in the Local Court or Land & Environment Court where evidence exists.
<b>High Significance    9.876 - 13.5</b>	A) Letterbox residents
	B) Leave trees in place as safety allows
	C) Install permanent signage
	D) Replant and rehabilitate (involve community where possible)
	E) Increase the density of vegetation in rehabilitation works
	F) Offer rewards for information
	G) Block views obtained by the vandalism (eg bunting, shade cloth, shipping containers), after consultation with Councilors and 355B committees.
	H) Consider action in the Local Court or Land & Environment Court where evidence exists as per Tree Preservation Order prosecution guidelines.

## **Appendix 5 - PROPOSED 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:

### **Low impact events**

- Letterbox 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 re-plant

### **Medium impact events**

- 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
- Re-plant 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).

### **High impact events**

- 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 (eg construction fencing)
- Involve residents and community groups (eg 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(eg “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
- Consider proceedings in the Land & Environment Court where sufficient evidence exists as per Tree Preservation Order prosecution guidelines.
- 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 isn't 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 can go some way in defeating 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 re-planted vegetation is established and maintained. This will encourage residents to protect rehabilitation works.
7. Where sufficient evidence may be available, consider prosecution in the NSW Land and Environment Court as per Tree Preservation Order prosecution guidelines. If successful, publicise the outcomes.

**Appendix 6 - TEMPLATE FOR LETTER BOXING**

Occupier  
Address 1  
Address 2

Dear Occupier

**RE: DAMAGE TO VEGETATION ON COMMUNITY RESERVE**

In the last few months valuable trees / bushland in the community reserve 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 Council reserves is protected. Deliberately killing or pruning trees and other vegetation on Council reserves 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 e.g. REPLACE THE POISONED TREES WITH THREE NEW TREES OF THE SAME SPECIES; REHABILITATE THE SITE AND FENCE IT 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]**.

Your assistance in this matter would be greatly appreciated.

Yours sincerely

MANAGER

**Appendix 7 – 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**.



**Appendix 8 – Thyer Tree Valuation – (2000-b)**

**INTRODUCTION TO THE THYER TREE VALUATION METHOD** January 2002

The Thyer Tree Valuation Method was developed in Sydney, Australia during 1984. It was distributed for public use in 1985 and there have been minor modifications since. The method is summarised and presented as a one page worksheet for ease of use.

Personnel engaged in tree valuation should be qualified, experienced and knowledgeable in arboriculture and landscape assessment. They should also be trained in the use of this method.

The method allows the calculation of monetary values for trees. It was designed to value trees on public or community owned land in city, town and suburban locations. It is assumed that tree values may be affected by the zoning and permitted uses of the land on which they grow. The method is not intended for use within bushland areas, or on rural land except near residences.

The valuation is an expression of the positive qualities of the tree, the contribution that tree makes to the landscape, and the extent to which this is appreciated.

The calculated value is a statement of the importance of the tree to the environment and human community, not just to the owner of the tree. Owners and neighbours may calculate different values depending on their opinion of, or problems with a tree. Values calculated for trees on private land indicate the value of those trees to the community.

Damage caused by the tree, cost to repair that damage, and cost to repair or remove the tree must be valued separately.

The method combines four factors to establish a **Significance Index** for each tree:

1. **Size** measures of height, side view of canopy area, dripline diameter, and girth.
2. **Age** of the tree.
3. **Physical** assessment of the tree and location.
4. **Social** benefit and how the tree is appreciated.

In the Physical and Social assessments, scores may be given between and above the box scores where appropriate e.g.:

- Environmental Benefit scores would extend above 8 for plants on the Endangered Categories recognised by the International Union for Conservation of Nature (IUCN).
- Tree health and other assessments may be given scores between the boxes, such as a score of 6 if it seems to fit between the descriptions at 4 and 8.
- Social Significance scores may extend above 16, trees with regional significance may score 32, national significance may score 64.

The method has been designed to give a Significance Index of approximately 1.0 to an average nursery production tree in a 5 litre/200mm pot, planted in a recently completed landscape. A very large, old, socially significant tree may have a Significance Index of 12,000 or more.

To calculate **\$value**, the Significance Index is multiplied by the local landscape industry current average 'supply and plant' cost of a tree growing in a 5 litre/200mm pot. This costing reflects inflation and community appreciation of trees. An equivalent product cost would need to be established in locations other than NSW Australia.

The **Planting Cost** recommended for use in NSW is that published in The Landscape Contractors' Association of New South Wales Inc. "2000 GUIDELINE SCHEDULE OF RATES FOR LANDSCAPE WORKS" page 63 :

Plants in lawn area supply and plant 5 lit. Advanced (equiv 200mm pot).....Each \$15 00.

THYER TREE VALUATION METHOD January 2002 – (# 991897)

THYER TREE VALUATION WORKSHEET 2000b

File DATE VALUER

LOCATION

SPECIES

Tree No **1**

SIZE FACTOR (S) All measurements in metres

I. Height of tree

ii. Area of canopy (side view)   
 Depth x Spread =  ii Can. side area : Depth   
 x aver. width

iii. Average diameter to dripline

iv. Circumference of trunk (girth) at bh   
 Dcbh x pi = girth :  Dcbh

Size Factor :  $i. + ii. + iii. + iv. =$    $\div (10 + ii / 100)$  S

AGE FACTOR (A)

Age Factor :  $0.02 \times$   (age of tree in years) + 0.5 A

QUALITIES : PHYSICAL AND SOCIAL (Q)

Qi. Physical. *If any score is zero, total the previous scores only and proceed to Qii.*

	0	1	2	4	8	Score
Health	Dead or rapidly dying.	Surviving only. Treatment may help recovery	Damaged, diseased or restricted growth. Treatment will help	Normal growth and no recent damage	Thriving and no damage	<input type="text" value="0"/>
Environmental benefit	Weed species	Restricts desirable plants or of little benefit to fauna	Beneficial to flora or fauna, provides food source, shelter	Pernant species of native vegetation	Indigenous species being integral part of native ecosystem	<input type="text" value="0"/>
Life expectancy beyond present	0 - 5 years	5 - 20 years	20 - 50 years	50 - 100 years	> 100 years	<input type="text" value="0"/>
Re-establishment potential of same species on site	Water required at planting time only	Three months maintenance required	Soil improvement and two year maint. required	Soil improvement, plant protection & ongoing maint. req.	Extremely difficult due to pollution, vandalism etc.	<input type="text" value="0"/>
Rate of growth over first 10 years	> 2000 mm/year	800-2000 mm/yr	400-800 mm/yr	200-400 mm/yr	< 200 mm/year	<input type="text" value="0"/>

Addition total of Qi. scores

Qii. Social. *If any score is zero, total the previous scores only.*

	0	2	4	8	16	Score
Social benefit	Dangerous, or totally unsuitable for the site	Hazardous, or outgrown most beneficial size	No special function or some problem characteristics	Special function; screen, flower, fruit, Landscape feature	Tree creates 'Sense of Place'	<input type="text" value="0"/>
Form and features	Ugly and not interesting	Ordinary or plain	Attractive or interesting for part of the year	Attractive or interesting in all seasons	Superb, appealing specimen	<input type="text" value="0"/>
Social Significance	Seldom seen	Seen frequently by private owners or adjacent residents	Seen by neighbourhood residents or passers by	Known locally or seen by many passers by	Of local historical importance, or known widely	<input type="text" value="0"/>

Addition total of Qii. scores

Physical and Social Qualities Factor = Qi. + Qii. Q

SIGNIFICANCE INDEX ( S x A x Q )

PLANTING COST (P) March 2007 \$ P

Average Landscape industry \$ rate to supply & plant a 5 litre tree on local projects in

**TREE VALUE** = S x A x Q x P \$

© 1985 Peter Thyer. Rev 2000b with 2004 NSW LCA planting cost = \$19.90

**WORKING EXAMPLE - THYER TREE VALUATION METHOD (Jonson St Fig Tree – Railway Park)**

**THYER TREE VALUATION WORKSHEET 2000b**

File # 991920  
 DATE 300710  
 VALUER Andy Eskine  
 Tree No Sample

LOCATION Jonson Street Pedestrian Crossing - Western Side  
 SPECIES FICUS HILLII

SIZE FACTOR (S) All measurements in metres

i. Height of tree 10.00  
 ii. Area of canopy (side view) 112.00  
 Depth x Spread = 112  
 iii. Average diameter to dripline 18.00  
 iv. Circumference of trunk (girth) at bh 2.50  
 Doh x pi = girth : 2.5144  
 Doh 0.80

Calculations :  
 ii Can. side area : Depth 7.00  
 x aver. width 18.00

Size Factor :  $i. + ii. + iii. + iv. = 142.50 \div (10 + ii / 100)$  S 12.81

AGE FACTOR (A)  
 Age Factor :  $0.02 \times 20$  (age of tree in years) + 0.5 A 0.90

QUALITIES : PHYSICAL AND SOCIAL (Q)

Qi. Physical. If any score is zero, total the previous scores only and proceed to Qii.

	0	1	2	4	8	Score
Health	Dead or rapidly dying.	Surviving only. Treatment may help recovery	Damaged, diseased or restricted growth. Treatment will help	Normal growth and no recent damage	Thriving and no damage	4
Environmental benefit	Weed species	Restricts desirable plants or of little benefit to fauna	Beneficial to flora or fauna, provides food source, shelter	Remnant species of native vegetation	Indigenous species being integral part of native ecosystem	2
Life expectancy beyond present	0 - 5 years	5 - 20 years	20 - 50 years	50 - 100 years	> 100 years	4
Re-establishment potential of same species on site	Water required at planting time only	Three months maintenance required	Soil improvement and two year maint. required	Soil improvement, plant protection & ongoing maint. req.	Extremely difficult due to pollution, vandalism etc.	1
Rate of growth over first 10 years	> 2000 mm/year	800-2000 mm/yr	400-800 mm/yr	200-400 mm/yr	< 200 mm/year	1

Addition total of Qi. scores 12.0

Qii. Social. If any score is zero, total the previous scores only.

	0	2	4	8	16	Score
Social benefit	Dangerous, or totally unsuitable for the site	Hazardous, or outgrown most beneficial size	No special function or some problem characteristics	Special function; screen, flower, fruit, Landscape feature	Tree creates 'Sense of Place'	8
Form and features	Ugly and not interesting	Ordinary or plain	Attractive or interesting for part of the year	Attractive or interesting in all seasons	Superb, appealing specimen	8
Social Significance	Seldom seen	Seen frequently by private owners or adjacent residents	Seen by neighbourhood residents or passers by	Known locally or seen by many passers by	Of local historical importance, or known widely	8

Addition total of Qii. scores 24.0

Physical and Social Qualities Factor = Qi. + Qii. Q 36.0

SIGNIFICANCE INDEX (S x A x Q) 415

PLANTING COST (P) March 2007 \$ P 32.00

Average Landscape industry \$ rate to supply & plant a 5 litre tree on local projects in

**TREE VALUE = S x A x Q x P \$ 13,286**

© 1985 Peter Thyer. Rev 2000b with 2004 NSW LCA planting cost = \$19.80

## **PERMISSION TO USE THE THYER TREE VALUATION METHOD**

Permission is granted for free use of the Thyer Tree Valuation Method subject to the following conditions :

- The Thyer Tree Valuation Worksheet and other information must be used in the form provided by the author and not altered. The latest version should be used.
- All use of the Thyer Tree Valuation Worksheet / Method must be acknowledged in reports, court statements, and published material etc.
- When used in professional and/or commercial situations, the method should be applied by an arborist trained in the use of the Thyer Tree Valuation Worksheet.

Advice of any significant uses and court cases involving the method would be appreciated by the author so a register of use can be maintained. Please email: ' [thyer-p@intercoast.com.au](mailto:thyer-p@intercoast.com.au) '.  
The Thyer Tree Valuation Method was published on the internet in 1997:  
URL: <http://www.intercoast.com.au/~thyer-p>