

1.13 Tree Vandalism Policy

This Policy is to be read in conjunction with Street Tree Protection Policy and the Amenity Tree Evaluation Policy and has been developed in response to the increase in tree vandalism occurring on Town of Bassendean owned or managed land.

The Town of Bassendean recognises the importance of trees in our streetscape and a need to protect these from vandalism, needless removal and to ensure that trees removed are replaced in accordance to the Street Tree Master Plan / Urban Forrest Management Plan.

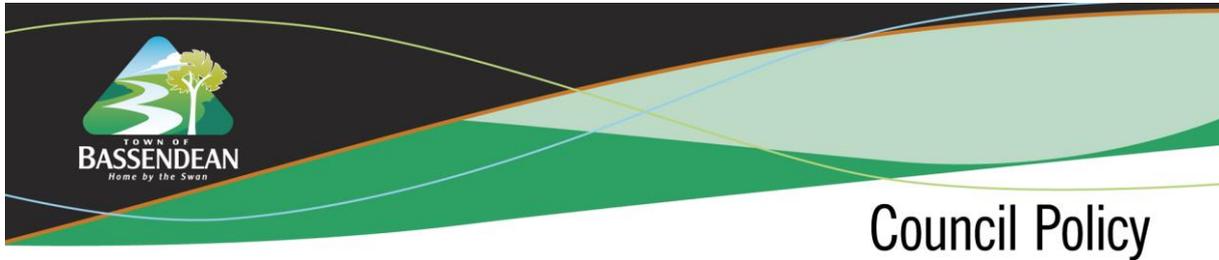
When a trees are removed or die because of a selfish act of vandalism, it affects the community in many ways including the loss of street or park amenity and as a result, reduces the habitat for wildlife, prevents air cooling through evapotranspiration, prevents the mitigation of wind and surrounding neighbourhood noise, increases Ultra Violet (UV) light exposure and often discourages outdoor activity for residents and reduces property values.

Objectives

The objective of this policy is to promote a consistent approach to deterring and responding to the loss of trees arising from deliberate vandalism on Council-managed land.

This policy outlines the recommended steps to be followed in order to provide:

- A way to promote the value of and need for protection of trees on Council owned or managed land;
- A reduction in the incidence of tree vandalism;
- A consistent approach to deterring and responding to instances of tree vandalism on Council-managed land;
- A consistent approach to engaging and involving the community in the long-term protection and management of trees and in reporting tree vandalism;
- A transparent investigation and decision-making framework when responding to tree vandalism events;
- An appropriate action is taken to mitigate future instances of tree vandalism; and
- To educate and increase public awareness of the importance of trees.



Strategy

The vandalism of trees on Council managed land is considered a serious offence and the Town of Bassendean will achieve the above objectives through:

- Reporting each instance of suspected tree vandalism to the police;
- The identification and prosecution of perpetrators vandalising trees will be consistent;
- Community education to promote the protection of trees and to encourage the reporting of vandalism or suspicious activities;
- Erecting awareness signage on public land (near vandalised tree) to advise the community that a tree has been vandalised and the signage is to remain in place until the tree has fully recovered or until newly planted street trees that are planted during the winter planting season are sufficiently established in approximately 36 months
- Replacement of severely damaged trees with advanced trees during the winter planting season and where necessary, erecting tree guards until established;
- Undertake the planting of trees on Council owned or managed land in line with the Town's Street Tree Master Plan / Urban Forrest Management Plan.
- Offenders should not be advantaged by tree vandalism and where possible offenders should be prosecuted. Enforcement, erection of vandalism awareness signage, leaving dead trees in place (where safe to do so) and replanting at higher density will be key strategies to ensure no advantage is gained.

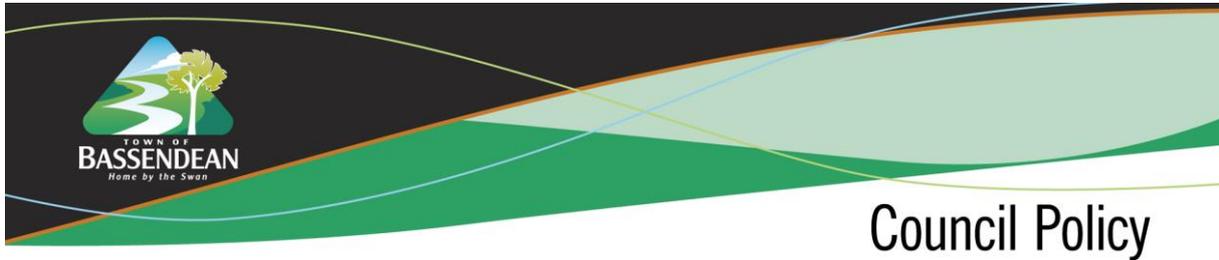
Detail

Application of this Policy

This policy applies to both the street trees located on the verge abutting privately owned land, or trees located in the Town's parks and reserves (or other publically owned land) that abut privately owned land.

Definition

Tree vandalism is the unlawful destruction, damage or injury to trees through methods including, but not limited to poisoning, pruning cutting, ringbarking or removal.



Community Education

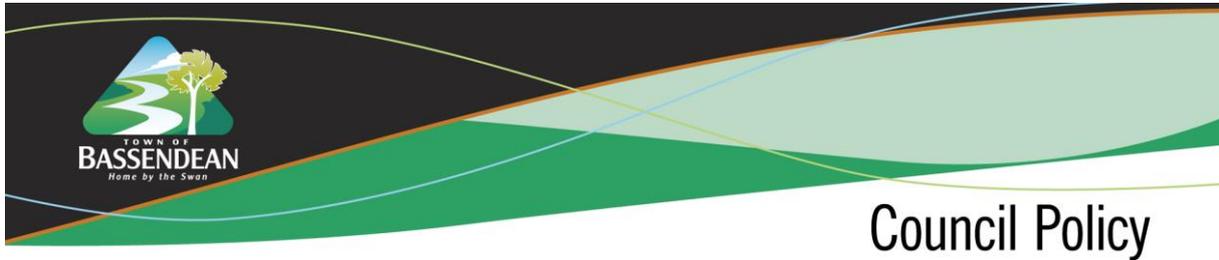
Unless the community understands the benefits and value of trees, and understands the adverse impacts of vandalism, it is difficult to sustain the level of community support necessary to deter and respond to such activities. Community education is recognised as a key component of deterring tree and vegetation vandalism.

The community education program is aimed at highlighting the following major benefits of trees in urban areas, being:

- Reduction of air pollution
- Reduction in volume of stormwater
- Mitigation of wind and noise
- Provision of habitat and support for biodiversity
- Reduction in UV exposure
- Air cooling through evapotranspiration
- Enhanced sense of place and identity
- Improved mental wellbeing
- Encouragement of outdoor activity
- Reduced demand for energy (lower GHG emissions)
- Increased property values

The community education program shall also aimed to explain the following:

- The various environmental functions of trees and vegetation in natural and urban environments;
- The cumulative impacts of tree and vegetation loss, so that the impact of a single act can be judged in the context of impacts over time;
- Highlight the legal significance of offences and the potential fines and punishments;
- Calculate and publicise the direct economic cost to residents of acts of vandalism, in terms of investigation, replacement, maintenance and monitoring costs, as well as loss of ecosystem services;
- Publicise successful rehabilitation and other positive outcomes, as well as successful prosecutions and enforcement actions.



Monitoring and Prevention

The risk of tree damage and vandalism can be reduced by:

- Targeting community education material;
- Monitoring tree and vegetation condition by photographs or aerial photography;
- Involving the community in maintenance of natural areas.

Investigation, Regulation and Enforcement

Although successful investigations and prosecutions may be difficult, unless people come forward with evidence, their impact is significant in making the community aware of the seriousness of illegally damaging vegetation.

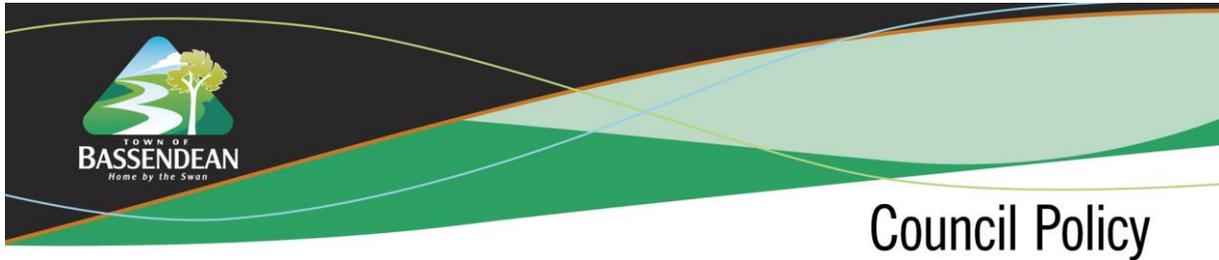
The Town shall conduct an investigation based on Appendix 1 attached to this policy and provide a report to Council for consideration which will include the Amenity Tree Value of the vandalised tree(s). A report will be made to police, in each instance of vandalism.

Subject to CEO endorsement, surveillance cameras and private investigations may be used to gather evidence in certain situations, such as where repeated offences have occurred at isolated sites.

The financial penalty applicable to any person found to have caused vandalism to trees on public property should cover the costs associated with: arborist report, remedial treatment, tree vandalism reward, staff time for the investigation, vandalism shaming signs, tree loppers, traffic management, new tree planting, etc.

Tree Vandalism Reward

A reward may be considered by Council in a case where information is provided to the Town of Bassendean that may lead to the prosecuting the offender under the Local Government Act 1995, relating to any premeditated unlawful action (pruning, poisoning, removal, soil modifications, root damage, etc.) which results in major damage of any tree or death of any tree, on Council owned or managed land. The amount of the reward will be at the sole discretion of Council.



In order for a person/s to be eligible for consideration of a reward for information concerning the vandalism of a tree on Council owned or managed land:

- The alleged offender must be found guilty of the alleged offence by a Court of competent jurisdiction and the 28-day appeal period had passed;
- The applicant/s must be willing to give sworn evidence in Court when and if required;
- In the opinion of the Investigating Officers of the Town of Bassendean, the applicant/s did not knowingly allow the alleged offender to commit the act in order to obtain a reward.

Once a successful prosecution outcome has been decided the applicant/s will be informed, in writing, of the prosecution outcome and the reward at the sole discretion of Council.

Replacement of Vandalised Trees

If the removal of vandalised tree/s becomes necessary a replacement tree/s will be planted during the winter planting season, for every tree damaged, in a position/s that is as close to the vandalised tree as possible. The replacement trees will be in accordance with the Council's Street Tree Masterplan/ Urban Forrest Management Plan. The replacement tree/s are to be planted as early as possible and will be a minimum of a 90 litre pot size.

Promotion of Policy

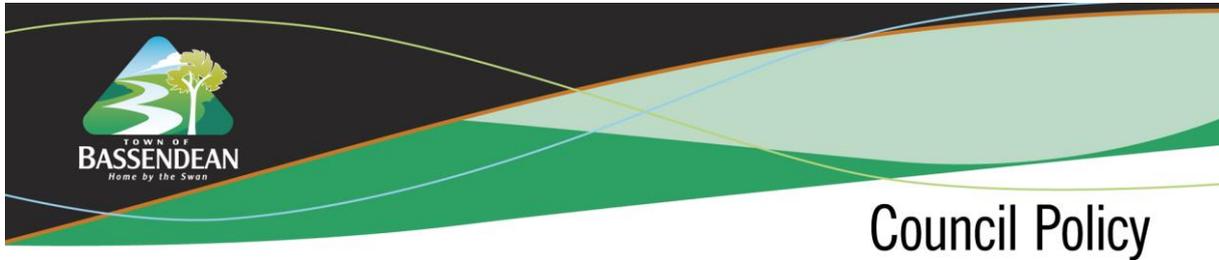
Council will inform the community of any action taken regarding tree vandalism and rewards.

Awareness signage shall be installed adjacent to the vandalised tree(s) for premeditated unlawful action (pruning, poisoning, removal, soil modifications, root damage, etc.), which results in major damage of any tree or death of any tree, on Council owned or managed land.

The awareness signs will display a "reward leading to conviction" notice on Tree Vandalism Signs.

Signs will be erected as close to the location of the removed/damaged tree until the Town's independent consulting arborist confirms the tree has fully recovered or until newly planted street trees that are planted during the winter planting season are sufficiently established in approximately 36 months.

The awareness signage is to be maintained throughout this period.



Application

The Chief Executive Officer (CEO) has the authority to administer the requirements of this policy. The CEO has on-delegated this authority to the Director Operational Services.

The policy is to be reviewed every three years.

<p>Policy Type: Strategic, investigation, regulation and enforcement</p>	<p>Policy Owner: Director Operational Services</p>
<p>Link to Strategic Community Plan: Town Planning & Built Environment</p>	<p>First Adopted: OCM – 15/08/18</p>
	<p>Last Reviewed: August 2018</p>
	<p>Version 0</p>
	<p>Next Review due by: 2022</p>

APPENDIX 1

INVESTIGATED BREACH OF A LOCAL LAW FORM

STREET TREE DAMAGE / REMOVAL (OFFICER USE ONLY)

Tree Property Address:

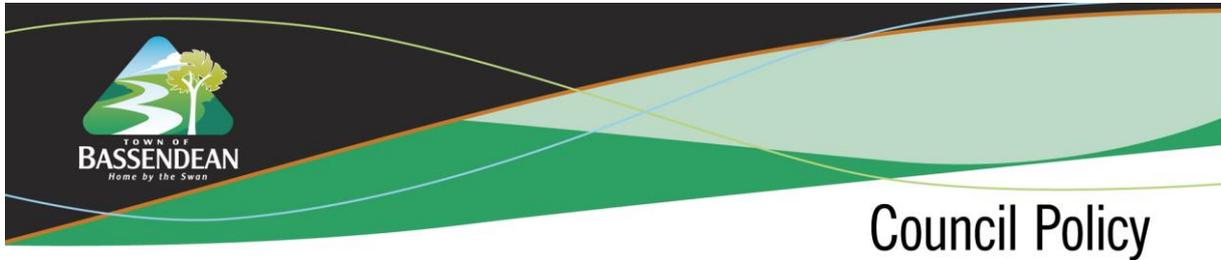
Aerial Map and/or Historic Photo attached showing tree in question Yes No

In accordance with Council’s Street Tree, Pruning, Removal and Replacement Policy, the removal of street trees shall not be permitted for any of the following reasons:

- The tree obscures, or has the potential to obscure, views other than traffic/pedestrians line of sight.
- The tree species is disliked.
- The tree species causes nuisance by way of leaf, fruit, and/or bark shedding or the like.
- The tree causes allergy and or health problems.
- The tree is in the way of a non-essential crossover or verge paving option.
- The tree shades a private garden, solar hot water systems, or the like.

Any reasonable inspections, consultations and reports, are to be carried out by Parks Supervisor or qualified consulting arborists, in accordance with Council (OCM-22/04/14) adopted Amenity Tree Evaluation Policy and the assessment and historical records, GIS aerial photographs, Streetscape photographs shall be used as the basis for determining economic values of Council’s tree assets using the Revised Burnley Method.

Tree Species:			
Tree Height:		Crown Spread:	
Approximate age:		Tree Value (Burnley method)	
Cost of removal (a):		Cost to Stump Grind (b):	
Streetscape Contribution (c):			
Estimated damages and reconstitution costs – consider: tree value + (a) + (b) + (c) + (d). To be determined on case-by-case basis.			
Cost to water newly planted tree(s) until established (d)			
GST:			
TOTAL COST:			



Arborist evaluation: Repair Method Yes No
 Replacement Method Yes No
 Arborist Report Attached Yes No

Comments:

Aerial Photograph – Illustrating historic location of tree on verge

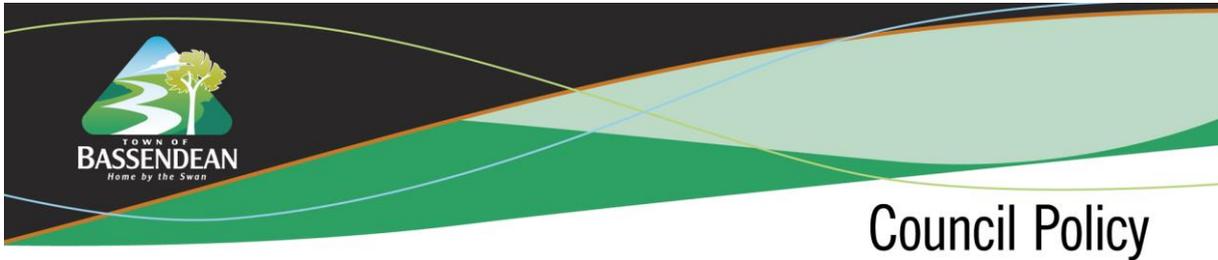
Attached Yes No

Streetscape Photograph - Illustrating historic location of tree on verge

Attached Yes No

Other attachments:

[Large empty rectangular box for other attachments]



TOWN OF BASSENDEAN OFFICER INVESTIGATION - USE ONLY

Name of Investigating Officer:

Date of Investigation:

Tree - Property Address:

Name of alleged offender:

Property Address:

Email:

Telephone (Land line):(Mob):

Tick reason for tree investigation:

Alleged: removal damage pruning poisoning other:

Police Referral

Reported to Police: Yes / No Police Report Number: _____

Investigation information provided to Police: Yes / No Date: _____

Police Comments:.....

Were the actions taken by a person in breach of the Council's Local Laws/ or policies? Yes No

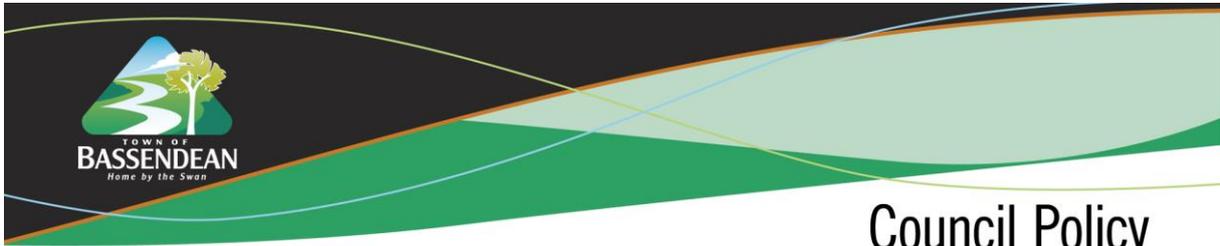
Was the person authorised to undertake certain types of work? Yes No

Has a person previously requested a tree be removed / pruned? Yes No

Is there a likelihood of a repeat offence? Yes No

Has the tree removal / pruning adversely effected the amenity and appearance of the streetscape? Yes No

Has the alleged person acknowledged culpability or acknowledged that they undertook or engaged a contractor to perform a task, knowing that they did not have the authority? Yes No



Are there any mitigating or aggravating circumstances?

Yes

No

Can the actions taken by the alleged person who damaged the tree, be satisfactorily rectified in accordance to the arborist report?

Yes

No

Consulted with surrounding neighbours regarding vandalism/damage?

Yes

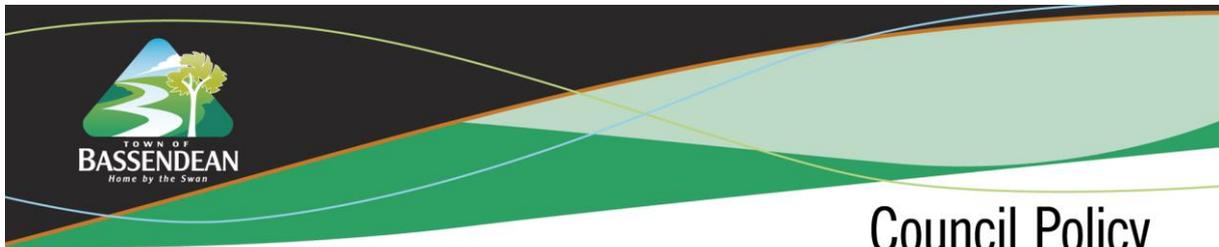
No

Has any development applications been received for this property?

Yes

No

The investigating officer is to attach a record of neighbour conversation neighbour statement, or additional information that has determined the outcome of the investigation.



Council Policy

Supporting information/evidence attached?

Yes

No

Additional Comments and Neighbour Feedback:

MANAGER ASSET SERVICES - USE ONLY

In the event the investigation has identified that a person has illegally removed damaged, pruned or poisoned a Town of Bassendean management tree, Council may prosecute the offender under the Local Government Act 1995 Schedule 9.1 clause 2 Disturbing local government land or anything on it and the Uniform Local Provisions Regulations 1996, Regulation 5 Clause 1 Interfering with, or taking from, local government land or other relevant provisions under the Act. In addition to the value of the tree a penalty of \$5,000 may be imposed.

Based on the Arborist report and the Officer Investigation the following is recommended:

Tree canopy remedial pruning undertaken in accordance with Australian Standards 4373 (1996) ~ Pruning of Amenity Trees, and/or Street Tree Technical Guidelines section 5.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Removal of tree and replacement in accordance with Council policy.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Report to Council pursuant to Local Government Act 1995 Schedule 9.1 clause 2 and the Uniform Local Provisions Regulations 1996, Regulation 5 Clause outlining alleged breaching of Local Law/ Council policy.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Proposed educational actions - letter to alleged offender.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Proposed educational actions - vandalism awareness signage.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Recommend action for illegal removal, damage, pruning or poisoning of Town of Bassendean management tree.	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Additional Comments:

ADMINISTRATION - USE ONLY

Council resolution:

Alleged Offender advised in writing Yes Date:

Works Order Number:

Receipt Number :