

## Sustainability and Environmental Advisory Panel

### AGENDA – 21 MARCH 2023

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#### **Sustainability and Environmental Advisory Panel (SEAP)**

Date & Time:	21 March 2023
Location:	Council Chambers, 21 Saunders Street Wynyard
Council Representatives:	Cr Celisa Edwards (Chair), Cr Andrea Courtney (Deputy Chair)
Members:	Brenton Hosking, Colin Hocking, Fiona Loughran, Hannah Sadler, Ian Ferris, Ian Newman, Peter Lawrence, Robin Krabbe, Sarah Smith, Wendy Bryant
Staff in Attendance:	Daniel Summers, Kassandra Steward, Bill Walker

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#### **1 WELCOME**

- Ensure a quorum is achieved before opening to official business
- Take note of opening time

#### **2 CONFIRM MINUTES**

- Motion to confirm minutes from previous meeting.

#### **3 REVIEW OF ACTIONS LIST**

- Actions list attached to this agenda

#### **4 ACTION PLAN DEVELOPMENT – BRAINSTORMING OUTCOMES**

- This topic is intended to be a brief overview with the intention of shifting the focus toward prioritising actions, identifying participants or sub-group drivers for actions, and refining the timeline to practical and achievable within the SEAP current term.
- Participants are encouraged to come prepared with pre-identified actions of interest for participation, reviewing relevant related links from the brainstorming table.
- For consideration of the group is the possible recommendation to Council to extend the current term of the SEAP.

#### **5 WWC FOGO KERBSIDE CONSIDERATION**

- D. Summers to present the FOGO opportunity that Council will consider in the near future for feedback from members.

#### **6 STAKEHOLDER MEETING FOR OLDINA RESERVE**

- R. Krabbe wishes to bring to the attention of SEAP members a stakeholder meeting which was held on Monday, 6 March.

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#### 7 CITY OF POWER PARTNERSHIP

- R. Krabbe wishes to bring to the attention of the group for their consideration, the City of Power Partnership which is a local government action on climate change initiative.

“The Cities Power Partnership gives local government the tools, the connections and the momentum to capitalise on the global shift to a clean economy. Australia’s largest network of local councils is leading the way to a thriving, zero emissions future.

We welcome councils of all shapes and sizes – from small regional towns to large metropolitan cities. Councils make five action pledges in either renewable energy, efficiency, transport or collaborating to accelerate local climate initiatives.”

#### 8 UPCOMING MEETINGS

- 16 May 2023 at Council Chambers
- 18 July 2023 at Council Chambers
- 19 Sept. 2023 at Council Chambers

#### 9 GENERAL BUSINESS

- Call for members to raise other general business.

#### 10 CLOSURE

- Take note of closing time

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#### Action List as at 31 January 2021

No.	Action	Meeting	Responsibility	Due	Status
1.	Review meeting frequency at the third official meeting of the group (six months).	31 Jan 23	Group	16 May 23	Not Started
2.	Formalise meeting frequency for the third Tuesday of every other month commencing from March 2023.	31 Jan 23	D. Hicks	Before next meeting.	Complete
3.	Consolidate the products of the brainstorming session, provide draft for consideration.	31 Jan 23	D. Hicks / D. Summers	Before next meeting.	In Review
4.	Review state of agapanthus around the Sisters Beach. Look at education and transfer of strategy to weed reduction program.	31 Jan 23	F. Loughran & B Walker	TBD	In Progress

## Sustainability and Environmental Advisory Panel

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## INFORMATION FOR DISTRIBUTION

#### ATTACHMENTS LIST:

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1. Tree and Vegetation Vandalism Strategies of Bassendean Council WA, Central Coast Council TAS, and the Hunter, Central and Lower North Coast NSW Regional Councils.
  2. Summary Vandalism Report (2022) – Vandalism in Launceston
  3. Exemplar Significant Tree Policy and Register – Kingborough Council
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### 1 TREE AND VEGETATION VANDALISM POLICY

- WWC, as part of the Fossil Bluff Master Plan are looking at creating a tree and vegetation vandalism policy. There are not as many policies that pertain to the vandalism of trees and vegetation as there are on how to 'manage' vegetation or vegetation disputes between neighbours. A few policies have been included from other Councils, or groups thereof, (please see attachment 1) for the group's consideration and discussion. Additionally, a vandalism report for the City of Launceston has been included to help understand vandalism, its drivers and provide strategies for dealing with vandalism in general. Please see attachment 2.

### 2 TREE REGISTER

- As noted in Objective 3.1 an exemplar website and significant tree register has been identified with Kingborough Council. A link to the website can be found [here](#). You can find copies of their Significant Tree Policy and register on the website. Please also see attachment 3.

**Sustainability and Environmental Advisory Panel**

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**Attachment 1: Tree and Vegetation Vandalism Strategies of Bassendean Council WA, Central Coast Council TAS, and the Hunter, Central and Lower North Coast NSW Regional Councils.**

## 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.

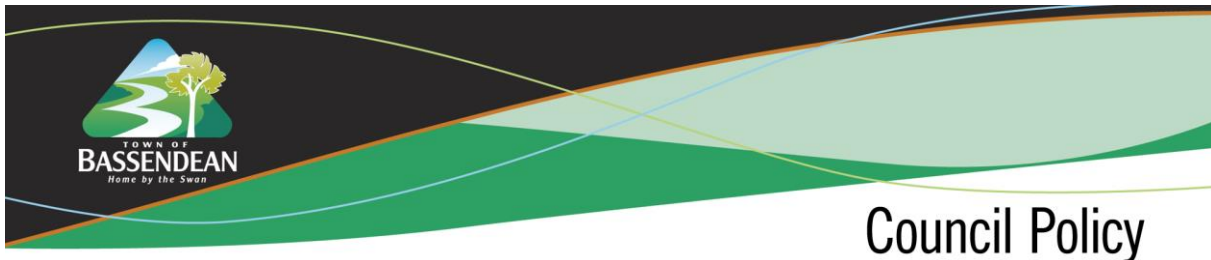
When a trees are removed or die because of a selfish act of vandalism, it affects the community in many ways including the loss of street or park amenity and as a result, reduces the habitat for wildlife, prevents air cooling through evapotranspiration, prevents the mitigation of wind and surrounding 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.

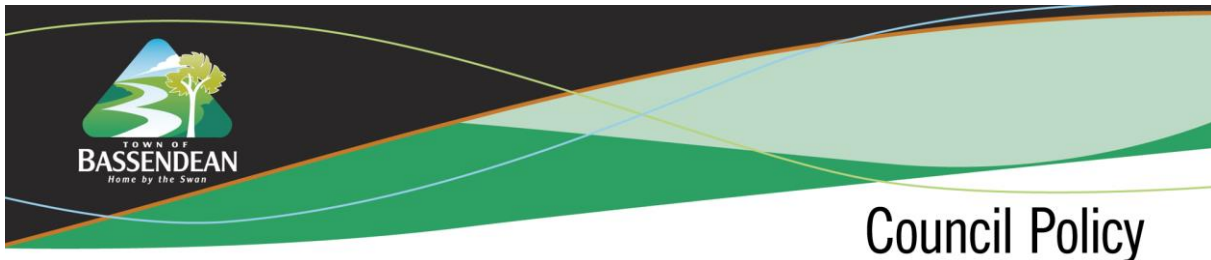
The community education program is aimed at highlighting the following major benefits of trees in urban areas, being:

- 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.

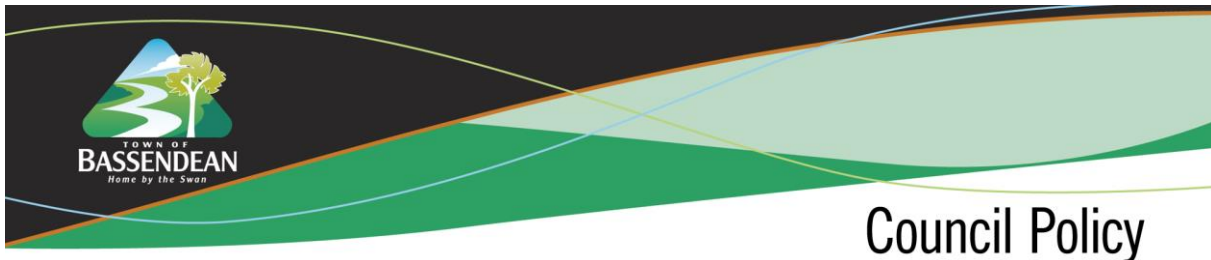
The Town shall conduct an investigation based on Appendix 1 attached to this policy and provide a report to Council for consideration which will include the Amenity Tree Value of the vandalised tree(s). A report will be made to police, in each instance of vandalism.

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**

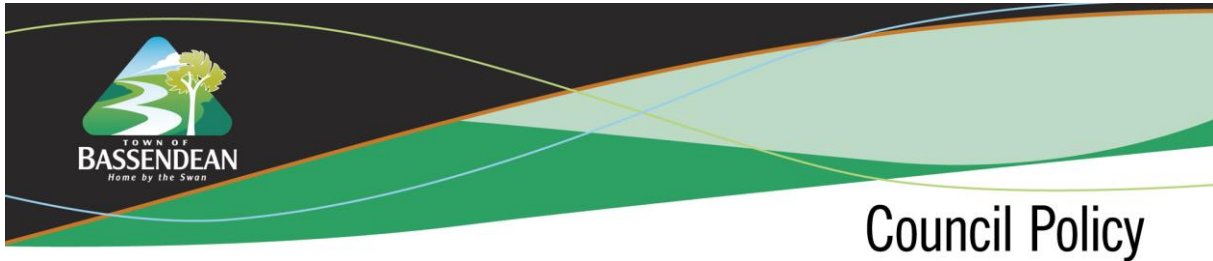
Council will inform the community of any action taken regarding tree vandalism and rewards.

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.

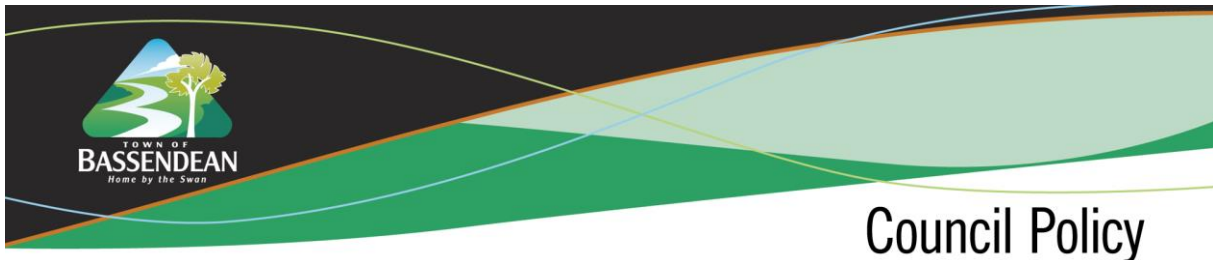


## Application

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.

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



## APPENDIX 1

### INVESTIGATED BREACH OF A LOCAL LAW FORM

#### STREET TREE DAMAGE / REMOVAL (OFFICER USE ONLY)

Tree Property Address: .....

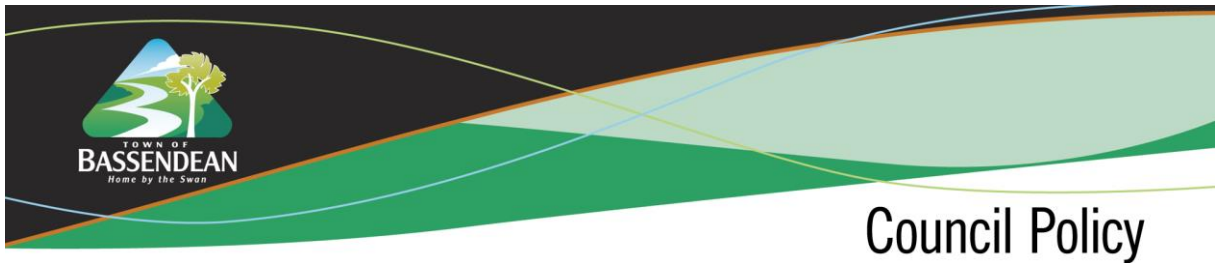
Aerial Map and/or Historic Photo attached showing tree in question ☐ Yes ☐ No

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.

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



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

Comments:

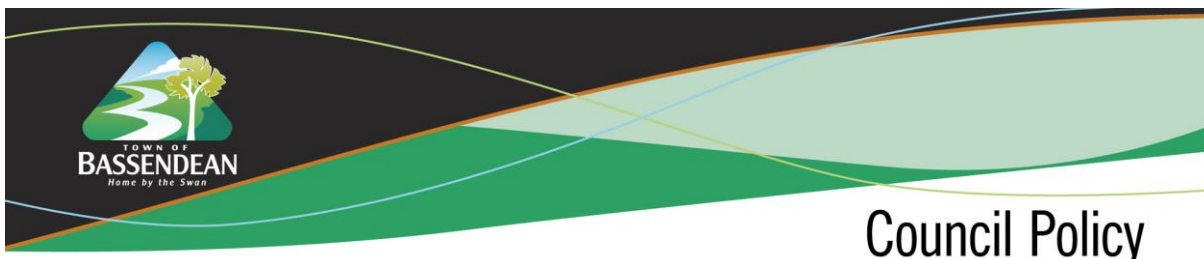
**Aerial Photograph – Illustrating historic location of tree on verge**

**Attached**    Yes ☐    No ☐

**Streetscape Photograph - Illustrating historic location of tree on verge**

**Attached**    Yes ☐    No ☐

Other attachments:



## 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

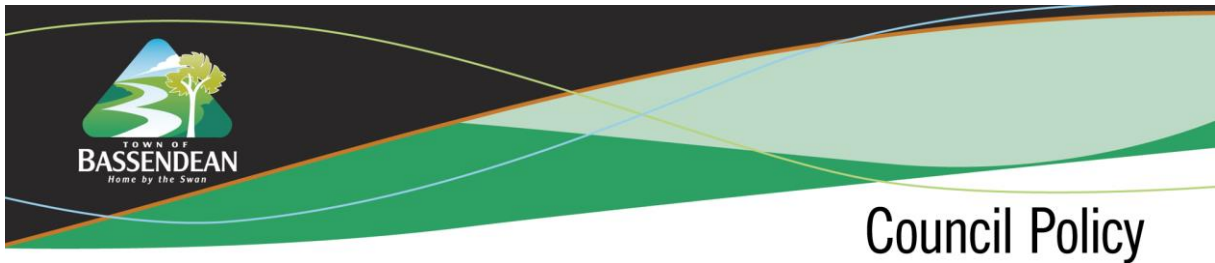
Was the person authorised to undertake certain types of work? ☐ Yes ☐ No

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?

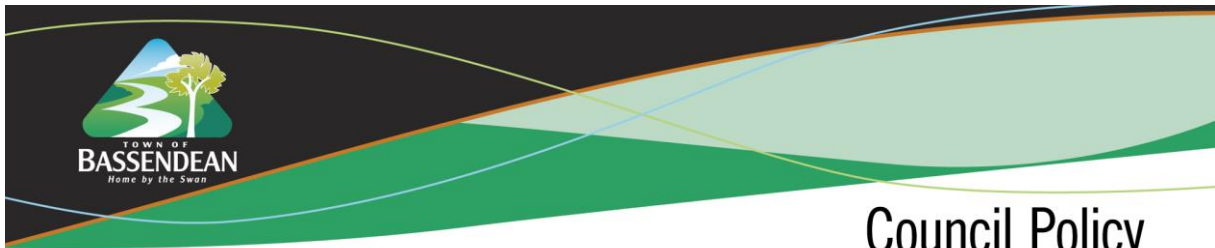
☐

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 :



## **Policy No. 2013- 12**

# **Tree & Vegetation Vandalism Policy**

Document:	Start Date: 4 Dec 2018	Page Reference:
Tree & Vegetation Vandalism Policy	Review Date: 31 Dec 2020	Page <b>1</b> of <b>3</b>

## Introduction

Central Highlands Council acknowledges the many benefits that trees and vegetation contribute to the local environment. Apart from providing shade, habitat for native wildlife and aesthetic beauty, trees also instil a sense of community pride.

When a tree dies or is damaged by a selfish act of vandalism it affects the community in many ways including loss of amenity of the street or park and the expense of removing a vandalised tree and the cost of its replacement.

## Scope of this Policy

This policy applies to all trees and vegetation on Council owned and managed land.

## Policy Statement

Council is committed to the preservation of our public trees and vegetation. Council will:

- Investigate all reports of vandalism of trees;
- Notify the police of reported vandalism;
- Assess and attempt to repair damage to vandalised trees on public land;
- Notify residents and the public of what has occurred and ask for their co-operation – this may be done by notice in the Highlands Digest and/or the Derwent Valley Gazette;
- Erect signage on/or near trees/vegetation that has been vandalised (see below);
- Replace severely damaged trees with advanced trees; and
- Encourage residents to take pride in the trees in their street and to report any suspicious activities near trees.

### **TREE VANDALISED**

Central Highlands Council will replace this tree

### **REPORT TREE VANDALISM**

Phone: 62863202

**Central Highlands Council**

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Tree & Vegetation Vandalism Policy	Review Date: 31 Dec 2020	Page <b>2</b> of <b>3</b>

## What can the Public do to help

Residents and the public will be encouraged to become involved by:

- Contacting Council if they notice any unusual behaviour around trees; earlier notification provides a better chance of catching those responsible and being able to save a tree;
- Volunteering to help nurture a tree back to health or 'adopt a tree' if the vandalised tree needs to be replaced; and
- Talking to their neighbours to encourage awareness of any tree vandalism.

## Responses to vandalised trees in public land

### (a) Remedial work

If the damage to a public tree is serious, remedial work will be carried out to lessen the stress on the tree and to minimise any potential injury to the public. Council staff will obtain advice from an experienced person on the best remedial action to take if required.

### (b) Replacement of Vandalised Tree

If removal of a vandalised tree becomes necessary, an advanced tree will be planted as close to the site of the original tree. The siting of the replacement tree will be governed by the same criteria for planting of new trees. These include location of underground services, sightline difficulties, proximity to built structures, suitability or replacement tree and remaining tree roots that may inhibit planting space.

### (c) Protection of Replacement Trees

A sign similar to the one below will be placed alongside the replacement tree detailing the reasons why the new tree was planted and encouraging residents to contact Council if they become aware of any further attacks:



Document:	Start Date: 4 Dec 2018	Page Reference:
Tree & Vegetation Vandalism Policy	Review Date: 31 Dec 2020	Page <b>3</b> of <b>3</b>



## **POLICY**

Adopted:  
Minute No:  
Amended:  
Minute No:

### **TITLE: REGIONAL TREE AND VEGETATION VANDALISM POLICY**

#### **PURPOSE**

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

#### **APPLICABILITY**

This policy applies to the following councils that comprise the Hunter, Central and Lower North Coast Region:

Greater Taree City Council  
Great Lakes Council  
Port Stephens Council  
Newcastle City Council  
Lake Macquarie City Council  
Wyong Shire Council  
Gosford City Council

Cessnock City Council  
Maitland City Council  
Dungog Shire Council  
Gloucester Shire Council  
Upper Hunter Shire Council  
Muswellbrook Shire Council  
Singleton Council

#### **SCOPE**

This policy outlines the recommended procedures and activities to provide:

1. A consistent approach by councils to deterring and responding to incidences of tree/vegetation vandalism on public land throughout the region.
2. A consistent regional approach to engaging and involving the community in the long term protection and management of vegetation and in reporting illegal vandalism

The policy supplements individual Council tree and vegetation management policies with a regional 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.

## **BACKGROUND**

This policy has been developed in light of increasing tree/vegetation vandalism being experienced by 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. Further background information to the policy and the initiatives it comprises are included in Attachment 1.

## **POLICY OBJECTIVES**

1. To promote the value of and need for protection of trees and vegetation on community land
2. To provide regional consistency in the deterrence, investigation and response to tree vandalism incidents
3. To encourage the sharing of experience, expertise and resources among councils when deterring and responding to tree / vegetation vandalism incidents throughout the region.
4. To promote and guide broader community involvement in the prevention of vandalism, and in the investigation and enforcement processes undertaken by councils when responding to such events.

## **POLICY PRINCIPLES**

1. Vandalism of trees and vegetation on community and public land is a serious criminal offence;
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, environmental and social values of the region. Trees and vegetation contribute significantly to environmental health, and to human health and wellbeing.
3. The identification and prosecution of perpetrators of public tree/vegetation vandalism should be pursued consistently throughout the region.
4. In the absence of successful prosecutions, Council and the community must carry some responsibility for the prevention of further damage and the rehabilitation of damaged areas.
5. Community education is a key mechanism to promote the protection of trees and vegetation, and to encourage the reporting of vandalism.

## **POLICY STATEMENT**

### **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 / public land. Examples include poisoning, mowing, pruning, removal and ringbarking`.*

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

This policy applies to community / public land that is under the care, control and management of councils.

## **RELEVANT LEGISLATIVE PROVISIONS**

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

## **POLICY RESPONSES**

### **1. Education**

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

- 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.
- 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
- To give an economic value to the environmental functions of vegetation and, therefore, to the cost of vegetation loss and damage, and/or by using ANZ Standard (Draft) or similar weighted calculation.
- To highlight the legal significance of offences (i.e. they are criminal acts), and the potential fines and punishments
- To calculate and publicise the direct economic cost to residents of acts of vandalism, in terms of investigation, replacement and remediation costs
- To publicise successful rehabilitation and other positive outcomes, as well as successful prosecutions and enforcement actions
- To involve the community directly in maintenance and protection of vegetation, and in rehabilitation of damaged areas (eg through Landcare).

### **2. Monitoring and prevention**

- 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. While councils may utilise a variety of database types to record this information, in order to assist with regional scale assessment and reporting, all councils will at a minimum record the following details in regard to vandalism events:
  - a. The area of canopy that has been impacted upon
  - b. Location of the offence
  - c. Vegetation Type (natural bushland or amenity)
  - d. Method of vandalism (cut, cleared or unknown)
- 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.
- Council will actively promote community involvement in stewardship and maintenance of high risk bushland areas.
- Council will target community education initiatives toward high risk vandalism areas

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

- Council will follow the Investigation and Response Protocol included in Attachment 3 when responding to tree and vegetation vandalism events
- To support the effective implementation of the Investigation and Response Protocol, Council will clearly define relevant staff responsibilities within the protocol, and establish clear lines of communication between those that are involved.
- 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 Attachment 4
- Council endorses the suite of potential response measures to vandalism events included in Attachment 5 of this policy.

### **RESOURCES**

#### **Resources required for an individual council to implement this policy include**

- Educational materials (eg brochures)
- Management plans and rehabilitation strategies
- Correspondence templates (eg for letter drops)
- Signage
- Paint stencils
- Investigative / regulatory staff
- Physical materials such as bunting, fencing, sail or shade cloth.
- Database to record and monitor vandalism events
- Access to suitable endemic plants suitable for use in rehabilitation
- Staff trained and resourced to carry out rehabilitation

#### **Regional resource opportunities**

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:

1. Development and use of regional templates for:
  - Educational materials (eg brochures)
  - Management plans and rehabilitation strategies
  - Correspondence (eg for letter drops)
  - Signs
  - Recording vandalism incidents (eg Access database)
2. 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.
3. The promotion and sharing of case studies that critique both successful and unsuccessful responses to vandalism events and the lessons learned from these.



4. 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.

## **RELATED POLICIES**

Individual Councils to insert relevant policies (eg Tree Preservation Order)

## **REVIEW DATE**

Twelve months from the date of adoption.

## **IMPLEMENTATION RESPONSIBILITY**

Individual councils to nominate staff positions responsible for implementation of the policy.

## **ATTACHMENTS**

1. Background to the Policy
2. Legislative framework
3. Response Protocol
4. Example Response Assessment Model
5. Proposed response measures
6. Template for Letterboxing
7. Signage template

## ATTACHMENT 1.

### BACKGROUND TO THE POLICY

#### TREE AND VEGETATION VANDALISM

This policy has been developed in light of increasing tree/vegetation vandalism being experienced by 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 the Hunter, Central and Lower North Coast region however, with the Minister for the Environment seeking feedback from councils in November 2005 regarding ways to improve investigation of breaches of the Tree Preservation Order. This was in response to tree poisoning and removal from council reserves and private property *'appearing to have reached epidemic proportions in some areas' 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, 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). 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.

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.

Recognition of the common tree/vegetation vandalism issues being experienced by councils has resulted in the HCCREMS Steering Committee resolving to prepare a regional policy. This approach, supported by increased sharing of resources and expertise between councils, will provide a greater level of organisational capacity and commitment to address this issue consistently throughout the region.

## **POLICY RESPONSES**

### **1. 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 program should aim to address the following:

- 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.
- 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
- To give an economic value to the environmental functions of vegetation and, therefore, to the cost of vegetation loss and damage, and/or by using ANZ Standard (Draft) or similar weighted calculation.
- To highlight the legal significance of offences (i.e. they are criminal acts), and the potential fines and punishments
- To calculate and publicise the direct economic cost to residents of acts of vandalism, in terms of investigation, replacement and remediation costs
- To publicise successful rehabilitation and other positive outcomes, as well as successful prosecutions and enforcement actions
- To involve the community directly in maintenance and protection of vegetation, and in rehabilitation of damaged areas (eg through Landcare).

### **2. Monitoring and 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:

- Targeting community education material
- Increasing the presence of enforcement officers
- Monitoring vegetation condition by photographs or aerial photography,
- Involving the community in stewardship and maintenance of bushland areas.
- 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 however, 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.

### **3. Regulation, Enforcement & Rehabilitation**

In order to promote consistency among councils when investigating and responding to vandalism events, a guideline protocol has been developed that is included in Attachment 3. Councils' implementation of this protocol will ensure quick and consistent assessment of damage and determination of an appropriate response strategy. To support the effective implementation of this protocol, 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 between councils in the region of staff who possess such expertise.

There are a range of responses that can be 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 between councils in the region, a Response Assessment Model will be developed to assist councils 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 Attachment 5.

## ATTACHMENT 2

### LEGISLATIVE FRAMEWORK

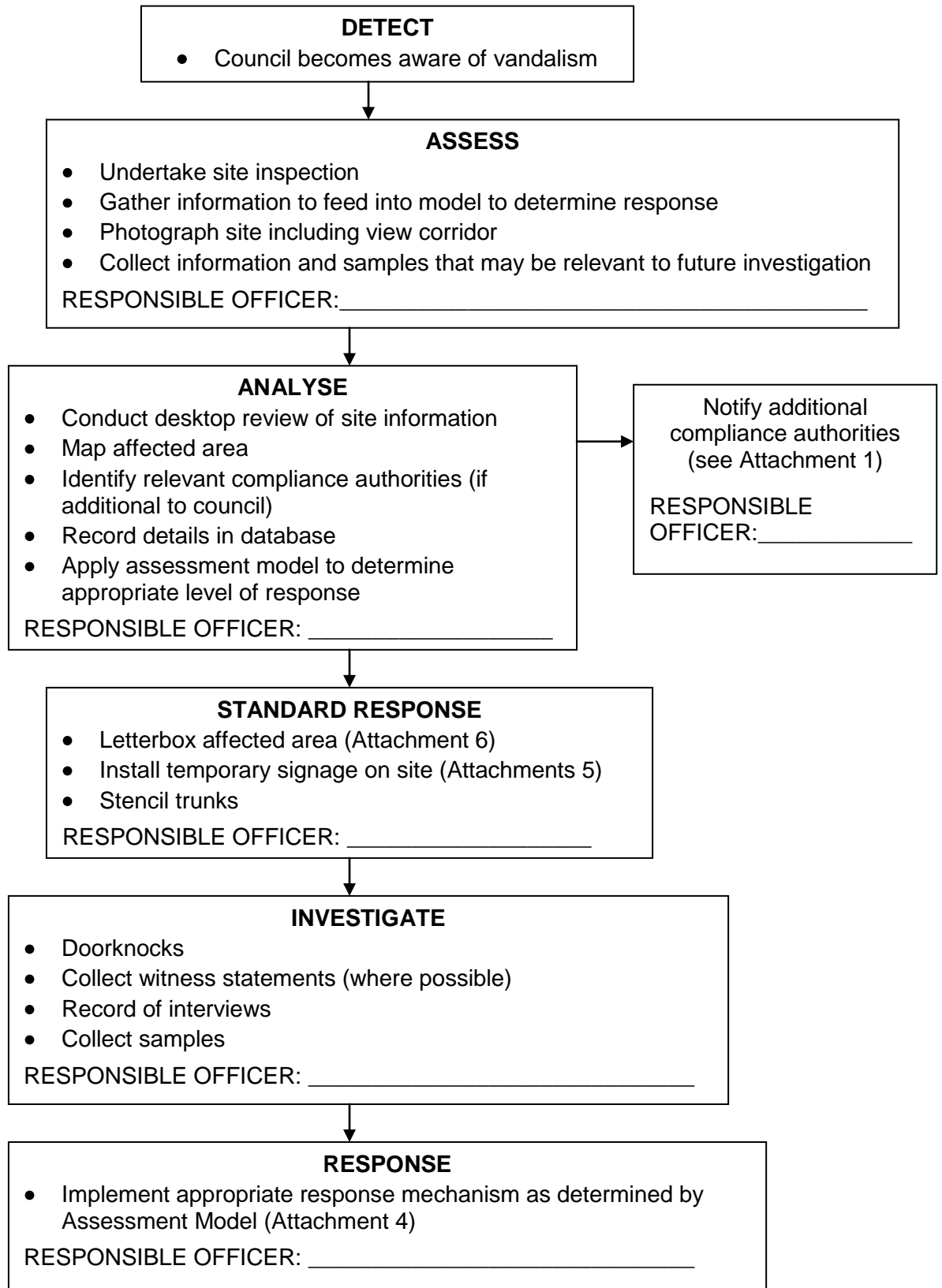
OFFENCE	OFFENCE PROVISION	PROSECUTION AUTHORITY	JURISDICTION	SHORT OFFENCE CODE	MAXIMUM PENALTIES	LIMITATION PERIOD (FROM THE DATE OF THE OFFENCE)	REMEDATION
Contravene Tree Preservation Order	S125 of the Environmental Planning and Assessment Act 1979	Local Government	Penalty Infringement Notice	Development 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 forbidden 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 Natural Resources	Penalty Notice for s12(1) offence		\$3,300 for individual and \$5,500 for corporations.		

Clear native vegetation	S12(1) and S42(2) of the Native Vegetation Act 2003	Department of Natural Resources	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 Natural Resources	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 Natural Resources	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 Natural Resources	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	

Wilful 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 Conservation	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 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 Conservation	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'.	
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 Conservation	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 Conservation	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 Conservation	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.	

### ATTACHMENT 3

#### INVESTIGATION AND RESPONSE PROTOCOL





## ATTACHMENT 4

### EXAMPLE RESPONSE ASSESSMENT MODEL

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

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

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

0.125 Weighting for each Main Criteria

Criteria	T <sup>#</sup> 1	T <sup>#</sup> 2	T <sup>#</sup> 3	T <sup>#</sup> 4	T <sup>#</sup> 5	T <sup>#</sup> 6	T <sup>#</sup> 7	T <sup>#</sup> 8	T <sup>#</sup> 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</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)
	H) Pursue action in the Local Court or Land & Environment Court where evidence exists.

## **ATTACHMENT 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
- Pursue proceedings in the Land & Environment Court where sufficient evidence exists
- 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, pursue prosecution in the NSW Land and Environment Court. If successful, publicise the outcomes.

## ATTACHMENT 6

### TEMPLATE LETTER FOR LETTERBOXING

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 faithfully

**MANAGER / MAYOR**

## ATTACHMENT 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.

**Sustainability and Environmental Advisory Panel**

**AGENDA - 21 MARCH 2023**

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**Attachment 2: Summary Vandalism Report (2022) – Vandalism in  
Launceston**

# **VANDALISM IN LAUNCESTON**

**Romy Winter  
Ron Frey  
Ron Mason  
Kaylene Bentley**

**SUMMARY REPORT**

**2022**



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Tasmanian Institute of Law Enforcement Studies (TILES) is committed to excellence in law enforcement research. Collaborative research that links academics with practitioners is a hallmark of that research. The Institute focuses on four strategic priorities namely research, teaching, communication, and professionalism.

**TILES Vision** | To achieve an international reputation for excellence in law enforcement research.

**TILES Mission** | To conduct and promote evidence-based research to improve the quality of law enforcement and enhance community safety.

Tasmanian Institute of Law Enforcement Studies (TILES)

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## ACKNOWLEDGEMENT OF COUNTRY

We acknowledge, with deep respect, the traditional owners of the lands on which we work and live.

The Tasmanian Institute of Law Enforcement Studies is sited on *lutruwita* (Tasmania) Aboriginal land, sea and waterways, and our scholars work across the lands of the *muwinina* people of *nipaluna* (Hobart), and the *palawa* peoples of *palanwina lurini kanamaluka* (Launceston) and *pataway* (Cradle Coast).

The *muwinina* and *palawa* peoples belong to the oldest continuing cultures in the world. They cared and protected Country for thousands of years. They knew this land, they lived on the land and they died on these lands.

We honour them.

We acknowledge that it is a privilege to stand on Country and walk in the footsteps of those before us. Beneath the mountains, along the river banks, among the gums and waterways that continue to run through the veins of the Tasmanian Aboriginal community.

We pay our respects to elders past and present and to the many Aboriginal people that did not make elder status and to the Tasmanian Aboriginal community that continue to care for Country.

We recognise a history of truth which acknowledges the impacts of invasion and colonisation upon Aboriginal people resulting in the forcible removal from their lands.

Our Island is deeply unique, with spectacular landscapes with our cities and towns surrounded by bushland, wilderness, mountain ranges and beaches.

We stand for a future that profoundly respects and acknowledges Aboriginal perspectives, culture, language and history. And a continued effort to fight for Aboriginal justice and rights paving the way for a strong future.



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## BACKGROUND

Policy makers and researchers describe vandalism as a 'wicked' problem, meaning a social problem which seems to be resistant to solutions. Some other examples of this type of problem might be family violence and climate change. In this report, researchers from the Tasmanian Institute of Law Enforcement Studies have responded to the City of Launceston's interest in curbing vandalism, with a focus on seven suburbs in the broader local government area.

The purpose of this report is to better understand the prevalence of vandalism; to better understand the theoretical approaches to vandalism and to explore potential strategies for responding to vandalism. A multi-method approach was adopted which included a quantitative analysis of data provided by Tasmania Police and Council; a wide-ranging literature review; and a collation of interventions for vandalism, mostly at the local government level.

## UNDERSTANDING THE PREVALENCE OF VANDALISM

The objectives of this section were to better understand the prevalence of vandalism, including:

- a. Identified hot-spots in the Northern Suburbs;
- b. Rates of incidences per type of vandalism;
- c. Perpetrators of the different types of vandalism;
- d. Consequences of acts of vandalism to the perpetrator, if they are apprehended;  
and
- e. Apprehension rates for perpetrators.

The data provided by both Tasmania Police the City of Launceston proved problematic for the purpose of answering the evaluation questions. Both datasets were created for purposes other than understanding the prevalence and patterns of vandalism. Council data was sourced from records designed for allocating workloads and missing the inclusion of clear categories which would enable analysis of sites, targets, suburbs or significance of damage. Police data lacked the level of detail that might assist in understanding hotspots, perpetrators and motives. We found that different types of vandalism were reported to police and Council. In general, people tended to report vandalism of private property to police, and of public property to Council.

### Police data

Data for this report was sourced from the Police Offence Reporting System #2 which spanned the period July 2016 to end of June 2021. The dataset comprised 1600 reports covering the areas of Ravenswood, Invermay, Newnham, Newnham and Mowbray. There was no police data provided relating to the suburban locations of Rocherlea, Waverley or St Leonards. There was no street or block level data to enable identification of hotspots. There appears to be very little graffiti reported to police in the suburban areas of interest (2.3% of dataset) The damage reported to police largely related to damage to private property (83%) and arson (10.5%). In this respect our findings echo the work of Abernethy in 2002.

Analysis of trends over the data period shows that property offences increased between 2016 and 2021, while arson decreased. Ravenswood (27.4%) and Invermay (23.6%) recorded the highest

number of property offences. Arson was more prevalent in Mayfield and Ravenswood overall, but all suburbs showed decreases in incidence of arson over the years. While there is a bit of fluctuation in offence types between suburbs over the years these rates were not significant. This is related to sample size. Frequently the number of incidents was too low or there was a large difference in sample sizes between suburbs.

A large proportion of offences reported to police related to residential properties, either a house, unit or associated outbuildings. There was no indication in the dataset of the type of damage (unless categorised as arson), the severity of the damage or likely cost of reparation.

With respect to understanding the perpetrators of vandalism, two-thirds of offences reported to the police remain uncleared as at November 2021, with offender(s) unknown. Where data is available, in three quarters of cases the offender is male and younger males account for a large *number* of offences (18–34-year-olds account for over half of all property offences). While the literature tends to focus on adolescents as the main offenders in cases of vandalism, the police data provided suggests that it is older age groups that commit offences against residences<sup>1</sup>, while younger people are over represented in relation to offences against educational facilities. However, sizeable proportions of all ages have committed offences against residences. The literature also discusses the propensity for vandalism to be perpetrated by multiple offenders; our data, however we found only 24 reports (where offender identified) involved multiples. This represented less than five per cent of the dataset.

Data was provided for the time of day that the Incident was reported. It appears that the younger age group (10-14, 15-17) are more active between 4 and 8pm while the 18–24-year age group appeared to be active at most times. In so far as the midnight hours are concerned the 18–34-year age group were the most active.

A large proportion of resolved incidents resulted in court cases (very little diversion or community conferencing). A large percentage of cases remain not resolved (more than 1000) which has impacted on provision of detailed analysis of age and gender of offenders.

Detailed tables relating to these summary points are provided in the main report.

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<sup>1</sup> The authors have significant experience in family violence research. We note these offences against property by young adult males are indicative of intimidation tactics commonly used by family violence offenders as a recognised pattern of abuse towards current and former partners. As such, we suggest the categorisation of vandalism/property damage for these offences in a residential setting may be too narrow.



## Council data

Data provided by council represented records of 808 instances of damage reported between June 2014 and September 2021. The analysis of this data found that the majority of reports to council related to property damage or graffiti to target areas in the city (CBD and city parks) or northern suburbs - accounting for two thirds of all reports logged.

	City	North		East	South	West	Unknown	Total	
	Count	Count		Count	Count	Count	Count	Count	%
CBD	253	0		0	0	0	0	253	31.3%
Invermay	0	73		0	0	0	0	73	9.0%
Royal Park	37	0		0	0	0	0	37	4.6%
Ravenswood	0	30		0	0	0	0	30	3.7%
Newnham	0	24		0	0	0	0	24	3.0%
Mowbray	0	21		0	0	0	0	21	2.6%
Unknown	0	0		0	0	0	20	20	2.5%
Mayfield	0	18		0	0	0	0	18	2.2%
Waverley	0	0		18	0	0	0	18	2.2%
Rocherlea	0	15		0	0	0	0	15	1.9%
St Leonards	0	0		13	0	0	0	13	1.6%
Brickfields Park	4	0		0	0	0	0	4	0.5%
Total- all areas	306	209		65	117	88	20	808	100.0%
%	38%	26%		8%	14%	11%	2%	100%	

Reports for the city area increased significantly over the period of review followed by the northern suburbs which remained steady at around 30% of all reports.

Infrastructure<sup>2</sup> (25%) toilets (18%) and walls (16%) were the most frequent targets for vandalism. In ten percent of data on the targets, the description was insufficient to determine what was damaged. The most frequently damaged type of infrastructure was signage (21%), followed by signal cabinets (15%) and bridges (10%). The location of many of the walls being vandalised is concentrated around the river, with the majority being levee walls as a target of graffiti.

Graffiti and a general category of 'damage/vandalism' were the most frequently reported to Council, accounting for 81% of all reports and there was an increase in these reports over the period of review. There were small numbers of reports of rubbish dumping, fire damage, theft of public property and damage caused by vehicles (most often to parks and nature strips). Reports on damage to buildings decreased over the period of review, while damage to infrastructure increased, with reports for vandalised walls remaining fairly steady between 2014 and 2021. Costs

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<sup>2</sup> Bridges, roads, footpaths, jetties, fountains, light poles, signage, seating, steps, underpasses, signal cabinets, waste centres

associated with damage/ vandalism remained steady over the data period, while costs for cleaning up graffiti increased. However, costs in recent years were lower than costs reported in 2014. Highest costs were associated with damage/vandalism to bins followed by infrastructure, buildings and toilets. The costs of dealing with graffiti was highest on infrastructure, buildings and toilets but costs were not as high as for damage/vandalism.

Detailed tables relating to these summary points are provided in the main report. We do not have any data which allows us to comment on who the offenders are in the cases of reports to council as there is no reliable way to link those reports with police data, which also lacks details of offenders in two-thirds of reported offences.

## UNDERSTANDING THE DRIVERS OF VANDALISM

The objectives of this section were to better understand evidence-based theories of vandalism, particularly in relation to:

- a. Why people vandalise property;
- b. Why some areas are more likely to have increased rates of vandalism; and
- c. Potential areas of intervention to decrease vandalism rates.

A variety of social science literature was accessed which involved relationships of vandalism to, largely adolescent, criminal behaviour; including vandal motivation; life course theories; social equity theories; and attachment theories of boys and groups of boys. We could also describe this literature as fragmented. Much writing on the drivers and enablers of vandalism remains reliant on theoretical discourses that are quite mature; with the foundational work of researchers such as Cohen (1971, 1973), and Matza (1964) retaining currency. This underscores the notion of vandalism being a wicked and resistant problem and needs to be approached through a lens of complexity.

The literature on vandalism does not present a cohesive body of information. Much of the literature focuses on only one type of vandalism and does not appear to have broader applicability, such as graffiti (Assaf-Zakharov & Schnetgoeke, 2021; Dean, 2016), the desecration of public monuments as political actions (Durdieva, 2020; Lai, 2019), specific hate crimes (Morewitz, 2019), the damage of public accessories such as picnic tables (Samdahl & Christensen, 1985), street trees (Richardson & Shackleton, 2014) or the use of 'tagging' as a means of communication by gang members (O'Deane 2018; Stodolska, Berdychevsky & Shinew, 2019). There is a significant focus on the personal characteristics of the vandal in the psychology literature, and social conditions which accompany vandalism and other anti-social behaviour in the sociology and criminology literature. It is acknowledged widely that vandalism cannot be addressed as a simple issue as there are many drivers and enablers.

### Necessary Preconditions

Our main observation of the drivers of vandalism in this report is that each of the different types of vandalism has a set of necessary pre-conditions, which individually are insufficient to cause acts of vandalism. Collectively, the pre-conditions lead to the commission of the specific type of vandalism. What makes vandalism a complex and enduring social problem is that each of the

necessary conditions calls for an independent response, and even if each of these necessary conditions are addressed successfully, they are unlikely to eliminate all categories of vandalism, because some types will have a different set of necessary conditions. A necessary condition, is defined here as a condition without which an act of vandalism cannot occur, but without the presence of other necessary conditions, is unlikely to lead in itself to an act of vandalism.

### **Necessary condition One: A suitable target**

The existence of an inviting target of vandalism is one of the necessary conditions for vandalism (e.g., an abandoned building, or an under-utilised and isolated toilet block), but it is not a sufficient condition in and of itself – many toilet blocks and deserted buildings do not become vandalised. Bates (2014) argued that vandalism is best understood ‘as a crime of place, not property’. In other words, environmental and social conditions signal to potential vandals that this target, and not some other target, would be the best to vandalise. The target of vandalism plays a necessary but insufficient role in each act of vandalism. Targets can be chosen for a number of reasons, each of which must be considered when contemplating interventions such as making the target more resistant to vandal activities. These can include:

- The symbolic meaning of the target (public buildings, monuments, schools)
- The repair and condition of the target (does it suggest that no one really cares whether this target is vandalised, or further vandalised, or not?)
- The ‘aesthetics’ of the target (for example, the way windows shatter in unexpected and attention-grabbing ways).

### **Necessary condition Two: Motivation for vandalism**

In addition to a target, there is a necessary condition of persons with motivations to cause damage before an actual act of vandalism occurs. Stanley Cohen, writing in the 1970s, suggested motivation can be summarised into six main categories:

1. Acquisitive. An example is vandalising a vending machine for cash, stripping copper piping for resale or general looting.
2. Tactical. An example might be vandalising forestry machinery in an environmental protest.
3. Ideological. An example might be political or hate speech graffiti.
4. Vindictive or hate-based. This overlaps somewhat with ideological vandalism. A good example might be vandalising a mosque or premises owned by LGBTIQ persons.

5. Play, also called flow or fusion vandalism. In this category the vandal believes they improving the aesthetics by their graffiti or receive gratification from responding to the challenge of avoiding detection or opportunity to display a skill.
6. Malicious. This is when vandalism is performed as an expression of rage or frustration. A recent example is the arson at Old Parliament House in Canberra by anti-vaxxers and right-wing extremists in a hijacking of a smoking ceremony being performed by the Aboriginal tent embassy.

Subsequent writing on motivations follows similar categorisation e.g., Coffield (1991) has four categories to describe vandalism amongst adolescents: financial gain, group or peer pressure, pleasure and excitement.

There is a further literature in the field of developmental criminology which looks at vandalism as a 'coming of age' transitional behaviour of adolescents. Some will go on to commit additional crimes to the level of becoming career criminals and others will desist as they mature.

Further motivation can be explained by social inequity theory where vandalism is considered to be more likely to occur in situations where a person sees a systemic lack of opportunities ('unfairness') coupled with a lack of ability to adjust this imbalance. The goal of vandalism is equity restoration. 'The vandal attempts to restore equity by responding to one type of perceived rule-breaking (i.e., perceived violations of norms of fairness in social environmental arrangements) by breaking another set of rules regarding the sanctity of property rights' (DeMore, Fisher & Baron, 1988).

*'Criminality is actually a very rational activity for many people excluded from the good things in life and invariably alienated from a society that spawns such inequality' (Long & Hopkins-Burke, 2015, p. 109).*

### **Necessary condition Three: Male peer groups**

There is strong evidence that vandalism is a gendered crime, mostly committed by males, singly or in groups. The presence of male peer groups in a community is neither a necessary nor a sufficient condition for vandalism to occur. Nevertheless, it is often observed that acts of vandalism are associated with adolescent male peer groups. These groups may or may not be formally constituted as 'gangs' in the American sense of the term), but could be friendship and peer groups which are relatively cohesive over time. The literature (but interestingly not the police data which we obtained) suggests that both types of vandalism offenders, the adolescent-limited and the longer-term and more diverse offenders are more likely to commit vandalism offences in groups of other males (sometimes mixed gender groups).

There is a large collection of literature which discusses these groups in terms of adolescent-limited vandalism. It is sometimes also suggested that background factors and life-course pathways are similar between genders in all patterns of vandalism when it occurs, even if far fewer young females follow the same life-course pattern as do males. Scandinavian research also suggests girls who commit vandalism as part of a criminal pathways' life course are more likely to display more serious conduct problems overall than a matched group of boys (Storvoll, Wichstrom & Pepe, 2002). We can also observe that males in Anglo cultures have greater cultural permission to use violence to achieve instrumental and psychological ends than females. There is also the suggestion that male children have more freedom from supervision and thus more opportunity for criminal activity.

There is on-going discussion in the literature about the possibility that boys' neurodevelopment may be more sensitive to environmental insults such as experienced in living in situations of social deprivation than girls (Smallbone, 2006; Schore, 2019). Some of the social equity research suggests that males have a keener sense of inequity than females, whilst simultaneously feeling less able to change their situation than females (DeMore, Fisher & Baron, 1988), which could lead to greater levels of frustration at their social conditions. When experience of concrete disadvantage combines with unrealistic cultural expectations of what it means to be a successful male, this can create a heightened sense of anger and frustration, amplified even beyond what might be expected from growing in communities and situations of disadvantage.

In summary, through being abused, and witnessing the abuse of others at home, living in dangerous neighbourhoods and attending unsafe and under-funded schools, there is a group of children in our community who are consistently being given the message that they matter to no one. Boys at the same time receive a contradictory message that they are entitled to goods and resources their environment appears to withhold and are also entitled to compel the attention of those around them if these are not forthcoming. Underpinning these assumptions is a complex physiology of both gender and trauma which is still unclear and still controversial.

Discussion has focused on why males commit these acts in groups and the following speculations emerge:

1. Improvement in the status of one person with the group by demonstrating daring and in some instances, skill. Failure to engage in vandalism can lead to a loss of status and perhaps even shame over one's masculine gender identity.
2. Gang members are often directed to commit acts of vandalism and other criminal acts, and can sometimes achieve some status without having to commit more overt criminal acts, such as acts of interpersonal violence (Stodolska et al, 2019).

3. the anonymity of the group releases members from constraints of behaviour. Fisher & Baron, (1982, p. 194) suggest that 'the influence of a group on a potential vandal's actions become progressively more important as we move towards the more expressive extreme types of vandalism (e.g., acts of the "malicious" variety).
4. Violence may be the group norm where 'to destroy is normative behaviour, and to restrain oneself is deviant.' (Fisher & Baron, 1982, p. 194).
5. Role of alcohol consumption in male adolescent socialising seems to play a contributing role to many acts of vandalism.
6. Social mimicry of life course persistent vandals in the group's environment and who seem to successfully obtain important goals & rewards (either because they dropped out of school and are now earning money through work or illegal activities).

## **Attachment and vandalism**

We suggest a further model, which focuses on the quality of a young person's attachments to their family and community, and the neurological and developmental impacts when these attachments are destroyed by external events, including the degradation of the larger community. We extend the trope of attachment to immediate caregivers to the communities and environments where a person lives (Szalavitz & Perry, 2010). When these connections are not encouraged, or when they are undermined or destroyed, people have less commitment to maintain the quality of the area in which they live.

This approach re-interprets aspects of the 'broken windows' theory as well as the social inequity models. It also can incorporate what is known about the developmental pathways which form persistent criminal offenders such as childhood abuse and neglect, and family violence, not only impact on current and future family relationships, as is already well known, but on relationships to the wider community as well. Adverse childhood events have a negative impact on all an individual's potential attachments. Without consistent demonstration that people care about them, children grow up not to care about other people and particularly not about concepts as remote from their lives as the general community and civil society. 'In effect, vandalism says, "If I don't get any respect, I won't give you any either."' (Fisher & Baron 1982, p. 186)

Our alternate understanding of the 'broken windows theory' from an attachment perspective is that vandalism attacks and devalues people's attachments to their communities and failure to respond swiftly to vandalism indicates a civic devaluation of a neighbourhood community and its residents, giving them the message that people from their area are not worth protecting and are undeserving of a safe and clean environment. Due to what is sometimes called 'postcode' shame

(certainly readily observable across Tasmania), residents themselves come to adopt a similar view of the worthiness or otherwise of their communities.

In order to adopt a preventive approach which engages young people who are at risk of turning to vandalism we suggest the following has potential to drive long term change:

- Encourage young people to have a sense of ownership of and pride in their community, particularly its public spaces
- Encourage young people to feel they are making a valued contribution to their community, and have a stake in its future
- Address the level of boredom amongst the youth of the community.
- Provide activities which allow for a legal release of adrenaline and promote a sense of 'flow' (Csikszentmihalyi, 1992)
- It has been repeatedly stated in the literature, that one of the best approaches to crime is early intervention with children at risk (Basto-Pereira & Farrington, 2020; National Crime Prevention, 1999). As Weatherburn & Grabosky, 1999 predicted (p. 84), 'A 10 per cent reduction in the level of child neglect in New South Wales would reduce the level of juvenile participation in crime by 5 per cent.'

For young people who are already committing vandalism

- Consider programs of restorative justice
- There is a particular need to re-connect a practicing vandal with his neighbourhood and community.

Although this analysis complicates the management of vandalism considerably, it also suggests that a variety of interventions of varying ranges of social and fiscal investment, are likely to have some impact on the rates of vandalism in a community, and taking disparate measures targeting a range of necessary conditions together is likely to have a very significant impact. However, we argue that vandalism is not something that is intrinsic to the adolescent but a sign of community failure to include sections of the community in meaningful ways. Our community ethos is private property based and those who do not share ownership are angry and marginalised. Many vandals lash out because they feel excluded from the success that is normalised in popular culture. However, public property vandalism is also a part of the private property ethos because the vandal sees the property of belonging to no-one rather than a community resource or asset. As an illustration, much of the vandalism described in our data does not relate to textbook vandals (youths) as we find behaviours such as rubbish dumping in reserves, vehicle damage to nature strips, bollards, gates etc. and much of the arson and damage to property reported to the police



(where the offender is known) was found to be committed by young and early-middle-aged adults.

## STRATEGIES FOR DEALING WITH VANDALISM

This component of the research project aimed to better understand potential strategies or programs to decrease vandalism, including:

- a. Case studies for other comparable regions, including a range of different response types (punitive through to empowerment approaches); and
- b. Lessons learned - what worked, what didn't and why?

In the full report, we present over 60 case studies which provide examples of dealing with vandalism in small cities, most examples chosen because they have some similarity to Launceston in terms of population size, rurality, economic profile etc. Many relate to creative ways to handle graffiti and damage to public property. There are several exciting examples of community involvement and also those that involve partnerships between councils, police and the community. For example, we commend the strategies employed by Kamloops, a small rural city in Canada that shares many characteristics with Launceston and has a good suite of interventions.

We have categorised the case studies as addressing a variety of drivers and enablers of vandalism, as suggested by the literature review of drivers of vandalism, being initiatives and strategies that address:

- Individual motivations
- Behavioural adjustment strategies
- Education
- Fear of detection
- Creating physical barriers and deterrents.
- Social drivers of vandalism
- Economic drivers
- Community programs to address vandalism, and
- Cross agency partnerships.

The case studies include interventions for management of graffiti, including several examples of graffiti management plans. There are technological interventions ranging from CCTV to the provision of easy-to-use reporting applications via council websites and electronically locked access zones. There are examples of community events like street art festivals and clean up days

and examples of mobilising communities via volunteers. There are examples of revamped Neighbourhood Watch programs and engaging families in community action. There are also case studies around the management of vandalism of parks and recreational areas. Examples of partnerships between councils, police, community members and local organisations have also been included.

Bearing in mind that successful initiatives to thwart vandalism involve more than a single dimension of intervention and many examples provided use multiple tactics. These can include:

- Use of physical discouragers such as surveillance cameras, fencing vulnerable properties, creating graffiti resistant surfaces
- Identification of needs vandals meet through vandalism which may be met in other ways (such as the creation of spaces for public displays of graffiti artists)
- Repair and repaint immediately. Factor in damage repair into civic budgets as part of creating and maintaining a safe and happy community.
- Give the community the message that its members are valued through the development of civic pride and community connections which include all community members, adults and young people

Some of the options described involve investment in technology but the best examples also involve community action.

Our overarching conclusion is that a collective impact style of intervention is most likely to achieve significant inroads into the complex drivers of vandalism. Collective Impact has proven to be more effective than situations where agencies address similar issues without collaboration or co-ordination, leading to the availability of only limited resources and knowledge, duplication in services, gaps in service delivery and competition for scarce resources (Centre for Community Child Health, 2018). This is true for approaches to vandalism where often multiple agencies and services, such as councils, schools and police, deal with similar problems caused by often the same group of vandals but fail to collaborate towards solutions.

There is no blueprint for a CI intervention, however the following elements are considered to be best practice in establishing a CI approach:

- Centralised infrastructure; independent staff dedicated to the coordination of the work (often referred to a 'backbone organisation', and takes the responsibility for the direction, data collection, and communication within the CI project).
- Setting a common agenda

- A shared system of measurement. in the case of addressing vandalism in Launceston, existing data collection has proved problematic, so a new data collection strategy will need to be devised, including measurement tools, data protocols and ownership.
- Continuous communication which creates rapid learning and a developmental evaluation in which goals and strategies are revised continuously.
- Mutually reinforcing activities, preferably long-term, across different sectors, which target a specific social problem or problems, and which engage actors beyond the any specific sector (government, NGO, etc).

The strategies of the City of Kamloops in rural Canada provided in the case study collection are based on a collective impact model. Also worthy of consideration is the model used by the community of Clarence Plains in southern Tasmania. Collective Impact programs are not always easily developed and much of the literature on collective impact contains cautionary tales (Dolamore & Kline, 2020; Ennis & Tofa, 2020; LeChasseur, 2018; Mayan et al, 2019; O'Neill, 2020; Sagrestano & Finerman, 2018). However, for a reasonably narrowly targeted program which already enjoys community support and community 'buy in', such as addressing instances of vandalism in the northern suburbs of Launceston, where the council is in an ideal position to form a stakeholders' group and continue its consultations with the community, CI has the potential to prove a very effective solution (or set of solutions).

## RECOMMENDATIONS

1. Approach the problem with multiple strategies, focused both on the potential vandal and the target environment.
2. View anti-vandalism as a long-term strategy which involves improving the quality of living for neighbourhoods and communities susceptible to vandals, and giving clear messages to these communities and neighbourhoods that they hold value to the larger Launceston community.
3. Ally with as many stakeholders as possible, including schools, police, neighbourhood groups.
4. Develop strategies which are sustainable at the council level, and not dependent on the energy and time of any one person.
5. Expect that vandalism will require a regular commitment of funding both in terms of repairs and in terms of anti-vandalism measures and programs.
6. Develop a wide range of measures for success and expect that change will take time.
7. Develop a community sense of shared public assets such as bus shelters, parks, etc as a challenge to the attitude that because these are not private property, they belong to no one.
8. Have a system of clear penalties for vandalism, and make these known throughout the community.
9. Demonstrate the value of a community by repairing and restoring vandalised areas as quickly as possible.
10. Where possible, involve vandals in opportunities to repair damage, restore property and otherwise contribute to the beautification of the community.
11. Consider and implement ways of re-connecting marginalised young people to their communities.
12. Consider ways of encouraging use of public spaces to that they become sources of community responsibility and pride and also ensure the natural surveillance of public spaces provided when people use them regularly.

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TASMANIAN INSTITUTE OF LAW ENFORCEMENT STUDIES

Innovative, Collaborative & Interdisciplinary Research



**Sustainability and Environmental Advisory Panel**

**AGENDA - 21 MARCH 2023**

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**Attachment 3: Exemplar Significant Tree Policy and Register –  
Kingborough Council**

# Significant Tree Policy

## 1. POLICY STATEMENTS

- 1.1 The aim of this policy is to outline the process and the criteria to be considered for the listing or delisting of significant trees in the Planning Scheme.

## 2. DEFINITIONS

- 2.1 "Arborist" – a person with a qualification of Certificate 4 in Arboriculture or equivalent
- 2.2 "Significant tree" – a tree deemed significant in accordance with the categories of significance defined in this policy.
- 2.3 "Threatened native vegetation community" – a vegetation community listed under Schedule 3A of the *Tasmanian Nature Conservation Act 2002*.
- 2.4 "Tree" – any woody plants with a height or potential height of 5m or more.
- 2.5 "Planning Scheme" – Kingborough Planning Scheme 2015 or any subsequent planning scheme.
- 2.6 "LUPAA" – *Land Use Planning Assessment and Approvals Act 1993*.

## 3. OBJECTIVE

- 3.1 To provide a process to recognise and protect trees in Kingborough that have the highest aesthetic, cultural, heritage and/or environmental values, compared with other trees in the municipal area.

## 4. SCOPE

- 4.1 The policy may be applied to any tree that meets one or more of the categories of significance, to a highly significant or exceptional degree.
- 4.2 The policy is primarily aimed at conserving individual or groups of trees, rather than large areas of bushland. These are already protected under the *Nature Conservation Act 2002* as threatened vegetation communities or other provisions in the planning scheme.
- 4.3 This policy applies to all land in the Kingborough area, whether publicly or privately owned.
- 4.4 Development applications that may impact or include the removal of a tree listed in Table E24.1 are required to be assessed against the Significant Trees Code of the Kingborough Interim Planning Scheme 2015.
- 4.5 The Significant Trees Code will cease to exist under the Tasmanian Planning Scheme, however similar protection will be afforded for Significant Trees in the Local Historic Heritage Code of the Tasmanian Planning Scheme.

## 4. PROCEDURE (POLICY DETAIL)

- 5.1 Council's website and the Planning Scheme will provide details of all current significant tree listings.
- 5.2 Nominations by the public or Council for listing or delisting will be able to be received at any time. An educational program will be provided annually to draw attention to the benefits of significant tree listing in the planning scheme, the associated process involved and ultimately to encourage nominations during the year.
- 5.3 Nominations for listing or delisting must be received in writing by completing the significant tree nomination form.

- 5.4 A tree group of trees may be nominated for listing based on one or more of the categories of significance detailed below.
- Aesthetic significance
  - Size (height, circumference, canopy)
  - Age
  - Landscape significance
  - Historical significance
  - Rarity of species, variety or genome
  - Unusual physical features
- 5.5 An assessment as to whether a tree is to be listed or delisted from the significant tree list (as appropriate in relation to the categories of significance in Clause 5.4 above and the guidelines provided in Section 6 below) is to be undertaken by at least three Council officers with appropriate skills in two or more of the following fields: arboriculture, cultural heritage, environmental management and urban and/or landscape design.
- 5.6 Where resources are not available, Council officers may also need to call on the advice of an expert regarding specific values.
- 5.7 Additional information may be required from a nominee to assess a nomination.
- 5.8 Nominations for delisting must outline the reasons and may include supporting information for the request. Council may request an Arborist report to support a nomination for delisting.
- 5.9 All trees recommended for listing must be assessed by a qualified arborist to determine the tree's health and viability. Council will cover this cost.
- 5.10 Where a nomination for listing or delisting is supported by Council staff and it is located on private land, the landowner will be contacted to inform them of Council's intention to list or delist a tree in the planning scheme. Landowners will have the opportunity to make a submission, in support or against a proposed listing or delisting, as part of the public consultation process described in 5.12 below.
- 5.11 A report will be presented to Council to inform them of the nominations received and to seek initiation of a planning scheme amendment as the Planning Authority. Advertising and notification will be undertaken in accordance with LUPAA which is broadly as follows:
- Notification to landowners and adjoining landowners;
  - A site notice;
  - Advertisement in The Mercury;
  - Exhibition in Council's administrative building; and
  - Exhibition on Council's website.
  - Kingborough Chronicle.
- 5.12 After the public exhibition period has closed, a report addressing each submission will be presented to Council, as the Planning Authority, to determine whether to proceed with the planning scheme amendment and (if proceeding) certify the amendment and forward a report to the Tasmanian Planning Commission in accordance with requirements of LUPAA.

- 5.13 The standard procedure for planning scheme amendments and determination by the Tasmanian Planning Commission will apply and this will include the opportunity for people who have made submissions during the exhibition period to attend a hearing at the Tasmanian Planning Commission. An overview of the planning scheme process and a flow chart illustrating the various steps in the process is available on the [Tasmanian Planning Commission's website](#).
- 5.14 When the planning scheme amendment has been determined by the Tasmanian Planning Commission, Council will notify:
- The person/group who has nominated the tree.
  - The landowner, when the tree is on land other than that owned or leased by Council. The notification will outline the responsibilities in relation to the planning scheme provisions.
  - Any owners of land adjoining the property on which the tree is situated.
- 5.15 Once a tree is listed, it will not be physically sign-posted, but details of the listing will be publicised in the Planning Scheme and on Council's website.
- 5.16 Any person wanting to cut, remove or otherwise alter the state of a significant tree must contact Council as a permit may be required.
- 5.17 In situations where an immediate risk to public safety from a significant tree is identified, Council approval must still be obtained; and Council reserves the right to require an arborist's assessment to be undertaken. In these circumstances the decision may be determined by the General Manager under delegated authority.

## **6. GUIDELINES**

- 6.1 Each nomination is assessed on its merits against the categories of significance.
- 6.2 The presence of a tree in an urban setting does not make it automatically significant; there must be a particularly special attribute or attributes consistent with the categories of significance to make a tree appropriate for listing.
- 6.3 The proposed categories of significance are described in more detail as follows:
- a) Trees whose form, seasonal beauty and/or placement are such that they are a significant aesthetic component of the streetscape, park, garden or natural landscape in which they grow.
  - b) Trees of outstanding dimensions in height, trunk circumference or canopy spread for their species or for the area.
  - c) Trees that are particularly old either for their species or for the area.
  - d) Trees which occur in a unique location or context and so provide a key contribution to the environmental, cultural and/or historical landscape.
  - e) Trees commemorating a particular broader community interest associated with an historical significance or event.
  - f) Trees of a species or variety that is rare or of very localised distribution or has known genetic values.
  - g) Trees which exhibit a curious growth form or physical feature such as abnormal outgrowths, natural fusion of branches, severe lightning damage or unusually pruned forms.

#### 6.4 Mitigating factors and exceptions:

In addition to assessing the significance of the tree(s), the following must be considered:

- The health of the tree – whether the tree is likely to survive for at least ten years from the time of assessment.
- Whether the tree is likely to pose an unacceptable risk.
- Submissions from affected landowners.

### 7. COMMUNICATION

- 7.1 The policy will be perpetually available on Council's website. It will include the details of nomination received and also indicate the status of each nomination (i.e. received, assessed, approved etc).
- 7.2 An educational program will be undertaken at least once annually, to draw attention to the benefits of significant tree listing in the planning scheme, the associated process involved and ultimately to encourage nominations during the year.
- 7.3 Proposed listing/delisting of trees will be notified and advertised as part of a Planning Scheme Amendment under LUPAA.
- 7.4 When the planning scheme amendment has been determined by the Tasmanian Planning Commission, Council will notify:
- The person/group who has nominated the tree.
  - The landowner and occupier when the tree is on land other than that owned or leased by Council (the notification will outline the responsibilities in relation to the planning scheme provisions)
  - Any owners of land adjoining the property on which the tree is situated.

### 8. LEGISLATION

- 8.1 *Land Use Planning and Approvals Act 1993.*

### 9. RELATED DOCUMENTS

- 9.1 Kingborough Interim Planning Scheme 2015 or subsequent scheme.

### 10. AUDIENCE

- 10.1 Kingborough landowners
- 10.2 General public
- 10.3 Tasmanian Planning Commission



# **Significant Tree Register**

Updated: September 2022

Tree ID	Tree Reference	Location	Common Name	Botanical Name	Number Trees	Category/s	Tenure	Age	Height	Diameter	Coordinates
KIN-C6.5.1	2012-1 ( <i>refers 2012-4 and 2012-17</i> )	1686 Channel Highway (Front boundary)	Pin Oak	<i>Quercus palustris</i>	1	1, 2, 4	Public (DIER)	40-60	10.5	0.69	E: 521,157.33 N: 5,236,510.89
KIN-C6.5.2	2012-2	70 Ferry Road (median strip)	English Oak	<i>Quercus robur</i>	7	1, 4	Public (DIER)	60-80	9	0.3-0.73	Multiple
KIN-C6.5.3	2012-3	26 Cutana Parade	stringybark	<i>Eucalyptus obliqua</i>	2	1,2,3,4	Private	40-60	21.5	0.93	Multiple
KIN-C6.5.4	2012-5	1631 Channel Highway	Italian Poplar	<i>Populus nigra 'Italica'</i>	Group	1,4,5	Private	60-80	25	0.65	Multiple
KIN-C6.5.5	2012-7	1520 Channel Highway	Italian Poplar	<i>Populus nigra 'Italica'</i>	Group	1,4,5	Private	60-80	25	0.6	Multiple
KIN-C6.5.6	2012-8	44 Windsor Street	white gum	<i>Eucalyptus viminalis</i>	2	1, 2, 3, 4, 5	Private	100+	20	1.21	Multiple
KIN-C6.5.7	2012-9	11 Nierinna Road	English Oak	<i>Quercus robur</i>	1	1,4	Private	40-60	13.5	0.84	E:520,796.8 N:523,6622
KIN-C6.5.8	2012-10	Southlea - 342 Proctors Road	horse Chestnut	<i>Aesculus hippocastanum</i>	1	1, 2, 3, 4, 5, 7	Private	164	9	0.69	E: 525630.9 N: 5246138
KIN-C6.5.9	2012-11	Southlea - 342 Proctors Road	hawthorn	<i>Crataegus monogyna</i>	1	1, 2, 3, 4, 5	Private	160	9	0.91	E:525657.3 N: 5246076
KIN-C6.5.10	2012-12	3 Ferry Road	English Oak	<i>Quercus robur</i>	9	1, 4, 5, 7	Private	60-80	11	0.7	Multiple
KIN-C6.5.11	2012-13	Lot 1 Alfreds Garden	Bishop Pine	<i>Pinus muricata</i>	5	1, 4, 6, 5, 7	Public (DIER)	20-40	10	0.45	Multiple
KIN-C6.5.12	2012-15	Settlers Park, Channel Highway	stringybark	<i>Eucalyptus obliqua</i>	1	1, 2, 3, 4	Council	100	30	1.35	E: 524913.5 N: 5241797
KIN-C6.5.13	2012-23	Dave Burrows Walk (off Derwent Ave)	stringybark	<i>Eucalyptus obliqua</i>	1	2, 3	Public (Crown)	80-100	22	1.22	E: 522261.2 N: 5234523
KIN-C6.5.14	2012-24	Kingston War Memorial, cnr Freeman St & Channel Hwy	Aleppo Pine	<i>Pinus halepensis</i>	1	5, 6	Council	1	1	0.02	E: 525081.77 N: 5241788.87
	2012-26	Centre of round-about, Church Street and Hutchins Intersection	Leyland cypress	<i>x Cupressocyparis leylandii</i>	1		Council				
KIN-C6.5.15	2012-32	70 Channel Highway	stringybark	<i>Eucalyptus obliqua</i>	1	1, 2, 3, 4, 7	Private	100+	32	2.57	E: 524414.7 N: 5241442
KIN-C6.5.16	2012-33	43-45 Beach Road	golden elm	<i>Ulmus glabra 'Lutescens'</i>	1	1, 2, 3, 4, 6	Private	80-100	19.5	1.47	E: 526228.6 N: 5241318

KIN-C6.5.17	2012-34	Blowhole Reserve, Blowhole Rd	Tasmanian blue gum	<i>Eucalyptus globulus subsp. globulus</i>	1	1,4	Council	60-80	26	1.57	E: 526734.4 N: 5239155
KIN-C6.5.18	2012-36	Growing in the road reserve outside 271 Roslyn Ave	risdon peppermint	<i>Eucalyptus risdonii</i>	1	1, 2, 4, 6	Council	20-40	15	0.55	E: 525983.9 N: 5238471
KIN-C6.5.19	2012-38	1636 Huon Road	English Oak	<i>Quercus robur</i>	1	1, 2, 3, 4	Private	100+	28	1.6	E: 516282.3 N: 5242586
KIN-C6.5.20	2012-43	Snug Primary School	Sweet Gum	<i>Liquidambar styraciflua</i>	1	1, 4, 5	Department of Education	40-60	9	12	E: 520768.9 N: 5231779
KIN-C6.5.21	2012-50	Council road reserve, adjacent to 59 Roslyn Avenue	Tasmanian blue gum	<i>Eucalyptus globulus subsp. globulus</i>	1	1, 2, 3, 4	Council	40-60	36	1.62	E: 526174.6 N: 5240926
KIN-C6.5.22	2013-1	36 Summerleas Road, Kingston	English Oak	<i>Quercus robur</i>	3		Private				-
<b>RECENTLY ADDED</b>											
KIN-C6.5.25	2021-11	1/12 Wyburton Place, Margate	Black gum	<i>Eucalyptus ovata</i>	1	1,2,3	Private	60-80	25	1.25	E: 521809 N: 5235886
KIN-C6.5.24	2021-12	10 Kingston View Drive, Kingston	Blue gum	<i>Eucalyptus globulus subsp. globulus</i>	1	3,7	Public	>100	32	2.5	E: 522994 N: 5241778
KIN-C6.5.26	2021-10	2 Dallas Avenue, Taroona	White gum	<i>Eucalyptus viminalis</i>	1		Private	60-80	16	0.97	E: 538968 N: 5246613
KIN-C6.5.33.1 & KIN-C6.5.33.2)	2021-21	Road casement between 958 and 960 Killora Road, North Bruny	Stringy Bark	<i>Eucalyptus obliqua</i>	1	1,7	Public	>100	24	2.16	E: 528388 N: 5226255
KIN-C6.5.27.1 KIN-C6.5.27.2	2021-6	Blackmans Bay Foreshore	Blue Gum	<i>Eucalyptus globulus subsp. Globulus</i>	2	1,4	Public	50-60	15	1 – 1.14	E: 526407 N: 5238779 E: 526407 N: 5238746
KIN-C6.5.28.1	2021-4 (1 OF 3)	Adventure Bay foreshore	Stringybark	<i>Eucalyptus obliqua</i>	1	1,4	Public	80-100	30	1.8	E: 526434 N: 5199442
KIN-C6.5.28.2 KIN-C6.5.28.152	2021-4 (2 OF 3)	Adventure Bay foreshore	Various	<i>Eucalyptus obliqua, Eucalyptus globulus, and Eucalyptus viminalis</i>	150	1,4	Public	50-80	38	1.24	-
KIN-C6.5.28.153 – KIN-C6.5.28.183	2021.4 (3 OF 3)	Adventure Bay foreshore	Various	<i>Eucalyptus obliqua, Eucalyptus globulus, and Eucalyptus viminalis</i>	30	8,11	Public	80->100	37.5	1.57	-
KIN-C6.5.29-1 KIN-C6-5-29.13	2021-3 (1 OF 2)	Kingston Beach Reserve	Blue gum	<i>Eucalyptus globulus subsp. Globulus</i>	13	1,4,5	Public	60-80	22	1.6	-



KIN-C6.5.29.14 TO KIN-C6.5.29.20	2021-3 (2 OF 2)	Kingston Beach Reserve	5: Red Flowering Gum 17: Conifer sp. 18: Peppermint Willow 19: White Peppermint	( <i>Corymbia ficifolia</i> ) ( <i>Araucaria heterophylla</i> ) ( <i>Agonis flexuosa</i> ) ( <i>Eucalyptus pulchella</i> )	1	1,4,5	Public	60-80	-	-	-
KIN-C6.5.30.1 TO KIN-C6.5.30.14	2021-1 (1 OF 3)	Niree Parade foreshore, opposite 48 Taroona Crescent to 6 Niree parade	Blue Gum	<i>Eucalyptus globulus subsp. Globulus</i>	14	1,4	Public	60-80	28	1.8	-
KIN-C6.5.30.15	2021-1 (2 OF 3)	Taroona Foreshore Reserve, Taroona Park	Blue Gum	<i>Eucalyptus globulus subsp. Globulus</i>	1	1,4	Public	>100	30.5	2.48	E: 528648 N: 5244422
KIN-C6.5.30.16 TO KIN-C6.5.30.37	2021-1 (3 OF 3)	Taroona Foreshore Reserve, Taroona Park	Blue Gum	<i>Eucalyptus globulus subsp. Globulus</i>	21	1,4	Public	60-80	32	1.5	-
KIN-C6.5.31.1 KIN-C6.5.31.2	2018-2	5 Belhaven Avenue, Taroona	Pin oak	<i>Quercus palustris</i>	2	1,2	Private	50-70	13-14m	0.6-0.7	E: 528750 N: 5245194 E: 528763 N: 5245178
KIN-C6.5.32	2017-3	25A Osbourne Esplanade, Kingston Beach	White gum	<i>Eucalyptus viminalis</i>	1	1,2,4	Public	50-70	23	1.45	E: 526530 N: 5241321
KIN-C6.5.33.1 KIN-C6.5.33.2	2016-1	7 James Avenue, Kingston	White gum	<i>Eucalyptus viminalis</i>	2	1,2,4	Private	80-100	28->30	1.42-1.7	E: 526378 N: 5240888 E: 526390 N: 5240885