

# Council Policy

Council policy title:	Tree Vandalism and Reward Policy 2019
Council policy ref no:	C/POL/INF/007
Council policy owner:	<b>Director City Planning and Amenity</b>
Adopted by:	Bayside City Council
Date adopted:	23 July 2019
Scheduled review:	<b>2023</b>

(Council Policy is a public statement formally resolved by Council, which clearly states Council's requirements in relation to a particular matter or issue. For Council policy approval process see Section 10 and Appendix 1 of the Policy Handbook.)

## 1. Policy intent

To protect and retain public trees to improve the visual and environmental quality of streetscapes, open space and the foreshore areas within the municipality.

## 2. Purpose/Objective

This policy is designed to ensure that Council's approach to the issue of rewards for information concerning public tree vandalism is managed in a consistent, transparent and appropriate manner through the development of clearly defined eligibility criteria. The eligibility criteria will describe who and under what circumstances a person is eligible for a reward for information given regarding vandalism of public trees, together with their entitlement.

## 3. Scope

This policy applies to all requests for a reward for information concerning the vandalism of public trees.

## 4. Roles & Responsibilities

In evaluating a request for a reward for information under this policy, the Delegated Officer must submit a report to the Director when the prosecution, including all avenues of appeal, have been completed and the alleged offender has been found guilty of the offence. This report must contain an executive summary of the proceeding together with details of any other relevant information to the nature of the offence and vandalism.

Should the Director determine that a person could be eligible for a reward under this policy the Delegated Officer is to prepare a report for consideration and determination by Council.

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

## 5. Monitoring, evaluation & review

### Eligibility Criteria

In order for a person to be eligible for consideration of a reward for information concerning the vandalism of public trees and is protected by any law:-

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

### Evaluation of an Application

In evaluating a request for a reward for information under this policy, the Delegated Officer must submit a report to the Director when the prosecution, including all avenues of appeal have been completed and the alleged offender has been found guilty of the offence.

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

The value of the reward will be determined by the scoring of the report according to a number of weighting factors comprising:

- Monetary value of the tree value of the tree as calculated by Council's Arborist;
- Location of the tree;
- Amenity of the tree;
- The level of publicity relating to the successful prosecution;
- The law that protects tree;
- The level of penalty/fine relating to the offence; and
- The amount of damage to the tree.

The report should be scored according to the Tree Reward Criteria and Score table (Table 1) and then the reward calculated by using the weighted calculation table (Table 2).

Table 1 Tree Reward Criteria and Score

Criteria	Score				
	5	4	3	2	1
Tree value	>\$50,000	\$50,000-\$20,000	\$20,000-\$5,000	\$5,000-\$1000	>\$1000
Location/amenity	High	High/Med	Med	Med/Low	Low
Publicity/media	National	State	Local	Council	None
Law	Act	Regulation	Local Law		
Penalty as proportion	>80%	60-80%	30-60%	10-30%	<10%
Damage	Complete removal	Height reduction/ Significant damage to structure	Height reduction and lopped	Some Lopping and pruning	Minor pruning

Table 2 Tree Reward Score Weighted Score Calculation Table

Criteria	Weighting	Score	Weighted score
Tree value	5		
Location/Amenity	2		
Publicity/media	3		
Law	5		
Penalty received	75		
Damage	10		
Total	100		
		Max weighted score	500
		Weighted score as a percentage of max	
		Reward total (\$25,000) as a percentage of weighted score	

Should the Director determine that a person could be eligible for a reward under this policy the Delegated Officer is to prepare a report for consideration and determination by Council.

Council will consider each application on its own merits giving due consideration to the nature of vandalism and the effect on the general amenity and in accordance with the above criteria.

#### Notification of Application

All applications for reward must be acknowledged in accordance with Council's Customer Service Charter.

The applicant will be informed in writing of the outcome of their request and the method of payment if applicable.

#### 6. Promotion of Policy

It is Council's intent to inform the community and media of any action taken regarding public tree vandalism and rewards. To help achieve this signs will be erected for unlawfully removed trees or unlawful pruning, lopping or poisoning that will result in the death of the tree. In addition signs may be erected for unlawful pruning, lopping, root damage to a public tree as well as additional actions to promote the policy which may include screens, ribbons, large signs, screens as well as replacement planting.

Signs will be erected as close to the location of the removed/damaged tree as is possible for a minimum of twelve months to be reviewed annually by the Director responsible for management of public trees.

#### 7. Reward

A reward of up to \$25,000 will be considered by Council for information relating to any premeditated unlawful action (pruning, poisoning, removal, root damage), which results in major damage of any public tree that results in a successful prosecution and or fine.

The value of the reward will be based on the criteria listed section 5.

The above reward criteria are to be used as a guide and any allocation of a monetary reward and the amount offered is at the discretion of Council.

Rewards will be issued to eligible persons upon receipt of a written submission, and after the cases are finished in court and the 28-day appeal period had passed.

Where there is more than one applicant the reward amount will be divided at the discretion of Council. As a general guide, each applicant will be evaluated on it's merits, and if successful, the applicant will receive a percentage of the total amount that would be awarded on a single claim.

The percentage awarded will be based on the evidence the applicant provided to Council and whether that evidence was critical in the successful prosecution at Court. The Director responsible for the management of public trees will present a report to Council for determination.

8. Related documents

Legislation	<ul style="list-style-type: none"> <li>• Planning &amp; Environment Act 1987.</li> <li>• Bayside Planning Scheme.</li> <li>• Summary Offences Act 1966 Section 9 - Wilful destruction, damage etc. of Property.</li> <li>• Crimes Act 1958 – Section 197 - Destroying or damaging property.</li> <li>• Local Government Act 1989</li> <li>• Council's Local Laws</li> </ul>
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9. Definitions & Abbreviations

Term	Meaning
Applicant	Means the person/s who actually witnessed the vandalism and is/are seeking a reward for the information supplied.
Director	Means a Director as appointed from time to time.
Council	Means BAYSIDE CITY COUNCIL.
Public Tree	Means a tree that is on land that is either owned by or under the control vested in Council.
Delegated Officer	Has the same meaning as a Senior Officer in the Local Government Act 1989

Please note: This policy is current as at the date of approval. Refer to Council's website ([www.bayside.vic.gov.au](http://www.bayside.vic.gov.au)) or staff intranet to ensure this is the latest version.