

LATE ADDENDUM REPORT

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REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

a14 [CNR-CM] Pottsville Coastal Reserve Tree Vandalism

SUBMITTED BY: Natural Resource Management

Validms



## Caring for the Environment

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
  - 4.2 Conserve native flora and fauna and their habitats
  - 4.2.1 Promote the protection of native vegetation and wildlife habitat of high conservation value, social or cultural significance in Tweed Shire
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### SUMMARY OF REPORT:

Council staff were made aware of several trees being cut down and/or deliberately damaged in the coastal reserve fronting Elanora Avenue, Pottsville. As further inspections were made it became clear that more than 50 trees had been impacted.

This vandalism event was assessed using the adopted methodology in the *Vegetation Vandalism on Public Land Policy* and was found to be of HIGH significance.

Actions to date include letterbox drops, interviews of adjacent residents and media reports in an attempt to identify the culprit.

### RECOMMENDATION:

**That Council continues to collect evidence and pursue legal action if there is sufficient evidence to prosecute and require restoration activities.**

LATE ADDENDUM REPORT

REPORT:

Scope

On Monday 8 August, Council staff were made aware of several trees being cut down and/or deliberately damaged in the coastal reserve fronting Elanora Avenue, Pottsville. As further inspections were made it became clear that more than 50 trees had been impacted.

Figure 1 and Plates 1 and 2 below outline the extent of the damage.



Vegetation Vandalism Area - Pottsville Beach-Mooball Creek



Figure 1: Indicative map of unlawful vegetation removal across Lots 410 DP 755701 and Lot 7064 DP 1113596 Council managed Crown land, Elanora Avenue, Pottsville Beach.

LATE ADDENDUM REPORT

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**Plate 1:** Casuarina cut down near mouth of Mooball Creek.



**Plate 2:** Large mature banksia with chain saw cuts.

The *Vegetation Vandalism on Public Land Policy V2.1* was adopted at the Council meeting of 19 May 2016. This policy describes the procedure Council will take to assess and respond to wilful destruction and damage to vegetation on Council managed land. This vandalism event was assessed using the adopted methodology and was found to be of HIGH significance.

LATE ADDENDUM REPORT

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**Actions to date**

As the damage was widespread, Council staff letter boxed and/or doorknocked about 40 houses along Elanora Avenue to determine if anyone had seen any activity.

The letter distributed is reproduced below:

*"It has come to Council's attention that approximately 50 native trees/shrubs along the beach/creek access track from Ambrose Brown Park to Pottsville Beach and Mooball Creek (see attached map) have been illegally vandalised through pruning and lopping activities. This activity appears to have been undertaken for view enhancement and was:*

- a. Not authorised by Council; and*
- b. Considered to be inconsistent with the land zoning and management intent for the reserve being conservation purposes and park.*

*The vegetation vandalised comprises regenerating coastal dune vegetation including (but not limited to) Banksia, Coastal Wattle, Casuarina and Tuckeroo species. This area is recognised as important coastal habitat acting as a buffer to coastal erosion providing foraging and habitat opportunities for coastal fauna, including (but not limited to) state and federally listed (under Threatened Species Conservation Act 1995 and Environment Protection and Biodiversity Conservation Act 1999) Pied Oystercatcher (Endangered), Beach stone-curlew (Critically Endangered) and Loggerhead Turtle (Endangered - records within 150 m of the site).*

*The observed vandalism would be expected to have a medium term impact (with potential for long term impacts if vandalism continued) on the integrity and function of the coastal habitat. Specific detrimental impacts include:*

- Loss of habitat and foraging resources for native fauna*
- Increased erosion*
- Increased competition from environmental weed species*
- Increased exposure to adjacent canopy trees, understorey vegetation and nearby residences to salt laden winds.*

*Council appreciates that the vast majority of landowners and residents adjoining the reserve are in no way responsible for this activity and that it is likely to be the work of one or two individuals seeking to enhance view/s to the river or beach from their residence.*

*However, residents of Elanora Avenue are to be aware that Council has adopted a zero tolerance for vandalism of vegetation occurring on public land. Council's approach to such damage is outlined in the Vegetation Vandalism on Public Land Policy Version 2.1 dated 16 May 2016. The policy is available for viewing at <http://www.tweed.nsw.gov.au/Policies> or in hard copy format from Tweed Shire Council administration offices.*

## LATE ADDENDUM REPORT

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*In accordance with assessment procedure outlined within the Vandalism on Public Land Policy Version 2.1 dated 16 May 2016, Council has determined the act to be of 'high significance' and therefore intends to respond with the following measures:*

- *Install large signage (2.4 m x 3 m) to remain for a minimum period of 24 months in areas where trees have been removed/damaged. The height of signage to be erected shall be consistent with that of the tree canopy unlawfully removed*
- *Revegetate the site with similar local native trees*
- *Consider installation of view screen barriers where signs are insufficient;*
- *Preparation of site rehabilitation plan and involve local resident dune care groups (where appropriate)*
- *Publicise the vandalism event in the local media in order to raise awareness and encourage the public to notify Council if holding any information on the event*
- *Undertake more regular routine surveillance of the reserve*
- *Pursue action in the Local Court or Land & Environment Court where sufficient evidence exists.*

*In order to assist Council in preventing repeat offenses, residents are encouraged to:*

- a) *Contact Council to report any future incidences of vegetation vandalism;*
- b) *Be aware that, where considered necessary, Council can issue offenders with rehabilitation costs and/or monetary penalty/fine upwards of \$3,000.*

*If you have any information or queries in regard to this matter or wish to report any further acts of vandalism, do not hesitate to contact Michael Banks – Biodiversity Planner on (02) 6670 2400. Council appreciates your cooperation on the matter."*

### **Further Actions**

The site conditions are such that erection of large, view-blocking signs will be ineffective and the substantial structures required could cause further damage to the bushland. The houses are elevated above the bushland (prompting the question as to the extent of view enhancement this action would have had?), hence large signs being ineffective.

A number of smaller signs will be erected along the reserve, advising residents and visitors of the vegetation vandalism and encouraging people to be vigilant and report unauthorised activity to Council.

A story has appeared in the Tweed Link (edition 970) and there has been some media interest.

Some trees have been damaged and are potentially unsafe (see Plate 2), therefore Council's arborists will undertake some tree pruning, removal or barricading of these trees to maintain public safety.

Council staff will continue to seek information in attempt to identify the culprit. It is the intention to undertake enforcement action including fines and restoration orders.

**LATE ADDENDUM REPORT**

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**OPTIONS:**

1. That Council continues to collect evidence and pursue legal action if there is sufficient evidence to prosecute to require restoration activities.

**CONCLUSION:**

While this vegetation vandalism is considered of high significance due to the high number of trees involved and extent of damage, it is not practical in this instance to erect large signs. Other options as outlined in the policy will be pursued, including continuing to seek information and evidence to identify the culprit.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Vegetation Vandalism on Public Land v2.1.

**b. Budget/Long Term Financial Plan:**

The budget implications from this event include significant staff time to investigate, report and restore the damaged vegetation as well as signage erected. Damaged trees were assessed and pruned to maintain public safety. Replacement trees will need to be purchased, planted and maintained. These restoration and repair works will come from the coastal bushland budget, reducing the available budget for ongoing management of these areas through weeding and fencing and more positive, proactive activities.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

The Tweed Link ran a story on the vegetation vandalism (Issue 970), several radio interviews were conducted and all adjoining residents were letter box dropped.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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