



## **DRAFT**

### **VANDALISM TO VEGETATION ON LAND OWNED OR MANAGED BY THE CITY**

**STATUS:** **City Policy** - *A policy that is developed for administrative and operational imperatives and has an internal focus.*

*City policies are referred to Council for review and endorsement.*

**RESPONSIBLE:** Director Infrastructure Services

**OBJECTIVES:**

- To recognise the importance of vegetation in the public realm and the crucial role it plays in providing habitat and food for native fauna.
- To enhance the City of Joondalup's reputation within the community on land owned or managed by the City, as a steward and manager of vegetation.
- To increase awareness and educate the community, and developers on the value of vegetation in the urban landscape; and
- To provide a mechanism to encourage community members to report illegal damage to vegetation on land owned or managed by the City.

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#### **DEFINITIONS**

**Vandalism or Damage to Vegetation:** the unlawful destruction, damage or injury to vegetation, which can include poisoning, mowing, pruning, removal and ringbarking.

#### **STATEMENT**

The City of Joondalup will assess the required site specific response following acts of vegetation vandalism or damage, in order to notify the community of the illegal acts and the consequences of vandalising or damaging vegetation on City owned or managed land.

In the event of vegetation vandalism or damage, the City may undertake one or more of the following actions:

- 1) Erect signage advising of the vegetation vandalism or damage detailing the penalties for such offences, a request for information from the public regarding the vandalism, and site specific information regarding vegetation removal and replacement proposed.
- 2) Selected poisoned vegetation may be left in situ, subject to safety requirements, until an agreed time frame to be determined on a case by case basis or until the vegetation requires removal.
- 3) Replacement planting will be determined on a site by site basis (and may include the placement of two or more of an appropriate plant species at the affected locality), following any required remediation works and removal of the poisoned or damaged vegetation.

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Amendments:

Related Documentation:

Issued:

<b>Protocol</b>	<b>Vandalism to Vegetation on Land Owned or Managed by the City</b>
<b>Keywords</b>	Trees, illegal damage, poison, clearing
<b>Protocol</b>	<p>This Protocol will provide guidance on the action the City takes following illegal damage to vegetation.</p> <p>Further enquiries regarding this Protocol should be directed the Conservation Co-ordinator in Infrastructure Management Services on Ext 4320.</p>
<b>Related Policies (Council/City)</b>	City Policy – Vandalism to Vegetation on Property Owned or Managed by the City
<b>Related Documentation (Plans/Legislative Authority).</b>	<p>Regulation 5 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <p><i>Criminal Code 1913</i></p> <p>Clause 13 of the City's <i>Local Government and Public Property Local Law</i></p> <p>Protocol - Engaging Legal Advisors</p> <p>Protocol – Publications</p> <p>Protocol – Community Consultation and Engagement</p>
<b>Protocol Owner</b>	Manager Operation Services
<b>Last Reviewed</b>	January 2011
<b>Flowchart</b>	
<b>File Number</b>	48080
<b>Corporate Protocol Classification</b>	

PROTOCOL/PROCEDURE	
Protocol Name	Vandalism to Vegetation on Land Owned or Managed by the City

#### Objective:

- To ensure a consistent approach to dealing with illegal damage to vegetation on land owned or managed by the City which includes the action to be taken following illegal damage.
- To establish a mechanism to encourage monitoring and reporting of illegal damage to vegetation on land owned or managed by the City.
- To outline the process for increasing awareness and educating the community and developers about the prevention of illegal damage to vegetation on land owned or managed by the City and to promote to the community the value and need for protection of vegetation on public land.

#### Scope

This protocol covers illegal damage to vegetation on land owned or managed by the City.

This protocol does not cover damage to vegetation on private property.

#### Definition

**Vandalism or damage** to vegetation is defined as:

*The unlawful destruction, damage or injury to vegetation which can include poisoning, mowing, pruning, removal and ringbarking.*

#### Employees Responsibilities

To ensure reports of illegal damage to vegetation on land owned or managed by the City are recorded, followed up and appropriate action is taken in line with the procedure below.

#### Procedure for Dealing with Illegal Damage to Vegetation

1. On receipt of a report about illegal damage to vegetation, the Manager Operation Services will authorise a site inspection of the location to gather evidence and photograph the location.
2. City officers will assess the damage and will establish, if possible, whether the damage is deliberate. City officers may request a report from an arborist, if necessary. The officers will determine the required action to stabilise the vegetation if considered unsafe, and determine the remedial action or replanting if required. Poisoned or dead vegetation may be left in situ until an agreed timeframe is determined, on a case by case basis, or until the vegetation requires removal.

3. In extreme circumstances where damage is significant, City officers may conduct a door-knock of local residents to gather evidence and determine if there are any witnesses to the illegal damage.
4. A letter drop may be conducted of residents in the nearby vicinity when it is believed that residents may have evidence which may assist the City in its investigation. The letter will invite residents to provide information, if known, about the illegal damage. The letter drop will be undertaken in line with the City's Protocol on Community Consultation and Engagement. This Protocol is on the Corporate Page of the intranet. The letter template is provided in Appendix 1 to this document.
5. A City officer will create an action request in the Customer Request Module to record the incident, the location of the offence, the type of vegetation, the method of illegal damage and subsequent action taken by the City. All related documentation must be stored to the TRIM (the City's corporate Records Management System).
6. Where sufficient evidence is available to confirm that the damage is deliberate, the Chief Executive Officer may authorise the erection of a temporary sign where damage has occurred. A memo is to be prepared from the Director Infrastructure Services to the Chief Executive Officer for authorisation, outlining the details of the damage and investigation undertaken.
7. Following authorisation by the Chief Executive Officer, the Manager Operation Services will request a sign to be erected for a specified number of days or until the City is able to replace the vegetation. The size of the signage is to be authorised by the Chief Executive Officer on a case by case basis. For example, in instances where it is established that the vegetation damage or removal has been undertaken for the purpose of directly benefiting adjoining properties, (eg view enhancement) or where there is high public exposure, large signs may be installed within sightlines to ensure there is no benefit from illegal vegetation removal or damage. The sign will include information on:
  - The nature of the illegal damage;
  - The City's investigation of the illegal damage;
  - The illegal nature of the damage which is an offence under:
    - *Clause 13 of the City's Local Government and Public Property Local Law*;
    - *The Criminal Code 1913*; and
    - *Regulation 5 of the Local Government (Uniform Local Provisions) Regulations 1996*.
  - Penalties which may be applied for illegal damage;
  - An invitation for members of the community to provide evidence for issuing an infringement or initiating prosecution.

The sign template is attached at Appendix 2.

8. The City may issue an infringement under the Clause 13 of the City's *Local Government and Public Property Local Law* or take prosecution proceedings under the *Criminal Code 1913* if there is sufficient evidence available.

## **Community Education**

9. The Manager Operation Services will oversee regular community education on the benefits and value of trees and vegetation and the adverse impact of illegal damage to the environment and amenity. This community education will be undertaken in liaison with Governance and Marketing in accordance with Corporate Publication and Branding Guidelines and will include but is not limited to:

- Information on the City's website;
- Brochures in all Customer Service Centres;
- Advertisements in the local newspaper; and
- Information provided at Environmental Education Events.

Community education will highlight the direct impact of loss of vegetation to the environment and the amenity of an area. The community information will also highlight the legal significance of offences, (ie, that they are criminal acts) and the fines which may apply. Community education will also encourage community members to assist the City in responding to incidents of illegal damage.

## **Monitoring, Regulation, Enforcement and Rehabilitation**

10. As described in 5. above, a City officer will record incidents of illegal vegetation damage by registering an action request. This will enable the City to able to:

- monitor incidents of illegal damage to vegetation on land owned or managed by the City;
- identify high risk areas; and
- monitor the effectiveness of community education campaigns and other action taken by the City to deter illegal damage.

Information recorded will also assist in providing evidence for the issue of infringements or the initiation of legal action the City may take.

11. Advice on the issuing of infringements and the initiation of legal action can be obtained from the City's Principal Legal Officer on Ext 4399. All action should be taken in accordance with the City's Protocol on Engaging Legal Advisors on the Corporate Page of the City's intranet.
12. Replacement planting and rehabilitation works will be determined on a site by site basis (and may include the placement of two or more of an appropriate plant species at the affected locality) following the removal of the poisoned or damaged vegetation.

## **Appendix 1**

### **Letter Template**

Dear Resident

#### **Illegal Vandalism to Vegetation on Land Owned or Managed by the City**

Vegetation has been illegally damaged on (insert location). All vegetation on land owned or managed by the City is protected. Deliberately killing, damaging or pruning vegetation without approval is illegal and can attract substantial penalties under the following legislation:

- ***Regulation 5 of the Local Government (Uniform Local Provisions) Regulations 1996;***
- ***Clause 13 of the City's Local Government and Public Property Local Law;***
- ***Criminal Code 1913***

Vandalism to vegetation has an impact on the environment and amenity of the area, and there is a significant cost to the City in rehabilitating the damage caused.

The City is now investigating the illegal damage caused. If you have any information which may assist the City in following up its investigation, you are invited to contact the City on 1300 369 972.

Yours sincerely

**MARTYN GLOVER**  
**DIRECTOR INFRASTRUCTURE SERVICES**

## Appendix 2

### Sign Template

<p style="text-align: center;"><b>City of Joondalup</b></p> <p style="text-align: center;"><b>Illegal Damage to Vegetation</b></p> <p style="text-align: center;">Vegetation in this location has been illegally damaged.</p> <p>Revegetation of this area is now being undertaken and this sign will remain in place until such a time as the vegetation has been re-established to the extent of the original vegetation.</p> <p>Illegal damage to vegetation is an offence for which penalties may apply under the following legislation:</p> <p><b><i>Regulation 5 of the Local Government (Uniform Local Provisions) Regulations 1996;</i></b></p> <p><b><i>Clause 13 of the City's Local Government and Public Property Local Law;</i></b></p> <p><b><i>Criminal Code 1913</i></b></p> <p>If you have information regarding this matter or other acts of vandalism, please contact the City of Joondalup on 1300 369 972.</p>
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