

# Vandalism to Vegetation on City Land Council Policy

## Responsible directorate: Infrastructure Services

**Objective:** To provide a system for restoring vandalised or damaged vegetation on City land and establish a mechanism for penalising offenders.

### 1. Application:

This Policy applies to all land owned or managed by the City.

### 2. Definitions:

“**vandalism**” or “**damage to vegetation**” means the unlawful destruction, damage or injury to vegetation which can include poisoning, mowing, pruning, removal, breaking and/or ringbarking.

“**vegetation**” means native or non-native vegetation, such as plants and trees, and includes, but is not limited to, vegetation in bushland areas, road reserves, verge and street trees, landscaping, and public open spaces.

### 3. Statement:

The City recognises the importance of vegetation in the public realm and the crucial role it plays in climate change mitigation, reducing the urban heat island effect, resident’s health and wellbeing, and providing habitat for native fauna. Further, the City acknowledges its responsibility in educating the community and developers on the value of vegetation in the urban landscape.

To achieve this, the City encourages community members to report illegal damage to vegetation on City land. Punitive measures have been established for offenders who intentionally vandalise or damage vegetation.

### 4. Details:

#### 4.1. Approved responses:

The City of Joondalup will assess vegetation vandalism or damage to vegetation in order to determine the most appropriate response.

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

- a. Establish replacement planting following any required remediation works and removal of poisoned or damaged vegetation (to be determined on a site-by-site basis and may include the placement of two or more appropriate plant species at the affected locality).
- b. Erect signage of a size based on the maturity of the tree or extent of the damage, advising of the vegetation vandalism or damage, detailing the penalties of such offences, and requesting information from the public regarding the vandalism. Leave, in situ, poisoned vegetation, subject to safety requirements, until an agreed timeframe (to be determined on a case-by-case basis or until the vegetation requires removal).
- c. When ongoing vandalism occurs, further investigate appropriate responses (such as the use of closed-circuit television and referral to relevant law enforcement agencies where appropriate).
- d. Legal action may be taken against any persons caught vandalising vegetation which may result in financial penalties of \$5,000 or more, as per *the Local Government Act 1995*, or the City may recoup costs under the *Local Government and Public Property Local Law 2014*.
- e. The City may refer any suspected native vegetation clearing to the Department of Water and Environmental Regulation as “unlawful clearing” which can result in a maximum penalty of \$250,000 for individuals under the *Environmental Protection Act 1986*.

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**Creation date:** March 2011 (CJ041-03/11)

**Formerly:**

**Amendments:** CJ093-05/12, CJ111-06/18, CJ283-12/23

**Last reviewed:** December 2023 (CJ283-12/23)

**Related documentation:**

- Environmental Protection Act 1986
- Local Government Act 1995
- Local Government and Public Property Local Law 2014
- Local Government (Uniform Local Provisions) Regulations 1996
- Tree Management Guidelines

**File reference:** 101068