City of Stirling

Ordinary Meeting of the 41st Council

15 October 2024

Minutes

To: The Mayor and Councillors

Here within the Minutes of the Ordinary Meeting of Council of the City of Stirling held Tuesday 15 October 2024 in the City of Stirling Council Chamber, 25 Cedric Street, Stirling.



Stevan Rodic | Chief Executive Officer

Our Vision, Mission and Values

Vision

A sustainable City with a local focus.

Mission

To serve our community by delivering efficient, responsive and sustainable service.

Values

The City of Stirling's core values are:

- Approachable
- Responsive
- Transparent
- Innovative.

Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any member or officer of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. No action should be taken on any item discussed at a Council meeting prior to written advice on the resolution of the Council being received.

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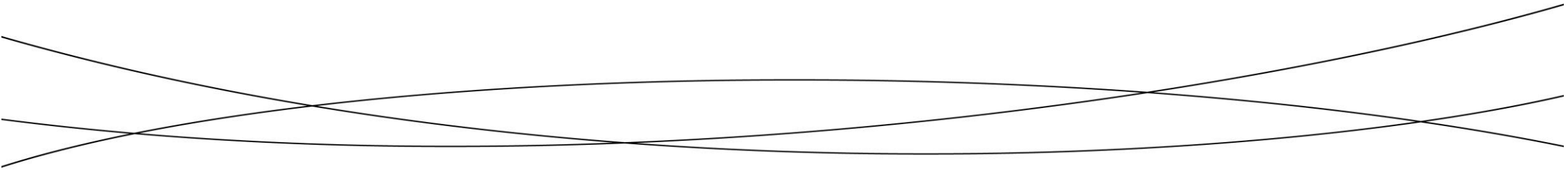


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MINUTES OF THE ORDINARY MEETING OF COUNCIL OF TUESDAY 15 OCTOBER 2024 HELD IN CITY OF STIRLING COUNCIL CHAMBER, 25 CEDRIC STREET, STIRLING

1. OFFICIAL OPENING

The Presiding Member declared the Ordinary Meeting of Council open at 6.30pm.

2. ATTENDANCE AND APOLOGIES

ATTENDANCE

Mayor	Mark Irwin
Councillors	Councillor Michael Dudek Councillor Joe Ferrante Councillor Damien Giudici Councillor Chris Hatton Councillor Tony Krsticevic Councillor David Lagan Councillor Suzanne Migdale Councillor Teresa Olow Councillor Karlo Perkov Councillor Stephanie Proud JP Councillor Elizabeth Re (until 8.22pm)

Employees	Chief Executive Officer - Stevan Rodic Director Community Development - Michael Quirk Director Corporate Services - Ingrid Hawkins Director Infrastructure - Andrew Murphy Director Planning and Development - Amanda Sheers Manager City Future - Andrew Lefort Manager Engineering Services - Paul Giamov Manager Governance - Jamie Blanchard Acting Manager Parks and Environment - Dion Johnson Coordinator City Greening - Monique Emery Head of Community Engagement - James Murphy Lead Governance Officer - Regan Clyde Lead Governance Advisor - Jackson Mawby Strategic Projects Officer - James Duncan Senior Media Advisor - Liam Croy Governance Officer - Katya Bennett
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APOLOGIES

Councillor Andrea Creado
Councillor Lisa Thornton

3. APPROVED LEAVE OF ABSENCE

Councillor Rob Paparde (granted a leave of absence for the period 17 September 2024 to 22 October 2024 inclusive).

4. DISCLOSURES OF INTEREST

Where a member has disclosed a financial or proximity interest in an item, they must leave the Chamber for consideration of that item.

Where a member has disclosed an impartiality interest in an item, they may remain in the Chamber. The member is required to bring an independent mind to the item and decide impartially on behalf of the City of Stirling and its community.

Planning and Development Committee - 8 October 2024

Nil.

Council - 15 October 2024

Councillor Chris Hatton disclosed a Proximity Interest in Item 12.1/PCS1 as a person he is closely associated with lives adjacent to the estate.

Councillor Damien Giudici disclosed an Impartial Interest in Item 14.2 as he is an employee of DevelopmentWA that is the developer of the ECU Project.

5. PETITIONS

5.1 EPETITION - REBUILD THE BOARDWALK AT PORTER STREET, LAKE GWELUP

Councillor Karlo Perko tabled the following ePetition containing 660 verified signatures:

"We, the undersigned, do respectfully request that the Council:

Seek funding to rebuild the Lake Gwelup Boardwalk between Porter and Pascoe Streets. In February this year a pedestrian bridge that connected Gwelup to Karrinyup (Porter Street to Pascoe Street) was destroyed in a fire, and it looks like it is not going to be rebuilt for sometime. Understandingly it is a tricky situation, but to resolve this situation, funding will be required to rebuild the bridge (about $1.2 million but probably $1.5million).

The boardwalk was used by many people to get to and from shopping centres, schools, beaches, parks, etc instead of going by car. It is also an important bike boulevard that connects communities. It was a landmark that has gone and we truly believe that it needs to be rebuilt."

The ePetition will be forwarded to the Engineering Services Business Unit for consideration and the appropriate action.

5.2 PETITION - REQUEST FOR FOOTPATH, JOONDANNA DRIVE, JOONDANNA

Councillor Teresa Olow tabled the following Petition containing 42 verified signatures:

"We, the undersigned residents of Joondanna Drive and concerned citizens, urge the City of Stirling to reconsider the prioritisation of constructing a footpath along Joondanna Drive, specifically the stretch between Stoneham Street and Tyler Street. Despite our repeated appeals and safety concerns, the City has deemed our request low on the priority list due to budget constraints and a standardised prioritisation process. However, the unique safety hazard posed by the crest on Joondanna Drive significantly increases the risk of accidents for both pedestrians and motorists. We call upon the City to conduct a thorough assessment, taking into account the specific safety concerns highlighted by residents and stakeholders. Furthermore, we propose that a signed petition be presented to the Council to elevate the urgency of this matter and ensure the safety and well-being of our community are adequately addressed. Together, we advocate for the timely construction of a footpath on Joondanna Drive to enhance the safety of our neighbourhood."

The ePetition will be forwarded to the Engineering Services Business Unit for consideration and the appropriate action.

5.3 PETITION - OPPOSITION TO FOOTPATH, MONTROSE WAY, NOLLAMARA

Councillor Michael Dudek tabled the following Petition containing 21 verified signatures:

"We, the residents of Montrose Way in Nollamara, oppose the planned construction of a footpath on our street. Montrose Way is a quiet local street used primarily by its residents, with minimal foot and vehicle traffic. Walking along the road is already safe, and adding a footpath would disrupt current parking arrangements, forcing cars onto the street, narrowing the road, and reducing safety and accessibility.

The planned footpath would not improve the overall appearance of the area, as many verges feature well-maintained lawns, gardens, or paved areas used for essential parking. These green spaces and parking solutions are more visually pleasing and functional than a concrete path. Furthermore, surrounding streets already have footpaths, making this project unnecessary for improving accessibility.

This petition reflects the democratic views of Montrose Way residents, who believe the funds for this project would be better allocated to initiatives that have broader community support."

The ePetition will be forwarded to the Engineering Services Business Unit for consideration and the appropriate action.

Council Resolution

1024/001

Moved Councillor Olow, seconded Councillor Re

That Council RECEIVES the petitions tabled at the Council meeting held Tuesday 15 October 2024 and that the petitions be REFERRED to the Chief Executive Officer for the appropriate action.

The motion was put and declared CARRIED (12/0).

For: Councillors Dudek, Ferrante, Giudici, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re and Mayor Irwin.
Against: Nil.

All petitions will have an update available in due course on the Petition Status Update page of the City's website which can be accessed here.

6. RESPONSES TO PREVIOUS QUESTIONS FROM MEMBERS OF THE PUBLIC TAKEN ON NOTICE

The responses to questions that were answered during Public Question Time at the previous Council meeting were published in the minutes of that meeting.

Only the responses to questions that were taken on notice at the previous Council meeting appear in the agenda below.

6.1 PUBLIC QUESTION TIME - S WHEELER

The following question was submitted by S Wheeler, Scarborough WA 6018 at the Council Meeting held Tuesday 17 September 2024.

Q1. "The coastal boardwalk was last dismissed as non-viable in 2012/2013 and since then, the City has undertaken significant and welcome works on dune restoration and protection, along with the help of several community groups and many unpaid volunteers, including, to be fair, I believe Councillor Paparde. My question is, how much has the City spent on the restoration and protection of the dune system where the coastal boardwalk is proposed, since 2013? And what is the ongoing budget allocated for the rehabilitation and revegetation in the South Trigg Beach class A reserve?"

A1. The Mayor advised this question would be taken on notice and a response provided in writing.

Additional Information

A1. Since the 2013/2014 financial year, the City has spent $437,800 in restoration projects in the coastal dunes on which the Scarborough Trigg Boardwalk is being proposed. It is anticipated that an additional $30,000 will be spent this financial year for ongoing projects.

The volunteer group, Stirling Natural Environment Coastcare, has worked on different projects within this area over that period.

7. PUBLIC QUESTION TIME

Public Question Time is included in the live stream. Members of the public are only required to state their name and suburb when addressing the meeting.

Members of the public who wish to ask question/s at the Council meeting are requested to submit these through the City's online Public Question Time submission form (click here).

7.1 PUBLIC QUESTION TIME - R KING

The following questions were submitted by R King, Gwelup WA 6018, at the Council Meeting held Tuesday 15 October 2024.

Q1. *"I raised the ePetition to rebuild the Lake Gwelup boardwalk between Pascoe and Porter Street and it's received 660 signatures. As you are aware, these are not Facebook reactions or Facebook page joins, which can be easily manipulated and are not representative of a positive or negative position. In addition, Facebook stats are skewed by people outside the City and even outside the country. The 660 ePetition votes are from City of Stirling residents, who have entered their names, home locations and email addresses. This ePetition never made it to the mainstream media. It was only ever shared on three or four community Facebook groups. I never erected signs to promote the rebuild. If I had have promoted the ePetition, I believe it would have got many more signatures. I would also like to remind people that there is no large community group who oppose the rebuilding of the Gwelup boardwalk and there are no highly regarded environmental scientists who are advising against the rebuild.*

With that in mind, it is my understanding that the rebuild of the Lake Gwelup boardwalk is much more desired than any other proposed boardwalk in the City - not just in numbers who want it, but also the lack of opposition against.

So, my first question is probably around the costing. I think it was $1.2 million and I was wondering if there was an update on a cost for the rebuild?"

A1. The Director Infrastructure advised that $1.2 million is a high-level costing. Detailed work is being undertaken, but the high-level costing is based on the size of the bridge.

Q2. *"Would Council entertain the possibility of raising funds for the project?"*

A2. The Mayor advised that is something that would have to be considered. Councillor Perkov has already drafted a Notice of Motion that he will raise towards the end of the meeting, which seeks to have officers investigate the feasibility and initiate discussions. At the time of the fire, the bridge was not a City owned asset, but the City will have discussions with the Water Corporation and the State Government.

7.2 PUBLIC QUESTION TIME - R MITCHELL

The following questions were submitted by R Mitchell, Karrinyup WA 6018, at the Council Meeting held Tuesday 15 October 2024.

Q1. *"My first question tonight relates to an item that's on the agenda. With the proposed motion of applying for the Edith Cowan University Mount Lawley campus applicant advocating to government and other organisations notice of motion recommendation, the Chief Executive Officer write to Development WA requesting the consideration of retention of additional existing key infrastructure at the Edith Cowan Mount Lawley campus.*

I asked a question on 21 February 2003 and I asked at that time what the Council was involved in. You, Mayor, advised that there is no vying by the City for the theatre management. And here we are. Well, a year later and we've got this here going. Here is the previous response to a question regarding the secondary use of Edith Cowan University performing arts facilities left in situ. My understanding of State Government assets is that they are either disposed of or put to another purpose for use within State Government-controlled business units and that goes over all governments."

The Mayor asked Mr Mitchell what his question was.

"It is about the Council getting involved with trying to get the assets of Edith Cowan University via the State Government assets through DevelopmentWA. Trying to get these assets and manage them when you, Mayor, said you weren't going to."

A1. The Mayor advised that was incorrect. To be clear, Mr Mitchell's question was asked in 2023, not 2003. This Council has written to the State Government and previously requested the State Government to consider handing over the performing arts theatre component of Mount Lawley. The City requested that.

The response in 2023 was not that the City would not vie for theatre management; it was that the State Government had categorically said that the City could not have it and that they would pass it on to the high school. The City then recently had a meeting with DevelopmentWA, which was fairly basic, high level and unproductive in terms of the City having any input.

There has been no engagement to date, and this week the City found out that DevelopmentWA is going to the public to seek people to be on an advisory group for that area. The State Government has not made a decision yet. To date, the City has had very little contact from DevelopmentWA. There is a motion on the table tonight from Councillor Migdale, and the City is certainly interested in pursuing the opportunity to take over some of those assets in terms of community use in the future.

Q2. *"This refers to the parking at Karrinyup Primary School for staff from the Karrinyup Shopping Centre. I live near the school and for the past over 20 years there's been a reasonable response in relation to the movement of vehicles and things like that and my question tonight is, there's a proposal because they have to apply to get the permission as a development application from the City of Stirling. They applied on 9 August. I received a letter dated 16 September and I received that on 26 September with a closing date of 7 October. The change in proposal for this place, there's going to be 411 parking bays on the reserve and the part that really annoys me, and the residents of Karrinyup are very upset about it, is that every weekend during the construction of Karrinyup West residential project until practical completion, they are going to use that oval right throughout the year, every weekend. What about the people of Karrinyup that use that reserve of a weekend for recreation? It's an absolute disgrace."*

A2. The Director Planning and Development advised that there is an application that is being considered by the City for parking that is only related to Christmas periods and holidays and the busy periods for the shopping centre. In addition to that, there is an approval for the Karrinyup West Village towers. Construction has not started on that. The City is under the impression that it will not start that until sometime next year, but they have not even finalised their conditions and items like that from their original approval. It may still be some time off.

The application the City is considering at the moment is just relating to the peak periods during which the shopping centre has to try to deal with car parking. That application is currently under assessment, and the City will be having future discussions with the applicant and also the Department of Education.

Q3. *"The question here is in relation to uncommitted funds. I spoke to the Director Corporate Services earlier tonight about it but somewhere along the track, I don't know where, I've been told there's collectively $309 million of uncommitted funds. I found an old copy of the Electors' Meeting of 17 November 2014 and I asked a question in relation to it, what were the uncommitted funds then? They were $80 million.*

I asked the Director Corporate Services tonight what the current one is and she indicated to me it wasn't $309 million. But if it was, and I've got this figure from somewhere, and if it is true, taking $80 million off and just in the 10 year program that the CEO at the time told us about that they had.

So, every year over 10 years, $22.9 million has been, on average, set aside. I don't know where there is that amount, that figure, but something is being put aside with that $80 million on it as well. It's very hard, I'm retired, I'm not going to spend days sifting through it."

A3. The Mayor advised this question would be taken on notice and a written response provided.

Additional Information

A3. The City has a rolling 10-year long-term financial plan which is updated each year through the integrated planning and budget process, and adopted by Council along with the Annual Budget.

The City can confirm that it does not hold $309 million in uncommitted funds.

The City's uncommitted funds are generally within its Reserves. As at 30 June 2013, the City held $71.5 million in Reserve funds, $40 million of which was uncommitted. The uncommitted funds related to fleet replacement, payment in lieu of parking, future strategic projects (generally capital) and the coastal aquatic pool. The City had been building Reserves to fund a new coastal aquatic pool, and these funds were used for the Scarborough Foreshore Redevelopment (alongside the State Government contribution) and the Scarborough Beach Pool.

As at 30 September 2024, the City holds $104 million in Reserves, broken down as follows:

RESERVE FUND DETAILS	BALANCE $
Asset Acquisition Reserve	104,528.13
Cash in Lieu of Public Open Space	1,332,850.80
Churchlands Lighting Reserve	44,616.07
Corporate Project Fund	13,540,246.57
Capital Investment Reserve	32,517,892.33
Investment Income Reserve	4,178,924.22
Leave Liability Reserve	14,666,766.50
Long Service Leave Reserve	844,740.11
Payment in Lieu of Parking Reserve	3,209,992.27
Plant Replacement Reserve	2,875,223.09
Public Parking Strategy Reserve	6,873,335.31
Road Widening Compensation Reserve	153,166.83
Scarborough Development Contribution Plan	271,585.27
Security Service Reserve	492,492.13
Strategic Waste Development Reserve	18,804,644.02
Tree Fund Reserve	1,451,472.83
Workers Compensation Reserve	2,731,573.00
Total Reserves at 30 September 2024	**104,094,049.48**

Of this $104 million, $43.5 million is uncommitted as follows:

- $33.7 million - Capital Investment Reserve. To be used to purchase investment property or other investment assets. This is largely for the City's land and property strategy to enable diversification of revenue and reduce reliance on rates. Purpose can be changed via Council resolution.
- $5.2 million - Public Parking Strategy Reserve. To be used to cover costs associated with providing parking across the City. Purpose can be changed via Council resolution.
- $3.4 million - Payment in Lieu of Parking Reserve. These are funds provided by developers where it is impractical to provide the number of parking spaces generally required for a particular development. The funds are held in reserves until an opportunity arises where suitable parking may be provided. The use of this Reserve is legislated.
- $1.2 million - Cash in Lieu of Public Open Space. Similarly, this Reserve holds contributions and payments in lieu of the provision of Public Open Space. Funds are held in reserves until an opportunity arises to provide suitable Public Open Space. The use of this Reserve is legislated.

At 6.52pm, in accordance with Clause 5.2(14) of the Meeting Procedures Local Law 2021, Mayor Mark Irwin ruled to extend Public Question Time.

7.3 PUBLIC QUESTION TIME - V SCHAFER

The following questions were submitted by V Schafer, Nollamara WA 6061, at the Council Meeting held Tuesday 15 October 2024.

Q1. *"My questions are related to the petition that was tabled by Councillor Dudek, which demonstrated opposition to the footpath plan on Montrose Way in Nollamara. Will the Council now reconsider the necessity of constructing a footpath in Montrose Way? Or perhaps the Council will consider delaying the planned construction until near the end of the programme, to consider seeking further consultation with the residents in the street?"*

A1. The Manager Engineering Services advised that in view of the recent petition, the City will delay the planned construction to allow further review of the footpath and for further consultation with the community.

Q2. *"I was the one carrying out the petition, walking around the street asking residents. During discussions with Montrose Way residents about the planned footpath, several expressed concerns that it will lead to increased street parking which will reduce visibility and compromise the safety of children cycling or playing in the street; pedestrians crossing the road; and drivers entering or exiting their vehicles. So, will the Council acknowledge that this is a legitimate concern and consider seeking independent consultation to assess its validity, specifically with regard to Montrose Way?"*

A2. The Mayor advised all concerns by residents are valid concerns, and they will all be taken into consideration. As the Manager Engineering Services advised, it will be put on hold and the City will undertake further investigation. There will be notifications provided to Montrose Way residents regarding future investigations.

7.4 PUBLIC QUESTION TIME - M MASIELLO

The following questions were submitted by M Masiello, Trigg WA 6029, at the Council Meeting held Tuesday 15 October 2024.

Q1. *"Bush Not Boardwalk is committed to creating a better, safer walking experience for all users of the South Trigg Beach Reserve shared path. We believe this can be achieved through sensible, cost effective and environmentally sustainable strategies, and we are committed to assisting the City to implement these strategies.*

Bush Not Boardwalk is pleased to announce that it has been successful with the submission to Main Roads WA recently aimed to address the inappropriate speed signage situation that currently exists along West Coast Highway adjacent to the South Trigg Reserve shared path. We have achieved the following changes:

1. *An extension of the 60km/h zone for West Coast Highway northbound traffic, effectively making the whole South Trigg Beach Reserve shared path a 60km zone. Previously it was a split 60/80km/h zone.*

2. *The installation of two 60km/h speed signs for northbound traffic on West Coast Highway to reinforce the speed limit, as currently there are no signs throughout that whole stretch as you exit Scarborough going north.*

I've also been informed that the 80km/h zone will be changing to a 70 shortly, which I think people are aware of, which will now start after the north slip lane that the City has installed recently for Surfing WA.

A City spokesman on Friday 11 October reported to WA Today that in 2021, the City asked Main Roads WA to install a crash barrier along West Coast Highway from Scarborough to Trigg and suggested a speed limit reduction from 80km/h to 60km/h However, Main Roads denied this request.

What was the application method used by the City, and can the City please forward me a copy of this submission?"

A1. The Mayor advised this question would be taken on notice and a written response provided.

Q2. *"I was saddened to hear of the Porter Street boardwalk situation and sympathise with the local residents in the area who were told to instead simply use the alternative access path. It sounds like stakeholders are reluctant to take ownership given the significant cost to replace the boardwalk. Construction estimates were circa $1.2 million to $1.5 million for roughly 100m^2 of bridge. Very high level, apologies if I get this wrong. Basic civil requirements, given the fact of its location.*

There was a proposed coastal boardwalk diagram doing the rounds this week. I saw some posters the Head of Community Engagement was carrying on Friday morning and was interested to run some costing on the design that appeared on these posters, comparing it to the Porter Street concept. If the Porter Street boardwalk was $1.2 million to $1.5 million for approximately 100m^2 this equates to about $12,000 to $15,000 per square metre. The proposed coastal boardwalk on Mr Murphy's sign looked to be approximately 750 linear metres."

The Mayor clarified, for the record, that the sign the Head of Community Engagement was carrying did not belong to the City - it was illegal signage that had just been removed.

The proposed coastal boardwalk was 750m on this diagram that's been circulated to the public. So, if you multiply this by 2.5, it's about 1,875 m^2, multiplied by the $12,000 to $15,000 per square metre comes at $22.5 to $31.8 million. Using costs for basic materials that may not be fit for purpose in a harsher coastal environment.

If the City claims it doesn't have the funds to construct the Porter Street boardwalk, where is it going to extract the funds from for the proposed Coastal Boardwalk that may cost over $20 million, also considering the likelihood of massive cost blowouts given the highly inflated construction environment at present?"

A2. The Mayor advised these are two separate items. Firstly, the boardwalk along the coast is still in very initial investigations. There are certainly no plans, and no costings have been done. There is no funding avenue for those at the moment - the City has been open about that.

In terms of the Porter Street boardwalk, the City has not investigated that yet. It is in very early stages and it burnt down only reasonably recently. It is a Water Corporation asset. The City will work with those State Government departments; it has to go through a process and the City will follow that through.

Q3. "I understand an environmental impact assessment of the South Trigg Beach Reserve is underway with the successful contractor awarded the work through the City's tender and RFQ process. Can the City please make available to the ratepayers and public the official RFQ documentation, including the detailed scope of works information, as the City's coastal boardwalk feasibility study web page only lists what the environmental impact assessment will be considering, not the methodology or requirements of the environmental impact assessment."

A3. The Mayor advised this question would be taken on notice and a written response provided.

Additional Information

A1. The request for a crash barrier along West Coast Highway was submitted to Main Roads WA in March 2021 by email. A response was received from Main Roads WA to advise that, based on their research, a safety barrier will not be installed at this stage. The response was supported by a reference to crash data for the 5-year period from 2016 to 2020, which indicated there were zero recorded incidents of a 'Hit Pedestrian' crash nature, and there were only two 'Rear End' crashes on the northbound carriageway. Main Roads WA also advised that the 60km/h speed environment is not dissimilar to many other dual carriageways with pedestrian traffic, in which there are no requirements for barriers.

The request for a reduction of the speed limit along West Coast Highway was submitted to Main Roads WA in October 2021 as part of a series of emails related to the proposed West Coast Drive link road onto West Coast Highway (which has now been constructed). At that early stage, Main Roads WA were not supportive of the link road on the basis that it considered there was insufficient sight lines for exiting vehicles. The City's assessment suggested that the minimum sight line requirement was satisfied. The City also considered that the concerns about sight lines could be addressed by a reduction of the speed limit. A response was received from Main Roads WA to advise that a reduction in the speed limit would not be supported as a reason to add an access to the network. The City received further advice in November 2022 that Main Roads WA's position had changed, and they were supportive of the West Coast Drive link road. However, no further reference or consideration was given to the lowering of the speed limit.

A Freedom of Information Application can be submitted to the City to seek copies of these documents.

A3. The City has procured an environmental consultant through the WALGA Preferred Supplier Program. The RFQ documentation is commercial in confidence and is therefore confidential. A summary of the scope of work has been provided on the City's Coastal Boardwalk Feasibility Study webpage. This is a preliminary study to understand key risks, approvals required, potential impacts and so on, to determine if the City can proceed to the next stage of the project. It is anticipated that additional environmental advice will be required if the City proceeds to the design stage. Further details of the independent environmental assessment will be made available once this work has been completed.

7.5 PUBLIC QUESTION TIME - H DYMOND

The following questions were submitted by H Dymond, Karrinyup WA 6018, at the Council Meeting held Tuesday 15 October 2024.

Q1. *"In an article in the recent PerthNow newspaper, you, Mr Mayor, were critical of the Member for Carine for his alleged lack of understanding of coastal erosion planning. The question is, what is the Mayor and the City's understanding of State Coastal Planning Policy 2.6 and its own Coastal Hazard Risk Management and Adaption Planning (CHRMAP) report and its application to the coastal boardwalk proposed between Scarborough and Trigg Beach?"*

A1. The Mayor advised that the City was critical not so much of undertaking work on the beach, but the fact that a Local Member chose to obtain elector names and phone numbers in the form of a petition, then chose not to present that petition. A year later, without approaching the City, the Local Member went to the media to say the City had done nothing.

The Mayor further advised that the question would be taken on notice and a written response provided.

Q2. *"The Coastal Hazard Risk Management and Adaption Planning report adopted by the City in 2023 identifies the sand dunes at South Trigg Beach Reserve as an erosion buffer and a coastal asset. The report states that its success criterion is to ensure the natural environment is protected and sustained in its current condition. How then does the allocation of half a million dollars of ratepayers' money to a coastal boardwalk feasibility study for the construction of a boardwalk through this same coastal reserve support this policy?"*

A2. The Mayor advised that the City will find out when the environmental investigation is undertaken. It may show that it does not.

Q3. *"The City's Coastal Hazard Risk Management and Adaption Planning report identifies erosion and inundation as the two primary coastal hazards on the City of Stirling coastline. This report states that vulnerability of coastal assets such as sand dunes is controlled by the distance between the shoreline and built assets. How does the City justify the expenditure of half a million dollars to investigate the building of the coastal boardwalk through South Trigg Beach Reserve when its own report identifies this dune reserve as a no-build area where development is to be avoided?"*

A3. The Mayor advised that the environmental investigation will determine if that is the case. The Coastal Hazard Risk Management and Adaptation Planning report advises how to manage assets; it does not prohibit the building of assets.

Additional Information

A1. The City's understanding of State Planning Policy 2.6 and CHRMAP is that it is a risk mitigation approach to planning. It identifies the hazards associated in the coastal zone and ensures that *"planning is carried out using a risk-based approach*" when assessing existing infrastructure or future development. CHRMAP is not intended to limit or curtail the enjoyment of the coastal areas, but to "*ensure that development and the location of coastal facilities takes into account coastal processes*". Development should therefore consider the vulnerability of that development within its lifetime, taking into account its location within the 'Coastal Erosion Hazard Extent' plan. It is therefore appropriate and in accordance with SPP2.6 to locate infrastructure with a 50-year lifespan between the 50-100 year hazard lines.

Regarding the proposed coastal boardwalk, the CHRMAP will be used to guide decision making of the project to ensure appropriate consideration and management of the coastal environment.

7.6 PUBLIC QUESTION TIME - R MURPHY

The following questions were submitted by R Murphy, Karrinyup WA 6018, at the Council Meeting held Tuesday 15 October 2024.

Q1. *"I called the City in February for information on the proposed Councillor workshop initiated by Councillor Paparde in December 2023 regarding a boardwalk between Scarborough and Trigg Beach. I asked if the Friends of Trigg Beach could brief the Councillors at the workshop, but I was told that third parties could not attend and it was not a decision-making forum.*

After writing to the CEO about the lack of transparency in the allocation of half a million dollars for a coastal boardwalk feasibility study, I was advised that the process to allocate this money involved the Councillors' visioning workshop in March, the same workshop, as part of the budget process. This was a direct contradiction to the advice given to me.

My question is, what was the process that resulted in a decision to allocate half a million dollars to a coastal boardwalk feasibility study at the Councillor workshop in March 2024?"

A1. The Mayor advised that it was the budget process, and that the question would be taken on notice and further details provided in writing.

Q2. *"How was the amount of half a million dollars allocated to a coastal boardwalk feasibility study arrived at?"*

A2. The Mayor advised that some of the funds will be estimates and it may not all be spent. He further advised that the question would be taken on notice and a written response provided.

Q3. *"The City has engaged a consultant to carry out another environmental study - I repeat, another environmental study - on a coastal boardwalk between Scarborough and Trigg Beach, the outcome of which will be presented to a Councillor Briefing on 28 October. It is obvious that no thorough environmental study of this 13.37 hectare Quindalup coastal dune system 'Bush Forever' reserve could possibly be conducted in this time frame.*

My question is, who is conducting the environmental study, how were they selected and how much is it costing the ratepayers at the City of Stirling?"

A3. The Mayor advised that the question would be taken on notice and a written response provided. He added that a consultant was procured through the WALGA procurement panel, and will be made public once the study is done. The City will be happy to let ratepayers know who the consultant undertaking the study is, the terms of reference and what the outcome is.

"We'd prefer to know those questions - how were they selected and how much is it costing the ratepayers - before the outcome."

The Mayor advised that the question would be taken on notice and a written response provided.

Additional Information

A1. The City of Stirling has a robust Integrated Planning and Budget framework and carefully considered the allocation of funding towards the feasibility study of the coastal boardwalk as part of this process. This included a visioning workshop in March this year to discuss the coastal boardwalk and various other workshops to develop the City's overall Corporate Business Plan and 2024/2025 Annual Budget.

A2. The Coastal Boardwalk Feasibility Study project has a budget estimate of $500,000. This includes funds for an independent environmental assessment, independent economic study, extensive community engagement and the development of a concept design. This cost has been estimated based on previous work undertaken by the City on similar projects.

A3. The City has procured an environmental consultant through the WALGA Preferred Supplier Program. This is a preliminary study to understand key risks, approvals required, potential impacts to determine if the City can proceed to the next stage of the project. Further details of the independent environmental assessment will be made available once this work has been completed.

7.7 PUBLIC QUESTION TIME - R HADLEY

The following questions were submitted by R Hadley, Woodlands WA 6018, at the Council Meeting held Tuesday 15 October 2024.

Q1. "With domestic violence likely to increase with the increase in population, has the City considered building an additional women's refuge centre? Particularly when we see ratepayers' money being spent on City boundary markers costing about $400,000, illuminating a Scarborough clock tower for $90,000, $500,000 on an environmental study, third time of asking, and $350,000 approximately on Christmas lights. A total of $1,340,000 spent. The question is, can you please consider this proposal for an additional facility?"

A1. The Mayor advised that an additional women's shelter has already been built.

"*Has it really? I couldn't see anything that was reported."*

The Mayor advised that there had been a lot of publicity around it, with a significant contribution from the State Government for the build. Domestic violence is an awful thing, and the City has a role to play in supporting the community. The location of these facilities and what they do is not publicised, but a significant facility is currently underway.

Q2. "Regarding the $350,000 for Christmas lights - are these lights operating for one month only? How much are ratepayers paying for electricity? What budget costings have been made for future maintenance and servicing? Can you please provide the details?"

A2. The Mayor advised that the question would be taken on notice and a written response provided.

Q3. "We believe the City's Strategic Adviser and yourself, Mr Mayor, were recently overseas. Were any of these trips on the City of Stirling's official business? If so, please advise full comprehensive details."

A3. The Mayor advised this trip was not for City of Stirling business and was not funded by ratepayers.

Additional Information

A2. The Christmas Lights will be installed at 7 locations across the City from 30 November 2024 until 15 January 2025. All lighting includes low-voltage LED bulbs with estimated electricity costs of 38 cents per 10 watts, per month across the 50 items being installed. Specific electricity costs from Synergy will not be known until after the project has been completed.

Given maintenance and storage requirements the City is hiring rather than purchasing Christmas Lights. This means the lighting supplier is responsible for all maintenance as well as any instances of vandalism or theft. This approach also provides the opportunity to vary the light installations should Council wish to implement Christmas Lights again in future years.

A3. Recent overseas trips undertaken by each party were separate, and were not related to City of Stirling business, or funded by the City.

7.8 PUBLIC QUESTION TIME - S WHEELER

The following questions were submitted by S Wheeler, Scarborough WA 6019, at the Council Meeting held Tuesday 15 October 2024.

Q1. *"Item 12.1/CF2 - the policy and section 4.5 requests that consultation requirements for amended development applications for either minor works or extension of time may be waived at the discretion of the City where the planning framework relevant to the site has not changed and that the amendment will not result in any off site impacts.*

I attempted, perhaps unsuccessfully, to illustrate in Committee an example of an amendment reducing an approved development from four to three storeys, actually resulting in a development higher above natural ground level than the original approval. A cloud that darkened what might otherwise have been perceived prima facie as a silver lining, and whilst the Director Planning and Development is correct in stating that the City's processes have since improved and I'll concede that the Senior Planning Staff have indeed sharpened their game, Council should note that even time extensions can sow the seeds of uncertainty and vexation amongst adjacent property owners, as I think we're actually hearing tonight, and in the present economic climate, we see approval stagnating. Unbuilt projects littering the landscape, and I don't want to mention 3 Oceans, but look, I just did.

This policy, dressed in the language of reasonableness, may well hide more perilous outcomes, and I would call upon Councillors to exercise not mere acceptance but the higher faculty of, if not sceptical, at least critical thinking. And the question is, if an amendment is not readvertised under this policy, is it still possible under the prevailing planning framework, to allow for the repolling of those who took the time to make submissions in initial consultations, and is this not prudent given they probably have far more intimate knowledge of potential repercussions and pitfalls of alleged minor amendments?"

A1. The Director Planning and Development advised that some additional information was provided to Councillors following Mr Wheeler's question at Committee last week. That item is on the agenda for consideration.

In response to Mr Wheeler's question, the City has undertaken that previously in terms of where an item may not have been afforded an official public notification period. The City has gone back out to those who have taken the time to submit, albeit it might have only been for a shorter period, but the City has sought their feedback on that amendment.

Q2. *"An earlier report regarding the City's 10-year study of canopy loss resulted in either a bit of evidence based deductive brilliance, or perhaps a realisation. It appears that the cornerstone of fighting tree loss in Stirling is probably not to chop them down in the first place. As noted at Committee, my only allergy is the sort of thinking that would hack away at our urban canopy for want of clear sinuses and swimming pools. Or the logical conclusion that we must then uproot every blade of grass, every flowering shrub, every vestige of greenery, all of which contribute in no small measure to the pollen count. Do we next propose the prohibition of cold air? Because that also is an asthma trigger. Should we then demolish the very winds, the delivery system of the pollen apocalypse? And what about cars? Councillors, are there any here that will stand and propose a moratorium on traffic, because citizens' health might be bettered by its absence?*

My question is to Councillors, is Council aware that shortfalls in detail aside, the excellent City Trees Policy before you tonight may actually have a positive effect on canopy and the trees in general provide exponentially far more good than harm to public health?"

A2. The Mayor advised that the Committee recommendation would suggest that Councillors are aware. This item is on the agenda for Elected Members to decide.

Q3. *"As part of responsible cat ownership, I created a survey for responsible cat ownership and the West Australian Feral Cat Working Group, which polled 139 local governments on cat containment measures. That survey was GDPR compliant, which means that if the City of Stirling replied to that survey online that they could be sure that only they could access that survey, and only once.*

I'm not sure now if the Head of Community Engagement was actually carrying City of Stirling signs or somebody else's signs. But there was a survey on there issued by the Trigg Scarborough Coastal Boardwalk Group. And is Council aware that the survey may be skewed for the following reasons: the survey did not appear to validate the email addresses entered. I mean, it could be completed an infinite number of times by each participant, or indeed by AI; that a Qualtrics Curtin account, which it was set on, is readily available for university students at Curtin and provides no validation or integrity of the survey; that although a proposed boardwalk pathway is presented in the survey, no costing or environmental impact information was provided; that Facebook comments suggest a large proportion of the public did not want to complete the survey due to the perceived requirement to give a real email address, and as such cannot represent a broad sample of the community; and that the survey was only promoted on selected coastal Facebook pages and at Trigg itself before they were taken away by the Head of Community Engagement and therefore the large proportion of ratepayers that don't use Facebook were under-represented."

A3. The Mayor advised that Council would not be aware of these points because the survey being referred to was not a City of Stirling survey.

"All I can ask is that when the survey does come to Council that you waste no time in reading it."

The Mayor advised whether a petition has 660 signatures or three signatures, Council always takes these background factors into consideration. The City conducts its own investigations, consultations and engagement before making decisions.

7.9 PUBLIC QUESTION TIME - T BASTOW

The following question was submitted by T Bastow, Nollamara WA 6061, at the Council Meeting held Tuesday 15 October 2024.

Q1. *"I'm here about the new footpath in Montrose Way and not wanting it. Montrose Way is a road that goes nowhere. You're on it because you either live there; you're lost; or doing something awkward. In considering future alternatives, doing away with the footpath and just lowering the speed limit on Montrose Way would be a good thing, because if you're going over 30km/h, you change your gears too fast. If you could consider lowering the speed limit, rather than adding a footpath, that would be really good."*

A1. The Mayor advised that residents often have opposing views on footpaths. The City has a strategic footpath policy. If 20 people on a street are opposed to a footpath and two were supportive, but those two people needed it because they need right of access to be able to get to bus stops - those factors all come into consideration. As advised by City officers, the City will further consult the community.

7.10 PUBLIC QUESTION TIME - D KELLY

The following questions were submitted by D Kelly, Scarborough WA 6019, at the Council Meeting held Tuesday 15 October 2024.

Q1. "The following questions were submitted by D Kelly, Scarborough WA 6019, at the Council Meeting held Tuesday 15 October 2024.

Q1. *"My question is in relation to the Lake Gwelup Boardwalk. What reasons has the Water Corporation given for not rectifying the severe damage to its own asset out of its own asset maintenance or insurance programme?"*

A1. The Manager Engineering Services advised that the reason has not been specific. The previous bridge was deteriorating to a condition that it needed reconstruction, prior to the fire occurring. After the fire occurred, it was an internal decision made by the Water Corporation. Other than that statement, to say that they were no longer progressing reconstruction, that is all that has been provided.

Q2. *"So just to clarify, the Water Corporation has advised that it is not progressing it?"*

A2. The Manager Engineering Services advised in the affirmative, and that in lieu of the boardwalk, the Water Corporation has offered to look at alternative options and upgrade the paths within Lake Gwelup Reserve, but actual reconstruction of the boardwalk is something that it has said it is not looking to progress at this stage.

Q3. *"I commend Mr King for putting together the petition with 660 signatures and to Councillor Perkov for tabling it. I'm concerned about the lack of pressure being put on the Water Corporation so far to fix its own asset. Is the Council aware of any pressure or has there been any pressure applied from Council or within State Government from local members, for example, to actually get the Water Corporation to fix its asset? It's admirable that it's happening from a grass roots level and that the Council is indirectly or about to get involved itself, but I'm just concerned that it shouldn't need to."*

A3. The Mayor advised that he is aware it did make the radio. Gary [Adshead – 6PR] inquired because he was aware of the petition about the matter. The Mayor advised that he understood there had been discussions between the local member and the Water Corporation. He was not aware that the Water Corporation had made some comments to the City about the Boardwalk. Queries would have to be directed to the State Government.

7.11 PUBLIC QUESTION TIME - K KELLY

The following questions were submitted by K Kelly, Scarborough WA 6019, at the Council Meeting held Tuesday 15 October 2024.

Q1. *"In March 2024 at the Electors' General Meeting (EGM), I put forward a motion which read: 'In the interest of openness and transparency, the City require all Councillors to make an annual declaration of all membership interests and positions in any political party, corporation, trade union, professional or business association, or community and sporting organisation.' Further, all such annual declaration should be published online and be available to ratepayers and updated as required. That was seconded and passed and carried, as it said in here.*

To date I haven't received any correspondence from Council regarding this motion. Is this because Council is still to discuss it, or is it a matter that they don't want to discuss? So, can you confirm to the ratepayers that the motion has been considered? If so, what is your response? And if the motion is yet to be considered by Council, when will it be considered, and when will we get a response?"

A1. The Manager Governance advised that the Electors' General Meeting motions have been considered by Council. The City will write to Mr Kelly to advise of the next steps in relation to his motion.

Q2. *"As the Council are probably aware, polyphagous shot-hole borer is spreading through the suburbs of Perth. Can the Council inform the ratepayers how many, if any, trees have been removed, what actions are they taking to try to prevent this spread and are they looking at any other alternatives besides tree removal?"*

A2. The Mayor advised that this question would be taken on notice and a written response provided.

Q3. *"My third question is to do with the 'Feels Like Scarborough' petition or consultation. While filling out this survey, I was stopped halfway through and locked out due to the survey already having enough responses from people in my demographic. I take this as being male and over 35. Has the Council had any other any other inquiries of why they were locked out of the survey?"*

A3. The Mayor advised this question would be taken on notice and a written response provided.

Additional Information

A1. The City wrote to Mr Kelly to advise him of the status of his motion from the 2024 EGM. Mr Kelly received notice prior to the 30 April 2024 Council meeting that his motion would be considered at that meeting. Council resolved to note Mr Kelly's motion and require a review of the City's Code of Conduct for Council Members, Committee Members and Candidates by the end of the calendar year. This review will take into account the issues raised by Mr Kelly's motion.

A2. As of 16 October 2024, there have been 87 trees removed within the City of Stirling from parks and streets. The City has been working closely with the lead agency – the Department of Primary Industries and Regional Development - in identifying host species and working collaboratively in pruning affected trees rather than removal in the first instance. The City is closely monitoring the effectiveness of trials being undertaken by the Cities of Perth and Canning.

A3. The Feels Like Scarborough engagement took place from Monday 17 June 2024, to Wednesday 31 July 2024, to update insights and priorities for the Scarborough entertainment precinct. The community engagement process, which included business drop-ins and community events, was initiated to enhance local knowledge as part of the City's commitment to listen and respond with a local focus. This commitment is ongoing, making Feels Like Scarborough one of the many community engagement opportunities encouraging active involvement and community participation.

The 12-minute survey was distributed using a mix of methodologies, including the City of Stirling, an online research panel, and face-to-face intercept interviews around the Scarborough Foreshore. Through the open link promoted by the City of Stirling, participants were unable to complete the survey if they were 17 or younger, their last trip to the Scarborough entertainment precinct was over a year ago, or they tried to complete the survey after the closure date. In contrast to the open link, representation targets were set by age and gender for the online research panel to ensure the survey data accurately represented the larger population.

Through the online research panel, the survey aimed to target specific demographics, especially people aged 18 to 34, so some participants were screened out as part of the data collection process.

7.12 PUBLIC QUESTION TIME - L JACK

The following questions were submitted by L Jack, Karrinyup WA 6018, at the Council Meeting held Tuesday 15 October 2024.

Q1. "Mr Mayor, I'm sure you would agree that it is important to people who live and work in the City of Stirling to know what your priorities are as Mayor and how knowledgeable you are about important public health issues that affect them. So, if you could answer this question, please, in your own words.

State and local governments over east have introduced, or are in the process of introducing, tree protection laws for privately owned land. Can you please tell us what you think their primary reason for doing this is?"

A1. The Mayor advised that this question would have to be directed to those councils to understand their individual reasons for implementing tree protections. One would assume the reason would be to protect trees on private property.

Q2. "It is common knowledge that heat can get dangerous in summer. But on a few occasions now I have alerted you and Councillors to the fact that it is, in fact, significantly more dangerous than most people realise because heat related deaths are drastically underreported in Australia. This is because there are no requirements for doctors to record heat as a causal factor in a person's death on death certificates in Australia, unlike other countries.

Mr Mayor, do you acknowledge the fact that heat related deaths could be 50 times worse than the Bureau of Statistics in Australia are stating? And given that I've alerted you to this a few times already, have you bothered to look into this further?"

A2. The Mayor advised he was not aware of these factors.

Q3. "Given that Perth gets extremely hot in summer and that many disadvantaged City of Stirling residents live in hot, treeless streets in houses that don't have air conditioning, or they can't afford electricity to run the air conditioners, what measures are you and the City looking at to protect these residents during heat waves and extreme heat events? Are you setting up cool spaces, like other local governments in Australia and around the world?"

A3. The Mayor advised he was not aware of the other cool spaces being set up around the world. The City's Trees Policy is on the agenda for Council's consideration.

7.13 PUBLIC QUESTION TIME - L THOMPSON

The following questions were submitted by L Thompson, Trigg WA 6029, at the Council Meeting held Tuesday 15 October 2024.

Q1. *"I'm wondering if you can please help me understand the City's public relations campaign in regard to the proposed boardwalk, because I'm a bit totally confused as to who's in the driver's seat. I'm guessing we've all seen the WA Today's story. What the story highlighted for me was total confusion about who is doing what and disregard for accountability and transparency. Can you explain to me, does the Council sanction and approve the surveys, pamphlets and information sheets being distributed in favour of the boardwalk?"*

A1. The Mayor advised in the negative.

Q2. *"When I came and asked a question at the last Council meeting, I asked if you have seen any diagrams and plans about the boardwalk, you answered quite categorically to me that you had not. Last Friday, posters were plastered along the pathway calling for people to have their say on the boardwalk. and showed of a full map highlighting where exactly the proposed boardwalk would slice through the fragile dune system. You said at the last Council meeting that no decision had been made on the boardwalk and yet there was another survey with a map clearly spelling out the location. Why is that?"*

A2. The Mayor advised that Ms Thompson would need to ask the person who put up the map, as he had not seen the sign.

Q3. *"If you and the Councillors are not sanctioning all this information and the surveys, then is this Council proposing to use these surveys as a basis for proceeding?"*

A3. The Mayor advised that it was not, and that has been made clear. The City cannot control how the community chooses to get its point across.

Q4. *"I understand that the Council has hired a new public relations specialist to push the boardwalk agenda. I was just wondering, is this salary of this person coming out of the $500,000 or is this an additional cost?"*

A4. The Director Community Development advised that the position is not a public relations specialist; it is a Community Engagement Officer. The City knew that community engagement was going to be an integral part of the boardwalk project. Part of that $500,000 was to engage someone to undertake that community engagement, which is what Ms Thompson is referring to.

'*So would it be extra?'*

The Mayor advised it would be part of it.

7.14 PUBLIC QUESTION TIME - B MATTHEWS

The following questions were submitted by B Matthews, Churchlands WA 6018, prior to the Council Meeting held Tuesday 15 October 2024.

Q1. *"Was the City of Stirling aware that the survey and the 'TCRS' Working Group used by the Local Member to justify the City obtaining State Government funding for a design/feasibility plan for the proposed road were either dominated by Newman College Parents (after receiving an endorsement letter, links to the survey and a QR Code from the Newman College Principal) or a few residents who live on the 'alleged' busy roads on Cromarty, Alumni or University?"*

A1. The recent public survey was organised entirely by the Member for Churchlands. The City does not have any information relating to the details of respondents, and whether they are Newman College parents, motorists or local residents.

Q2. *"Is the City of Stirling concerned that it based a decision to receive $300,000 in State Government funding (taxpayers' money) for the proposed road on a very flawed, unrepresentative and heavily biased survey and a completely self-interested 'working group' with vested interests?"*

A2. Council's decision to seek State Government support for a local connector road was not based on the survey conducted by the Member for Churchlands, and the survey was not referenced in the Council Report (in May 2024). The decision was made simply as a means of exploring possible options to address ongoing traffic and road safety issues that have been raised by members of the community for many years.

Q3. *"Is the City of Stirling breaching its obligations under the conflict of interest provisions of the Local Government Act 1995 related to Christine Tonkin's TCRS Working Group? Specifically, it is alleged that members of the group advising the Council members may have had relevant private interests that severely compromised the ability of the City of Stirling to make a decision that is in the public interest and relied on information that simply wasn't representative of the broader public interest related to the connector road."*

A3. The City is not aware of any conflicts of interest. The City has robust conflicts of interest processes and governance practices in place. If any person is aware of information that someone has acted with impropriety then this information can be provided to the City for further investigation, including confidentially through the City's Misconduct Hotline. This information can also be reported to relevant oversight agencies.

8. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

9. CONFIRMATION OF MINUTES

Council Resolution

1024/002

Moved Councillor Migdale, seconded Councillor Krsticevic

That the Minutes of the Ordinary Meeting of Council of 17 September 2024 be confirmed as a true and correct record of proceedings.

The motion was put and declared CARRIED (12/0).

For: Councillors Dudek, Ferrante, Giudici, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re and Mayor Irwin.
Against: Nil.

10. ANNOUNCEMENTS BY THE PRESIDING MEMBER

10.1 ANNOUNCEMENT - PASSING OF FORMER TOWN CLERK (CEO) MR RALPH FARDON OAM

Mayor Mark Irwin made the following announcement:

"It is with sadness that I advise of the passing of former City of Stirling Town Clerk (CEO), Mr Ralph Fardon OAM.

Ralph was a passionate advocate for local government. Using a collaborative approach, he displayed good governance and outstanding leadership. Ralph was recognised for his exceptional Public Service and Community involvement when he received the Medal of the Order of Australia award in the Australia Day Honours List 2007.

Ralph enjoyed an extensive career, spanning several decades across both regional and metropolitan local governments. He served as the Town Clerk of the City of Stirling from 1986 to 1991.

Ralph was a pillar of the community and will be greatly missed by all who knew him.

The City sends its heartfelt condolences to Ralph's family."

10.2 ANNOUNCEMENT - 2024 GWM BMX RACING NATIONAL CHAMPIONSHIPS

Councillor Karlo Perkov made the following announcement:

"*On Thursday, 10 October 2024 I attended the opening day of the 2024 GWM BMX Racing National Championships held at Westside BMX Club in Balcatta.*

The GWM BMX Racing National Championships is Australia's biggest BMX event and the first time the national championships had been held in the City of Stirling with riders participating from all over Australia, and several world champions were also part of the racing.

The Championships were delivered by AusCycling with the City supporting the event through $70,000 sponsorship and another $17,000 value in-kind, for a total package of $87,000.

I want to acknowledge the team at Westside BMX for all the hard work they put into hosting such a big event and especially the volunteers who donated so much of their time to ensure the event was a great success.

It is a pleasure to present to Council the gift we received at the BMX Racing National Championships which is a BMX number plate personally signed and presented by 2024 Olympic Gold Medallist, Saya Sakakibara. She is a fantastic champion, and what a great, world class event it was."

11. UNRESOLVED BUSINESS FROM PREVIOUS MEETING

Nil.

12. REPORTS AND RECOMMENDATIONS OF COMMITTEES

12.1 PLANNING AND DEVELOPMENT COMMITTEE - 8 OCTOBER 2024

12.1/PE1 CITY TREES POLICY

Business Unit:	Parks & Environment	Service: City Trees
Ward:	City Wide	Location: Not Applicable
Applicant:	Not Applicable	

Role

Legislative - *Making local laws, policies and planning instruments.*

Council Resolution

1024/003

Moved Councillor Proud, seconded Councillor Lagan

That Council ADOPTS the amended City Trees Policy as shown in Attachment 1.

The motion was put and declared CARRIED (11/1).

For: Councillors Ferrante, Giudici, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re and Mayor Irwin.
Against: Councillor Dudek.

Committee Recommendation

That Council ADOPTS the amended City Trees Policy as shown in Attachment 1.

Officer's Recommendation

That Council ADOPTS the amended City Trees Policy as shown in Attachment 1.

Referred

This item was REFERRED to the Planning and Development Committee meeting to be held 8 October 2024 at the Council meeting held 17 September 2024 to enable further consideration by Elected Members.

Additional Information

During the Council meeting held 17 September 2024, the following amendment was suggested regarding Section 3.4 of the Policy which deals with tree pruning and removal requests. The amendment suggested that the following wording be added to the recommendation above:

'subject to the removal of the following points under Clause 3.4 – Tree Pruning and Removal Requests on page 5 of the amended Policy:

a. The tree species causes nuisance by natural debris production, which includes the dropping of leaf, flower, fruit, bark, twigs; and
b. The tree cause allergy and/or health problems.'

The concerns of Council regarding the manner in which pruning/removal requests under exceptional circumstances are framed within the Policy have been revised to more clearly outline that each tree pruning/removal request is considered on a case-by-case basis by the City. The revised wording would also give flexibility to the entirety of the list under Section 3.4, meaning points a. and b. put forward in the amendment above would not need to be dealt with independently.

The proposed updated wording of Clause 3.4 Tree Pruning and Removal Requests is as below with the proposed changes bolded:

*'The City will investigate and respond to all tree pruning and removal requests**, each tree pruning and removal request is considered on a case-by-case basis by the City.** However, **in the absence of exceptional circumstances,** the following are not **normally** considered to be sufficient or justifiable reasons for the pruning or removal of City trees:*

- *The tree species is disliked*
- *The tree considered is too large in size, is slow in establishing, the tree shape/structure is not liked*
- *The tree species causes nuisance by natural debris production, which includes the dropping of leaf, flower, fruit, bark, twigs etc.*
- *The tree attracts birdlife or other fauna*
- *The tree causes allergy and/or health problems*
- *The tree is slow in establishing*
- *The tree has been or suspected to have been vandalised*
- *The tree is an inconvenience during development/ works/ other activities*
- *The tree has been damaged or is in decline due to adjacent development activities*
- *The tree is in the way of a non-essential crossover or verge paving/treatment option*
- *The tree obscures or potentially obscures views (other than traffic/pedestrian sight lines) or shades private gardens, verge gardens, lawns, solar panels, solar hot water installations etc.*
- *The tree extends over the crossover/property line or the tree conflicts with occasional use of the surrounding areas, such as for parking, placement of skip bins, removalist vehicles, access to property, etc.'*

It should also be noted that point 3 above (referenced as point a in the proposed amendment by Council) has appeared in the City Trees Policy (formerly Street and Reserve Tree Policy) since 2015 and is not a new addition. This point had appeared track changed in Attachment 2 as a result of changes to the order of the list during the revision process. This has now been rectified and the text no longer appears track changed.

Tree Appeal Panel

Further information was also requested by Council regarding the Tree Appeal Panel (the Panel) referenced in the Policy under Section 1 Overall and Section 3.4 Tree Pruning and Removal Requests. This is a new addition to the Policy as part of this review. The Panel has been formed to evaluate complaints regarding trees on City land taking into account the City Trees Policy and other relevant management practices and documents, Australian Standards and good arboricultural practices, as well as legislation and local law requirements, and make recommendation to the Director Infrastructure.

The proposed membership of the Panel is listed in the below Table. If the Manager Parks and Environment has provided a response to a complaint prior to the referral of that complaint to the Tree Appeal Panel, this position on the Panel will be replaced by a representative nominated by the Director Infrastructure. Members of the Panel will be required to disclose any conflicts of interest prior to discussion on a particular matter presented to the Panel.

Tree Appeal Panel	Role
Manager Parks and Environment	Chair - Voting member
External Arborist	Voting member
Senior City Officer (Manager or Service Lead)	Voting member

The original report, as presented to Council at its meeting held 17 September 2024, is contained below.

Purpose

To present the review of the Street and Reserve Trees Policy for Council's consideration following the Elected Member Workshop held on 5 August 2024, and to respond to Councillor Suzanne Migdale's Notice of Motion which was resolved (Council Resolution Number 0423/016) at the Council meeting held 4 April 2023.

Workshop Outcomes

Elected Members requested a Workshop be held to further discuss the City Trees Policy to better understand the changes to this document as part of the revision process. This Workshop was held on 5 August 2024 and two key action items resulted, as follows:

1. The addition of further provisions for the planting of the largest possible tree on the verge and suitable under-pruning of City trees to shape the growth of the lower branches to best shade pedestrians and other verge users.

2. The Tree Appeal Panel - to consider a community member in addition to the two senior City Officers and an independent arborist to support the policy.

Reference to shade has been included in the policy. The composition of the Tree Appeal Panel is recommended to be two senior City officers and an independent qualified arborist.

Details

The Street and Reserve Tree Policy (now referred to as the City Trees Policy) directs the management of the City's tree assets (City trees) which are defined as all trees that are owned and/or managed by the City. The effective management of City trees deliver key outcomes for the residents and users of the City including the following:

- Preserve the City's urban forest through tree protection and maintenance programs.
- Increase the number of City trees through proactive planting programs.
- Boost canopy coverage on verges and reserves within the City.

The review of the City Trees Policy ensures that the management of the City's tree assets aligns with the direction of key strategic elements such as the City's vision and the Urban Forest Plan. This Policy was last reviewed on 26 May 2020; since then, the City has introduced the Strategic Community Plan and reviewed the last 10 years of the City's canopy cover data. The Strategic Community Plan identified that the City would plant and manage a diverse canopy of trees to provide environmental services including cool spaces, habitat for wildlife and neighbourhood amenity. This Plan outlined a pathway to achieve these goals through increased tree planting and retention of trees across the City.

The 10-year review of the City's tree canopy cover data found that canopy cover across the City was declining due to substantial losses across residential land as a result of development. These findings do not support the City's canopy cover goal, and as such, the City Trees Policy needs to provide enhanced protection for the existing urban canopy, while also working to maximise the number of trees being planted in the space available for future canopy growth on City-managed land.

The review of the City Trees Policy has been completed in line with the Community Strategic Plan and the Urban Forest Plan with the objective to increase the canopy of the City to benefit the whole community. The City Trees Policy provides a framework to plant, protect and enhance the City's urban canopy which is essential in realising this objective.

The recommended key changes to the City Trees Policy are:

- Additional clarity around the number of City trees planted per frontage with the need to increase canopy cover across the City.
- Permitted verge treatments will need to incorporate City tree planting where City trees are currently not present.
- Where a number of frontages are created due to subdivision, a minimum of one tree shall be planted on each frontage, space permitting.
- Additional requirements to setback for crossovers and for property boundaries.
- Requirements expanded on for City trees that are prominent due to size / significance.
- Development must show the location and soil space for new / replacement City tree plantings.
- Provisions around the installation of play equipment and low-voltage solar powered lights on City trees.

The Policy also includes the addition of the Tree Appeal Panel (the Panel), the details of which will be outlined in a Terms of Reference which is a supporting document to this Policy. The Panel has been formed to evaluate complaints regarding trees on City land taking into account the City Trees Policy and other relevant management practices and documents, Australian Standards and good arboriculture practices, as well as legislation and local law requirements. The Panel may also provide advice or make determinations regarding other matters in relation to trees across the City.

Financial Assessment and Implications

Better protection of City trees will ensure those trees continue to contribute to the City's urban forest and thrive in future decades and across generations. Improved tree canopy cover creates better urban environments for residents, businesses and future investment.

Stakeholder Engagement

Not Applicable.

Options Summary

The following options were considered, presented in the order in which they are recommended.

OPTIONS	
1.	That Council ADOPTS the amended City Trees Policy.
2.	That the Council DOES NOT ADOPT the amended City Trees Policy.

Recommended Action

It is recommended that Council adopts the reviewed City Trees Policy. Updates to this policy will work to provide:

- Additional consideration for large trees across the City
- Accurate information regarding trees in relation to development and verge works
- Further clarity for document users and an enhanced customer experience
- Activated, cool, green streets across the City.

Relevant Policies, Legislation and Council Resolutions

Crossover Policy
Permits to Use Verge Areas
Street Tree Placement Guidelines
Urban Forest Plan
Verge Treatment Policy
Bushfire Act 1954
City of Stirling Local Government Property Local Law 2009
City of Stirling Thoroughfares and Public Places Local Law 2009
Local Government (Uniform Local Provisions) Regulations 1996
Local Government Act 1995
Local Planning Scheme No. 3 – City of Stirling
Planning and Development Act 2005
State Planning Policy 3.7 Planning in Bushfire Prone Areas
Local Government Act 1995

Meeting Date	Council Resolution Number	Council Resolution
4 April 2023	0423/016	That a REVIEW be undertaken of the City's Street Tree and Reserves Tree Policy.
21 May 2024	0524/028	That Council considers the amended City Trees Policy after an Elected Member Workshop.

Sustainable Stirling 2022-2032

Key Result Area: Our natural environment

Objective: A biodiverse City

Priority: Increase tree planting and retention of trees across the City

Strategic Risk

Strategic Risk	Risk Appetite
Environment	The City will prioritise protection, enhancement and sustainability of the natural environment unless this cannot be achieved without significantly compromising the City's economic or social sustainability.

Relevant Documents and Information

Attachments

Attachment 1 - City Trees Policy (Updated 8 October 2024) ⇩

Attachment 2 - City Trees Policy - tracked changes (Updated 8 October 2024) ⇩

Available for viewing at meeting

Nil

Linked Documents

Nil

City Tree Policy

Responsible Directorate	**Infrastructure**
Responsible Business Unit/s	**Parks and Environment**
Responsible Officer	**Manager Parks and Environment**
Affected Business Unit/s	**Development Services** **City Future** **Engineering Services** **Facilities, Projects, and Assets**

Objective

The objectives of this policy are:

To provide guidance in relation to the management of the City's tree assets to increase the City's tree canopy cover
To protect and increase the long term viability of City trees on verges adjacent to development sites
To provide safe amenity to pedestrians, road traffic and property
To preserve the existing City trees within the City
To enhance the amenity of the City through the planting of new trees
To define the circumstances under which the City's trees may be removed or pruned.

Scope

This policy applies to all trees that are owned or managed by the City of Stirling – such trees shall be referred to as City trees. In line with this Policy, Grass Trees will be considered to have the same provisions assigned to them as City Trees for the requirements of their protection.

Residents/owners, builders, developers, contractors, service providers, representatives, and event organisers are all expected to comply with this policy.

Policy

1. Overall

The City of Stirling manages approximately 400,000 City trees, to ensure its residents receive all the economic, environmental, social, and health benefits trees bring to our City and suburbs. These include:

- Providing cooler, greener, more comfortable access ways for walking and cycling
- Improving air, soil, water and noise quality
- Improving property values
- Providing ecological corridors, habitat, and food for native fauna
- Reducing urban heat islands
- Enhancing the character of our suburbs.

The City recognises the importance of trees in creating functional and attractive streets and reserves within the urban environment. As such, the City is committed to the planting, establishment and maintenance of all City trees with the goal of:

- Preserving the City's urban forest through tree protection and maintenance programs
- Increasing the number of City trees through proactive planting programs
- Boosting canopy coverage on verges and reserves within the City.

To effectively promote the City's goals, all City trees, unless determined hazardous by the City, will be:

- Protected from any activity, including development, that threatens their health and/or longevity with priority given to the relocation of infrastructure away from trees to reduce the potential for immediate or future damage
- Protected from infrastructure conflict, where possible, with priority given to the relocation of infrastructure away from trees to reduce the potential for immediate or future damage
- Prioritised when considering applications for new developments so that potential conflicts with City trees will be addressed before an application is approved for planning, construction/building, demolition and/or verge related permits.

The Manager Parks and Environment has the authorisation as the Delegated Officer for the planting, pruning, removal and management of City Trees, under this policy. Decisions regarding the planting, pruning, removal and management of City trees may be referred to the Tree Appeal Panel for review at a cost to the applicant as specified in the City's Fees and Charges, to give effect to this policy.

2. City Tree Planting

The City is responsible for the planting of all trees on City land as identified under its annual programs which include themed avenue tree planting programs and City tree requests from residents/property owners. However, residents may be permitted to plant a City tree adjacent to their residence on application to the City. Tree planting is generally carried out in the winter months to aid in the establishment of trees. The selection of tree species for all plantings is determined by the City.

In line with the City's Urban Forest Plan, the City's goal is to increase tree canopy for the benefit of the whole community. As such, all available tree planting locations will be planted. Only the City's Delegated Officer may approve a planting deferral due to extraordinary circumstances.

As determined by the City, all verges within the City will be subject to City tree planting with a minimum of one tree per frontage except where sufficient space is not available. Additional trees will also be planted per frontage when there is available space.

The City will endeavour to maximise deep soil planting space where required to increase tree health and canopy growth.

2.1 City Tree Planting

City tree plantings will adhere to the following conditions:

- Be positioned within the verge according to the Utility Services Code of Practice for tree alignment or at the City discretion based on verge widths and other infrastructure that may be present.
- A minimum of one tree shall be planted per property frontage; larger verge spaces that can accommodate additional trees as determined by the City will be subject to additional trees being planted
- Plantings near road intersections and driveway crossovers may be subject to pedestrian and road safety assessments by the City

- All new developments that do not have a City tree on the verge will have a tree planted in the next available planting season, as deemed appropriate by the City, and included as a condition/requirement of development along with a contribution which will require payment by the applicant/property owner for the cost of the tree/s planted as per Council's Fees and Charges. See Section 5 of this Policy for more information related to City tree planting and development
- The tree planting locations must be free from other conflicts such as lighting, service pits, other services, and infrastructure etc.
- Tree locations once determined are planted, and should new trees fail to establish they will be replaced until their establishment is successful.

2.2 Unauthorised City Tree Planting

City trees planted without the City's approval are considered unauthorised plantings – an unauthorised City tree planting may constitute any one of the following:

- A tree planted of an inappropriate species for verge planting
- A tree planted out of alignment in relation to the City's identified verge planting locations
- A tree of an undesirable species that has self-germinated in situ.

Where an unauthorised City tree planting is identified, the City will determine whether the planting can be retained or should be removed, dependent upon its conformity to the City's planting requirements. Mature trees will also be assessed in the same manner.

Trees are not to be privately planted on the verge without prior written approval from the City.

Verge gardens are to be maintained by the adjacent property owner in line with the City's Verge Treatment Guidelines and should not include tree plantings. Whilst the City will undertake due care when carrying out maintenance on City trees, the City is not responsible for damage to verge gardens/treatments when carrying out maintenance on City trees.

2.3 City Tree Watering and Establishment

The City is responsible for the post planting care, maintenance and watering of all newly planted City trees until the trees are considered established, as determined by the City. Residents/owners are encouraged to assist in watering City trees during the establishment period.

3. Tree Pruning and Removal

The City is solely responsible for the pruning and/or removal of City trees and/or the written authorisation granted for the removal of City trees. Unauthorised tree pruning and/or removal of any City tree is not permitted.

3.1 City Tree Scheduled Pruning

The City undertakes pruning on City trees as required on an annual program. The scheduled City tree pruning may fulfil any of the following requirements, as determined by the City:

- To clear the canopy from interference with overhead power lines, electrical feeder lines to individual properties and other essential services
- To remove overhanging branches determined as hazardous by the City to adjacent property
- To under-prune annual growth considered hazardous to traffic or pedestrians
- To shape the growth of the lower branches of trees through under-pruning to best shade pedestrians and and other verge users.
- To ensure the form, structure and framework of trees is retained
- To remove dead, dying, diseased or pest infested material or abnormal growth
- To prune low growing vegetation that impedes parking control signage/ or regulatory

streets signs.

3.2 Tree Pruning

Trees will be pruned, where practicable, in line with the Australian Standard for Pruning of Amenity Trees (AS4373). Where pruning is required for clearance to power lines, the trees will be pruned as necessary to comply with the 'Electrical Service Providers' current clearance requirements set by the State regulator.

The City will investigate requests from residents/owners for tree pruning. If the City determines that pruning is required but is not urgent, then the pruning will be incorporated into the next programmed pruning schedule for that suburb/locality.

If the City determines that the pruning requires a more immediate response, then this will be attended to on an as-needs basis. Generally, such pruning is undertaken on a monthly schedule. More immediate pruning will only be undertaken in emergency situations. The resident/occupant will be informed of the outcome of any pruning request by an appropriate means.

3.3 Tree Removal

Unauthorised tree removal of any City tree is not permitted. The authorised officer/ City contractor will undertake any tree removals that are determined by the City to be necessary.

It is recognised that in some cases tree retention is not feasible owing to the condition, location or species of the tree, its implications for development on an abutting site and/or the achievement of other Council objectives. Trees may be considered for removal, as determined by the City, under the following circumstances:

- The young tree has failed to establish
- The tree has died from natural causes
- The tree is diseased or in decline with little chance of recovery
- The tree has been assessed by the City as structurally unsound
- The tree has been irreparably damaged by a storm or other unintentional event
- The tree is determined by the City to be an unauthorised City tree that is not desired
- The tree has been unintentionally affected by infrastructure works and cannot be retained
- The tree interferes with vehicle safety sightlines, as determined by the City, with remediation by pruning not possible
- The tree is in contact with power lines and selective pruning is not practical.

If a City tree prevents the impending development of an abutting property, and all possible design solutions have been deemed exhausted by the determining officer, permission for the removal of a City tree may be granted by the authorised officer under this policy as per below (see Section 5 City Tree Requirements Adjacent Development Sites.

Where a tree is authorised for removal by the City or removed without authorisation by another party, the City will replace the tree on the same verge or reserve in the next available planting season, at its discretion. The City may seek to recover all related costs, as outlined in Section 6 Bonds and Payments.

3.4 Tree Pruning and Removal Requests

The City will investigate and respond to all tree pruning and removal requests, each tree pruning and removal request is considered on a case-by-case basis by the City. However, in the absence of exceptional circumstances, the following are not normally considered to be sufficient or justifiable reasons for the pruning or removal of City trees:

- The tree species is disliked
- The tree considered is too large in size, is slow in establishing, the tree shape/structure is not liked
- The tree species causes nuisance by natural debris production, which includes the dropping of leaf, flower, fruit, bark, twigs etc.
- The tree attracts birdlife or other fauna
- The tree causes allergy and/or health problems
- The tree is slow in establishing
- The tree has been or suspected to have been vandalised
- The tree is an inconvenience during development/ works/ other activities
- The tree has been damaged or is in decline due to adjacent development activities
- The tree is in the way of a non-essential crossover or verge paving/treatment option
- The tree obscures or potentially obscures views (other than traffic/pedestrian sight lines) or shades private gardens, verge gardens, lawns, solar panels, solar hot water installations etc.
- The tree extends over the crossover/property line or the tree conflicts with occasional use of the surrounding areas, such as for parking, placement of skip bins, removalist vehicles, access to property, etc.

Once the City has determined the outcome of the request, any further requests for inspections when there is no natural change to the tree may incur an inspection fee as per Section 6 Bonds and Payments and/ or be referred to the Tree Appeal Panel for consideration.

4. Additional City Tree Categories

All trees located on City land are considered to be protected under this Policy, the Local Government Act, the City's Thoroughfares and Public Places Local Law, as well as other regulations and Planning Policies.

Many trees however have additional provisions under this Policy due to their age, size, value, species, cultural or environmental attributes. These trees can include Habitat trees, Prominent trees, Remnant trees and Veteran trees. These trees may be subject to additional requirements in their management such as a Tree Management Plan or when working in proximity to them. Individual or stands of trees may be recognised as prominent, veteran, habitat and/or remnant.

5. City Tree Requirements Adjacent to Development Sites

City trees need to be protected adjacent to all development and development sites in order to preserve the amenity of streetscapes and neighbourhoods. Development must show the location on the verge where the City tree(s) is(are) to be planted and the soil space being provided on the plan. All developments, where trees may be affected, will include a suitable advice note and/or condition of approval.

Industry recommendations would require that any party utilising the verge or carrying out works on the verge should obtain a Dial Before You Dig verification before starting works. This is to ensure that services, including trees, are not impacted. Documentation regarding requirements when working in proximity to City tree assets will be forwarded as part of the Dial Before You Dig enquiry.

Should works have direct or indirect impacts on the tree(s) that requires assessment/inspection/reports/remediation/rectification/ongoing works as determined by the City, or if a tree is removed without City authorisation, the developer/ property owner may be liable for the associated costs as outlined in Section 6 Bonds and Payments.

5.1 Tree Protection Zone (TPZ) Requirements Adjacent to Development Sites

For all demolition and construction works the property owner is responsible for the protection

of all City trees that are to be retained on City managed land adjacent to the property. Where the development is being undertaken the following guidelines must be adhered to:

- A fence must be installed to create a TPZ at the cost of the applicant
- The type of fencing must be in line with the Australian Standard for Protection of Trees on Development Sites (AS4970) and the City's Tree Protection Zone Guidelines
- The size of the TPZ will be determined by the City, dependent on the size of the tree and verge/ reserve space available
- At minimum, the TPZ will cover two metres by two metres around the tree trunk, one metre off the trunk on all sides – any lesser exceptions must first be approved by the City
- The TPZ should not obstruct roads or footpaths unless approved alternatives are in place
- Alternative protections may be approved by the City when space/location restricts the ability to place fencing.

In line with AS 4970, it is highly recommended to follow all the requirements outlined in that document which includes watering of the tree(s) that are being retained and protected. The tree should not present in a lesser condition at the end of the development than at the start of the development.

Specific developments / situations may need to engage a suitably qualified Arborist to provide advice required/requested by the City.

5.2 City Trees and Crossovers/Driveways

A minimum setback of a crossover/driveway (including the splays) from any City tree on the verge is required. The setback distance will be in direct relation to the Diameter at Breast Height (DBH) of the City tree:

- DBH of up to 200mm requires a minimum setback of one metre
- DBH of 201mm to 400mm requires a minimum setback of two metres
- DBH of 401mm to 600mm requires a minimum setback of three metres
- DBH of 601mm or greater is considered to be a prominent tree and will require determination on a case-by-case basis, with a minimum setback of four metres.

The above setbacks are measured from the base of the tree at ground level, closest to the location of the crossover. These setbacks are to ensure tree canopy and roots are not impacted and that the tree has the maximum deep soil space available to allow for continued healthy growth and stability.

Crossover applications should look to meet the above clearances required for setbacks before reductions are considered. In order to achieve a compliant setback, crossover designs for primary access may need to meet the three metre minimum width.

Only when the distances required need to be less than the above specifications due to site constraints, and all viable design options have been exhausted, a site inspection will need to be conducted to determine if the distance can be reduced on a tree-by-tree basis. To keep retained trees in a sound condition and to reduce the impact on their root system, no setback requests less than one metre will be considered. Council inspection fees and charges will apply as per Section 6 Bonds and Payments.

For further information, refer to the City's Crossover Policy.

To keep retained trees in a sound condition and to reduce the impact on its root system, no setback requests less than one metre will be accepted. For further information, refer to the Crossover Policy.

5.3 City Trees and Structures

Development within private property should consider the existing City trees and design to have the least impact on them. Tree friendly design should be undertaken to have minimal impact of the structure of trees above and below ground. The City will not generally prune existing trees to accommodate new infrastructure or for required private tree plantings. In this regard, setbacks outlined in Section 5.2 of this Policy should be adhered to where possible.

When City trees are retained as part of any development, they will not then be pruned at the completion of development or in perpetuity due to encroachment over private property. As per Section 3.1 of this Policy, the City will consider pruning back one metre from dwellings. All structures on private property should consider future maintenance requirements and impacts from City trees and private trees in their design and construction methodology. Engaging a suitably qualified Arboricultural Consultant during the design phase to provide advice is highly recommended.

5.4 City Trees and Verge Treatments

Permitted verge treatments will need to incorporate City tree planting when City trees are not currently present. Where existing City trees are present then areas of open soil will be required around the trees with determined setbacks to the verge treatment.

Please refer to the City's Verge Treatment Policy and Guidelines for further information.

5.5 City Tree Information Provided with Applications

The onus is on the applicant to provide accurate information in applications. If any discrepancies in City tree information are identified after an approval is granted for any private development or verge works, the applicant will need to resubmit applications for approval with the correct information. All costs and fees associated are to be met by the applicant. Discrepancies can include any of the following:

- Incorrect DBH measurement
- Failure to mark City trees in the submitted plan
- Failure to mark City tree locations correctly in the submitted plan
- Providing any other inaccurate site information.

Discrepancies identified after the start of any development may not result in tree pruning/removal and may result in impacts to the private property.

5.6 City Tree Retention Adjacent to Development Sites

A City tree is a City asset forming part of green infrastructure. As such, the City actively seeks to retain and protect City trees adjacent to development sites using the following guidelines:

- If inaccurate information presented to the City, as part of any development application, results in a tree needing to be pruned or removed, the required setback being impeded, or any unauthorised removal or pruning of a tree is carried out, the City will recover the full costs associated with the works and any loss of amenity tree value from the applicant
- If City tree damage, decline or death occurs during development then costs may be recovered from the owner/ developer for rectification pruning, or removal and replacement of the tree including the loss of amenity tree value. Dead trees may be retained in situ at the City's discretion if they are determined to provide habitat or other value
- If a tree needs to be removed or, is removed without authorisation, the applicant will be required to reimburse the City the full costs associated with the tree removal / pruning including the loss of amenity tree value.

All costs owed to the City due to any of the above circumstances will be in line with Section 6

Bonds and Payments of this policy.

5.7 City Tree Removal and Replacement In Relation to Applications

The City prioritises tree retention on City managed land adjacent to development sites, and will only consider removal when no other reasonable design alternative exists. In the event that an approval to commence development is granted by the City's Development Services business unit on the advice of the City's tree delegate, which has permitted the removal/pruning of one or more City trees, the applicant will be required to inform the City two weeks prior to the start of works to arrange the City to carry out the approved tree works.

Where a tree is approved by the City's Delegated Officer to be removed/ pruned, the landowner/applicant will be required to meet the full costs associated with the removal and replacement of the tree and will be required to compensate the City for the costs associated with the loss of the tree asset, as outlined in Section 6 Bonds and Payments.

Replacement City trees that are required as a result of tree(s) being removed through the development process will be in line with the following:

- A minimum of one replacement tree will be planted on the verge adjacent to the development for each tree removed
- Where there is room for more than one tree on each frontage/lot, then multiple trees maybe planted in relation to the available space, as determined by the City
- Any replacement trees that are not able to be planted on the verge adjacent to the development, due to reduced verge space post development will be planted elsewhere in the City and at the City's discretion at the cost of the applicant/property owner
- All replacement trees will be of a species and size that is acceptable to the City
- The replacement cost will be met by the developer/ applicant/ owner as outlined in Section 6 Bonds and Payments.

5.8 City Tree Planting Adjacent to development Sites

The City strives to create a balance between promoting development and providing cooler, greener and more sustainable urban environment. As such, the City applies the following City planting guidelines:

- The City at all times holds the right to reserve verge space for future tree planting and crossovers will be assessed to accommodate future City tree planting on verges
- Where there is no existing City tree, the City will plant at least one City tree in the next available planting season, space permitting
- Where there is room for more than one tree, then multiple trees may be planted in relation to the available space, as determined by the City
- Verges which have been treated with hardscape, paving or synthetic turf are required to have at least one City tree in accordance with the Verge Treatment Policy
- When considering development of car parks and/or parking bays in the road or other reserve, the plan must accommodate new tree plantings in line with Local Planning Policy 6.6
- Where a number of frontages are created due to subdivision, then a minimum of one tree shall be planted on each frontage, space permitting. More trees may be required where space permits.

6. Bonds and Payments

Where development or other activities have the potential to impact on City trees, a bond for the protection of the tree will be held by the City prior to the commencement of development.

A bond will be held for the duration of the works. Minimum bond amounts will be determined by Council's Fees and Charges.

Where a City tree removal/pruning is approved by the City in relation to a development or works, the full associated costs of the tree (including loss of the Helliwell value) and its removal (or pruning) shall be paid by the property owner or representative prior to the removal/pruning works and commencement of development.

Alternatively, in the instance of civic works by government departments the City may request a five for one tree canopy cover offset contribution.

Where impacts to trees is identified within a Bond or outside of a Bond process, holding of/recovery of costs for associated damage, removal, Loss of Helliwell value, reports, ongoing works, inspections, remediation works, rectification works, assessments, immediate/ongoing works as determined by the City may be held/recovered.

The costs associated with removal, pruning and/or damage of a City tree include the following three elements:

- Removal/pruning costs – amounting to the costs incurred by the City for undertaking the actual removing/ pruning of the tree/ or part thereof
- Amenity Value – calculated in accordance with the City's amenity tree calculation (currently the Helliwell method or other City approved valuation system)
- Reinstatement/Replacement Tree Costs – calculated in accordance with the greening required to replace the loss incurred by the tree removal. The level of reinstatement/replacement required will be determined by the City (in line with the Council's Fees and Charges). Reinstatement tree costs will include costs of watering for two subsequent seasons as well as other formative pruning and establishment costs.

Additional costs may be recovered for Arboricultural reports, tree watering, erecting of tree recovery fencing, any other ongoing maintenance requirements as determined by the City.

7. Vandalism to City Trees

Members of the community who witness vandalism of City trees are encouraged to report this information. All reported incidents of vandalism will be investigated and responded to by the City.

Where vandalism has been committed, the City will take steps to gather information relating to the incident which may include:

- Sending letters seeking information to residents in the vicinity of the vandalism
- Talking to residents in the local area
- Posting notices in local newspapers, notice boards, social media platforms, and on the City's website seeking information
- Installing signage requesting any information pertaining to the vandalism
- Reporting damage to the Western Australian Police.

Once information is acquired an appropriate resolution will be carried out, which may involve:

- The installation of signage at the site advising on the damage/seeking further information
- Installation of a Tree Recovery Zone (TRZ) around the tree or other protective measures on/around the tree to prevent further vandalism
- Retaining any vandalised tree in sound condition until confirmed dead
- Placement and planting of additional trees at the location of the vandalism to compensate for the damage and loss of tree canopy
- Reclaiming immediate/ongoing costs associated with any works required to rectify the damage

- Recouping the full cost of the Helliwell valuations of the asset prior to the vandalism and tree replacement/establishment costs
- Media
- Further legal action.

8. Attachments to City Trees

The City understands that the activation of the verge space is becoming more popular as private garden space diminishes. As such the City is open to the installation of play equipment within City trees adjacent to the property owner's residence. This must be done in such a way that it does not:

- Impact the health or structural integrity of the tree or any part of the tree
- Present as a hazard to users of the play equipment
- Present as a hazard to other users of the verge, surrounding footpaths, or roadways.

Other requirements that must be adhered to regarding play equipment or other attachments/installations:

- The installation of bolts, screws or other attachments into the tree is prohibited
- Any play equipment is to be retained is safe condition by the adjacent property owner /resident/ tenant
- Nothing should be installed in a tree where overhead power lines are present
- Lights must be low-voltage and solar powered
- Items such as boats/trailers/basketball rings etc. are not to be tethered to trees
- Signage is not to be installed in trees
- No installations will be permitted in reserve trees.

Any play equipment installed is in the public space and as such others may use the equipment. The installer cannot restrict this or claim exclusive rights to the usage. Therefore, it is recommended that the equipment is removed when not in use.

The City will not accept any responsibility for the loss/theft of equipment, or for any injury to persons or damage to property caused by the private installation of any attachment to a City Tree.

Any damage that may happen to the equipment as part of tree maintenance requirements will not be covered by the City or its contractors. The City reserves the right to remove any equipment at any time. Should the City determine that any equipment, attachment or installation presents as an immediate hazard, it will be removed without notice.

9. Community Consultation and Involvement

The City values its community's opinion, and encourages consultation and communication in the improvement of its urban forest. As such, the City will endeavour to apply the following practices:

- Increase resident activity in the ongoing care of its urban forest by encouraging tree planting involvement and citizen science programs
- Inform adjacent residents of City tree plantings and removals through various mediums
- Encourage community consultation in themed City tree plantings by providing opportunities for comment
- Prioritise community safety when conducting City tree maintenance works
- Raise community knowledge about the benefits of trees and the urban forest through various forms of marketing, education, events, and media.

Definitions

Applications are considered to be any formal written request made to the City.

City Tree is considered to include any tree which has a majority (> 50%) of its trunk growing from City managed land and includes Grass Trees.

Diameter at breast height (DBH) is the recognised method for measuring the diameter of the trunk of a tree. The measurement is taken at 1.4 metres from the ground level. Refer to Australian Standard 4970- 2009 Protection of Trees on Development Sites for more detailed information.

Development is considered to be any demolition or construction work on private land, any City infrastructure upgrades on the verge or reserve, crossover installation or upgrade, any private works on the verge such as landscaping, reticulation installation/works, verge treatments and or any use of the verge space that requires a permit or any works carried out by Service providers on the verge or reserve.

Helliwell method is a recognised system that allows for a monetary value to be placed on the visual amenity provided by an individual tree asset.

Structures are considered to be any construction or other element that may impact on a City Tree. These may include but are not limited to boundary walls/fences, dwellings and/or private trees.

Tree is defined in the City's Thoroughfares and Public Places Local Law 2009 as a woody perennial plant generally having a single stem or trunk which will grow to a height of approximately four metres or more.

- **Habitat Tree** is any tree, alive or dead, that presents habitat opportunities for wildlife
- **Private Tree** is any tree which has a majority (> 50%) of its trunk growing from private property
- **Prominent Tree** is any tree that has identified features such as large canopy height/spread, wide trunk, large structural roots that would require additional considerations/protections when working in proximity to the tree
- **Reserve Tree** is a tree that is located within a park, reserve or natural area
- **Remnant Tree** is any tree that has naturally grown in an area, usually prior to development
- **Veteran Tree** is a tree, generally in a post mature state, with unique qualities that requires specific management.

Tree Protection Zone (TPZ) is an area above and below ground that is set aside for protection of trees roots, trunk and crown in order to provide for the viability and stability of a tree that is to be retained at a development site.

Tree Recovery Zone (TRZ) is an area above and below ground that is established to assist in the recovery of trees when they have been impacted by vandalism, poisoning environmental factors or other contributors or interferences.

Urban Forest is a population of trees and other plants growing within an urban setting for the purpose of improving the liveability of that urban setting whilst providing social, economic and environmental benefits to the community as a whole.

Vandalism means the unlawful destruction, damage or injury to City owned tree assets which can include, but not limited to, poisoning, pruning, causing malicious damage to, removal and/or ringbarking, negligence during demolition/development/construction activities.

Relevant management practices/documents

Crossover Policy
Permits to Use Verge Areas
Street Tree Placement Guidelines
Urban Forest Plan

Verge Treatment Policy

Legislation/local law requirements

Bushfire Act 1954
City of Stirling Local Government Property Local Law 2009
City of Stirling Thoroughfares and Public Places Local Law 2009
Local Government (Uniform Local Provisions) Regulations 1996

Local Government Act 1995
Local Planning Scheme No. 3 – City of Stirling
Planning and Development Act 2005
State Planning Policy 3.7 Planning in Bushfire Prone Areas

Office use only				
Relevant delegations	Not applicable			
Initial Council adoption	**Date**	8 December 2015	**Resolution #**	1215/010
Last reviewed	**Date**		**Resolution #**	
Next review due	**Date**			

12

City Trees Policy ~~Street and Reserve Trees Policy~~

Responsible Directorate	**Infrastructure**
Responsible Business Unit/s	~~**Parks and Sustainability**~~ **Parks and Environment**
Responsible Officer	~~**Manager Parks and Sustainability**~~ **Manager Parks and Environment**
Affected Business Unit/s	**Development Services** ~~**City Planning**~~ **City** **Future** ~~**Engineering**~~ ~~**Design**~~ **Engineering** **Services** ~~**Engineering Operations**~~ **Facilities, Projects, and Assets**

Objective

The objectives of this policy are –

To provide guidance in relation to the management of the City's tree assets t~~T~~o increase the City's tree canopy cover
To protect and increase the long term viability of City trees on verges adjacent to development sites
To provide safe amenity to pedestrians, road traffic and property
To preserve the existing City ~~street and reserve~~ trees within the City
To enhance the amenity of the City ~~streets and reserves~~ through the planting of new trees
To define the circumstances under which the City's trees may be removed or pruned

Scope

This policy applies to all trees that are owned or managed by the City of Stirling – such trees shall be referred to as City trees. ~~A City tree includes any tree which has a majority (> 50%) of its trunk growing from Council managed land.~~ In line with this Policy, ~~,mature~~ Grass Trees will be considered to have the same provisions assigned to them as City Trees for the requirements of their protection.

Residents/owners, builders, developers, contractors, service providers, representatives, and event organisers are all expected to comply with this policy.

Policy

1. Overall

The City of Stirling manages ~~over~~approximately ~~-~~400,000 City trees, to ensure its residents receive all the economic, environmental, social, and health benefits trees bring to our C~~c~~ity and suburbs. These include:

- Providing cooler, greener, more comfortable access ways for walking and cycling
- Improving air, soil, water and noise quality

- Improving property values
- Providing ecological corridors, habitat, and food for native fauna
- Reducing urban heat islands ~~effect~~
- Enhancing the character of our suburbs.

The City recognises the importance of trees in creating functional and attractive streets and reserves within the urban environment. As such, the City is committed to the ~~planning,~~ planting, establishment and maintenance of all City trees with the goal of:

- Preserving the City's urban forest through tree protection and maintenance programs
- Increasing the number of City trees through proactive planting programs
- Boosting canopy coverage on verges and reserves within the City.

To effectively promote the City's goals, all City trees, unless ~~proven~~ determined hazardous by the City, will be:

- Protected from any activity, including development, that threatens their health and/or longevity with priority given to the relocation of infrastructure away from trees to reduce the potential for immediate or future damage
- Protected from infrastructure conflict, where possible, with priority given to the relocation of infrastructure away from trees to reduce the potential for immediate or future damage
- Prioritised when considering applications for new developments so that potential conflicts with City trees will be addressed before an application is approved for planning, construction/building, demolition and/or verge related permits.

~~The Manager Parks and Sustainability has the authorisation for the planting, pruning, removal and management of City Trees, under this policy.~~ The Manager Parks and Environment has the authorisation as the Delegated Officer for the planting, pruning, removal and management of City Trees under this policy. Decisions regarding the planting, pruning, removal and management of City trees may be referred to the Tree Appeal Panel for review at a cost to the applicant as specified in the City's Fees and Charges, to give effect to this policy.

2. City Tree Planting

The City is responsible for the planting of all trees on City land~~City trees~~ as identified under its annual programs which include themed avenue~~community~~ tree planting programs and City~~street~~ tree requests from residents/property owners~~occupants~~. However, residents may be permitted~~are able~~ to plant a City~~verge~~ tree adjacent to ~~in front of~~ their residence on application to the City. Tree planting is generally carried out in the winter months to aid in the establishment of trees. The selection of tree species for all plantings is determined by the City.

In line with the City's Urban Forest Plan, the City's goal is to increase tree canopy for the benefit of the whole community. As such, all available tree planting locations will be planted. Only the City's Delegated Officer may approve a planting deferral due to extraordinary circumstances.

As determined by the City, all verges within the City will be subject to ~~street~~City tree planting with a minimum of one tree per frontage except where sufficient space is not available. Additional trees will also be planted per frontage when there is available space.

The City will endeavour to maximise deep soil planting space where required to increase tree health and canopy growth.

~~Remnant trees will be retained within the streetscape or reserve at the discretion of the City.~~

2.1 City~~Street~~ Tree Planting

City ~~Street~~ tree plantings will ~~must~~ adhere to the following conditions:

- Be positioned within the verge according to the ~~City's Street Tree Planting Guidelines~~ Utility Services Code of Practice for tree alignment or at the City discretion based on verge widths and other infrastructure that may be present.
- A ~~Generally, a~~ minimum of one tree shall be planted per property frontage; larger verge spaces that can accommodate additional trees as determined by the City will be ~~can be~~ subject to additional trees being planted~~more than one tree~~
- Plantings near road intersections and driveway crossovers may~~will~~ be subject to pedestrian and road safety assessments by the City
- All new developments that do not have a City ~~street~~ tree on the verge will have a tree planted in the next available planting season, as deemed appropriate by the City, and included as a condition/requirement of development along with a contribution which will require payment by the applicant/property owner for ~~towards~~ the cost of the tree/s planted as per Council's Fees and Charges. See Section 5 of this Policy for more information related to City tree planting and development~~.~~
- ~~Development must show the location on the verge where the City tree(s) is(are) to be planted and the soil space being provided on the plan.~~ The tree planting locations must be free from other conflicts such as lighting, service pits, other services and infrastructure, etc.
- Tree locations once determined are planted, and should new trees fail to establish they will be replaced until their establishment is successful.

2.2 Unauthorised City~~Street~~ Tree Planting

City ~~Street~~ trees planted without the City's approval are considered unauthorised plantings – an unauthorised City ~~street~~ tree planting may ~~shall~~ constitute any one of the following:

- A tree planted of an inappropriate species for verge planting
- A tree planted out of alignment in relation to the City's identified verge planting locations~~specifications~~
- A tree of an undesirable species that has self-germinated in situ.

Where an unauthorised City ~~street~~ tree planting is identified, the City will ~~shall~~ determine whether the planting can be retained or should be removed, dependent upon its conformity to the City's planting ~~requirements~~~~specifications~~. Mature trees will also be assessed in the same manner.

Trees are not to be privately planted on the verge without prior written approval from the City.

Verge gardens are to be maintained by the adjacent property owner in line with the City's Verge Treatment Guidelines and should not include tree plantings. Whilst the City will undertake due care when carrying out maintenance on City trees, the City is not responsible for damage to verge gardens/treatments when carrying out maintenance on City trees.

2.3 City Tree Watering and Establishment ~~Street Tree Watering~~

The City is responsible for the post planting care, maintenance and watering of all newly planted City ~~street~~ trees until the trees are considered established, as determined by the City. Residents/owners are encouraged to assist in watering City ~~street~~ trees during the establishment period~~, as per instructions provided at the time of planting~~.

3. Tree Pruning and Removal

The City is solely responsible for the pruning and/or removal of City trees and/or the written authorisation granted for the removal of City trees. Unauthorised tree pruning and/or removal of any City tree is not permitted.

3.1 City~~Street~~ Tree Scheduled Pruning

The City undertakes pruning on City ~~street~~ trees as required on an annual ~~program~~~~schedule~~.

The scheduled City ~~street~~ tree pruning may fulfil any of the following requirements, as determined by the City:

- To clear the canopy from interference with overhead power lines, electrical feeder lines to individual properties and other essential services
- To remove overhanging branches determined as ~~considered~~ hazardous by the City to adjacent property ~~road traffic, buildings or structures~~
- To under-prune annual growth ~~low growing branches~~ considered hazardous to traffic or pedestrians
- To shape the growth of the lower branches of trees through under-pruning to best shade pedestrians and other verge users.
- To ensure ~~define~~ the form, structure and framework of trees is retained
- To remove dead, dying, diseased or pest infested material ~~limbs and branches~~ or abnormal growth~~.~~
- To ~~under~~prune low growing vegetation ~~branches~~ that impedes parking control signage/ or regulatory ~~and or~~ streets signs.

3.2 Tree ~~Requests for~~ Pruning

Trees will be pruned, where practicable, in line with the Australian Standard for Pruning of Amenity Trees (AS4373). Where pruning is required for clearance to power lines, the trees will be pruned as necessary to comply with the 'Electrical Service Providers' current clearance requirements set by the State regulator.

The City will investigate requests from residents/owners for tree pruning. If the City determines that pruning is required but is not urgent, then the pruning will be incorporated into the next programmed ~~scheduled~~ pruning schedule for that suburb/locality.

If the City determines that the pruning requires a more~~n~~ immediate response, then this will be attended to on an as-needs basis. Generally, such pruning is undertaken on a monthly schedule. More immediate pruning will only be undertaken in emergency situations. The resident/occupant will be informed of the outcome of any pruning request by an appropriate means.

3.3 Tree Removal

~~The City is soley responsible for the removal of City trees.~~ Unauthorised tree removal of any City tree is not permitted. The authorised officer/ City contractor ~~of Council~~ will undertake any tree removals that are ~~-~~determined by the City to be necessary~~required~~.

It is recognised that in some cases tree retention is not feasible owing to the condition, location or species of the tree, its implications for development on an abutting site and/or the achievement of other Council objectives. Trees may be considered for removal, as determined by the City, under the following circumstances:

- The young tree has failed to establish
- The tree has died from natural causes~~is dead~~
- The tree is diseased or in decline with little chance of recovery
- The tree has been assessed by the City as structurally unsound
- The tree has been irreparably damaged by a storm or other unintentional event
- The tree is determined by the City to be an unauthorised City tree that is not desired~~street or reserve tree~~
- The tree has been unintentionally affected by infrastructure works and ~~the tree~~ cannot be retained
- The tree interferes with vehicle safety sightlines, as determined ~~assessed~~ by the City, with remediation by pruning not possible
- The tree is in contact with power lines and selective pruning is not practical.

If a City tree prevents the impending development of an abutting property, and all possible design solutions have been deemed exhausted by the determining ~~authorised~~ officer,

permission for the removal of a City tree may be granted by the authorised officer under this policy~~.~~ as per below (see Section 5 ~~Street and Reserve~~ City Tree Requirements ~~Protection~~ ~~A~~adjacent Development Sites.

Where a tree is authorised for remov~~al~~~~ed~~ by the City or removed without authorisation by another party, the City will replace the tree on the same verge or reserve in the next available planting season, at its discretion. The City may seek to recover all related costs, as outlined in S~~s~~ection 6~~5~~ Bonds and Payments.

3.4 Tree Pruning and Removal Requests

The City will investigate and respond to all tree pruning and removal requests, each tree pruning and removal request is considered on a case-by-case basis by the City. However, in the absence of exceptional circumstances, the following are not normally considered to be sufficient or justifiable reasons for the pruning or removal of City trees:

- The tree species is disliked
- The tree considered is too large in size, is slow in establishing, ~~t~~The tree shape/structure is not liked
- The tree species causes nuisance by natural debris production, which includes the dropping of leaf, flower, fruit, bark, twigs etc.
- The tree attracts birdlife or other fauna
- The tree causes allergy and/or health problems
- The tree is slow in establishing
- The tree has been or suspected to have been vandalised
- The tree is an inconvenience during development/ works/ other activities~~etc~~
- The tree has been damaged or is in decline due to adjacent development activities
- The tree is in the way of a non-essential crossover or verge paving/treatment option
- The tree obscures or potentially obscures views (other than traffic/pedestrian sight lines) or shades private gardens, verge gardens, lawns, solar panels, solar hot water installations etc.
- The tree extends over the crossover/property line or the tree conflicts with occasional use of the surrounding areas, such as for parking, placement of skip bins, removalist vehicles, access to property, etc.

Once the City has determined the outcome of the request, any further requests for inspections when there is no natural change to the tree may incur an inspection fee as per Section 6 Bonds and Payments and/ or be referred to the Tree Appeal Panel for consideration.

4. Additional City Tree Categories

All trees located on City land are considered to be protected under this Policy, the Local Government Act, the City's Thoroughfares and Public Places Local Law, as well as other regulations and Planning Policies.

Many trees however have additional provisions under this Policy due to their age, size, value, species, cultural or environmental attributes. These trees can include Habitat trees, Prominent trees, Remnant trees and Veteran trees. These trees may be subject to additional requirements in their management such as a Tree Management Plan or when working in proximity to them. Individual or stands of trees may be recognised as prominent, veteran, habitat and/or remnant.

5. City ~~Street and Reserve~~ Tree Requirements ~~Protection at A~~adjacent to Development Sites

City ~~Street and reserve~~ trees need to be protected adjacent to all ~~at~~ development and development sites in order to preserve the amenity of streetscapes and neighbourhoods.

Development must show the location on the verge where the City tree(s) is(are) to be planted and the soil space being provided on the plan. All developments, where trees may be ~~are~~ affected, will include a suitable advice note and/or condition of approval.

Industry recommendations would require that any party utilising the verge or carrying out works on the verge should obtain a Dial Before You Dig verification before starting works. This is to ensure that services, including trees, are not impacted. Documentation regarding requirements when working in proximity to City tree assets will be forwarded as part of the Dial Before You Dig enquiry.

Should works have direct or indirect impacts on the tree(s) that requires assessment / inspection / reports / remediation / rectification / ongoing works as determined by the City, or if a tree is removed without City authorisation, developer/ property owner may be liable for the associated costs as outlined in Section 6 Bonds and Payments.~~-~~

5.1Tree Protection Zone (TPZ) Requirements Adjacent to ~~at~~ Development Sites

For all demolition and construction works the property ~~developer/~~ owner is responsible for the protection of all City trees that are to be retained on City managed land adjacent to the property. Where the development is being undertaken the following guidelines must be adhered to:

- A fence must be installed to create a TPZ at the cost of the applicant
- The type of fencing must be in line with the Australian Standard for Protection of Trees on Development Sites (AS4970) and the City's Tree Protection Zone Guidelines
- The size of the TPZ will be determined by the City, dependent on the size of the tree and verge/ reserve space available
- At minimum, the TPZ will cover two metres by two metres around the tree trunk, one metre off the trunk on all sides – any lesser exceptions must first be approved by the City
- The TPZ should not obstruct roads or footpaths unless approved alternatives are in place
- Alternative protections may be approved by the City when space/location restricts the ability to place fencing.

In line with AS 4970, it is highly recommended to follow all the requirements outlined in that document which includes watering of the tree(s) that are being retained and protected. The tree should not present in a lesser condition at the end of the development than at the start of the development.

Specific developments / situations may need to engage a suitably qualified Arborist to provide advice required/requested by the City.

5.2 City ~~Street~~ Trees and Crossovers/Driveways

A minimum setback of a crossover/driveway (including the splays) from any City ~~street~~ tree on the verge is required. The setback distance will be in direct relation to the Diameter at Breast Height (DBH) of the City ~~street~~ tree:

- DBH of up to 200mm requires a minimum setback of one metre
- DBH of 201mm to 400mm requires a minimum setback of two metres
- DBH of 401mm to 600mm ~~or greater~~ requires a minimum setback of three metres
- DBH of 601mm or greater is considered to be a prominent tree and will require determination on a case-by-case basis, with a minimum setback of four metres.

The above setbacks are measured from the base of the tree at ground level, closest to the location of the crossover. These setbacks are to ensure tree canopy and roots are not impacted and that the tree has the maximum deep soil space available to allow for continued

healthy growth and stability.

Crossover applications should look to meet the above clearances required for setbacks before reductions are considered. In order to achieve a compliant setback, crossover designs for primary access may need to meet the three metre minimum width.

Only when the distances required need to be less than the above specifications due to site constraints, and all viable design options have been exhausted, a site inspection will need to be conducted to determine if the distance can be reduced on a tree- -by- -tree basis. To keep retained trees in a sound condition and to reduce the impact on their root system, no setback requests less than one metre will be considered. Council inspection fees and charges will ~~may~~ apply as per Section 6 Bonds and Payments.

For further information, refer to the City's Crossover Policy.

To keep retained trees in a sound condition and to reduce the impact on its root system, no setback requests less than one metre will be accepted. For further information, refer to the Crossover Policy.

5.3 City Trees and Structures

Development within private property should consider the existing City trees and design to have the least impact on them. Tree friendly design should be undertaken to have minimal impact of the structure of trees above and below ground. The City will not generally prune existing trees to accommodate new infrastructure or for required private tree plantings. In this regard, setbacks outlined in Section 5.2 of this Policy should be adhered to where possible.

When City trees are retained as part of any development, they will not then be pruned at the completion of development or in perpetuity due to encroachment over private property. As per Section 3.1 of this Policy, the City will consider pruning back one metre from dwellings. All structures on private property should consider future maintenance requirements and impacts from City trees and private trees in their design and construction methodology. Engaging a suitably qualified Arboricultural Consultant during the design phase to provide advice is highly recommended.

5.4 City Trees and Verge Treatments

Permitted verge treatments will need to incorporate City tree planting when City trees are not currently present. Where existing ~~street~~City trees are present then areas of open soil will be required around the trees with determined setbacks to the verge treatment.

Please refer to the City's Verge Treatment Policy and Guidelines for further information.

5.5 -City Tree Information Provided with Applications

The onus is on the applicant to provide accurate information in applications. If any discrepancies in City tree information are identified after an approval is granted for any private development or verge works, the applicant will need to resubmit applications ~~plans~~ for approval with the correct information. All costs and fees associated are to be met by the applicant. -

Discrepancies can include any of the following:

- Incorrect DBH measurement
- Failure to mark City ~~street~~ trees in the submitted plan
- Failure to mark City ~~street~~ tree locations correctly in the submitted plan
- Providing any other inaccurate site information.

Discrepancies identified after the start of any development may not result in tree

pruning/removal and may result in impacts to the private property.

5.6 ~~-~~City Tree Retention Adjacent to Development Sites

A ~~street~~ City tree is a City ~~n~~ asset forming part of green ~~the verge~~ infrastructure. As such, the City actively seeks to retain and protect City ~~street~~ trees adjacent to development sites using the following guidelines:

- If ~~any~~ inaccurate information presented to the City, as part of any development application, results in a tree needing to be ~~being~~ pruned or removed, the required setback being impeded, or any unauthorised removal or pruning of a tree is carried out, the City will recover the full costs associated with the works and any loss of amenity tree value from the applicant
- If City ~~street~~ tree damage, decline or death occurs during ~~as a result of the~~ development then costs may be recovered from the owner/ developer for rectification pruning, or removal and replacement of the tree including the loss of amenity tree value. Dead trees may be retained in situ at the City's discretion if they are determined to provide habitat or other value
- If a tree needs to be removed or, is removed without authorisation, the applicant will be required to reimburse the City the full costs associated with the tree removal / pruning including the loss of amenity tree value.

All costs owed to the City due to any of the above circumstances will be in line with Section 6~~5,~~ Bonds and Payments of this policy.

5.7 City Tree Removal and Replacement In Relation to Applications~~at Development Sites~~

The City prioritises tree retention on City managed land adjacent to development sites, and will only consider removal when no other reasonable design alternative exists. In the event that an approval to commence development is granted by the City's ~~Approvals~~ Development Services business unit on the advice of the City's tree delegate, which has permitted ~~requires~~ the removal/pruning of one or more City ~~street~~ trees, the applicant will be required to inform the City two weeks prior to the start of works to arrange the City to carry out the approved tree works.~~to arrange removal of the tree(s) with the City's Parks and Reserves business unit.~~

Where a tree is approved by the City's Delegated Officer to be removed/ pruned, the landowner/applicant will be required to meet the full ~~contributory~~ costs associated with the removal and replacement of the tree and will be required to compensate the City for the costs associated with the loss of the tree asset, as outlined in Section 6~~5,~~ Bonds and Payments.

Replacement City ~~street~~ trees that are required as a result of tree(s) being removed through the development process will be in line with the following:

- A minimum of one replacement tree will be planted on the verge adjacent to the development for each tree removed
  ~~Where a number of frontages are created due to subdivision, then a minimum of one tree shall be planted on each frontage, space permitting~~
- Where there is room for more than one tree on each frontage/lot, then multiple trees may~~will~~ be planted in relation to the available space, as determined by the City
- Any ~~additional~~ replacement trees that are not able to be planted on the verge adjacent to the development, due to reduced verge space post development will be planted elsewhere in the City and at the City's discretion at the cost of the applicant/property owner
- All replacement trees will be of a species and size that is acceptable to the City.
- The replacement cost will be met by the developer/ applicant/ owner as outlined in Section 6~~5 –~~ Bonds and Payments.

5.8 City ~~Street~~ Tree Planting Adjacent to development Sites

The City strives to create a balance between promoting development and providing cooler, greener and more sustainable urban environment. As such, the City applies the following ~~street~~ City planting guidelines:

- The City at all times holds ~~reserves~~ the right to reserve verge space for future tree planting and ~~.~~ ~~C~~crossovers will be assessed to accommodate future City tree planting on verges~~.~~
- Where there is no existing City ~~street~~ tree, the City will plant at least one City ~~street~~ tree in the next available planting season, space permitting
- Where there is room for more than one tree, then multiple trees may be planted in relation to the available space, as determined by the City
- Verges which have been treated with hardscape, paving or synthetic turf are required to have at least one City ~~street~~ tree in accordance with the Verge Treatment Policy
- When considering development of car parks and/or parking bays in the road or other reserve, the plan must accommodate ~~a~~ new tree plantings in line with Local Planning Policy 6.6~~per every six car bays in its design~~
- Where a number of frontages are created due to subdivision, then a minimum of one tree shall be planted on each frontage, space permitting. More trees may be required where space permits.

6. Bonds and Payments

Where development or other activities have the potential to impact on City trees, a bond for the protection of the tree will be held by the City prior to the commencement of development. A bond will be held for the duration of the works. Minimum bond amounts will be determined by Council's Fees and Charges.

Where a City tree removal/pruning is approved by the City in relation to a development or works, the full associated ~~contributory~~ costs of the tree (including loss of the Helliwell value) and its removal (or pruning) shall be paid by the property owner or representative prior to the removal/pruning works and commencement of development.

Alternatively, in the instance of civic works by government departments the City may request a five for one tree canopy cover offset contribution.

Where impacts to trees is identified within a Bond or outside of a Bond process, holding of/recovery of costs for associated damage, removal, Loss of Helliwell value, reports, ongoing works, inspections, remediation works, rectification works, assessments, immediate/ongoing works as determined by the City may be held/recovered.

The costs associated with removal, pruning and/or damage of a City tree include the following three elements:

- Removal/pruning costs – amounting to the costs ~~fees~~ incurred by the City for ~~physically~~ undertaking the actual removing/ pruning of the tree/ or part thereof~~;~~
- Amenity Value – calculated in accordance with~~to~~ the City's amenity tree calculation (currently the Helliwell method or other City approved valuation system)~~;~~
- Reinstatement/Replacement Tree Costs – calculated in accordance with~~to~~ the greening required to replace the loss incurred by the tree removal. The level of reinstatement/replacement required will be determined by the City ~~Council~~ (~~and listed~~ in line with the Council's Fees and Charges). ~~and will take into consideration the location, the significance, the biodiversity provision, and the amenity of the tree.~~ Reinstatement tree costs will include costs of ~~for~~ watering for two subsequent ~~-~~seasons as well as other formative pruning and establishment

costs.~~summers~~.

Additional costs may be recovered for Arboricultural reports, tree watering, erecting of tree recovery fencing, any other ongoing maintenance requirements as determined by the City.

7. Vandalism to City Trees

Members of the community who witness vandalism of ~~the~~ City trees are encouraged to report this information. All reported incidents of vandalism will be investigated and responded to ~~appropriately~~ by the City.

Where vandalism has been committed, the City will take steps to gather information relating to the incident which may include:

- Sending letters seeking information to residents in the vicinity of the vandalism
- Talking to residents in the local area
- Posting notices in local newspapers, notice boards, social media platforms, and on the City's website seeking information
- Installing ~~Erecting~~ signage requesting ~~asking for~~ any information pertaining to the vandalism.
- Reporting damage to the Western Australian Police.

Once information is acquired an appropriate resolution will be carried out, which may involve:

- The installation of signage at the site advising on the damage/seeking further information
- Installation of a Tree Recovery Zone (TRZ) around the tree or other protective measures on/around the tree to prevent further vandalism
- Retaining any vandalised ~~dead~~ tree in sound condition until confirmed dead~~indefinitely~~
- Placement and p~~P~~lanting of additional ~~other~~ trees at the location of the vandalism to compensate for the damage and loss of tree canopy
- Reclaiming immediate/ongoing costs associated with any works required to rectify the damage
- ~~Issuing of fines or~~ Rrecouping the full cost of the Helliwell valuations of the asset prior to the vandalism and ~~-~~ tree replacement/establishment costs
- Media
- Further legal action.

8. Attachments to City Trees

The City understands that the activation of the verge space is becoming more popular as private garden space diminishes. As such the City is open to the installation of play equipment within City trees adjacent to the property owner's residence. This must be done in such a way that it does not:

- Impact the health or structural integrity of the tree or any part of the tree
- Present as a hazard to users of the play equipment
- Present as a hazard to other users of the verge, surrounding footpaths, or roadways

Other requirements that must be adhered to regarding play equipment or other attachments/installations:

- The installation of bolts, screws or other attachments into the tree is prohibited.
- Any play equipment is to be retained is safe condition by the adjacent property owner /resident/ tenant.
- Nothing should be installed in a tree where overhead power lines are present
- Lights must be low-voltage and solar powered
- Items such as boats/trailers/basketball rings etc. are not to be tethered to trees

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- Signage is not to be installed in trees
- No installations will be permitted in reserve trees.

Any play equipment installed is in the public space and as such others may use the equipment. The installer cannot restrict this or claim exclusive rights to the usage. Therefore, it is recommended that the equipment is removed when not in use.

The City will not accept any responsibility for the loss/theft of equipment, or for any injury to persons or damage to property caused by the private installation of any attachment to a City Tree.

Any damage that may happen to the equipment as part of tree maintenance requirements will not be covered by the City or its contractors. ~~and~~ The City reserves the right to remove any equipment at any time. Should the City determine that any equipment, attachment or installation presents as an immediate hazard, it will be removed without notice.

9. Community Consultation and Involvement

The City values its community's opinion, and encourages consultation and communication in the improvement of its urban forest. As such, the City will endeavour to apply the following practices:

- Increase resident activity in the ongoing care of its urban forest by ~~hosting community street tree planting programs~~ encouraging tree planting involvement and citizen science programs
- Inform adjacent ~~affected~~ residents of ~~street~~ City tree plantings and removals through various mediums
- Encourage community consultation in ~~programmed~~ themed City ~~street~~ tree plantings ~~and removals~~ by providing opportunities for ~~to~~ comment
- Prioritise community safety ~~when in~~ conducting City tree maintenance works
- Raise community knowledge about the benefits of trees and the urban forest through various forms of marketing, education, events, and media.~~tree information leaflets, the City's web page and local media.~~

Definitions

Applications are considered to be any formal written request made to the City.

City Tree ~~A City tree~~ is considered to include any tree which has a majority (> 50%) of its trunk growing from City managed land and includes Grass Trees.

Diameter at breast height (DBH) is the recognised method for measuring the diameter of the trunk of a tree. The measurement is taken at 1.4 metres from the ground level. Refer to Australian Standard 4970- 2009 Protection of Trees on Development Sites for more detailed information.

Development is considered to be any demolition or construction work on private land, any City infrastructure upgrades on the verge or reserve, crossover installation or upgrade, any private works on the verge such as landscaping, reticulation installation/works, verge treatments and or any use of the verge space that requires a permit or any works carried out by Service providers on the verge or reserve.

Helliwell method is a recognised system that allows for a monetary value to be placed on the visual amenity provided by an individual tree asset.

Structures are considered to be any construction or other element that may impact on a City Tree. These may include but are not limited to boundary walls/fences, dwellings and/or private trees.

Tree is defined in the City's Thoroughfares and Public Places Local Law 2009 as a woody perennial plant generally having a single stem or trunk which will grow to a height of

approximately four- metres or more.
~~**City Tree** is any tree which has a majority (> 50%) of its trunk growing from Council managed land~~

- **Habitat Tree** is any tree, alive or dead, that presents habitat opportunities for wildlife
- **Private Tree** is any tree which has a majority (> 50%) of its trunk growing from private property~~**Street Tree** is a tree that is located within the road rese~~
- **Prominent Tree** is any tree that has identified features such as large canopy height/spread, wide trunk, large structural roots that would require additional considerations/protections when working in proximity to the tree
- **Reserve Tree** is a tree that is located within a park, reserve or natural area
- **Remnant Tree** is any tree that has naturally grown in an area, usually prior to development.
- **Veteran Tree** is a tree, generally in a post mature state, with unique qualities that requires specific management.

Tree Protection Zone (TPZ) is an area above and below ground that is set aside for protection of trees roots, trunk and crown in order to provide for the viability and stability of a tree that is to be retained at a development site.

Tree Recovery Zone (TRZ) is an area above and below ground that is established to assist in the recovery of trees when they have been impacted by vandalism, poisoning environmental factors or other contributors or interferences.

Urban Forest is a population of trees and other plants growing within an urban setting for the purpose of improving the liveability of that urban setting whilst providing social, economic and environmental benefits to the community as a whole.

Vandalism means the unlawful destruction, damage or injury to City owned tree assets which can include, but not limited to, poisoning, pruning, causing malicious damage to, removal and/or ringbarking, negligence during demolition/development/construction activities.

Relevant management practices/documents

Crossover Policy
Permits to Use Verge Areas
Street Tree Placement Guidelines
Urban Forest Plan
Verge Treatment Policy

Legislation/local law requirements

Bushfire Act 1954
City of Stirling Local Government Property Local Law 2009
City of Stirling Thoroughfares and Public Places Local Law 2009
Local Government (Uniform Local Provisions) Regulations 1996
Local Government Act 1995
Local Planning Scheme No. 3 – City of Stirling
Planning and Development Act 2005
State Planning Policy 3.7 Planning in Bushfire Prone Areas

Office use only				
Relevant delegations	Not applicable			
Initial Council adoption	**Date**	8 December 2015	**Resolution #**	1215/010
Last reviewed	**Date**	~~26 May 2020~~	**Resolution #**	~~0520/027~~

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Next review due	**Date** ~~2021~~

At 8.01pm, Councillor Michael Dudek left the meeting during consideration of Item 12.1/CF2, and returned to the meeting at 8.03pm.

At 8.05pm, Councillor Suzanne Migdale left the meeting during consideration of Item 12.1/CF2.

12.1/CF2 PROPOSED MODIFICATIONS TO LOCAL PLANNING POLICY 6.18 - PUBLIC CONSULTATION

Business Unit:	City Future	Service: Schemes, Policies & Heritage
Ward:	City Wide	Location: Not Applicable
Applicant:	Not Applicable	

Role

Legislative - *Making local laws, policies and planning instruments.*

Council Resolution

1024/004

Moved Councillor Proud, seconded Councillor Giudici

That Council AMENDS 'Local Planning Policy 6.18 – Public Consultation' (as shown in Attachment 1) for the purpose of public advertising with the following addition:

a. Clause 4.5 of the policy be amended to state 'When assessing amendments for minor works, the City will only exercise discretion not to advertise where officers are satisfied the impacts of the proposed works do not adversely impact on the amenity of the surrounding properties'.

The motion was put and declared CARRIED (11/0).

For: Councillors Dudek, Ferrante, Giudici, Hatton, Krsticevic, Lagan, Olow, Perkov, Proud, Re and Mayor Irwin.
Against: Nil.

Committee Recommendation

That Council AMENDS 'Local Planning Policy 6.18 – Public Consultation' (as shown in Attachment 1) for the purpose of public advertising.

Officer's Recommendation

That Council AMENDS 'Local Planning Policy 6.18 – Public Consultation' (as shown in Attachment 1) for the purpose of public advertising.

Purpose

To consider modifications to Local Planning Policy 6.18 – Public Consultation (the Policy) to improve community consultation through a consistent reporting format and consultation tables.

Background

At its meeting held 28 May 2024, a Notice of Motion was raised requesting that reporting of the outcomes of community consultation be modified to more accurately reflect the proximity of submissions in relation to a subject development site. Specifically, the Notice of Motion requested the percentage of responses that were from:

a. 100 metres of the site / issue;
b. 200 meters of the site / issue;
c. Within the City of Stirling; and
d. Outside the City of Stirling and in line with any planning legislative regulations.

At its meeting held 11 June 2024, Council resolved (Council Resolution Number 0624/010) to note that a review of the City's Community and Stakeholder and Community Engagement Policy was being undertaken to ensure a consistent approach to community engagement across the City. A key feature of the review is that Business Units develop consultation procedures for when a decision is required or has been made and Business Units want to either communicate with the community or seek feedback. At a minimum, these procedures will include consultation requirements, impacted consultation radius, how submissions are to be considered and reporting formats for feedback on decisions. In this context, Local Planning Policy 6.18 – Public Consultation (the Policy) is required to be amended.

At its meeting held 17 September 2024, Council resolved (Council Resolution Number 0924/006) to refer the adoption of the amended Community Engagement Policy to the Council meeting to be held 15 October 2024. The updated Community Engagement Policy outlines the City of Stirling's strategic commitment to best-practice community engagement to ensure meaningful and inclusive engagement across the City. It is supported by a suite of engagement resources that provide step-by-step approach to designing, reporting on, and evaluating engagement.

Local Planning Policy 6.18 – Public Consultation is one of these engagement resources and sets out prescriptive provisions for when development applications or strategic planning documents are required to be advertised to surrounding properties. Changes to the Community Engagement Policy do not directly impact on the changes to the Public Consultation Policy.

Officers support the original intent of the Notice of Motion as it will lead to more informed decision making by allowing decision makers to consider the proximity of submitters to the site of a planning proposal. Officers conducted a review of the Policy and also recommend some additional changes to improve it.

Details

The City consults on planning proposals in accordance with the statutory requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations). The Policy supplements the Regulations and provides clarity as to how the City undertakes public consultation - for example it identifies which properties must be consulted in different scenarios. The Policy also details how the City will report on submissions.

Changes to how the City reports on submissions will allow for more informed decision making. Currently, the Policy requires submissions to be detailed in the following format:

SUBMISSIONS RECEIVED	WITHIN 200m RADIUS OF PROPOSED SITE	REMAINDER OF THE CITY	ALL SUBMISSIONS
SUPPORT	***a%***	***b%***	***c%***
OBJECT	***d%***	***e%***	***f%***
CHANGES REQUESTED	***g%***	***h%***	***i%***
OTHER (Not stated / No opinion / No objection)	***x%***	***y%***	***z%***

Modifications to the Policy involve reporting on submissions within 100m of a subject development site, and those received from outside the City, as shown below (changes highlighted in grey).

SUBMISSION RECEIVED	WITHIN 100M RADIUS OF PROPOSED SITE	WITHIN 200M RADIUS OF PROPOSED SITE	WITHIN THE CITY OF STIRLING	OUTSIDE THE CITY OF STIRLING
SUPPORT	a%	b%	c%	d%
OBJECT	e%	f%	g%	h%
CHANGES REQUESTED	i%	j%	k%	l%
OTHER (Not Stated / No Opinion)	w%	x%	y%	z%

Other Policy Modifications

As the Policy is proposed to be updated, an opportunity exists to improve the Policy through the following modifications.

Waiving Public Consultation Requirements

An opportunity has been identified to improve the efficiency of processing applications by waiving consultation requirements in certain limited circumstances. Currently, where an applicant seeks to amend or extend a development proposal that has been advertised, further advertising is required, irrespective of the changes. The City routinely receives development applications to simply extend the approval timeframe or where minor changes to the previously approved plans are proposed. The current Policy requires these to be advertised for public comment regardless of the changes, which can result in a 28-day consultation period and ultimately unnecessary delays to the process.

It is recommended the Policy be amended to provide the ability to waive this requirement, where the applicable planning framework has not changed and where there is no greater impact on adjoining residents.

Administrative Changes

The following administrative changes to the Policy are also recommended:

- Replace references to JDAP with DAP.
- Clause 4.3 Public Consultation Requirements – Strategic Planning Instruments:
    - Rephrase ‘Community Groups’ to ‘Relevant Community Groups’. This removes any ambiguity around why some community groups may not receive notification for consultation comments. Relevant community groups will be at the discretion of the reporting officer and ultimately the Manager Development Services and/or Manager City Future.
    - Remove requirement for strategic planning documents to be advertised in a local newspaper, as this is no longer a requirement under the Regulations and is rarely conducted by the City as it is not considered an effective means of communicating with residents; and
    - Remove reference to ‘Planning Framework List’ as this is encapsulated in the ‘Other Consultation’ section of the Policy.

- Amend the definition of a ‘Complex Application’, specifically:

    - Increase the estimated value of $2 million’ to $2.5 million. This updated cost threshold is reflective of a 25% increase in the construction industry from 2021 when the Policy was adopted, as reported by the Australian Bureau of Statistics; and
    - Increase the threshold for multiple dwellings to be considered a ‘complex application’ from 10 to 13, as 10 multiple dwelling developments become more standardised and consistent with dwelling infill.

Financial Assessment and Implications

The costs associated with modifying the Consultation Policy are contained within the City Future Business Unit budget.

Stakeholder Engagement

The amendments to the Policy will be advertised in accordance with the requirements of the Regulations and the Policy.

Recommended Action

The City’s Local Planning Policy 6.18 - Public Consultation has been reviewed following a Notice of Motion raised at Council proposing changes to how the City reports on submissions received to advertised proposals.

Modifying how the City’s officers report on submissions received will improve decision making, and the policy has been amended to reflect this. In addition to these changes, officers have reviewed the Policy and recommend the following improvements.

- The ability to waive consultation requirements for previously approved development applications seeking minor amendments or an extension to the validity period of the approval.
- Minor updates to various sections within the Policy that improve efficiency, remove superseded language, and provide general formatting updates.

It is recommended the amended Policy be advertised for public comment.

Relevant Policies, Legislation and Council Resolutions

Planning and Development (Local Planning Schemes) Regulations 2015
Local Planning Scheme No.3
Local Planning Policy 6.18 – Planning Consultation
Local Government Act 1995

Meeting Date	Council Resolution Number	Council Resolution
11 June 2024	0624/010	That Council NOTES that a review is currently being undertaken of the City's Stakeholder and Community Engagement Policy to ensure a consistent approach to community engagement and the development of consultation procedures including reporting formats and consultation tables for feedback on decisions by August 2024

Sustainable Stirling 2022-2032

Key Result Area: Our leadership

Objective: A well-governed City

Priority: Comply with legislation, standards and obligations

Strategic Risk

Strategic Risk	Risk Appetite
Governance	The City will act with integrity and implement appropriate processes and controls to avoid breach of legislation.

Relevant Documents and Information

Attachments

Attachment 1 - Local Planning Policy 6.18: Public Consultation - For Advertising ⇩

Available for viewing at meeting

Nil

Linked Documents

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6.18 PUBLIC CONSULTATION

This document has been prepared under Schedule 2 of the 'Planning and Development (Local Planning Schemes) Regulations 2015' and the City of Stirling 'Local Planning Scheme No.3'.

1. INTRODUCTION

This Policy is used by the City to ensure a consistent approach to consultation on planning proposals and supplements the advertising requirements of the Planning and Development (Local Planning Schemes) Regulations 2015.

Information sheets are available on the City's website to assist applicants, residents and the community understand and participate in planning consultations.

2. OBJECTIVES

This Policy aims to ensure that:

- The community is appropriately informed of planning proposal and is given the opportunity to express its views in a consistent way.
- The community understands the need to focus views on relevant planning considerations when making submissions on planning proposals.
- Applicants have the opportunity to understand community views during the assessment process.
- Determination of planning proposals is based on the planning framework, taking into consideration community views.

3. SCOPE

This Policy applies to the advertising (where required) of:

- Development Applications;
- Local Planning Scheme Amendments;
- Local Planning Policies;
- Structure Plans; and
- Local Development Plans.

Note: This Policy does not apply to specific planning strategies, projects, or new schemes, the advertising of these will be determined on a case by case basis in line with the minimum advertising requirements of the Planning and Development (Local Planning Scheme) Regulations 2015 (where applicable) and having regard to this Policy.

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4. REQUIREMENTS

All development applications and strategic planning instruments shall be advertised in accordance with this Policy.

Where there is an inconsistency between this Policy and Local Planning Scheme No.3 or Planning and Development (Local Planning Scheme) Regulations 2015, the provisions of the Local Planning Scheme No.3 or Planning and Development (Local Planning Scheme) Regulations 2015 shall prevail.

4.1 ADVERTISING REQUIREMENTS

The following requirements apply to all planning proposals advertised by the City:

a) All consultation material is to be worded in plain English, subject to legislative requirements.

b) Advertising commences on the date after the day on which the City publishes the notices as per the requirements of the Planning and Development (Local Planning Scheme) Regulations 2015.

c) An 'excluded holiday period day', that is in —

(i) a period commencing on 25 December in a year and ending on the next 1 January; or

(ii) a period of 7 days commencing on Good Friday in a year.

is not to be counted in calculating an advertising period as per the requirements of the Planning and Development (Local Planning Scheme) Regulations 2015.

d) Where a planning proposal is required to be advertised to an adjoining local authority (Cities of Bayswater, Cambridge, Joondalup, Swan, Vincent and Wanneroo), the City will notify the adjoining local authority of the proposal to allow them the opportunity to advertise to their community.

4.2 PUBLIC CONSULTATION REQUIREMENTS – DEVELOPMENT APPLICATIONS:

	Time period (Calendar Days)	Sign on Site	Letters to Owners / Occupiers	Website	Ward Councillors
Standard Application	14 days or a longer period of time agreed upon between the applicant and local government	No	Yes – to adjoining	Yes	Yes
Complex Application	28 days or a longer period agreed upon between the applicant and local government	Yes	Yes – all within 200m, and properties in the vicinity of the proposed development who, in the view of the local government, are likely to be affected by the granting of development approval	Yes	Yes

(i) All applications subject to consultation will be posted on the City's website and will include the plans and documents submitted with the application.

(ii) The City will advertise variations to development standards to affected landowners/occupiers, that at the discretion of the City, may adversely impact the amenity of surrounding properties.

(iii) Advertising to adjoining landowners/occupiers is to be carried in accordance with the figures below which depict typical lot layouts within the City.

(iv) Sign on sites are to be provided in accordance with the requirements of the Western Australian Planning Commission relating to Erecting Signs for Notice of Development Applications (or similar amended document). The City may request the provision of larger signs depending on the size, type and complexity of a development.



Figure 1 – Example of the extent of consultation for a Standard Application where there are varying lot types

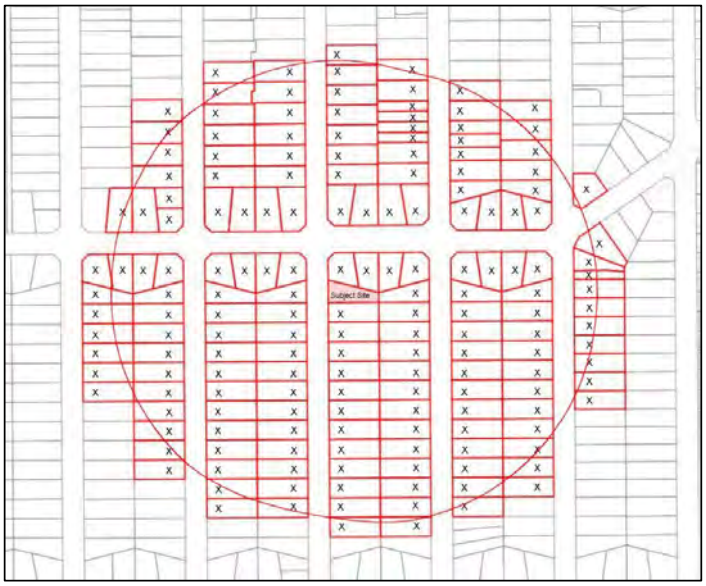


Figure 2 – Example of the extent of consultation for a Complex Application or Strategic Planning Instrument based on a 200m radius from the boundary of a subject site

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4.3 PUBLIC CONSULTATION REQUIREMENTS – STRATEGIC PLANNING INSTRUMENTS:

	Standard Amendment	Complex Amendment	Precinct and Standard Structure Plans (New or Amendment)	Local Development Plan (New or Amendment)	Local Planning Policy (New or Amendment)	Development Contribution Plan
Time period (Calendar Days) (i)	42 days	60 days	42 days	Not less than 14 days	Not less than 21 days	60 days
Website	Yes	Yes	Yes	Yes	Yes	Yes
Admin Centre Notice Board	Yes	Yes	Yes	Yes	Yes	Yes
Relevant public authorities	Yes	Yes	Yes	Yes	Yes~	Yes
Letters to Owners / Occupiers (ii)	Yes~ – all within 200m (iii)	Yes~ – all within 200m (iii)	Yes~ (v)	Yes~ (v)	Yes~ – all within 200m (iii)	Yes~ – all within 200m (iii)
Sign on Site (iv)	Yes~	Yes~	Yes~	Yes~	Yes~	Yes~
Social Media (v)	Yes~	Yes~	Yes~	Yes~	Yes~	Yes~
Ward Councillors	Yes`	Yes`	Yes`	Yes`	Yes`	Yes`

~ Denotes a non-statutory requirement that will be carried out at the discretion of the City.

` Denotes the City's standard internal process.

(i) The Planning and Development (Local Planning Schemes) Regulations 2015 stipulates that advertising commences on the date after the day the notice is published in accordance with the Regulations.

(ii) Letters will be sent to owners and occupiers who, in the view of the City, are likely to be affected by the approval of the proposal. Refer to the minimum extent of consultation in Figure 1 above. The City may advertise to additional properties which are potentially directly affected by the proposal or as resolved by Council.

(iii) For Scheme Amendments, Local Planning Policies and Development Contribution Plans, letters will be sent where the application applies to a specific site or area (or otherwise deemed appropriate by the Manager Development Services or Manager City Future). Letters will be sent to those properties located within the area and those within the radius specified in the table above. Where the proposal does not relate to a specific site or area, the requirement to send letters to owners and occupiers does not apply.

(iv) A minimum sign size of 1.0m x 1.5m is required to be displayed on each street boundary. Text shall be legible from the street and the font size shall be large enough to fill the sign. Signs shall only be required at the discretion of (depending on the type of proposal advertised) the Manager Development Services or Manager City Future as appropriate.

(v) Advertising on social media will be carried out by the City on a case by case basis.

4.4 OTHER CONSULTATION

At the discretion of the City, individuals and/or organisations who may be able to add value to the strategic planning process may be consulted with. This may include, but is not limited to, emailing previous applicants for development approval, private planning consultants with specific experience of certain development proposals, building industry companies peak industry bodies and where the City is aware of a relevant group.

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4.5 WAIVING PUBLIC CONSULTATION REQUIREMENTS

The City may waive the public consultation requirements where a standard development application relates to development that does not comply with the requirements of Local Planning Scheme, if the City is satisfied that the non-compliance is of a minor nature. This ability does not apply to development applications that Local Planning Scheme requires to be advertised for public comment.

Consultation requirements for amended development applications for either minor works and / or an extension of time may be waived at the discretion of the City where the planning framework relevant to the site has not changed since the development was approved, and the amendment will not result in any off-site impacts.

Under the Planning and Development (Local Planning Schemes Regulations) 2015 the local government may decide to not advertise a Local Development Plan where the local government is satisfied that the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area. The Regulations also allow a local government to determine not to advertise amendments to a Structure Plan or Local Development Plan if, in the view of the local government, the amendment is of a minor nature. The decision to not advertise any of these documents can only be made by Council.

5. CONSIDERATION OF SUBMISSIONS

All written material submitted to the Council in response to the advertising of a planning proposal must be received by the close of business on the closing date for submissions identified by the City. This written material will be considered by officers in reporting on the planning proposal, subject to the following:

- The submission being received by the City during the public consultation period.
- Officers will only assess and report on written submissions, that raise valid planning considerations.
- Officers will not conduct any investigation into the origin of submitters.
- More than one response received from the same address will be counted as individual responses when signed by different people, unless the content is considered identical.
- When one person signs more than one response (unless one of these is a petition) those responses shall be classified as one response.

5.1 WHAT MATTERS CAN BE CONSIDERED

The City recognises that when considering the impacts of a planning or development proposal, those consulted may express the view that a proposal adversely affects them. The City's officers must be satisfied there is a factual or realistic basis to the views expressed on a proposal and must balance this view with an assessment of the likely impacts of the proposal. These submissions must relate to valid planning considerations below.

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Valid Planning Considerations	Non-Valid Considerations
a) Matters to be considered by the City under the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations); and/or b) The requirements of Local Planning Scheme No.3 or applicable Planning Instrument (Structure Plan, Local Development Plan or Planning Policy which requires the decision maker to exercise judgement; and/or c) Any development standard requiring the decision maker to exercise judgement against the Design Principles of the R-Codes.	The City cannot take into account matters which are not valid planning considerations, including but not limited to: a) Perceived loss of property value b) Private disputes between neighbours including access & egress and easements c) Dividing fence issues d) Impact of construction work e) Trade competition concerns (in most circumstances) f) Personal morals or views about the applicant g) Matters that is controlled under other legislation

5.2 SUBMISSIONS ON DEVELOPMENT APPLICATIONS

The City is only able to consider written submissions. Verbal communication with City officers via telephone or at the administration Centre and comments provided through social media platforms will not be considered as a submission to a development application. All written submissions received within the public consultation period raising valid planning considerations will be taken into consideration during the assessment of the application.

Submissions received highlighting non valid planning considerations will not be considered by the City when assessing the application.

5.3 SUMMARY OF ISSUES RAISED IN SUBMISSIONS PROVIDED TO APPLICANT

The City will provide a summary of the planning issues raised in submissions to the Applicant to provide them the opportunity to respond. Applicants, if they respond, should do so in a timely manner to ensure assessment timeframes are maintained. Applicants can respond by:

- Providing the City with additional comment or justification to address the planning issue raised in the submission; and/or
- Amending the proposal to address the planning issue raised in the submission.

Where relevant, the applicant's response to issues raised in submissions will be included in the report provided to the decision maker.

5.4 CATEGORISATION OF SUBMISSIONS

Submissions received to any planning proposal will be categorised into one of the following types:

Submission Category	Description
A: Original unique submissions	Includes any uniquely worded and original letters and e-mails, even if only marginally different from each other, which: • Are addressed to the City of Stirling (Council, Mayor, Officers); and • Include the name and address of the author(s).
B: Pro-forma submissions	Includes identical (pro-forma) letters, emails or cards, including those with individual and unique comment, which;

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	• Are addressed to the City of Stirling (Council, Mayor, Officers); and • Include the name and address of the author(s).
C: Petitions	Submissions received which meet the petition criteria as outlined in the City of Stirling Meeting Procedures Local Law 2021. (Further information is available on the Petitions page of the City's website.)

5.5 CONSIDERATION OF LATE SUBMISSIONS

The City will consider late submissions only where these are received in sufficient time to allow for their reporting. Where this occurs the City will note submissions which have been received after the closing of the advertising period.

5.6 CORRESPONDENCE TO SUBMITTERS

All persons who lodge submissions will receive notification of the decision made. Additionally, where the application is presented to;

- The City's Planning & Development Committee (for consideration),
- Council (for consideration or determination), and/or
- The Development Assessment Panel (for determination).

Submitters will receive further notification by the City of those specific meeting dates and details to allow for attendance and deputations to be made.

Where a decision is made by the Development Assessment Panel, Western Australian Planning Commission, the Minister for Planning or State Administrative Tribunal on a Statutory Planning Instrument or Development Application, the City will advise all persons who lodged a submission of the decision made.

5.7 OUTCOMES OF ADVERTISING

When presenting the outcomes of consultation to Committee, Council, and/or the Development Assessment Panel the location the of the submitter and the nature of the submission will be prepared by the City, in accordance with Attachment 2 of this Policy.

7. LEGISLATION/LOCAL LAW REQUIREMENTS

The following documents and legislation are relevant:

- Planning and Development Act 2005
- Planning and Development (Local Planning Scheme) Regulations 2015
- City of Stirling Meeting Procedures Local Law 2021
- City of Stirling Local Planning Scheme
- City of Stirling Local Planning Scheme Policy Manual
- Relevant State Planning Policies

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ATTACHMENT 1: DEFINITIONS

Standard Application	A development application required to be advertised under the City's Local Planning Scheme that is not defined as a Complex Application.
Complex Application	A development application: (a) for a use that is not specifically referred to in the zoning table under the City's Local Planning Scheme in respect of the zone in which the development is located; or (b) with an estimated value of 2.5 million and greater, but not including: - Single Houses - Grouped Dwellings - Warehouses - Located within the Industry Zone - Located within the Service Station Zone; (c) Multiple Dwellings which propose 13 or more; or (d) which proposes Telecommunications Infrastructure; or (e) which proposes Child Care Premises (except development that is a class P use in relation to the zone in which the development is located).

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ATTACHMENT 2: ADMINISTRATIVE MATTERS

CONTENT OF NOTIFICATION LETTERS

The content of notification letters provided to landowners and residents should be appropriate for the proposal being advertised. The letters must meet the statutory notification requirements of the Planning and Development (Local Planning Scheme) Regulations 2015 and the City's Local Planning Scheme. Letters should be written in plain English and clearly advise:

- What the proposal is that the City is seeking comment on, including (where appropriate) the specific aspects where the decision maker is required to exercise discretion.
- Why the City is consulting with the particular individual.
- Who the decision maker will be.
- How comment / submissions can be made and how to make a valid submission.
- How further information can be obtained.
- What happens to submissions received.
- What further notification the City will provide.

REPORTING FORMAT

In all cases where submissions have been received, the following table is to be included in the report presented for Committee, Council, and/or Development Assessment Panel meetings.

SUMMARY TABLE: SUBMISSIONS RECEIVED - RELATIVE LOCATION

SUBMISSION RECEIVED	WITHIN 100M RADIUS OF PROPOSED SITE	WITHIN 200M RADIUS OF PROPOSED SITE	WITHIN THE CITY OF STIRLING	OUTSIDE OF THE CITY OF STIRLING
SUPPORT	a%	b%	c%	d%
OBJECT	e%	f%	g%	h%
CHANGES REQUESTED	i%	j%	k%	l%
OTHER (COMMENT)	w%	x%	y%	z%

In reporting on the percentages of submissions in support and opposition to an application or proposal, it is acknowledged that the numbers counted must not be seen as a referendum on whether a proposal should proceed or not. The examination of submission is instead a way of identifying planning issues that need to be considered and addressed.

The issues raised in the submissions are to be summarised in the following format as part of the reporting to the relevant Committee, Council, and/or Development Assessment Panel meeting.

NUMBER OF SUBMISSIONS TO RAISE ISSUE	SUBMISSION COMMENT	OFFICER COMMENT
xx		
xx		
xx		

Policy Manual

OFFICE USE ONLY:

Local Planning Scheme No.3 – Local Planning Policy History:

Action	Resolution Number	Effective Date
Adopted	1221/028	13 Dec 2021
Modified	XXXX/XXX	XX XXX XXXX

Councillor Chris Hatton disclosed a Proximity Interest in Item 12.1/PCS1 as a person he is closely associated with lives adjacent to the estate. Accordingly, he left the meeting at 8.09pm prior to consideration of the Item.

12.1/PCS1 CLOSURE OF A PORTION OF OLD BALCATTA ROAD, CARINE/GWELUP

Business Unit:	Property Services	Service: Property Services
Ward:	Hamersley	Location: 37 Old Balcatta Road, Carine
Applicant:	Bestry Holdings	

Role

Executive - *Governing the City and the community through executive powers.*

Council Resolution

1024/005

Moved Councillor Proud, seconded Councillor Perkov

That Council REQUESTS the Minister for Lands close a portion of Old Balcatta Road, Carine of approximately 2,700m^2 as identified in Attachment 1, under Section 58 of the *Land Administration Act 1997.*

The motion was put and declared CARRIED (10/0).

For: Councillors Dudek, Ferrante, Giudici, Krsticevic, Lagan, Olow, Perkov, Proud, Re and Mayor Irwin.
Against: Nil.

Committee Recommendation

That Council REQUESTS the Minister for Lands close a portion of Old Balcatta Road, Carine of approximately 2,700m^2 as identified in Attachment 1, under Section 58 of the *Land Administration Act 1997.*

Officer's Recommendation

That Council REQUESTS the Minister for Lands close a portion of Old Balcatta Road, Carine of approximately 2,700m^2 as identified in Attachment 1, under Section 58 of the *Land Administration Act 1997.*

Purpose

Bestry Holdings has lodged a request with the City to close approximately 2,700m^2 of road known as Old Balcatta Road, Carine adjacent to Reserve 52316. The road closure request has been lodged by Bestry Holdings in accordance with WAPC subdivision approval Application No.159712 and in order to meet condition 24 of that approval. Closure of the remnant section of road will allow the land to be amalgamated with a portion of Lot 9001 as shown in Attachment 1. The new lot will then be ceded to become part of Reserve 52316, Old Balcatta Road Reserve (Lot 9500 on Deposited Plan 403009).

Details

The subdivision of the subject site and related landholdings has occurred incrementally over the past decade, starting with release of a first stage bounded by Balcatta Road to the south-west of the disused portion of Old Balcatta Road (the subject of this closure proposal); Old Balcatta Road to the north-west; and Bestry Entry to the east. This subdivision application and subsequent ones were part of an application to subdivide a larger landholding bounded by Sharon Drive to the west; Reid Highway to the north; Mitchell Freeway to the east; and Balcatta Road to the south.

This first subdivision stage, the subject of Western Australian Planning Commission (WAPC) Application No.136101 (City reference SU4276), included the ceding of Reserve 52316, Old Balcatta Road Reserve. The related subdivision application expired on 6 November 2017 and a subsequent application, the subject of WAPC Application No 154099 (City reference SU5340) expired on 15 September 2023, without being acted upon.

Civil works have substantially commenced and progressing to conclusion on the concurrent subdivision for the balance of the site (City reference SU5705) on the land bounded by Sharon Drive to the west; Reid Highway to the north; Mitchell Freeway to the east; and Balcatta Road to the south. A clearance request has been submitted to the City for a second stage to enable a land release of 30 lots, associated road connections and ceding of a 3,254m^2 reserve to the north of the 2,700m^2 portion of Old Balcatta Road proposed to be closed. A further three stages of residential land are anticipated to be released by the end of 2025. In all, at its conclusion, the concurrent subdivision will render 113 residential lots with associated road connections and a total of 5,954m^2 Public Open Space.

This proposal is related to a concurrent subdivision approval, the subject of WAPC Application No.159712 (City reference SU5705) approved on 12 April 2020. To meet one of the conditions in the WAPC approval, Bestry Holdings has lodged a proposal with the City to close an approximate 2,700m^2 portion of Old Balcatta Road. The resultant land will then be amalgamated with Lot 9001 and ceded to become part of Reserve 52316, Old Balcatta Road Reserve.

To comply with Section 58 of the *Land Administration Act 1997* and Regulation 9 of the Land Administration Regulations 1998, the City must submit a request for closure of road to the Minister for Lands which includes the following:

a. Written confirmation that the local government has resolved to make the request, the date when the relevant resolution was passed and any other information relating to the resolution that the Minister may require;
b. Sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed;
c. Written confirmation that the local government has complied with sub-regulations (1) - (3);
d. A copy of the advertisement referred to in sub-regulation (1);
e. Copies of any submissions made to the local government within the submission period and the local government's comments on those submissions; and
f. Any other information the local government considers relevant to the Minister's consideration of the request.

Financial Assessment and Implications

There are no financial implications to the City of the proposed road closure.

To cede the land as Public Open Space and meet subdivision Condition 24 of its approval, Bestry Holdings will be required to purchase the portion of land from the State Government and can then amalgamate it into the adjacent lot.

Stakeholder Engagement

Statutory advertising – Section 58 of the *Land Administration Act 1997*

An advertisement was placed in the Local Government Notice section of *The West Australian* (Attachment 2) on 7 August 2024 and on the City of Stirling website. Referrals were also sent to relevant utility agencies. Submissions and comments were required by 11 September 2024.

At the end of the statutory advertising period no submissions or comments had been received.

Referrals to Utility Agencies

The City emailed a referral to several utility agencies; only three agencies replied before the cut-off date of 11 September (Table 1). Comments sent in response to these referrals are superseded by the result of Bestry Holdings negotiations with the utility agencies (Table 2).

Agency	Notification Email/Letter Sent	Reply Date
NBN	06/08/2024	N/A
ATCO GAS	07/08/2024	7/08/2024 & 13/08/2024
TELSTRA	07/08/2024	N/A
WATER CORPORATION	07/08/2024	N/A
WESTERN POWER : Hard copy letter sent in mail	07/08/2024	27/08/2024

Table 1: Date of referrals and date of reply

Bestry Holdings Negotiations

Bestry Holdings negotiated outcomes related to decommissioning and removal of infrastructure with the utility agencies that have assets within the portion of road to be closed. Bestry Holdings have provided the results of these negotiations (Table 2).

Agency	Outcome
NBN	NBN do not have any assets in the section of Old Balcatta Road to be closed.
ATCO GAS	Relating to their assets in the section of Old Balcatta Rd to be closed ATCO advised they would accept a 5m wide easement that extends over its gas mains.
TELSTRA	Since their services in this section have become redundant, Telstra later required their removal. The removal works have been completed, and Telstra has no assets remaining in this section of road.
WATER CORPORATION	Water Corporation have advised that it has no objection to the closure on the condition that a 10m easement is provided.
WESTERN POWER	Western Power's assets along this section of Old Balcatta Rd became redundant, and Western Power required their removal. The removal works have been completed, and Western Power has no assets remaining in this section of road.

Table 2: Outcome of Bestry Holdings

Recommended Action

That the proposed portion of Old Balcatta Road be closed allowing Bestry Holdings to acquire the land from the State Government and amalgamate it with proposed Lot 9001.

Relevant Policies, Legislation and Council Resolutions

Local Government Act 1995
Land Administration Act 1997
Land Administration Regulations 1998
Western Australian Planning Commission Operational Policy 2.2 – Residential Subdivision
Western Australian Planning Commission Development Control Policy 2.3 – Public Open Space in Residential Area

Sustainable Stirling 2022-2032

Key Result Area: Our built environment

Objective: An attractive and well-maintained City

Priority: Provide quality, well-maintained facilities for the benefit of the community

Strategic Risk

Strategic Risk	Risk Appetite
Governance	The City will act with integrity and implement appropriate processes and controls to avoid breach of legislation.

Relevant Documents and Information

Attachments

Attachment 1 - Aerial Map ⇩

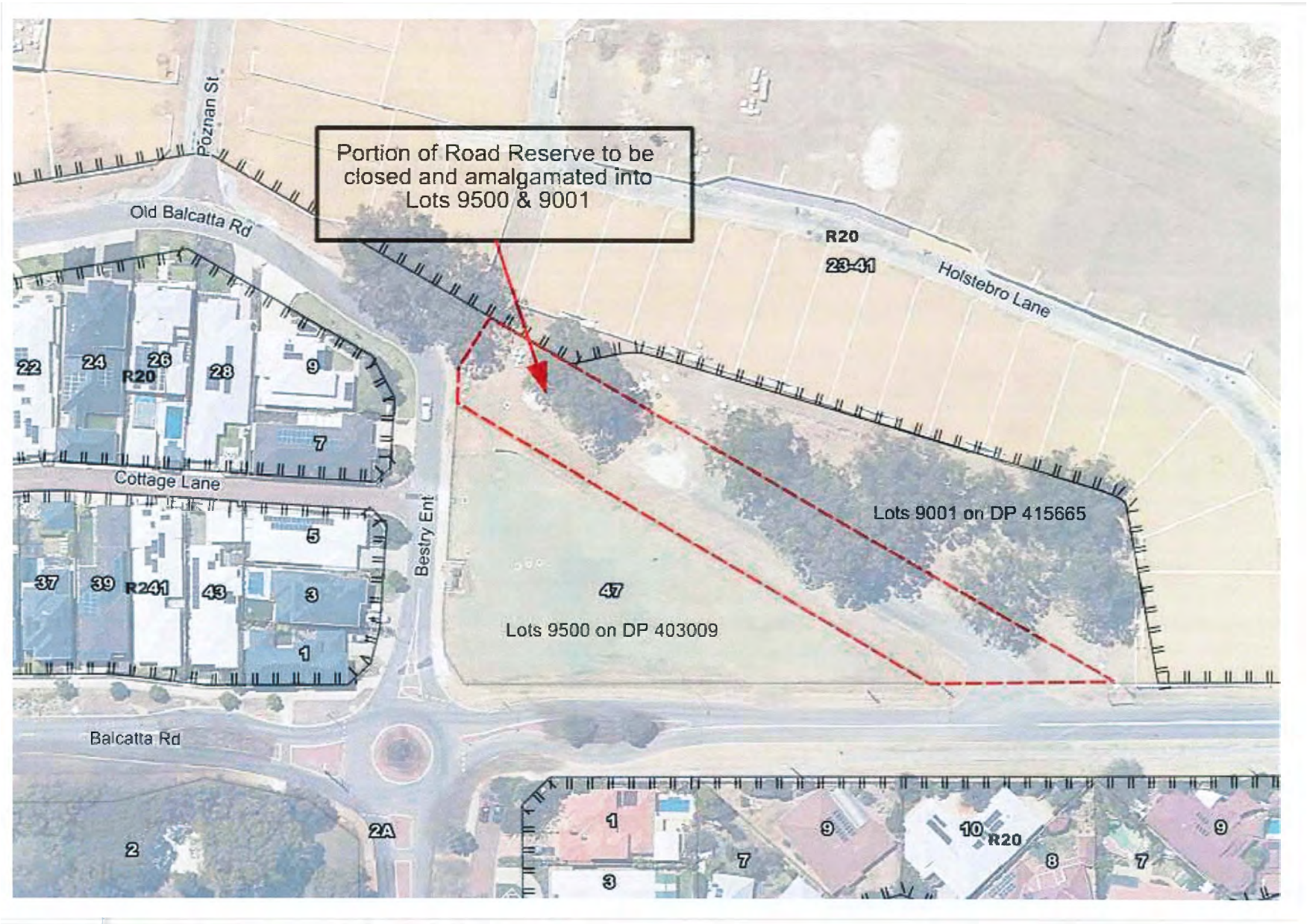
Attachment 2 - Advertisement - The West Australian - 7 August 2024 ⇩

Available for viewing at meeting

Nil

Linked Documents

Nil


Portion of Road Reserve to be closed and amalgamated into Lots 9500 & 9001
Poznan St
Old Balcatta Rd
R20
23-41
Holstebro Lane
22
24
26
R20
28
9
7
Cottage Lane
Bestry Ent
5
37
39
R241
43
3
1
47
Lots 9001 on DP 415665
Lots 9500 on DP 403009
Balcatta Rd
2
2A
1
3
7
9
10
R20
8
7
9

Notice of Proposed Road Reserve Closure

Section 58 of the Land Administration Act 1997

The City of Stirling provides notice that Council intends to consider a proposal to close approximately 2700 m² portion of Old Balcatta Road, Gwelup between Bestry Entrance and Balcatta Road. The subject portion of road reserve is proposed to be amalgamated with a portion of Lot 9001 on Deposited Plan 415665, House Number 37 Old Balcatta Road, Carine. The new lot will then be added to Reserve 52316 at Lot 9500 on Deposited Plan 403009 and vested free of cost to the Crown for the purpose of Public Open Space.

A plan of the proposal can be inspected at the Council Offices between 8.30am - 5.00pm, Monday to Friday (excluding Public Holidays). Written objections or comments to the proposed closure should be lodged with the Chief Executive Officer, City of Stirling, 25 Cedric Street, Stirling before **5.00pm, 11 September 2024.**

Enquires may be made to the City's Property and Commercial Services Business Unit by email to propertyservices@stirling.wa.gov.au or phone (08) 9205 8555.

Stevan Rodic
CHIEF EXECUTIVE OFFICER

Order Id:4913963

At 8.11pm, Councillor Chris Hatton returned to the meeting prior to consideration of the Planning and Development Committee meeting Balance of Reports.

Council Resolution

1024/006

Moved Councillor Proud, seconded Councillor Perkov

That the balance of the Planning and Development Committee recommendations be ADOPTED by exception resolution in accordance with Clause 4.7 of the City of Stirling Meeting Procedures Local Law 2021.

The motion was put and declared CARRIED (11/0).

For: Councillors Dudek, Ferrante, Giudici, Hatton, Krsticevic, Lagan, Olow, Perkov, Proud, Re and Mayor Irwin.
Against: Nil.

12.1/CF1 PROPOSED NEW LOCAL PLANNING POLICY 6.17 - SIGNIFICANT TREE REGISTER

Business Unit:	City Future	Service: Schemes, Policies & Heritage
Ward:	City Wide	Location: Not Applicable
Applicant:	Not Applicable	

Role

Legislative - *Making local laws, policies and planning instruments.*

Council Resolution

1024/007

Moved Councillor Proud, seconded Councillor Perkov

That Council ADOPTS Local Planning Policy 6.17 – Significant Tree Register following Gazettal of Scheme Amendment No.113 to Local Planning Scheme No.3.

The motion was put and declared CARRIED (11/0) by exception resolution.

For: Councillors Dudek, Ferrante, Giudici, Hatton, Krsticevic, Lagan, Olow, Perkov, Proud, Re and Mayor Irwin.
Against: Nil.

Committee Recommendation

That Council ADOPTS Local Planning Policy 6.17 – Significant Tree Register following Gazettal of Scheme Amendment No.113 to Local Planning Scheme No.3.

Officer's Recommendation

That Council ADOPTS Local Planning Policy 6.17 – Significant Tree Register following Gazettal of Scheme Amendment No.113 to Local Planning Scheme No.3.

Purpose

For Council to adopt Local Planning Policy 6.17 – Significant Tree Register (LPP 6.17) for finalisation, which supports and guides the implementation of Scheme Amendment No.113 (Scheme Amendment) relating to the introduction of a voluntary protected tree register.

Background

In 2019, Council adopted its Urban Forest Plan and one of the actions included in this is the establishment of a voluntary protected tree register to assist residents to maintain and care for registered trees.

To achieve this outcome, the Scheme Amendment and LPP 6.17 (the framework) were prepared, and Council resolved (Council Resolution Number 0522/014) to advertise this framework on 10 May 2022.

The Scheme Amendment introduces the ability for the City to establish and maintain a significant tree register to identify and protect trees within the Scheme area that are worthy of preservation. Entry on the significant tree register requires written nomination from the owner of the land that contains the tree. The framework seeks to balance individual property rights with the wider community benefit of retaining established mature trees. Trees that have been placed on the register will require development approval for their removal. The benefit of including an established tree on the register is that the tree is protected; any health or remedial works required for the tree will be identified in an arborist report which will be updated every five years at the City's cost.

Advertising of the Scheme Amendment and LPP6.17 was carried out in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 and the City's Local Planning Policy 6.18 – Public Consultation. The advertised Scheme Amendment is included in Attachment 1 and the advertised LPP 6.17 is included in Attachment 2.

On 15 November 2022, Council considered submissions from the advertising process and resolved (Council Resolution Number 1122/011) to support the Scheme Amendment (with modifications) as shown in Attachment 3. Subsequent to that meeting, the finalised amendment documentation was sent to the Western Australian Planning Commission (WAPC) for endorsement. Since that time, the City has been awaiting a decision from the Minister. The City was advised by the Department of Planning, Lands and Heritage (DPLH) that the delay in determining the Scheme Amendment was a result of several proposals to protect trees on private land proposed by different local governments being considered by the WAPC in late 2022 and 2023. Furthermore, the work undertaken by the WAPC for the recently introduced Medium Density Codes was considered to potentially address some concerns being raised relating to tree canopy loss on private land which also delayed determination.

On 3 September 2024, the WAPC advised the City that the Minister for Planning had considered the Scheme Amendment and was supportive, subject to modifications. The modifications requested are consistent with recent changes made to other local governments' planning frameworks to protect trees (such as the City of Bayswater) and do not change the intent of the Scheme Amendment. The changes primarily involve ensuring consistent definitions across local governments while placing operational matters within LPP 6.17. The changes requested to the Scheme Amendment are to:

- Replace the term 'Significant Tree' with 'Registered' or 'Established' Tree;
- Remove the defined term 'Established Tree';
- Remove the 'Terms Used' section;
- Rephrase sections of wording; and
- Remove all operational measures.

The proposed changes to the scheme text required by the WAPC have resulted in the need for some modifications to the draft policy. These are detailed in attachment 4. The WAPC's Schedule of Modifications is included in Attachment 5.

City officers have made the required changes to the Scheme Amendment (mentioned above), forwarded the amended documentation back to DPLH and are now awaiting the amendment to be signed by the Minister for Planning and gazetted. The amendment is therefore imminent.

Details

Modifications required to Local Planning Policy 6.17 – Significant Tree Register

As a result of the Minister's imminent decision on the Scheme Amendment, the following key modifications to LPP 6.17 are required:

- Changing the title of the Local Planning Policy from 'Protected Tree Register' to 'Significant Tree Register'.
- Including in the Policy those provisions being removed from the scheme text.
- Redefining the headings in the Policy to aid legibility.

Final adoption of LPP6.17 will put in place a process for nominations to be considered, including how nominations will be assessed, and other operational and ongoing maintenance matters to support the Scheme Amendment. The changes requested by the Minister do not alter the intent of the Scheme Amendment or LPP 6.17, and a final version is included in Attachment 6.

It is anticipated that the Scheme Amendment and LPP 6.17 will be in effect by the end of December 2024.

Implementation of the voluntary tree register

Once the Scheme Amendment and LPP 6.17 are in place, the City will communicate the introduction of the framework and invite submissions for additions to the Significant Tree Register. This will occur in early 2025, following gazettal of the Scheme Amendment. The City may receive nominations to place trees on the Significant Tree Register prior to the 2025/2026 financial year. If this occurs, costs can be met by the City Future Business Unit.

Financial Assessment and Implications

The costs associated with processing the Scheme Amendment and the LPP 6.17 are met by the City Future Business Unit budget.

Assessment of nominations for the Significant Tree Register is expected to take an estimated 10 hours per application. It is estimated that a further three hours is required for employees to prepare, lodge and register a Landgate application for a Section 70A Notification to be placed on the Certificate of Title under the *Transfer of Land Act 1893.*

The City Future Business Unit will request a budget for the 2025/2026 financial year to operate the register.

Costs associated with operating the Significant Tree Register will primarily relate to procuring an arborist report when considering a nomination. These typically cost $1,500 each initially with a review of the tree being undertaken every five years. The cost to the City will increase as more trees are added to the Register, and at this stage there is no reliable figure as to how many trees may be nominated.

A modest request for additional funds to allow consideration of nominated trees this financial year will be requested at mid-year budget review.

Stakeholder Engagement

The City commenced public consultation of both the Scheme Amendment and LPP 6.17 on 30 June 2022 and concluded 12 August 2022 which included an online survey. The outcomes of the advertising include:

- Five submissions from State Government Agencies indicating general support for the framework.
- 126 individual responses via the online survey, with 42.9% support to the policy framework, 7.9% support with modifications, 7.9% opposition to the framework and 41.3% unrelated comments.
- 82.8% considered that a Protected Tree Register is beneficial to increasing tree canopy cover.
- 70.1% of people would purchase a property containing a Registered Tree even if it prevented subdivision or development.
- 86% consider that incentives should be provided to properties that contain a Registered Tree.
- 80.2% consider that healthy trees should not be allowed to be removed from the Protected Tree Register.

The comments received, and the City's officer's responses to these were included as an attachment to the 15 November 2022 meeting and are contained in Attachment 3.

Recommended Action

That Council adopts Local Planning Policy 6.17 – Significant Tree Register to align with the Gazettal of Scheme Amendment No.113 to Local Planning Scheme No.3.

Relevant Policies, Legislation and Council Resolutions

Local Government Act 1995
Planning and Development (Local Planning Schemes Regulations 2015)
Local Planning Scheme No.3

Meeting Date	Council Resolution Number	Council Resolution
10 May 2022	0522/014	1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council PREPARES (for the purpose of advertising) Scheme Amendment No.113 to Local Planning Scheme No.3 to introduce a Protected Tree Register as shown in Attachment 1. 2. That pursuant to Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council RESOLVES that, in its opinion, Local Planning Scheme No.3 Amendment No.113 is a Standard Amendment. 3. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council PREPARES 'Local Planning Policy 6.17 - Protected Tree Register' as shown in Attachment 2 and that it be advertised for public comment concurrently with Local Planning Scheme No.3 Amendment No.113.
15 November 2022	1122/011	1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council SUPPORTS (with modifications) Amendment No. 113 to Local Planning Scheme No. 3 as shown in Attachment 1. 2. That authority be GIVEN to the Mayor and Chief Executive Officer to sign and affix the Common Seal to Local Planning Scheme No. 3 Amendment No. 113 documents, and that the Amendment be REFERRED to the Western Australian Planning Commission and the Minister for Planning for determination. 3. That Council NOTES the outcomes of advertising of Local Planning Policy 6.17 – 'Protected Tree Register' and that a further report will be PRESENTED following the Minister for Planning's determination of Amendment No. 113 to Local Planning Scheme No. 3.

Sustainable Stirling 2022-2032

Key Result Area: Our built environment

Objective: A liveable City

Priority: Improve the quality, liveability and identity of local areas

Key Result Area: Our natural environment

Objective: A biodiverse City

Priority: Increase tree planting and retention of trees across the City

Key Result Area: Our leadership

Objective: A capable and efficient City

Priority: Plan for the future, manage resources and measure performance

Strategic Risk

Strategic Risk	Risk Appetite
Governance	The City will act with integrity and implement appropriate processes and controls to avoid breach of legislation.

Relevant Documents and Information

Attachments

Attachment 1 - Scheme Amendment No. 113 - as advertised ⇩

Attachment 2 - Local Planning Policy 6.17 - Protected Tree Register as advertised ⇩

Attachment 3 - Schedule of Submissions ⇩

Attachment 4 - Required Changes by WAPC and the Minister ⇩

Attachment 5 - Required Schedule of Modifications ⇩

Attachment 6 - Significant Tree Register ⇩

Attachment 7 - Significant Tree Register (Track Changed) ⇩

Available for viewing at meeting

Nil

Linked Documents

Nil

PLANNING & DEVELOPMENT ACT 2005

CITY OF STIRLING

LOCAL PLANNING SCHEME NO 3 - AMENDMENT NO. 113

Resolution to prepare Amendment to Local Planning Scheme No.3

Resolved that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by amending the Scheme Text by:

1. Amending the following clauses as follows:

1.1 In Clause 5.5.5 replacing the term 'signficant tree' with '**registered tree or established tree**';

1.2 In Clause 5.13.1 replacing the term 'significant' with '**established**';

1.3 In Clause 5.13.2.a replacing the term 'significant' with '**established**';

1.4 In Clause 5.13.2.b replacing the term 'significant' with '**established**';

1.5 In Clause 5.13.2.c replacing the term 'significant' with '**established**';

1.6 In Clause 5.13.3.a replacing the term 'significant' with '**established**';

1.7 In Clause 5.13.3.b twice replacing the term 'significant' with '**established**';

1.8 In Clause 5.13.3.c replacing the term 'significant' with '**established**';

1.9 In Clause 10.3.2.h replacing the term 'significant' with '**established**'; and

1.10 In 'Schedule 1: Dictionary of Defined Words and Expressions – General Definitions' inserting the new defined term of '**Established Tree**' with the following definition:

"**means a woody plant at a height of at least four (4) metres above ground level and meets one of the following criteria:**
a) for a single trunk species, a trunk circumference of at least 500mm at a height of one (1.0) metre above ground level; or
b) for a multi trunk species, a trunk circumference of at least 250mm at a height of one (1.0) metre above ground level."

1.11 In 'Schedule 1: Dictionary of Defined Words and Expressions – General Definitions' inserting the new defined term of '**Registered Tree**' with the following definition:

"**means vegetation that is identified in the local governments Protected Tree Register.**"

1.12 In 'Schedule 1: Dictionary of Defined Words and Expressions – General Definitions' deleting the defined term of '**Significant Tree**'.

2. Inserting Schedule A before Schedule 1 as follows:

"**Schedule A - Supplemental provisions to the deemed provisions**
These provisions are to be read in conjunction with the Deemed Provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Part 3A – Protected Tree Register

Cl. 13B. Terms used

In this Part –
arborist report means a report produced by a person who has obtained a minimum of Australian Qualification Framework Level 5 Certification in Arboriculture (AQF5 Arborist) or equivalent qualification. The arborist report has information that concerns the health, value and general state of the tree, the structural root zone and tree protection zone, and a Tree Management Plan that outlines the methodology to preserve the tree;
protected tree means a tree that is included in the Protected Tree Register;
protected tree register means a Protected Tree Register established under clause 13C;
structural root zone means an area specified in Australian Standard 4970-2009 Protection of Trees on Development Sites, around the base of a tree required for the tree's stability in the ground;
tree means an individual perennial tree;
tree protection zone means an area specified in Australian Standard 4970-2009 Protection of Trees on Development Sites. This is the area above and below ground for the protection of a tree's roots and crown from development, to provide for the viability of a tree that is to be retained.

Cl. 13C. Establishing a Protected Tree Register

(1) The local government may establish and maintain a Protected Tree Register to identify trees within the scheme area that are worthy of protection.

(2) The Protected Tree Register –
- (a) must set out
  - (i) a description of each tree;
  - (ii) the tree protection zone of each tree;
  - (iii) the structural root zone of each tree;
  - (iv) the location of each tree;
  - (v) the address of all properties that contain the structural root zone of the tree;
  - (vi) special conditions that apply (such as where pruning is expected from Western Power lines etc);
- (b) must be available with the scheme documents where they are available for public inspection during business hours at the offices of the local government; and
- (c) must be published on the website of the local government.

Cl. 13D. Adding and removing trees to the Protected Tree Register

(1) The local government must not enter a tree in or remove a tree from the Protected Tree Register, or modify the entry of a tree in the Protected Tree Register unless the local government –
- (a) notifies in writing each owner and occupier of any land which contains the tree, any branches of the tree and the tree protection zone;
- (b) provides each notified owner and occupier with a description of the tree and the reason for its proposed entry, removal or modification;
- (c) invites each owner and occupier to make submissions on the proposal within 21 days of the day on which the notice is served or within a longer period specified in the notice;
- (d) carries out any other consultation the local government considers appropriate; and
- (e) following any consultation and consideration of the submissions made on the proposal, resolves that the tree be entered onto or modified in the Protected Tree Register with or without modifications, or that the tree be removed from the Protected Tree Register.

(2) If the local government enters a tree onto the Protected Tree Register or modifies an entry of a tree in the Protected Tree Register, the local government must give notice of the entry or modification to each owner and occupier of any land which contains the tree and tree protection zone.

Cl. 13E. Works to, or near, a Protected Tree

A Protected Tree, its branches and any roots within the tree protection zone are prohibited to have works undertaken, except in the following circumstances –
- (a) works on a neighbouring property, which contains branches and roots of the Protected Tree, but does not contain the structure root zone; or
- (b) pruning to the Protected Tree that involves –
  - (i) removal of dead wood; or
  - (ii) treatment of disease; or
- (c) works to the Protected Tree identified in a City issued arborist report; or
- (d) works to the Protected Tree approved by the City's Tree Assessment Panel; or
- (e) works to the Protected Tree that are urgently necessary for public safety; or
- (f) development approval for building works has been granted, which identifies works (but does not require removal of) the Protected Tree; or
- (g) subdivision approval has been granted by the Western Australian Planning Commission which identifies works (including removal of) the Protected Tree; or
- (h) approval has been granted for works to the tree following a Commonwealth or State environmental assessment.

Cl. 13F. Accompanying material where development relates to a Protected Tree

Prior to the determination of an application for development approval or subdivision, for land which contains a Protected Tree, the decision maker may require the applicant to submit an arborist report. The arborist report is to specify –

(a) the condition of the tree;
(b) the proposed work;
(c) matters that minimise the impact to the tree to ensure its viability; and
(d) the methodology to preserve the tree (Tree Management Plan).

Cl. 13G. Variation to site and development requirements

(1) Where development is proposed on land and the preservation of a Protected Tree would otherwise unduly restrict the reasonable development of the land the local government may grant by way of development approval, a variation to any development provision (except related to site area) of the Scheme, Local Planning Policy, State Planning Policy 7.3 – Residential Design Codes, Local Development Plan or Structure Plan where desirable to facilitate the preservation of the Protected Tree.

(2) The local government is not to grant development approval that requires a variation under subclause (1) which might, in the local government's opinion, significantly affect an adjoining property or a property in the locality unless –
   (a) the application seeking the variation is advertised in accordance with clause 64 of the Deemed Provisions; and
   (b) any submissions received in response to that advertising, are duly considered by the local government.

Cl. 13H. Duty of care

(1) The owner, occupier or other person in control of land affected by a tree or the tree protection zone listed or nominated for listing on the Protected Tree Register shall preserve the tree from injury or death through neglect or malicious intent.

Cl. 61. Development for which development approval not required

(6A) Despite subclause (1) and (2), an exemption under those subclauses does not apply to development if there is an impact to a Protected Tree as per Part 3A, its branches or its roots in the tree protection zone. Development approval is not required in the instances outlined in Clause 13E."

Policy Manual

6.17 PROTECTED TREE REGISTER

This document has been prepared under Schedule 2 of the '*Planning and Development (Local Planning Schemes) Regulations 2015'* and the City of Stirling *'Local Planning Scheme No.3'*.

1. INTRODUCTION

The City has introduced planning control to establish a Protected Tree Register to protect trees worthy of retention. The Protected Tree Register is contained in Appendix A of this policy. The location of Protected Tree is to be identified on the City's publicly available geographic information system

2. PURPOSE

This Policy guides implementation of the Protected Tree Register of Local Planning Scheme No. 3. Its main purpose is to identify the process for considering nominations for adding trees to the Protected Tree Register.

3. DEFINITIONS

Unless otherwise provided for in this Policy, definitions have the same meaning as the Local Planning Scheme No. 3 and the *Planning and Development (Local Planning Schemes) Regulations 2015*. The following definitions are identified in Local Planning Scheme No. 3 Schedule A Part 3A.

Arborist Report	means a report produced by a person who has obtained a minimum of Australian Qualification Framework Level 5 Certification in Arboriculture (AQF5 Arborist) or equivalent qualification. The arborist report has information that concerns the health, value and general state of the tree, the structural root zone and tree protection zone, and a Tree Management Plan that outlines the methodology to preserve the tree.
Protected Tree	means a tree that is included in the Protected Tree Register.
Protected Tree Register	means a Protected Tree Register established under Local Planning Scheme No. 3 Schedule A clause 13C.
Structural Root Zone	means an area specified in Australian Standard 4970-2009 Protection of Trees on Development Sites (and it's successive Australian Standards updates), around the base of a tree required for the tree's stability in the ground.
Tree	means an individual perennial tree.
Tree Protection Zone	means an area specified in Australian Standard 4970-2009 Protection of Trees on Development Sites (and it's successive Australian Standards updates). This is the area above and below ground for the protection of a tree's roots and crown from development, to provide for the viability of a tree that is to be retained.

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4. PRELIMINARY CRITERIA FOR ASSESSING NOMINATIONS

The following 'Preliminary Criteria' are to be met when considering adding a tree to the Protected Tree Register.

4.1 LAND OWNERS OBLIGATION

Before the City commissions an arborist report when considering a nomination, the owners of the land that contain the structural root zone of the tree must agree that:

a) A Section 70A notification being placed on the Certificate of Title for any property that contains the structural root zone of the tree; and

b) The owner will ensure the care of the tree, and limit works to actions in a City issued Arborist Report and Tree Management Plan.

4.2 SPECIES

To be considered for nomination, Trees must:

a) Be a woody perennial or vegetation of interest (i.e. Grass Tree); and

b) Not be a species identified as a weed by the *Biosecurity and Agriculture Management Act 2007*.

4.3 DIMENSION AND HEALTH

Before the City commissions an Arborist Report, the City's officer will assess the tree to ensure it:

a) Is of good health and form with no obvious signs of decline;

b) Is of a significant size for the species typically meeting one or more of the following:

(i) Diameter at Breast Height of at least 250mm or;

(ii) Canopy diameter spread of at least 10m or;

(iii) Height of at least 5m. Grass trees will be considered from a height of at least 1.2m.

5. ESSENTIAL CRITERIA

Once the City's officer is satisfied the preliminary Criteria are met, an Arborist Report will be commissioned to ensure the following 'Essential Criteria' is met.

5.1 ASSESSMENT OF HEALTH AND ONGOING VIABILITY OF THE TREE

Trees must:

a) Have a natural life expectancy of greater than 15 years based on the current age and species of tree;

b) Have a 'Tolerable' Quantified Tree Risk Assessment rating at the time of assessment;

c) Be of sound form and structure without major faults; and

d) Not be hosting significant pests or disease, to an untreatable level or a level likely to cause decline.

Note - If minor remedial works can be carried out by a qualified arborist to achieve a 'Tolerable' rating with evidence provided, then a reinspection may be waived.

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6. ARBORIST REPORT

a) When a tree is nominated for the Protected Tree Register, the City will obtain an Arborist Report to determine the suitability of the tree and what work to the tree is required to preserve it. A copy will be provided to the land owner.

b) An Arborist Report for a Protected Tree will be updated at the City's cost every 5 years, with a copy of the report provided to the land owner of the relevant tree.

c) The City may arrange an inspection of a Protected Tree upon receiving a written request by a land owner, no more than once each year and will arrange for an Arborist Report if deemed necessary by the City.

d) A City obtained Arborist Report is to identify:

(i) Whether the tree is worthy of retention;

(i) Any matters contributing a threat to the tree;

(ii) Specify a timeframe in which any amelioration work will need to be undertaken to ensure its preservation;

(iii) Any ongoing works that may be necessary over a 5 year maintenance program; and

(iv) Any works to the tree that could be undertaken, whilst ensuring the trees viability.

7. TREE ASSESSMENT PANEL

All nominations to add a tree to the Protected Tree Register will be considered by a Tree Assessment Panel. This Tree Assessment Panel will also consider requests to remove a tree from the Protected Tree Register, and works to a Protected Tree that is greater than specified as being acceptable in the Arborist Report.

7.1 MEMBERSHIP OF TREE ASSESSMENT PANEL

The Tree Assessment Panel will comprise of the Manager of Development Services and the Manager of Parks and Sustainability (or their proxy).

7.2 CONSIDERATION OF TREE ASSESSMENT PANEL

When applications to add, remove or modify a tree on the Register, or to undertake works to a Protected Tree beyond the scope outlined in a City provided Arborist Report, the Tree Assessment Panel shall consider the following:

a) position of the tree in relation to proposed development/building;

b) significance of the tree in terms of physical state, rarity, variety and community value;

c) presents an unacceptable level of risk;

d) potential fire hazard;

e) structural soundness of the tree;

f) whether the tree forms a part of or is a remnant of indigenous vegetation;

g) whether the property where the tree is located is on the Heritage List; and

h) whether works can retain the natural height, form and character of the tree.

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8. Adding A Tree To The Register

a) Only trees that meet the Preliminary and Essential Criteria of this process will warrant inclusion to the Protected Tree Register.

b) A land owner may request the City investigate adding a tree on their property to the Protected Tree Register. The City shall not add a tree to the Protected Tree Register without the consent of the land owner of any land which contains the trees structural root zone.

c) Where a tree is added to the Protected Tree Register, the land owner is obliged to having a Section 70A notification placed on the Certificate of Title of any property that contains the structural root zone of the tree, and to care for the Protected Tree.

9. Removing A Tree From The Register

a) Requests to remove a tree from the Protected Tree Register will be considered by the Tree Assessment Panel. Protected Trees that are dead or dying may be considered for removal from the Protected Tree Register.

b) Withdrawal of support of any owner of the land (or subsequent owner of the land) is not sufficient reason to remove a Protected Tree from the Protected Tree Register. Restrictions to potential development of land is not sufficient reason to remove a Protected Tree from the Protected Tree Register.

c) Requests must demonstrate that the Protected Tree no longer meets or can not be restored to ensure its health and ongoing viability to meet the Essential Criteria. Costs associated with obtaining evidence that the Protected Tree no longer meets the criteria are the responsibility of the applicant.

d) The cost of removing a Section 70A Notification from a Certificate of Title shall be borne by the land owner.

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10. WORKS AND SUBDIVISION

10.1 EMERGENCY WORKS

Emergency works to a Protected Tree required for the safety of people and property, or maintenance of essential services can be undertaken without approval from the City. These works must be undertaken by a Qualified Arborist to the satisfaction of the City. Owners are to notify the City in writing within five working days following the emergency work having been undertaken and notification must include a report by the Qualified Arborist who carried out the work.

10.2 ACCOMPANYING MATERIAL

a) Where works are proposed, site plans are to identify Protected Trees. Details will also need to be submitted of proposed measures to protect Protected Trees as outlined in the Australian Standard 4970-2009: Protection of Trees on Development Sites.

b) A Tree Management Plan prepared by a Qualified Arborist which states the condition of the tree against the Essential Criteria, must be provided during the assessment of an application for development approval where the City is concerned about possible impacts to a tree. The Tree Management Plan is to outline building options that reduce the impact to the tree.

10.3 IMPACTS TO A PROTECTED TREE

a) A Protected Tree is not to be approved to be removed, whilst the tree is on the Protected Tree Register.

b) All efforts are to be taken to avoid impacts, or limit impacts to a Protected Tree as a result of development. Applicants are encouraged to engage with the City prior to designing a development, for assistance to design around a tree.

c) Proposed development, strata titling and/or subdivision of private land shall be designed to account for the ongoing viability of a Protected Tree, with consideration of the potential impacts and growth habits of a tree throughout its life cycle. All works adjacent to Protected Trees are to be undertaken as outlined in the Australian Standard 4970-2009: Protection of Trees on Development Sites.

10.4 VARIATION TO SITE AND DEVELOPMENT REQUIREMENTS

As outlined by Local Planning Scheme No. 3 Schedule A Clause 13G, the City may vary the development standards for proposed works to prevent or limit the modification to a Protected Tree.

10.5 CONDITION OF DEVELOPMENT APPROVAL

Where works are approved in the vicinity of a Protected Tree, a Tree Management Plan prepared by a Qualified Arborist is to be required as a condition of Development Approval. Development works are to be undertaken as outlined in the Australian Standard 4970-2009: Protection of Trees on Development Sites.

OFFICE USE ONLY:

Local Planning Scheme No.3 - Local Planning Policy History:

Action	*Council Date*	*Resolution No.*	*Effective Date*
Draft	*08/04/2022*		
Adopted	*dd/mm/yyyy*	*xxxx/yyy*	*dd/mm/yyyy*

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APPENDIX A. PROTECTED TREE REGISTER (AS AT DD MONTH YYYY)

Tree ID	Property Address			Helliwell Value	
	Type of Tree	Date Added	Tree Location	Structural Root Zone	Tree Protection Zone
	Conditions Related to the Tree				
	Picture of Tree				
x	Suburb, Street, HN x, Lot x			$x,xxx	
	Species	DD Month YYYY	LONG 0.00 LAT 0.00	x.xm	x.xm
	Conditions Related to the Tree – x				
	Picture				
x	Suburb, Street, HN x, Lot x			$x,xxx	
	Species	DD Month YYYY	LONG 0.00 LAT 0.00	x.xm	x.xm
	Conditions Related to the Tree – x				
	Picture				

Submissions

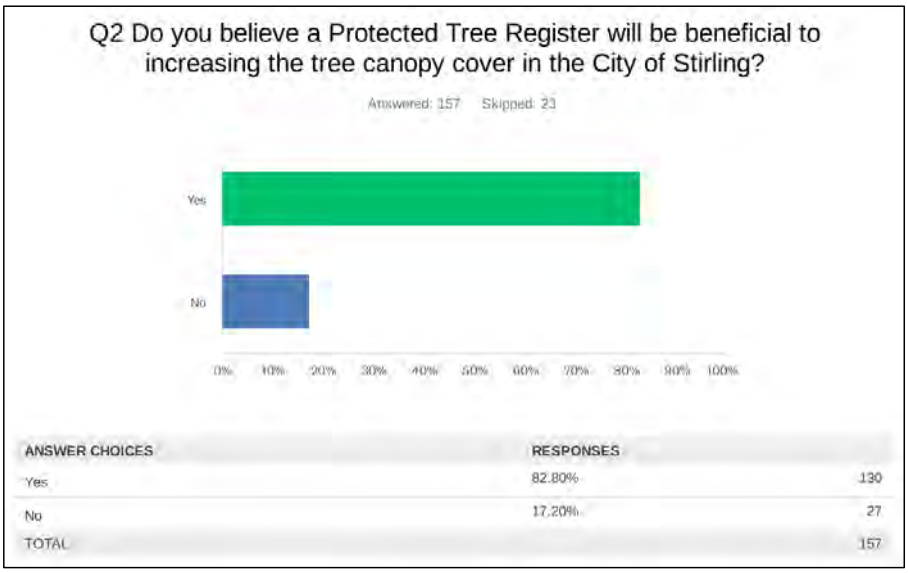
Scheme Amendment 113 (Attachment 3) and the draft Protected Tree Register Policy (Attachment 4) were made available for public comment from 30 June until 12 August 2022 to meet the minimum timeframe of 42 days as required by the Planning and Development (Local Planning Schemes) Regulations 2015.

The City received 5 submissions, all from public authorities which are summarised in the following table.

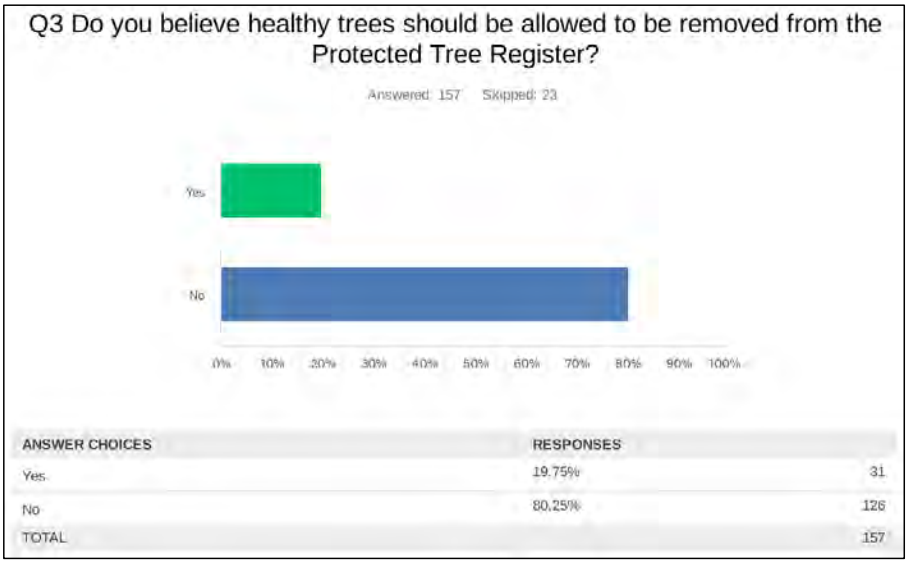
NUMBER OF SUBMISSIONS TO RAISE ISSUE	SUBMISSION COMMENT	OFFICER COMMENT
3	No objection or comment	Noted. No change.
1	Commends the City for initiatives to preserve and grow tree canopy cover. However public schools are exempt from the requirements of local planning schemes as per the *Planning and Development Act 2005* Part 1, Section 6.	Support noted. The scheme amendment permits property owners, to voluntarily nominate trees to be added to the Register. Trees will not be added to the Register where the adjoining landowner, including the State Government, objects. The comments relating to the *Public Works Act 1902* are noted, but do not require the scheme amendment to be modified.
1	Water Corporation has assets (pipes) within private properties. The Protected Tree Register must not prevent Water Corporation from undertaking works to assets, including during emergency situations.	Noted. The scheme amendment permits property owners, to voluntarily nominate trees to be added to the Register. Trees will not be added to the Register where the adjoining landowner, including the State Government, objects. The comments relating to the *Public Works Act 1902* are noted, but do not require the scheme amendment to be modified.

Online Survey Questions

The online survey questions and responses are detailed below.



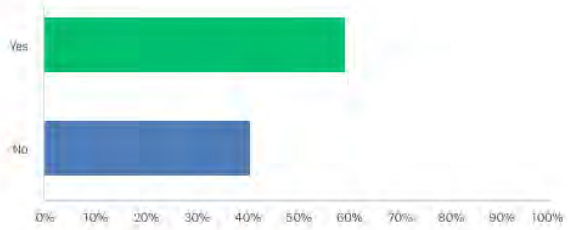
ANSWER CHOICES	RESPONSES	
Yes	82.80%	130
No	17.20%	27
TOTAL		157



ANSWER CHOICES	RESPONSES	
Yes	19.75%	31
No	80.25%	126
TOTAL		157

Q4 Are you likely to nominate a tree on your property to the Protected Tree Register?

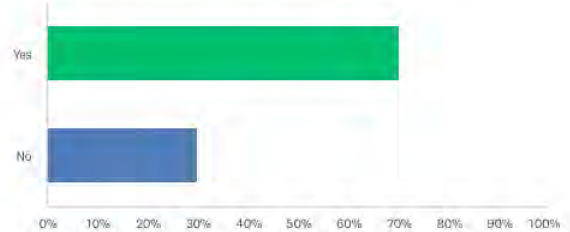
Answered: 157 Skipped: 23



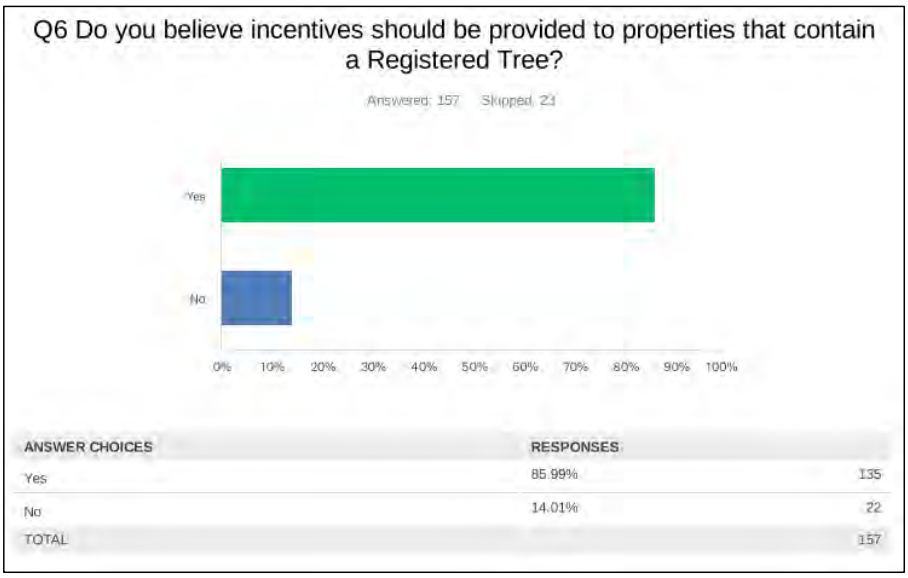
ANSWER CHOICES	RESPONSES	
Yes	59.24%	93
No	40.76%	64
TOTAL		157

Q5 Would you purchase a property that contained a Registered Tree, if it prevented subdivision or expansion of the house?

Answered: 157 Skipped: 23



ANSWER CHOICES	RESPONSES	
Yes	70.06%	110
No	29.94%	47
TOTAL		157



ANSWER CHOICES	RESPONSES	
Yes	85.99%	135
No	14.01%	22
TOTAL		157

The responses largely show that respondents:

- Believe a Protected Tree Register is beneficial to increasing tree canopy cover;
- Would purchase a property that contained a Registered Tree even if it prevented subdivision or development;
- Believe incentives should be provided to properties that contain a Registered Tree; and
- Do not believe healthy trees should be allowed to be removed from the Protected Tree Register.

Responses to the online survey, indicate at least 90 trees may be nominated for inclusion on a Protected Tree Register.

Open Questions

The online survey also had open questions providing an opportunity for any further comments. Of the 157 responses to the online survey, 126 individuals provided responses to the open questions which are summarised in the following table.

Responses Received	Percentage of Responses
Support	**42.9%**
Support with Modifications	**7.9%**
Not Stated / Comment Not Related to Protected Tree Register	**41.3%**
Oppose	**7.9%**

There was limited commentary on the proposed legislation for the scheme amendment and draft local planning policy, which indicates a limited need for modifications.

Responses to the online survey did not separate the topic of drafting planning legislation for a voluntary Protected Tree Register, from other tree canopy and environmental topics. It reflects how the voluntary tree register is just one piece of the Urban Forest Plan vision to achieving sustainable local suburbs.

The topics of discussion from the open questions that related to the Protected Tree Register are raised in the following table with Officers responses. Topics that did not relate to the Protected Tree Register or are comments of broad support for the initiative have not been included.

NUMBER OF SUBMISSIONS TO RAISE ISSUE	SUBMISSION COMMENT	OFFICER COMMENT
28	The City should provide assistance to properties with Registered Trees, such as tree health checks, pruning works, gutter cleaning and rate concessions.	The Protected Tree Register provides planning protection for trees the City will invest in their retention through financial and resource contributions. The City's Parks and Sustainability Business Unit are investigating the use of incentives, and has been provided with the results of this online survey.
23	The City should focus on planting and retaining trees in streets and reserves, including sinking power lines.	The Protected Tree Register is one part of the Urban Forest Plan. The Urban Forest Plan includes actions for more planting and retention of trees on public land.
14	Trees should not be cleared for subdivisions and road works.	The Western Australian Planning Commission (WAPC) is the decision maker for subdivision, therefore the City's influence on subdivision proposals is limited. However, the City's Protected Tree Register is intended to cause the WAPC greater due regard to prevent the removal of Registered Trees through the subdivision process.
8	Will the Protected Tree Register be monitored and enforced.	The City's Parks and Sustainability Business Unit will monitor the retention of trees.

8	More planting and retention should occur during development.	The planting and retention of trees through development is controlled by State Planning Policy 7.3 – Residential Design Codes and the City's Local Planning Policy 6.11 – Trees and Development.
8	A tree that is on private property but requires local government approval for works or removal is restrictive to property owners.	The Protected Tree Register is voluntary and only the property owner can nominate a tree. Additionally, the consent of adjacent property owners is required where a tree's structural root zone crosses property boundaries, before addition onto the register.
6	Who is held responsible for damage caused by tree roots and branches for a Registered Tree, if neighbours are unable to cut branches and roots?	The owner of a Registered Tree is responsible for any damage caused. A tree whose roots or branches encroach into an adjoining property can only be placed on the Register when the adjoining owner consents to this. Any tree that is placed on the Register will be provided with a 'Tree Management Plan' that will identify the works needed to ensure its health and viability. This applies to adjoining property owners who have consented to the tree being placed on the Register.
4	Unhealthy and dangerous trees should be allowed to be cut down and removed from the Protected Tree Register.	The Tree Assessment Panel will review requests to remove trees from the Protected Tree Register and will consider their health and threat they pose.
3	How will prospective purchasers be aware of a Registered Tree on a property in the future?	When nominating a tree for the Protected Tree Register, property owners must consent to a Notification being placed on the Certificate of Title. This will make any prospective purchasers of a property aware of the restriction that lies with the land.
2	Can more than one tree be added to the Protected Tree Register for a property?	Multiple trees can be added to the Protected Tree Register on any property.
2	Only trees that are native to the area should be allowed to be registered for the benefit of the ecology.	In recognition of the many benefits trees provide, any tree that meets the identified criteria can be registered.
2	Let individuals pay for trees to be planted and maintain away from their own property.	The Protected Tree Register is one part of the Urban Forest Plan, and the Protected Tree Register for property owners is a key action of this plan.
1	Tree retention should be mandatory on all properties.	Council has taken the approach to incentivise tree retention through the Urban Forest Plan rather than mandate.

Minister required Scheme Amendment Changes and resulting Policy changes

Required Changes by WAPC and the Minister	Reason	City Changes	Reason
Replacing the term 'significant tree' with registered tree or established tree' in Clause 5.5.5, 5.13 and 10.3.2 of Local Planning Scheme No. 3	The purpose of this is to ensure that there is no confusion between an existing tree and one that is registered in the Tree Register'.	Changing the title of the Local Planning Policy from 'Protected Tree Register' to 'Significant Tree Register'.	The amended title is included to align with the proposed Scheme text.
Removing the definition of 'Established Tree' in Schedule 1: Dictionary of Defined Words in Local Planning Scheme No. 3.	This was initially considered warranted due to the above mentioned clauses now referencing an 'Established Tree' rather than a 'Significant Tree'. However, the WAPC consider that this is best served in a Local Planning Policy. Which In this case will be LPP6.11. The impending review of this policy will be modified to include the definition of 'Established Tree'.	Including into the Policy those provisions being removed from the Scheme Text.	The information being removed from the Scheme Text provides relevant operational measures that are needed to be captured in the Policy.
Removing the 'Terms used' section from the Amendment.	The terms defined were also located in the associated policy, so this was a double up which is best suited to be located in the Policy.	Redefining the headings in the Policy.	Given that there is additional information being added to the Policy which previously sat in the Scheme Amendment, the format of the Policy needed to be amended. The amended format and headings ensure that the Policy is clear on the intent of each section, and is concise in its message.
Rephrasing sections of the Amendment.	The rephrasing and structuring of the amendment text will allow for a more condensed and concise read ensuring legibility and provision indent is maintained.		
The operational measures: - 'Works' to or near a protected tree; - Adding or removing trees; - Required accompanying material for nominations to the Tree Register; and - Variations to site and Development requirements.	As these measures are primarily operational management provisions it can be included in the Policy to guide implementation.		

Our ref: TPS/2927
Enquiries: Christine Collins
Email: Christine.collins@dplh.wa.gov.au

Chief Executive Officer
City of Stirling
25 Cedric Street
Stirling WA 6021

Transmission via electronic mail to: stirling@stirling.wa.gov.au

Dear Sir/Madam

LOCAL PLANNING SCHEME NO. 3 AMENDMENT NO. 113

The Western Australian Planning Commission (Commission) has considered Amendment No 113 and submitted its recommendation to the Minister in accordance with section 87(1) of the *Planning and Development Act 2005* (the Act).

The Minister has required the amendment to be modified in the manner specified in the attached schedule of modifications in accordance with section 87(2)(b) of the Act, before it is resubmitted under section 87(1.

In order for the amendment documents to be finalised in a timely manner, please ensure the following:

- the maps in the modified document accurately reflect the intentions of the amendment as detailed in the amending text; and
- in carrying out modification to the amendment document, previous Council resolutions pursuant to clauses 35(1), 41(3) and/or 50(3) are not to be modified.

Please email the final modified text of the amendment, in word format, to localplanningschemes@dplh.wa.gov.au to assist in limiting the *Government Gazette* publishing costs.

Please direct any queries about this matter to the abovementioned officer.

Yours sincerely

Sam Boucher

Ms Sam Boucher
Secretary
Western Australian Planning Commission

27/08/2024

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e-mail: info@dplh.wa.gov.au; web address http://www. dplh.wa.gov.au
ABN 35 482 341 493

PLANNING & DEVELOPMENT ACT 2005

CITY OF STIRLING

LOCAL PLANNING SCHEME NO 3 - AMENDMENT NO. 113

Resolution to prepare Amendment to Local Planning Scheme No.3

Resolved that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by amending the Scheme Text by:

1. In Clause 5.5.5 replace the term 'signficant tree' with 'registered tree or established tree'.

2. In clauses 5.13 and 10.32h replace the term 'significant' with 'established'.

3. Delete the definition of significant tree currently in the scheme in 'Schedule 1: Dictionary of Defined Words and Expressions – General Definitions'.

4. Insert Schedule A as follows as a 'Supplemental provisions to the deemed provisions':

These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Part 3 - Heritage Protection Clause 13B - Significant Tree Register	(1) The local government may establish and maintain a significant tree register to identify trees within the Scheme area that are worthy of preservation. (2) The significant tree register - a. Must set out a description of each tree, its location and the reason for its entry in the significant tree register; and b. Must be available for public inspection. (3) The local government must not enter a tree or remove a tree from the significant tree register unless the local government has received a written nomination from the owner of the land which contains the tree. (4) Upon receiving a written nomination in accordance with subclause (3), the local government may: a. Carry out any other consultation the local government considers appropriate; and b. Following any consultation and consideration of the submissions made on the proposal, resolve that the tree be entered into the significant tree

	register with or without modifications, or that the tree be removed from the significant tree register. (5) If the local government enters a tree in the significant tree register or modifies an entry of a tree in the significant tree register, the local government must give notice of the entry or modification to each owner and occupier of the land which contains the tree. (6) The local government may require assessment or certification by an arboriculturist to be carried out prior to the determination of an application for development approval for land which contains a tree identified on the significant tree register.
Part 7 - Requirement for development approval Clause 60 - Development for which development approval is required	Development approval of the local government is required prior to the removal, destruction, and/or interference with any tree included on the local government's significant tree register.

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6.17 SIGNIFICANT TREE REGISTER

This document has been prepared under Schedule 2 of the '*Planning and Development (Local Planning Schemes) Regulations 2015' and the City of Stirling 'Local Planning Scheme No.3'.*

1.0 INTRODUCTION

The City has introduced planning control measures to establish a Significant Tree Register to identify trees within the Scheme Area that are worthy of protection. An example of the Significant Tree Register is contained in Appendix A of this policy. The location of the Registered Trees will be available on the City's website, and be identified in the publicly available geographic information system.

2. PURPOSE

This Policy guides the implementation of the Significant Tree Register of Local Planning Scheme No. 3 and identifies the process for considering nominations for adding trees to the Significant Tree Register. Any tree included in the Tree Register requires development approval for the removal, destruction, and/or interference.

3. DEFINITIONS

Unless otherwise provided for in this policy, definitions have the same meaning as the Local Planning Scheme No. 3 and the *Planning and Development (Local Planning Schemes) Regulations 2015*. The following definitions are identified in Local Planning Scheme No. 3 Schedule A Part 3.

Arboriculturist	Means a person who has obtained a minimum of Australian Qualification Framework Level 5 Certification in Arboriculture (AQF5 Arborist) or equivalent qualification.
Arborist Report	Is an assessment or certification document that is provided by an Arboriculturist and should include information that concerns the health, value and general state of the tree, the structural root zone and tree protection zone, and a Tree Management Plan that outlines the methodology to preserve the tree.
Protected Tree	Means a tree that is included in the Significant Tree Register.
Significant Tree Register	Means a listing of trees identified and approved for protection, established under Local Planning Scheme No. 3 Schedule A clause 13B.
Structural Root Zone	Means an area specified in Australian Standard 4970-2009 Protection of Trees on Development Sites (and its successive Australian Standards updates). This is the area above and below ground for the protection of a tree's roots and crown from development, to provide for the viability of a tree that is to be retained.
Tree	Means an individual perennial tree.
Tree Protection Zone	Means an area specified in Australian Standard 4970-2009 Protection of Trees on Development sites (and its successive Australian Standards

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	updates). This is the area above and below ground for the protection of a tree's roots and crown from development, to provide for the viability of a tree that is to be retained.

4. CRITERIA FOR ASSESSING NOMINATIONS

4.1 LANDOWNERS OBLIGATION

To be considered for nomination, the nominated tree(s) is:

a) A woody perennial plant generally having a single stem or trunk which will grow to a height of approximately 4 metres or more.

b) Not a species identified as a weed by the *Biosecurity and Agriculture Management Act 2007.*

c) Be of good health and form with no obvious signs of decline.

d) Is of a significant size for the species typically meeting on or more of the following:

i. Diameter at Breast Height of at least 250mm, or;

ii. Canopy diameter spread of at least 10m, or;

iii. Height of at least 4m.

4.2 TREE STANDARDS

Before the City considers a nomination, the owners of all land containing a structural root zone of the tree must agree to:

a) A section 70A notification being placed on the Certificate of Title for all property that contains the structural root zone of the tree; and

b) Care for, and limit works to actions in a City issued Arborist Report and Tree Management Plan.

Note: This obligation may apply to an adjoining property where the SRZ encroaches into a property.

4.3 CITY ASSESSMENT

Once the City is satisfied the Tree Standards and Landowners Obligations have been met, an Arborist Report will be commissioned, to ensure the suitability of the tree for protection. A copy of this will be provided to the landowner.

The Arborist Report will determine the health and viability of the nominated tree(s) and is to identify the following:

Consideration	**Requirement**
Life Expectancy	Trees are to have a life expectancy of greater than 15 years at the time of assessment.
Pest or Disease Free	Trees are not to host significant pests or disease to an untreatable level or a level likely to cause decline.

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Structural soundness	Trees are to be of sound form and structure without major faults.
Minor remedial works	The Arborist Report identifying amelioration work required to ensure the trees preservation. As well as any ongoing works that may be necessary over a 5 year maintenance program whilst ensuring the trees viability.

5. TREE ASSESSMENT PANEL

All nominations to add a tree to the Significant Tree Register will be considered by a Tree Assessment Panel. This Tree Assessment Panel will also consider requests to remove a tree from the Significant Tree Register, and works to a preserved tree that is greater than specified as being acceptable in the Arborist Report.

The Tree Assessment Panel will comprise of the Manager of Development Services and the Manager of Parks and Sustainability (or their proxy).

5.1 TREE ASSESSMENT PANEL CONSIDERATIONS

When applications to add, remove or modify a tree on the Register, or to undertake works to a Protected Tree beyond the scope outlined in a City provided Arborist Report, the Tree Assessment Panel will consider the following:

a) The position of the tree in relation to proposed development/building;
b) The significance of the tree in terms of physical state, rarity, variety and community value;
c) Whether the tree presents an unacceptable level of risk'
d) The potential fire hazard;
e) The structural soundness of the tree;
f) Whether the tree forms a part of or is remnant vegetation;
g) Whether the property where the tree is located, is on the Heritage List (and contributes to the value of the property); and
h) whether works can retain the natural height, form and character of the tree.

6. ADDING A TREE TO THE REGISTER

Only trees that meet the Criteria of this Policy will be included to the Significant Tree Register.

The City will not add a tree to the Significant Tree Register without the consent of the landowner of any land which contains the tree and its structural root zone.

Where a tree is added to the Significant Tree Register, the landowner is obliged to have a Section 70A notification placed on the Certificate of Title of any property containing the structural root zone of the tree. The owner, occupier or other person in control of land affected by a tree or the tree protection zoned listed or nominated for listing on the Significant Tree Register must preserve the tree from injury or death through neglect or malicious intent.

The Significant Tree Register must set out:

a) A description of each tree;
b) the tree protection zone of each tree;
c) the structural root zone of each tree;
d) the location of each tree;

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e) the address of all properties that contain the structural root zone of the tree;
f) special conditions that apply (such as where pruning is expected from Western Power lines etc)

The Significant Tree Register list will be made available for public viewing on the City's website.

7. REMOVING A TREE FROM THE REGISTER

Only Requests to remove a tree from the Significant Tree Register will be considered by the Tree Assessment Panel. Protected Trees that are dead or dying may be considered for removal from the Significant Tree Register.

Withdrawal of support of any owner of the land (or subsequent owner of the land) is not sufficient reason to remove a Protected Tree from the Significant Tree Register. Restrictions to potential development of land is not sufficient reason to remove a Protected Tree from the Significant Tree Register.

Requests must demonstrate that the Protected Tree no longer meets or can not be restored to ensure its health and ongoing viability to meet the Criteria. Costs associated with obtaining evidence that the Protected Tree no longer meets the 'Criteria for Assessing Nominations' are the responsibility of the applicant.

The cost of removing a Section 70A Notification from a Certificate of Title shall be borne by the landowner.

8. WORKS

Development approval of the local government is required prior to the removal, destruction, and/or interference with any tree protected through its inclusion on the Significant Tree Register.

8.1 WORKS TO, OR NEAR, A PROTECTED TREE

A protected tree, its branches and any roots within the tree protection zone are prohibited to have works undertaken, except in the following circumstances:

a) works on a neighboring property, which contains branches and roots of the Protected Tree, but does not affect the structural root zone of the tree identified in the Arborist Report; or

b) pruning to the Protected Tree that involves removal of dead wood or treatment of disease; or

c) works to the Protected Tree identified in a City issued Arborist Report; or

d) works to the Protected Tree approved by the City's Tree Assessment Panel; or

e) works to the Protected Tree that are urgently necessary for public safety; or

f) development approval for building works has been granted, which identifies works (but does not require removal of) the Protected Tree; or

g) subdivision approval has been granted by the Western Australian Planning Commission which identifies works (including removal of) the Protected Tree; or

h) approval has been granted for works to the tree following a Commonwealth or State environmental assessment.

Notwithstanding the requirement for development approval refer to the provisions below for emergency works.

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8.2 EMERGENCY WORKS

Emergency works to a Protected Tree required for the safety of people and property, or maintenance of essential services can be undertaken without approval from the City. These works must be undertaken by a Arboriculturist to the satisfaction of the City. Owners are to notify the City in writing within five working days following the emergency work having been undertaken and notification must include an Arborist Report by the Arboriculturist who carried out the work.

8.3 ACCOMPANYING MATERIAL

Where works are proposed the following material is to be submitted:

Site Plan identifying Protected Tree(s).
Details of proposed measures to preserve Protected Tree(s) as outlined in the Australian Standard 4970-2009: Protection of Trees on Development Sites.
A Tree Management Plan prepared by an Arboriculturist which states the condition of the tree against the 'Criteria for Assessing Nominations', must be provided during the assessment of an application for development approval where the City is concerned about possible impacts to a tree. The Tree Management Plan is to outline building options that reduce the impact to the tree.
An Arborist Report may be required that specifies the condition of the tree, the proposed work; matters that minimise the impact to the tree to ensure its viability and the methodology to preserve the Tree.

8.4 IMPACTS TO A PROTECTED TREE

A Protected Tree is not to be removed, whilst the tree is listed in the Significant Tree Register.

All efforts are to be taken to avoid impacts, or limit impacts to a Protected Tree, as a result of development. Applicants are encouraged to engage with the City prior to designing a development, for assistance to design around a tree.

Proposed development, strata titling and/or subdivision of private land should be designed to ensure for the ongoing viability of a Protected Tree, with consideration of the potential impacts and growth habits of a tree throughout its life cycle. All works adjacent to Protected Trees are to be undertaken as outlined in the Australian Stand 4970-2009; Protection of Trees on Development Sites.

8.5 VARIATION TO SITE AND DEVELOPMENT REQUIREMENTS

To facilitate the preservation of a tree on the Significant Tree Register, the City may consider varying the development standards for proposed works to prevent or limit the modification to a protected in accordance with Clause 5.5 of LPS 3.

a) A variation to any development provision (except related to site area)) of the Scheme, Local Planning Policy, State Planning Policy 7.3 – Residential Design Codes, Local Development Plan or Structure Plan is desirable to facilitate the preservation of a tree on the Significant Tree Register.

b) The local government is not to grant development approval that requires a variation under subclause (1) which might, in the local government's opinion, significantly affect an adjoining property or a property in the locality unless:

i. The application seeking the variation is advertised to the affected adjoining landowner in accordance with clause 64 of the Deemed Provisions; and

ii. Any submissions received in response to the advertising, are duly considered by the local government.

8.6 CONDITION OF DEVELOPMENT APPROVAL

Where works are approved in the vicinity of a Protected Tree, a Tree Management Plan prepared by an Arboriculturist is to be required as a condition of Development Approval. Development works are to be undertaken as outlined in the Australian Standard 4970-2009: Protection of Trees on Development Sites.

9. OTHER RELEVANT DOCUMENTS

- Local Planning Scheme No.3 Scheme Text – Part 7
- Local Planning Policy 6.6 Landscaping
- Local Planning Policy 6.11 Trees and Development
- State Planning Policy 7.3 Residential Design Codes
- Planning and Development (Local Planning Schemes) Regulations 2015

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APPENDIX A – SIGNIFICANT TREE REGISTER (AS AT DD MONTH YYYY)

Tree ID	Property Address			Helliwell Value	
	Type of Tree	Date Added	Tree Location	Structural Root Zone	Tree Protection Zone
	Conditions Related to the Tree				
	Picture of Tree				
X	Suburb, Street, HN x, Lot x			$x,xxx	
	Species	DD Month YYY	Long 0.00 Lat 0.00	x.xm	x.xm
	Conditions Related to the Tree – x				
	Picture				
X	Suburb, Street, HN x, Lot x			$x,xxx	
	Species	DD Month YYY	Long 0.00 Lat 0.00	x.xm	x.xm
	Conditions Related to the Tree – x				
	Picture				

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OFFICE USE ONLY:			
Local Planning Scheme No.3 - Local Planning Policy History:			
Action	*Council Date*	*Resolution No.*	*Effective Date*
Drafted			
Adopted	*dd/mm/yyyy*	*xxxx/yyy*	*dd/mm/yyyy*
Modified	-	-	-

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6.17 ~~PROTECTED~~ SIGNIFICANT TREE REGISTER

This document has been prepared under Schedule 2 of the '*Planning and Development (Local Planning Schemes) Regulations 2015' and the City of Stirling 'Local Planning Scheme No.3'.*

1.0 INTRODUCTION

The City has introduced planning control measures to establish a ~~Protected~~ Significant Tree Register to identify ~~protect~~ trees within the Scheme Area that are worthy of ~~retention~~ protection. An example of the ~~The Protected~~ Significant Tree Register is contained in Appendix A of this policy. The location of the Registered~~Protected~~ Trees will be available on the City's website, and~~is to~~ be identified ~~o~~in the ~~City's~~ publicly available geographic information system.

2. PURPOSE

This Policy guides the implementation of the ~~Protected~~ Significant Tree Register of Local Planning Scheme No. 3 and identifies ~~. Its main purpose is to identify~~ the process for considering nominations for adding trees to the ~~Protected~~ Significant Tree Register. Any tree included in the Tree Register requires development approval for the removal, destruction, and/or interference.

3. DEFINITIONS

Unless otherwise provided for in this policy, definitions have the same meaning as the Local Planning Scheme No. 3 and the *Planning and Development (Local Planning Schemes) Regulations 2015*. The following definitions are identified in Local Planning Scheme No. 3 Schedule A Part 3~~A~~.

Arboriculturist	Means a person who has obtained a minimum of Australian Qualification Framework Level 5 Certification in Arboriculture (AQF5 Arborist) or equivalent qualification.
Arborist Report	~~Means a report produced by a person who has obtained a minimum of Australian Qualification Framework Level 5 Certification in Arboriculture (AQF5 Arborist) or equivalent qualification. The arborist report has~~ Is an assessment or certification document that is provided by an Arboriculturist and should include information that concerns the health, value and general state of the tree, the structural root zone and tree protection zone, and a Tree Management Plan that outlines the methodology to preserve the tree.
Protected Tree	M~~m~~eans a tree that is included in the ~~Protected~~ Significant Tree Register.
~~Protected~~ Significant Tree Register	M~~m~~eans a listing of trees identified and approved for protection, ~~Protected Tree Register~~ established under Local Planning Scheme No. 3 Schedule A clause 13~~C~~B.
Structural Root Zone	Mmeans an area specified in Australian Standard 4970-2009 Protection of Trees on Development ~~S~~sites (and its successive Australian Standards updates)~~:~~. ~~around the base of a tree required for the tree's~~

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	~~stability in the ground.~~ This is the area above and below ground for the protection of a tree's roots and crown from development, to provide for the viability of a tree that is to be retained.
Tree	~~m~~Means an individual perennial tree.
Tree Protection Zone	~~m~~Means an area specified in Australian Standard 4970-2009 Protection of Trees on Development sites (and its successive Australian Standards updates). This is the area above and below ground for the protection of a tree's roots and crown from development, to provide for the viability of a tree that is to be retained.

4. ~~PRELIMINARY~~ CRITERIA FOR ASSESSING NOMINATIONS

~~The following 'Preliminary Criteria' are to be met when considering adding a tree to the Protected Tree Register.~~

4.1 LAND~~-~~OWNERS OBLIGATION

To be considered for nomination, the nominated tree(s) is:

a) A woody perennial plant generally having a single stem or trunk which will grow to a height of approximately 4 metres or more.

b) Not a species identified as a weed by the *Biosecurity and Agriculture Management Act 2007.*

c) Be of good health and form with no obvious signs of decline.

d) Is of a significant size for the species typically meeting on or more of the following:

i. Diameter at Breast Height of at least 250mm, or;

ii. Canopy diameter spread of at least 10m, or;

iii. Height of at least 4m.

~~Before the City commissions an arborist report when considering a nomination, the owners of the land that contain the structural root zone of the tree must agree that:~~

~~a) A Section 70A notification being placed on the Certificate of Title for any property that contains the structural root zone of the tree; and~~

~~b)a) The owner will ensure the care of the tree, and limit woks to actions in a City issued Arborist Report and Tree Management Plan.~~

4.2 ~~SPECIES~~ TREE STANDARDS

Before the City ~~commissions an arborist report when~~ considersing a nomination, the owners of ~~the~~ all land ~~that~~ containing a ~~the~~ structural root zone of the tree must agree to~~hat~~:

a) A Section 70A notification being placed on the Certificate of Title for any property that contains the structural root zone of the tree; and

b) ~~The owner will ensure the c~~Care for,~~of the tree,~~ and limit woks to actions in a City issued Arborist Report and Tree Management Plan.

Note: This obligation may apply to an adjoining property where the SRZ encroaches into a property.

~~To be considered for nomination, Trees must:~~

~~a) Be a woody perennial or vegetation of interest (i.e. Grass Tree): and~~

~~b) Not be a species identified as a weed by the *Biosecurity and Agriculture Management Act 2007.*~~

4.3 ~~DIMENSION AND HEALTH~~ CITY ASSESSMENT

Once the City is satisfied the Tree Standards and Landowners Obligations have been met, an Arborist Report will be commissioned, to ensure the suitability of the tree for protection. A copy of this will be provided to the landowner.

The Arborist Report will determine the health and viability of the nominated tree(s) and is to identify the following:

Consideration	Requirement
Life Expectancy	Trees are to have a life expectancy of greater than 15 years at the time of assessment.
Pest or Disease Free	Trees are not to host significant pests or disease to an untreatable level or a level likely to cause decline.
Structural soundness	Trees are to be of sound form and structure without major faults.
Minor remedial works	The Arborist Report identifying amelioration work required to ensure the trees preservation. As well as any ongoing works that may be necessary over a 5 year maintenance program whilst ensuring the trees viability.

~~Before the City commissions an Arborist Report, the City's officer will assess the tree to ensure it:~~

~~a) Is of good health and form with no obvious signs of decline;~~

~~b) Is of a significant size for the species typically meeting one or one of the following:~~

~~(i) Diameter at Breast Height of a least 250mm or;~~

~~(ii) Canopy diameter spread of a least 10m or;~~

~~(iii) Height of a least 5m. Grass trees will be considered from a height of at least 1.2m~~

5. ~~ESSENTIAL CRITERIA~~TREE ASSESSMENT PANEL

~~Once the City's officer is satisfied the preliminary Criteria are met, an Arborist Report will be commissioned to ensure the following 'Essential Criteria' is met.~~

All nominations to add a tree to the Significant Tree Register will be considered by a Tree Assessment Panel. This Tree Assessment Panel will also consider requests to remove a tree from the Significant Tree Register, and works to a preserved tree that is greater than specified as being acceptable in the Arborist Report.

The Tree Assessment Panel will comprise of the Manager of Development Services and the Manager of Parks and Sustainability (or their proxy).

~~5.1 ASSENTMENT OF HEALTH AND ONGOING VIABILITY OF THE TREE~~

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~~Trees must:~~

~~a) Have a natural life expectancy of greater than 15 years based on the current age and species of tree;~~

~~b) Have a 'Tolerable' Quantified Tree Risk Assessment rating at the time of assessment;~~

~~c) Be of sound form and structure without major faults; and~~

~~d) Not be hosting significant pests or disease, to an unbeatable level or a level likely to cause decline.~~

~~*Note – If minor remedial works can be carried out by a qualified arborist to achieve a 'Tolerable' rating with evidence provided, then a reinspection may be waived.*~~

5.1 TREE ASSESSMENT PANEL CONSIDERATIONS

When applications to add, remove or modify a tree on the Register, or to undertake works to a Protected Tree beyond the scope outlined in a City provided Arborist Report, the Tree Assessment Panel will consider the following:

a) The position of the tree in relation to proposed development/building;
b) The significance of the tree in terms of physical state, rarity, variety and community value;
c) Whether the tree presents an unacceptable level of risk'
d) The potential fire hazard;
e) The structural soundness of the tree;
f) Whether the tree forms a part of or is remnant vegetation;
g) Whether the property where the tree is located, is on the Heritage List (and contributes to the value of the property); and
h) whether works can retain the natural height, form and character of the tree.

6. ADDING A TREE TO THE REGISTER

Only trees that meet the Criteria of this Policy will be included to the Significant Tree Register.

The City will not add a tree to the Significant Tree Register without the consent of the landowner of any land which contains the tree and its structural root zone.

Where a tree is added to the Significant Tree Register, the landowner is obliged to have a Section 70A notification placed on the Certificate of Title of any property containing the structural root zone of the tree. The owner, occupier or other person in control of land affected by a tree or the tree protection zoned listed or nominated for listing on the Significant Tree Register must preserve the tree from injury or death through neglect or malicious intent.

The Significant Tree Register must set out:

a) A description of each tree;
b) the tree protection zone of each tree;
c) the structural root zone of each tree;
d) the location of each tree;
e) the address of all properties that contain the structural root zone of the tree;
f) special conditions that apply (such as where pruning is expected from Western Power lines etc)

The Significant Tree Register list will be made available for public viewing on the City's website.

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~~6. ARBORIST REPORT~~

~~a) When a tree is nominated for the Protected Tree Register, the City will obtain an Arborist Report to determine the suitability of the tree and what work to the tree is required to preserve it. A copy will be provided to the land owner.~~

~~b) An Arborist Report for a Protected Tree will be updated at the City's cost every 5 years, with a copy of the report provided to the land owner of the relevant tree.~~

~~c) The City may arrange an inspection of a Protected Tree upon receiving a written request by a land owner, no more than once each year and will arrange for an Arborist Report is deemed necessary by the City.~~

~~d) A City obtained Arborist Report is to identify:~~

~~(i) Whether the tree is worthy of retention;~~

~~(ii) Any matters contributing a threat to the tree;~~

~~(iii) Specify a timeframe in which any amelioration work will need to be undertaken to ensure its preservation;~~

~~(iv) Any ongoing works that may be necessary over a 5 year maintenance program; and~~

~~(v) Any works to the tree that could be undertaken, whilst ensuring the trees viability.~~

~~7. TREE ASSESSMENT PANEL~~

~~All nominations to add a tree to the Protected Tree Register will be considered by a Tree Assessment Panel. This Tree Assessment Panel will also consider requests to remove a tree from the Protected Tree Register, and works to a Protected Tree that is greater than specified as being acceptable in the Arborist Report.~~

7. REMOVING A TREE FROM THE REGISTER

Only Requests to remove a tree from the Significant Tree Register will be considered by the Tree Assessment Panel. Protected Trees that are dead or dying may be considered for removal from the Significant Tree Register.

Withdrawal of support of any owner of the land (or subsequent owner of the land) is not sufficient reason to remove a Protected Tree from the Significant Tree Register. Restrictions to potential development of land is not sufficient reason to remove a Protected Tree from the Significant Tree Register.

Requests must demonstrate that the Protected Tree no longer meets or can not be restored to ensure its health and ongoing viability to meet the Criteria. Costs associated with obtaining evidence that the Protected Tree no longer meets the 'Criteria for Assessing Nominations' are the responsibility of the applicant.

The cost of removing a Section 70A Notification from a Certificate of Title shall be borne by the landowner.

~~7.1 MEMBERSHIP OF TREE ASSESSMENT PANEL~~

~~The Tree Assessment Panel will comprise of the Manager of Development Services and the Manager of Parks and Sustainability (or their proxy).~~

~~7.2 CONSIDERATION OF TREE ASSESSMENT PANEL~~

~~When applications to add, remove or modify a tree on the Register, or to undertake works to a Protected Tree beyond the scope outlined in a City provided Arborist Report, the Tree Assessment Panel shall consider the following:~~

~~a) position of the tree in relation to proposed development/building;~~

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~~b) significance of the tree in terms of physical state, rarity, variety and community value;~~

~~c) presents an unacceptable level of risk'~~

~~d) potential fire hazard;~~

~~e) structural soundness of the tree;~~

~~f) whether the tree forms a part of or is a remnant of indigenous vegetation;~~

~~g) whether the property where the tree is located, is on the Heritage List; and~~

~~h) whether woks can retain the natural height, form and character of the tree.~~

8. WORKS

Development approval of the local government is required prior to the removal, destruction, and/or interference with any tree protected through its inclusion on the Significant Tree Register.

8.1 WORKS TO, OR NEAR, A PROTECTED TREE

A protected tree, its branches and any roots within the tree protection zone are prohibited to have works undertaken, except in the following circumstances:

a) works on a neighboring property, which contains branches and roots of the Protected Tree, but does not affect the structural root zone of the tree identified in the Arborist Report; or

b) pruning to the Protected Tree that involves removal of dead wood or treatment of disease; or

c) works to the Protected Tree identified in a City issued Arborist Report; or

d) works to the Protected Tree approved by the City's Tree Assessment Panel; or

e) works to the Protected Tree that are urgently necessary for public safety; or

f) development approval for building works has been granted, which identifies works (but does not require removal of) the Protected Tree; or

g) subdivision approval has been granted by the Western Australian Planning Commission which identifies works (including removal of) the Protected Tree; or

h) approval has been granted for works to the tree following a Commonwealth or State environmental assessment.

Notwithstanding the requirement for develo

~~8. ADDING A TREE TO THE REGISTER~~

~~a) Only trees that meet the Preliminary and Essential Criteria of this process will warrant inclusion to the Protected Tree Register.~~

~~b) A land owner may request the City investigate adding a tree on their property to the Protected Tree Register. The City shall not add a tree to the Protected Tree Register without the consent of the land owner of any land which contains the trees structural root zone.~~

~~c) Where a tree is added to the Protected Tree Register, the landowner is obliged to having a Section 70A~~

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~~notification placed on the Certificate of Title of any property that contains the structural root zone of the tree, and care for the Protected Tree.~~

8.2 EMERGENCY WORKS

Emergency works to a Protected Tree required for the safety of people and property, or maintenance of essential services can be undertaken without approval from the City. These works must be undertaken by a Arboriculturist to the satisfaction of the City. Owners are to notify the City in writing within five working days following the emergency work having been undertaken and notification must include an Arborist Report by the Arboriculturist who carried out the work.

~~9. REMOVING A TREE FROM THE REGISTER~~

~~a) Requests to remove a tree from the Protected Tree Register will be considered by the Tree Assessment Panel. Protected Trees that are dead or dying may be considered for removal from the Protected Tree Register.~~

~~b) Withdrawal of support of any owner of the land (or subsequent owner of the land) is not sufficient reason to remove a Protected Tree from the Protected Tree Register. Restrictions to potential development of land is not sufficient reason to remove a Protected Tree from the Protected Tree Register.~~

~~c) Requests must demonstrate that the Protected Tree no longer meets or can not be restored to ensure its health and ongoing viability to meet the Criteria. Costs associated with obtaining evidence that the Protected Tree no longer meets the 'Criteria for Assessing Nominations' are the responsibility of the applicant.~~

~~d) The cost of removing a Section 70A Notification from a Certificate of Title shall be borne by the land owner.~~

~~10. WORKS AND SUBDIVISION~~

~~10.1 EMERGENCY WORKS~~

~~Emergency works to a Protected Tree required for the safety of people and property, or maintenance of essential services can be undertaken without approval from the City. These works must be undertaken by a Qualified Arborist to the satisfaction of the City. Owners are to notify the City in writing within five working days following the emergency work having been undertaken and notification must include a report by the Qualified Arborist who carried out the work.~~

8.3 ACCOMPANYING MATERIAL

Where works are proposed the following material is to be submitted:

Site Plan identifying Protected Tree(s).
Details of proposed measures to preserve Protected Tree(s) as outlined in the Australian Standard 4970-2009: Protection of Trees on Development Sites.
A Tree Management Plan prepared by an Arboriculturist which states the condition of the tree against the 'Criteria for Assessing Nominations', must be provided during the assessment of an application for development approval where the City is concerned about possible impacts to a tree. The Tree Management Plan is to outline building options that reduce the impact to the tree.
An Arborist Report may be required that specifies the condition of the tree, the proposed work; matters that minimise the impact to the tree to ensure its viability and the methodology to preserve the Tree.

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~~10.2 ACCOMPANYING MATERIAL~~

~~a) Where works are proposed site plans are to identify Protected Trees. Details will also need to be submitted of proposed measures to protect Protected Trees as outlined in the Australian Standard 4970-2009: Protection of Tree on Development Sites.~~

~~b) A Tree Management Plan prepared by a Qualified Arborist which states the condition of the tree against the Essential Criteria, must be provided during the assessment of an application for development approval where the City is concerned about possible impacts to a tree. The Tree Management Plan is to outline building options that reduce the impact to the tree.~~

~~10.3~~8.4 IMPACTS TO A PROTECTED TREE

A Protected Tree is not to be removed, whilst the tree is listed in the Significant Tree Register.

All efforts are to be taken to avoid impacts, or limit impacts to a Protected Tree, as a result of development. Applicants are encouraged to engage with the City prior to designing a development, for assistance to design around a tree.

Proposed development, strata titling and/or subdivision of private land ~~shall~~ should be designed to ~~account~~ ensure for the ongoing viability of a Protected Tree, with consideration of the potential impacts and growth habits of a tree throughout its life cycle. All works adjacent to Protected Trees are to be undertaken as outlined in the Australian Stand 4970-2009; Protection of Trees on Development Sites.

~~10.4~~8.5 VARIATION TO SITE AND DEVELOPMENT REQUIREMENTS

To facilitate the preservation of a tree on the Significant Tree Register, the City may consider varying the development standards for proposed works to prevent or limit the modification to a protected in accordance with Clause 5.5 of LPS 3.

a) A variation to any development provision (except related to site area)) of the Scheme, Local Planning Policy, State Planning Policy 7.3 – Residential Design Codes, Local Development Plan or Structure Plan is desirable to facilitate the preservation of a tree on the Significant Tree Register.

b) The local government is not to grant development approval that requires a variation under subclause (1) which might, in the local government's opinion, significantly affect an adjoining property or a property in the locality unless:

i. The application seeking the variation is advertised to the affected adjoining landowner in accordance with clause 64 of the Deemed Provisions; and

ii. Any submissions received in response to the advertising, are duly considered by the local government.

~~As outlined by Local Planning Scheme No.3 Schedule A Cause 13G, the City may vary the development standards for proposed works to prevent or limit the modification to a Protected Tree.~~

~~10.5~~8.6 CONDITION OF DEVELOPMENT APPROVAL

Where works are approved in the vicinity of a Protected Tree, a Tree Management Plan prepared by an Arboriculturist ~~a Qualified Arborist~~ is to be required as a condition of Development Approval. Development works are to be undertaken as outlined in the Australian Standard 4970-2009: Protection of Trees on Development Sites.

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9. OTHER RELEVANT DOCUMENTS

- Local Planning Scheme No.3 Scheme Text – Part 7
- Local Planning Policy 6.6 Landscaping
- Local Planning Policy 6.11 Trees and Development
- State Planning Policy 7.3 Residential Design Codes
- Planning and Development (Local Planning Schemes) Regulations 2015

~~*OFFICE USE ONLY:*~~

~~*Local Planning Scheme No.3 – Local Planning Policy History:*~~

~~*Action Council Date Resolution No. Effective Date*~~

~~*Drafted*~~

~~*Adopted dd/mm/yyyy xxxx/yyy dd/mm/yyyy*~~

~~*Modified*~~

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APPENDIX A – SIGNIFICANT TREE REGISTER (AS AT DD MONTH YYYY)

Tree ID	Property Address			Helliwell Value	
	Type of Tree	Date Added	Tree Location	Structural Root Zone	Tree Protection Zone
	Conditions Related to the Tree				
	Picture of Tree				
X	Suburb, Street, HN x, Lot x			$x,xxx	
	Species	DD Month YYY	Long 0.00 Lat 0.00	x.xm	x.xm
	Conditions Related to the Tree – x				
	Picture				
X	Suburb, Street, HN x, Lot x			$x,xxx	
	Species	DD Month YYY	Long 0.00 Lat 0.00	x.xm	x.xm
	Conditions Related to the Tree – x				
	Picture				

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OFFICE USE ONLY:

Local Planning Scheme No.3 - Local Planning Policy History:

Action	*Council Date*	*Resolution No.*	*Effective Date*
Drafted			
Adopted	*dd/mm/yyyy*	*xxxx/yyy*	*dd/mm/yyyy*
Modified -	*-*		*-*

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12.1/8.1 NEW LEASE OVER PORTION OF LOT 3, DIAGRAM 80049, HOUSE NUMBER 895A, BEAUFORT STREET, INGLEWOOD

Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

Council Resolution

1024/008

Moved Councillor Proud, seconded Councillor Perkov

That Council PROCEEDS with the confidential recommendation as outlined in the 'Recommended Action' section of this report.

The motion was put and declared CARRIED (11/0) by exception resolution by an Absolute Majority Vote.

For: Councillors Dudek, Ferrante, Giudici, Hatton, Krsticevic, Lagan, Olow, Perkov, Proud, Re and Mayor Irwin.
Against: Nil.

13. REPORTS FOR CONSIDERATION IN ACCORDANCE WITH CLAUSE 4.2(4) OF THE MEETING PROCEDURES LOCAL LAW 2021

In accordance with Clause 4.2(4) of the City of Stirling Meeting Procedures Local Law 2021, the Chief Executive Officer may include on the agenda of a Council meeting, in an appropriate place within the order of business, any matter which must be decided, or which he considers is appropriate to be decided, by that meeting.

13.1 COMMUNITY AND STAKEHOLDER ENGAGEMENT POLICY REVIEW

Business Unit:	Community Development Admin	Service: Community Engagement
Ward:	City Wide	Location: City Wide
Applicant:	Not Applicable	

Role

Legislative - *Making local laws, policies and planning instruments.*

Council Resolution

1024/009

Moved Councillor Re, seconded Councillor Lagan

That Council ADOPTS the amended Community Engagement Policy (as shown in Attachment 4).

The motion was put and declared CARRIED (11/0).

For: Councillors Dudek, Ferrante, Giudici, Hatton, Krsticevic, Lagan, Olow, Perkov, Proud, Re and Mayor Irwin.
Against: Nil.

Recommendation

That Council ADOPTS the amended Community Engagement Policy.

Referred

This item was REFERRED to the Council meeting to be held 15 October 2024 at the Council meeting held 17 September 2024 to enable further consideration by Elected Members.

Additional Information - 15 October 2024

Elected Members requested some minor amendments to the Policy at the Community and Resources Committee meeting held 3 September 2024. These minor amendments were made as requested, and the final version of the Policy (Attachment 4 - “Draft Community Engagement Policy – updated September 2024 – final”) was issued to Elected Members via Memo on 10 September 2024. At the Council meeting held 17 September 2024, Elected Members referred the item to allow further time to consider the amended Policy.

No other changes have been made to the policy, and the suggested alternative recommendation remains as follows:

That Council ADOPTS the amended Community Engagement Policy (as shown in Attachment 4).

The original report, as presented to Council at its meeting held 17 September 2024, is contained below.

Purpose

To review the Community and Stakeholder Engagement Policy and seek endorsement to adopt the updated Community Engagement Policy.

Details

The community has a growing expectation about the City's role to foster a deeper culture of community participation and our commitment to an engaged constituency. The City's values; Approachable, Responsive, Innovative and Transparent respond to this emerging trend and encourage engagement behaviours consistent with community expectations.

Stronger local democracy and community engagement is a priority of the State Government's reform agenda. As part of the State Government's Tranche 1 reforms, local governments will be required to prepare and adopt a community engagement charter which sets out principles to be applied, and actions taken, in seeking the opinions of the community and receiving community feedback. This charter will be published on the City's website. The form and content will be prescribed by regulations. Currently the Department of Local Government is drafting these regulations, with a view to enacting this part of the legislation later in 2024. Once the regulations are in force, the City will re-assess its policy to ensure that it continues to comply as part of the City's response to Local Government Reform.

The importance of effective community engagement to optimise trust and preserve the City's reputation was a central outcome of the recent internal community engagement audit review (Council Resolution Number 0224/026). The audit identified that the City has improved and increased its engagement with the community, but identified a review of the Community and Stakeholder Engagement Policy as one of the seven areas where opportunities exist to support the ongoing alignment of engagement activities and enhance current practices.

The City has reviewed the Policy alongside its community engagement practice and in response, developed an updated Community Engagement Policy to guide how decisions are informed, share knowledge and strengthen relationships with the community. The updated Policy outlines the City of Stirling's commitment to best-practice community engagement to ensure meaningful and inclusive engagement across the City. It is supported by a suite of engagement resources that provide a step-by-step approach to designing, reporting on, and evaluating engagement.

The updated Policy includes:

- Guiding principles to underpin how the City engages with the community. These principles will help to improve service delivery, identify and respond to changing local needs, and maintain an ongoing dialogue with diverse community members. The commitments articulated in the principles are measurable, enhance community engagement practice and have been designed to optimise trust and credibility.

- Clear community engagement definition that focuses on informing Council's decisions, sharing knowledge, and strengthening relationships with the community.

- Updated IAP2 Public Participation Spectrum to guide the City's one-way and two-way engagement expectations, communicate the responsibilities for community engagement, and manage the impact of community engagement across the City's diverse communities.

- Strengthens the situations when the City will engage to include impact, interest and influence considerations.

- Requirement for Business Units to develop consultation procedures for when a decision has been made and the Business Unit wants to either communicate with the community or seek feedback on the decision. These procedures and related structure will be reviewed annually to ensure relevance and practicality.

- Responsibility of the Community Engagement team to set the strategic community engagement vision and lead the planning, coordination, and management of projects and programs shaping the City.

- Strengthening the definitions to underpin a shared understanding of the City's community engagement practice.

Financial Assessment and Implications

The cost of not undertaking engagement well is significant, including failure to represent the needs of the community, failure to protect the City's reputation, and the fiscal implications on projects and programs. Strengthening the effectiveness of the City's community engagement represents an opportunity to drive the allocated efficiency of City services by aligning with community expectations.

Stakeholder Engagement

On 15 May 2024, the City hosted two small group discussions to invite reflections and feedback regarding the City's community engagement. A total of 17 officers from business units across the City joined the conversation. The discussion focused on the Policy and broader strategic community engagement environment. The insights generated from these discussions informed the Policy review and Management Practice development. A summary of the discussion is provided below.

What's working well?

- Engagement plans and accompanying tools are providing greater consistency in the way engagement is designed and delivered.
- There is strong buy-in from all levels of Council to community engagement and organisational transparency.
- Standardised templates for communications, such as community notices and project pages, has made it easier for project teams.
- The revised Policy is seen as an important step on the positive journey Council has been going through and acknowledges the contribution of the Community Engagement Team.

What needs to be added, changed, or included?

- Greater coordination of engagement efforts and centralised visibility of projects is needed to enable collaboration, reduce engagement fatigue and coordinate resourcing requirements.
- The definition of what is classified as 'engagement', 'business-as-usual (BAU)', 'community development' or 'education' is required. There is confusion about when an engagement plan is needed and when it is not.
- There needs to be a structure around notifications and BAU work (e.g. pet registrations, tree removal) so there is clarity around projects that are sitting at the 'Inform' level of the IAP2 spectrum and how these might interact with other engagement projects underway.
- There is a desire that the Policy and/or accompanying tools can be used as an accountability mechanism to ensure that the engagement plan is being used to report back to Councillors/Executive and the community.
- The next step in the maturity journey is to focus on strategic engagement rather than engaging on everything. This would involve focusing on 'why' an engagement is needed or where that information may be stored elsewhere.

Recommended Action

At the heart of the updated Community Engagement Policy is the understanding that managing community engagement impact and the consistency of our engagement activities are a function of 'good government' as outlined in 3.1 of the *Local Government Act 1995*. The outcome is ensuring change happens with and within the community, and a commitment that the promises we make are the promises we keep.

It is recommended that the amended Community Engagement Policy be adopted to demonstrate our commitment to best-practice community engagement and to ensure meaningful and inclusive engagement across the City.

Relevant Policies, Legislation and Council Resolutions

- *Health Act 1911 and associated regulations*
- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Heritage Act 2018*
- *Environmental Protection Act 1986*
- *Bush Fires Act 1954 and associated regulations*
- *Occupational Health, Safety and Welfare Act 1984 and associated regulations*
- *Privacy Act 1998*
- *Disability Services Act 1993*
- *Equal Opportunity Act 1984*
- *Local Government Act 1995*

Meeting Date	Council Resolution Number	Council Resolution
27 February 2024	0224/026	1. That Council RECEIVES the Community Engagement Internal Audit Report. 2. That the 'medium' rated observations be LISTED on the Management Action Plan for Audit Committee Review until completed.
30 March 2021	0321/037	That Council ENDORSES the Community and Stakeholder Engagement Policy as shown in Attachment 1.
2 July 2019	0719/020	1. That Council ADOPTS the Community and Stakeholder Engagement Policy. 2. That Council NOTES additional resourcing may be required to implement the Community and Stakeholder Engagement Policy.

Sustainable Stirling 2022-2032

Key Result Area: Our leadership

Objective: A customer-focused City

Priority: Involve, engage and inform our community

Strategic Risk

Strategic Risk	Risk Appetite
Community	The City will ensure that it engages with the community in accordance with its Community and Stakeholder Engagement Plan.
Partnerships	The City will be proactive in improving existing relationships and working with new partners to grow its reputation as an organisation that the community, business, government and other organisations choose to engage with.
Reputation	The City will ensure that any decisions that may affect the City's reputation are made at the appropriate level with stakeholders remaining informed and engaged.

Relevant Documents and Information

Attachments

Attachment 1 - Draft Community Engagement Policy ⇩

Attachment 2 - Community and Stakeholder Engagement Policy (adopted 2021 - tracked changes) ⇩

Attachment 3 - Draft Community Engagement Policy (updated September 2024 - tracked changes) ⇩

Attachment 4 - Draft Community Engagement Policy (updated September 2024 - final) ⇩

Available for viewing at meeting

Nil

Linked Documents

Nil

Community Engagement Policy

Aligned City Value/s	**Approachable**	**Responsive**	**Transparent**	**Innovative**
Responsible Directorate	**Community Development**			
Responsible Business Unit/s	**Community Engagement**			
Responsible Officer	**Head of Community Engagement**			
Affected Business Unit/s	**All Business Units**			

Objective

The objectives of this policy are to:

- Provide a clear statement of Council's commitment to best-practice community and stakeholder engagement.
- Define the guiding principles to ensure meaningful and inclusive engagement across the City of Stirling.
- Provide a set of definitions for consistent and clear communication.
- Communicate the responsibilities for community engagement across Council.
- Promote transparency and accountability in Council's decision-making.
- Manage the impact of community engagement across our diverse communities.

Scope

This policy outlines the City of Stirling's commitment to community engagement.

It is supported by a suite of engagement resources that provide a step-by-step approach to designing, delivering, reporting on, and evaluating community engagement.

This policy applies to all Council service areas, teams and employees.

Policy

At the City of Stirling, community engagement focuses on informing the Council's decisions, sharing knowledge, and strengthening relationships with the community. It refers to the many ways in which the Council connects with communities in day-to-day interactions and in the development and implementation of policies, programs, and services.

The outcomes of community engagement activities might include informing decisions that result in improved service, design, facilities, or policy; strengthening relationships between the community and the Council; or facilitating the process of sharing knowledge between the community and the Council.

Principles

The City of Stirling has adopted guiding principles to underpin engagement with the community. These principles will help to improve service delivery, identify and respond to changing local needs, and maintain an ongoing dialogue with diverse community members.

The following seven principles guide the City of Stirling's community engagement:

1. We manage expectations with clear purpose and negotiables
2. We use best practice tools and methodology
3. We build trust and credibility
4. We lead with respect and understanding of what we already know
5. We identify our stakeholders and start where people are at
6. We close the loop with the community
7. We monitor and evaluate our engagement efforts and identify opportunities for improvement.

Each of the seven principles are described further below.

Principle	Description
We manage expectations with clear purpose and negotiables	• The purpose of the engagement is publicly communicated at the start of the engagement process. This includes the objectives, negotiables and non-negotiables. • The community is informed on how their involvement will influence the decision-making process at the start of the engagement.
We use best practice tools and methodology	• Best practice engagement is using tools and methodologies that are designed to be inclusive, accessible and coordinated. An inclusive and accessible process demonstrates respect and leads to diverse voices being heard by decision-makers and the broader public. • There is a mix of engagement types, including online and face-to-face, which reflect the community's preferences.
We build trust and credibility	• The community is supported to participate in the engagement, and the Council demonstrates that their involvement is valued. • There is evidence that the engagement outcomes have informed project decisions.
We lead with respect and understanding of what we already know	• Impacts associated with the engagement process are identified and managed. • The community has the knowledge, resources and opportunity to provide informed contributions to the engagement. This requires the participants to be provided with relevant, tailored and timely information about the project and their role in the decision-making process. • Throughout any engagement, all community members and their views are respected. • The engagement builds on the existing understanding of the community, and previous community engagement processes and outcomes.
We identify our stakeholders and start where people are at	• The engagement planning involves understanding the community and the key groups who may have an interest or may be impacted by the engagement. This includes researching the community to identify who has and who has not contributed to past projects and actively seeking out and

Principle	Description
	genuinely engaging those groups and cohorts in the community who are considered 'hard to reach'. • The engagement design identifies and addresses any barriers to community engagement and uses a range of engagement tools to provide people with options in how they participate.
We close the loop with the community	• Engagement outcomes and how decisions were made, will be shared with the community. • Updates and final outcomes of community engagement will be shared on key Council communication forums and channels.
We monitor and evaluate our engagement efforts and identify opportunities for improvement.	• The success of the engagement will be measured to understand what is working, what is not working and ideas for improvement. • Participants will be given the opportunity to provide feedback on the engagement, both on the process itself and their preferences for future engagement.

Engagement Spectrum

The City of Stirling's engagement approach is guided by the IAP2 Public Participation Spectrum, which describes five levels of engagement, from Inform to Empower.

The Spectrum below includes a commitment to the community in terms of their involvement and influence on the Council's process. Many projects will involve more than one level of engagement. This is because the community can have different levels of influence at different stages of the project and different groups within the community may be more directly impacted than others.

The Spectrum also includes a description of Consultation, Engagement, and Empowerment. These outline how the levels of engagement could be used in the Council's decision-making process.

The table below describes the five levels of the Spectrum and the roles of Council and community.

	Inform	Consult	Involve	Collaborate	Empower
Levels					
Goal	To provide balanced and objective information to make our community aware of something that has happened or will happen.	To listen to our community's feedback on options or a potential decision and consider their views in our decision.	To seek input to identify issues, concerns and aspirations to inform decision-making and show how that input has informed the decision	To work with our community to develop a detailed understanding of all the issues and opportunities and identify agreed solutions at every step of the process.	To build the capacity of our community to identify solutions and/or lead change.

Commitment	We will keep you informed.	We will listen to and acknowledge your concerns.	We will work with you to exchange information, ideas and concerns	We will seek advice and innovation from amongst the various stakeholder groups	We will work with you to implement agreed decisions.
Description	**Consultation** The engagement levels of Inform and Consult typically occur when a decision has been made, and Council wants to either communicate that decision to the community, or seek opinions on the decisions. **Business Units Responsibility**		**Engagement** The engagement levels of Involve and Collaborate involve two-way information flows and include sharing knowledge within and across the community during the decision-making process. When committing to undertaking Engagement, decision makers are using the community's feedback to inform the decision and the outcome. **Community Engagement Team Responsibility**		**Empowerment** The engagement level of Empower is where decisions are made jointly between Council and the community. This is where decision-making authority has been delegated to a group, which includes both representatives of Council and the community.

When the City of Stirling may engage

The City of Stirling will undertake engagement when decisions or plans are likely to impact the community. This may include situations where Council is:

- Creating a new plan or updating an existing plan
- Making a change that will impact the community
- Making a decision that is likely to impact people and the places they live, work, invest or visit
- Seeking to address an issue impacting the community that has been raised and requires a decision
- Hearing from the community that they have an interest in a policy, initiative or service
- Requiring assistance to identify community needs, values or aspirations
- Seeking to provide information to increase knowledge and change behaviour
- Seeking new, or wishes to strengthen, existing relationships with the community
- Required by law to do so.

When engagement may not be sought

There are some situations when it may not be effective or appropriate to engage with the community or stakeholders:

- Legal constraints exist (e.g. confidentiality).
- Council is required to act in a timeframe which precludes consultation for example, an issue of public safety or it is an emergency.
- The matter delivers a policy-driven decision where previous engagement with the community and stakeholders has occurred.
- Council is not the decision-maker and has no ability to influence the decision.
- The matter concerns public safety or is an emergency.

Where it is determined that feedback will not be sought, Council will clearly communicate to inform the impacted stakeholders why feedback was not sought.

Responsibility of Business Units

To ensure a consistent approach to community engagement, Business Units are required to develop consultation procedures for when a decision has been made and BUs want to either communicate with the community (Inform) or seek feedback on the decision (Consult).
As a minimum, these procedures will include the following areas:

- Legislative requirements (if applicable)
- Decision-maker
- Background and context
- Consultation requirements
- Method and timing of feedback and communication
- Advertising time-frames
- Impacted consultation radius
- Signage and content requirements.
- How submissions are considered
- What matters can be considered
- Reporting format for feedback on decisions.

The procedure and related structure will be reviewed annually to ensure relevance and practicality.

Responsibility of the Community Engagement Team

The Community Engagement Team sets the strategic community engagement vision and leads the planning, coordination, and management of projects and program shaping our City.

The team encourages an approach to ask early, ask everyone, ask for advice and take the time to listen. The team has developed the Stirling Way Community Engagement Management Practice, to guide how we engage with our community and Locally-led Stirling to get everyone involved in shaping what it means to be ‘a local’.

Definitions

Collaboration	To work with our community to develop a detailed understanding of all the issues and opportunities and identify agreed solutions at every step of the process.
Communication	Imparting or exchanging information or ideas, utilising a range of channels and mediums.
Community	A group of people who live in the same geographical area or have a shared background, interest, affiliation or membership.
Compliance	Understanding and meeting regulatory and/or legal requirements.
Consultation	To listen to our community’s feedback on options or a potential decision and consider their views in our decision.
Deliberation	A method of engagement process with a select group of participants. The process focuses on a defined issue. It weighs up options and provides recommendations to decision-makers.

Diverse community	The different types of people that make up a community. Diversity includes race, ethnicity, gender, sexual orientation, socio-economic status, age, disability, religious beliefs, political beliefs, or other ideologies.
Engagement	A process to strengthen relationships, increase local knowledge and inform decision-making.
Hard-to-reach	Individuals and groups that may be more difficult to involve in public engagement and/or may have many barriers to engagement. These barriers may include disability, location, language, culture, time, and resources.
IAP2	International Association for Public Participation. The leading professional organisation advancing the practice of public participation globally by promoting the right of those affected by a decision to have a say in the decision-making process, highlighting the benefits of this to organisations, governments and individuals, and providing training programs.
Inclusion	The practices that allow all people to feel valued and respected, irrespective of age, disability, gender, religion, sexual preference, or nationality, are evident when anyone who wishes to can fully participate. This means they can access, understand, and contribute their perspectives and talents to the engagement.
Locally-led	Locally-led approaches are defined by a geographic location. They are collaborative, long-term approaches to listen and respond with a local focus.
Partnership	Two or more people or organisations working in a formalised relationship with a clear sense of purpose. Accountabilities and responsibilities are shared.
Process	A relationship between key steps, activities, tasks, policies and/or resources.
Program	A group of related projects, subprograms and program activities managed in a coordinated way to obtain benefits not available from managing them individually.
Project	An endeavour undertaken to create a unique product, service or result. Projects have a definite beginning and end, and a desired outcome. Projects could be the development of a service, change in business structure or process, delivering information technology, construction of infrastructure or enhancing a policy.
Public	Individuals who live, work, visit or have an interest in a defined place.
Stakeholders	Individuals or organisations, which affect, or can be affected by project decisions. Organisations can include not-for-profit and community-based groups, business and industry, and volunteer networks. They may also include other departments or agencies across federal, state and local government.

Relevant management practices/documents

- Stirling Way Community Engagement Management Practice
- Engagement Planner Tool
- Shaping our City Website
- Communication and Reporting Templates
- Local Focus Library
- Access and Inclusion Plan
- Reconciliation Action Plan (RAP)
- Integrated Planning and Reporting Framework
- 6.18 Planning Consultation Policy
- Risk Management Policy

- Sustainable Stirling 2022–2032
- Customer Service Charter
- Customer Engagement Strategy

Legislation/local law requirements

- WA Local Government Act 1995 and Regulations
- Health Act 1911 and associated regulations
- Metropolitan Region Town Planning Scheme Act 1959
- Planning and Development (Local Planning Schemes)
- Regulations 2015 Heritage of WA Act 1990
- Environmental Protection Act 1986
- Bush Fires Act 1954 and associated regulations
- Occupational Health, Safety and Welfare Act 1984 and associated regulations
- Privacy Act 1998
- Disability Services Act 1993 and Equal Opportunity Act 1984

Office use only				
Relevant delegations	<<Corporate Compliance to insert relevant delegations>>			
Initial Council adoption	**Date**	2 July 2019	**Resolution #**	0719/020
Last reviewed	**Date**	30 March 2021	**Resolution #**	0321/037
Next review due	**Date**	Click or tap to enter a date.		

Community ~~and Stakeholder~~ Engagement Policy

Aligned City Value/s	Approachable Responsive Transparent Innovative
Responsible Directorate	**Community Development**
Responsible Business Unit/s	**Community Engagement ~~Customer and Communications~~**
Responsible Officer	**~~Manager Customer and Communications~~ Head of Community Engagement**
Affected Business Unit/s	**All business units**

Objective

The objectives of this policy are to:

- provide a clear statement of Council's commitment to best-practice community and stakeholder engagement. ~~as it applies to informing decision-making~~
- define the guiding principles to ensure meaningful and inclusive engagement ~~that will ensure appropriate, effective and inclusive community and stakeholder engagement is achieved consistently~~ across the City of Stirling.
- ~~outline the required mechanisms to be established and continually reviewed to ensure best-practice engagement practices are integrated into strategic and operational planning.~~
- Provide a set of definitions for consistent and clear communication.
- Communicate the responsibilities for community engagement across Council.
- Promote transparency and accountability in Council's decision-making.
- Manage the impact of community engagement across our diverse communities.

Scope

This policy outlines the ~~applies to all~~ City of Stirling's commitment to community engagement. ~~staff and contractors that manage projects, plans and initiatives that impact stakeholders in our community, as well as consultants engaged to manage these on the City's behalf.~~

It is supported by a suite of engagement resources that provide a step-by-step approach to designing, delivering, reporting on, and evaluating community engagement.

This policy applies to all Council service areas, teams and employees.

~~It applies to the engagement strategies managed through the City's online engagement hub as well as those using traditional methods.~~

~~This policy is not intended to replace legal and statutory obligations. It should, however be applied to guide business unit specific practices and procedures and to exceed the minimum requirements set under legislation, where appropriate.~~

Policy

At t~~T~~he City of Stirling, ~~is committed to communicating and engaging with our diverse~~ community engagement focuses on informing the Council's ~~openly and inclusively to make sure they have the opportunity to participate in the~~ decisions, sharing knowledge, and strengthening relationships with the community. It refers to the many ways in which the Council connects with communities in day-to-day interactions and in the development and implementation of policies, programs, and services. ~~making that impacts them, and help shape the future of the City.~~

~~The City supports public participation as a process to make better decisions that incorporate both the interests and concerns of affected stakeholders, and the needs of the City. While there are many technical, financial and legislative requirements the City must consider when making decisions, every effort will be made to involve affected stakeholders in the decision-making process.~~

~~This Policy reflects the aspirations identified in the City's Strategic Community Plan 2018–2028 and articulated in the City's Vision, Mission, Values and Sustainability Principles.~~

~~The City has adapted the International Association of Public Participation (IAP2) Core Values to shape our commitment to community and stakeholder engagement through seven guiding principles. Building our approach to engagement on these will support the development and implementation of engagement processes consistent with recognised international best practice.~~

The outcomes of community engagement activities might include informing decisions that result in improved service, design, facilities, or policy; strengthening relationships between the community and the Council; or facilitating the process of sharing knowledge between the community and the Council.

~~The P~~principles ~~guiding the City's approach to community and stakeholder engagement~~

The City of Stirling has adopted guiding principles to underpin engagement with the community. These principles will help to improve service delivery, identify and respond to changing local needs, and maintain an ongoing dialogue with diverse community members.

The following seven principles guide the City of Stirling's community engagement:

1. We manage expectations with clear purpose and negotiables ~~believe that those affected by a decision have the right to be involved in the decision-making process.~~
2. We use best practice tools and methodology ~~will be clear about how participants' feedback and contributions will influence the decision.~~
3. We build trust and credibility ~~believe that the best decisions are the ones that recognise and communicate the needs and interests of both the City and the stakeholders in our community.~~
4. We lead with respect and understanding of what we already know ~~will actively identify those affected by or interested in a decision and make every effort to support and encourage participation in the decision-making process.~~
5. We identify our stakeholders and start where people are at ~~are committed to providing equal access and inclusion for all members of our diverse community. We will understand the diverse range of needs that stakeholders in our community have and choose the methods of engagement within our means that will best support their participation in the decision-making process.~~
6. We close the loop with the community ~~will ensure we give the stakeholders in our community the information they need, at the right time and communicated in the best way to support their understanding, so that they can participate in a meaningful way.~~
7. We monitor and evaluate our engagement efforts and identify opportunities for improvement. ~~will keep the stakeholders in our community updated on the progress and let them know how their input affected the decision.~~

Each of the seven principles are described further below.

Principle	Description
We manage expectations with clear purpose and negotiables	• The purpose of the engagement is publicly communicated at the start of the engagement process. This includes the objectives, negotiables and non-negotiables. • The community is informed on how their involvement will influence the decision-making process at the start of the engagement.
We use best practice tools and methodology	• Best practice engagement is using tools and methodologies that are designed to be inclusive, accessible and coordinated. An inclusive and accessible process demonstrates respect and leads to diverse voices being heard by decision-makers and the broader public. • There is a mix of engagement types, including online and face-to-face, which reflect the community's preferences.
We build trust and credibility	• The community is supported to participate in the engagement, and the Council demonstrates that their involvement is valued. • There is evidence that the engagement outcomes have informed project decisions.
We lead with respect and understanding of what we already know	• Impacts associated with the engagement process are identified and managed. • The community has the knowledge, resources and opportunity to provide informed contributions to the engagement. This requires the participants to be provided with relevant, tailored and timely information about the project and their role in the decision-making process. • Throughout any engagement, all community members and their views are respected. • The engagement builds on the existing understanding of the community, and previous community engagement processes and outcomes.
We identify our stakeholders and start where people are at	• The engagement planning involves understanding the community and the key groups who may have an interest or may be impacted by the engagement. This includes researching the community to identify who has and who has not contributed to past projects and actively seeking out and genuinely engaging those groups and cohorts in the community who are considered 'hard to reach'. • The engagement design identifies and addresses any barriers to community engagement and uses a range of engagement tools to provide people with options in how they participate.
We close the loop with the community	• Engagement outcomes and how decisions were made, will be shared with the community. • Updates and final outcomes of community engagement will be shared on key Council communication forums and channels.
We monitor and evaluate our engagement efforts and identify opportunities for improvement.	• The success of the engagement will be measured to understand what is working, what is not working and ideas for improvement. • Participants will be given the opportunity to provide feedback on the engagement, both on the process itself and their preferences for future engagement.

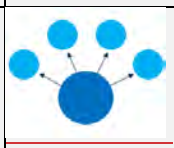
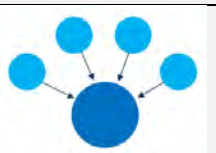
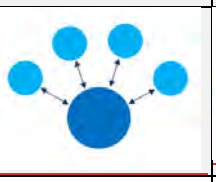
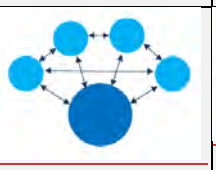
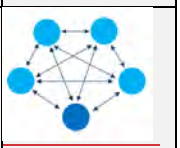
Engagement Spectrum

The City of Stirling's engagement approach is guided by the IAP2 Public Participation Spectrum, which describes five levels of engagement, from Inform to Empower.

The Spectrum below includes a commitment to the community in terms of their involvement and influence on the Council's process. Many projects will involve more than one level of engagement. This is because the community can have different levels of influence at different stages of the project and different groups within the community may be more directly impacted than others.

The Spectrum also includes a description of Consultation, Engagement, and Empowerment. These outline how the levels of engagement could be used in the Council's decision-making process.

The table below describes the five levels of the Spectrum and the roles of Council and community.

	Inform	Consult	Involve	Collaborate	Empower
Levels					
Goal	To provide balanced and objective information to make our community aware of something that has happened or will happen.	To listen to our community's feedback on options or a potential decision and consider their views in our decision.	To seek input to identify issues, concerns and aspirations to inform decision-making and show how that input has informed the decision	To work with our community to develop a detailed understanding of all the issues and opportunities and identify agreed solutions at every step of the process.	To build the capacity of our community to identify solutions and/or lead change.
Commitment	We will keep you informed.	We will listen to and acknowledge your concerns.	We will work with you to exchange information, ideas and concerns	We will seek advice and innovation from amongst the various stakeholder groups	We will work with you to implement agreed decisions.
Description	**Consultation** The engagement levels of Inform and Consult typically occur when a decision has been made, and Council wants to either communicate that decision to the community, or seek opinions on the decisions. **Business Units Responsibility**		**Engagement** The engagement levels of Involve and Collaborate involve two-way information flows and include sharing knowledge within and across the community during the decision-making process. When committing to undertaking Engagement, decision makers are using the community's feedback to inform the decision and the outcome. **Community Engagement Team Responsibility**		**Empowerment** The engagement level of Empower is where decisions are made jointly between Council and the community. This is where decision-making authority has been delegated to a group, which includes both representatives of Council and the community.

~~The City recognises the importance of ensuring best practice engagement practices are integrated into strategic and operational planning, including business case decision-making and project management and will work towards continual improvement in this area.~~

When the City of Stirling may engage

The City of Stirling will undertake engagement when decisions or plans are likely to impact the community. This may include situations where Council is: ~~Community and stakeholder engagement may occur:~~

- ~~On developments or changes with potential to impact residents and ratepayers~~
- ~~When required by Legislative requirements~~
- ~~To get input into long-term and strategic plans of the City~~
- ~~On major projects and strategic issues~~
- ~~When requested by the community or Council.~~
- Creating a new plan or updating an existing plan
- Making a change that will impact the community
- Making a decision that is likely to impact people and the places they live, work, invest or visit

- Seeking to address an issue impacting the community that has been raised and requires a decision
- Hearing from the community that they have an interest in a policy, initiative or service
- Requiring assistance to identify community needs, values or aspirations
- Seeking to provide information to increase knowledge and change behaviour
- Seeking new, or wishes to strengthen, existing relationships with the community
- Required by law to do so.

~~**How the City may engage**~~

~~The City will take a planned and purposeful approach when engaging with stakeholders and the community and will use tools such as the IAP2 Spectrum (Appendix 1) and internal guidelines and frameworks. Methods will be appropriate to the purpose, level of engagement, resources available and stakeholders impacted.~~

When ~~feedback~~ engagement may not be sought

There are some situations when it may not be effective or appropriate to engage with ~~seek feedback from~~ the community or ~~and~~ stakeholders~~, for example when~~:

- Legal constraints exist (e.g. confidentiality)
- The City is required to act in a timeframe which precludes consultation for example, an issue of public safety or it is an emergency.
- The matter ~~is~~ delivers~~ing~~ a policy-driven decision where previous engagement with the community and stakeholders has occurred
- ~~A decision has already been made~~
- Council ~~The City~~ is not the decision-maker and has no ability to influence the decision
- The matter concerns public safety or is an emergency.

Where it is determined that ~~seeking~~ feedback will not be sought ~~, occur~~, the City will clearly communicate ~~provide clear communication~~ to inform the impacted stakeholders ~~explaining~~ why feedback was not sought.

Responsibility of Business Units

To ensure a consistent approach to community engagement, Business Units are required to develop consultation procedures for when a decision has been made and BUs want to either communicate with the community (Inform) or seek feedback on the decision (Consult).

As a minimum, these procedures will include the following areas:

~~Embedding the principles outlined in this policy within the City will be supported by processes and practices based on the IAP2 Quality Assurance Standard For Community and Stakeholder Engagement and the AA1000 Stakeholder Engagement Standard (SES) 2015.~~

~~To provide consistency and ensure that the City engages at a level considered as being best practice, Community and Stakeholder Engagement Procedures will be developed for City issues that require engagement. These include, but are not limited to the following:~~

- ~~Strategic Plans, Frameworks etc. (e.g. Community Strategic Plan, Multicultural Framework)~~
- ~~State Underground Power Project~~

- ~~Scheduled roadworks, right-of-way construction~~

- ~~Road closures, traffic calming proposals~~

- ~~Local Laws~~

- ~~Ward boundary reviews~~

- ~~Changes to services (e.g. changes to how waste is collected by the City, closure of services)~~

- ~~Reactive building maintenance and minor building works~~

- ~~Public toilet and other building demolitions~~

- ~~Building upgrades, internal or external building refurbishments~~

- ~~Playground and park upgrades, replacement and renewal~~

- ~~Major projects (new regional facilities, parklands etc.)~~

~~As a minimum, these Community and Stakeholder Engagement Procedures will include the following areas:~~

- Legislative requirements, (if applicable)
- Decision-maker ~~When engagement is to occur~~
- Background and context ~~Situations where feedback may not be sought~~
- Consultation requirements ~~Processes of engagement that will be used~~
- Advertising time-frames ~~Minimum requirements for engagement~~
- Impacted consultation radius ~~How feedback will be used to inform the final decision, and who the decision-maker is~~
- Method and timing of feedback and communication
- Signage and content requirements ~~Reporting requirements and format~~
- How submissions are considered ~~the procedures meet the Reconciliation Action Plan~~
- How matters can be considered ~~the engagement process will be reviewed and improved on an ongoing basis.~~
- Reporting format for feedback on decisions.

The procedure and related structure will be reviewed annually to ensure relevance and practicality.

Responsibility of the Community Engagement Team

The Community Team sets the strategic community engagement vision and leads the planning, coordination, and management of projects and program shaping our City.

The team encourages an approach to ask early, ask everyone, ask for advice and take the time to listen. The team has developed the 'Stirling Way Community Engagement Practice', to guide how we engage with our community and Locally-led Stirling to get everyone involved in shaping what it means to be 'a local'.

~~All City projects which require any element of community consultation must adhere to the community and stakeholder operational procedures which may include the use of the City of Stirling Engagement Planner e-Tool, at the earliest opportunity.~~

~~Where projects are subject to minimum consultation requirements under Local, State or Federal Law, Regulation or Policies, the relevant Director may exercise discretion and also include the use of these operational procedures, in addition to the minimum requirements of consultation under Local, State or Federal Law, Regulation or Policies to ensure the best engagement outcome is reached.~~

~~Where an engagement approach deviates from the procedures, or is not required, this must be justified in the relevant Council report and take into consideration the impact that will have on the affected community, the nature of the engagement and City resourcing. Where there is no Council report, the Chief Executive Officer or relevant Director may authorise the deviation or omission.~~

~~Should the outcomes of advertising be formally presented to Council and further changes are made to proposal, the changes may be advertised for a further 21 days.~~

Definitions

~~**City**- the City of Stirling~~

Collaboration - To work with our community to develop a detailed understanding of all the issues and opportunities and identify agreed solutions at every step of the process.

Communication- Imparting ~~the imparting~~ or exchanging of information or ideas, utilising a range of channels and mediums. ~~by speaking, writing or via another medium, in consideration of the audience and appropriate for the channel delivered through. Communication is about connecting with people by sending information.~~

Community- A ~~broadly refers to any specific~~ group of people who live in the same geographical area or have a shared background, interest, affiliation or membership. ~~share a similar location, interest or affiliation within the City of Stirling area. These include, but are not limited to residents, ratepayers, business owners and operators, employees, students, visitors and community groups and organisations.~~

~~**Community and stakeholder engagement**- a planned process, which aims to ensure those affected by a decision are given an opportunity to be involved in the decision-making process. It includes a range of activities and strategies to encourage the participation and involvement of all stakeholders.~~

Compliance - Understanding and meeting regulatory and/or legal requirements.

~~**Community c**~~**Consultation**- To listen to our community's feedback on options or a potential decision and consider their views in our decision. ~~a subset of community engagement, as defined within the IAP2 Spectrum of Public Participation, it is a level of engagement in which the purpose is to obtain feedback on analysis, alternatives and/or decisions.~~

Deliberation - A method of engagement process with a select group of participants. The process focuses on a defined issue. It weighs up options and provides recommendations to decision-makers.

Diverse community - The different types of people that make up a community. Diversity includes race, ethnicity, gender, sexual orientation, socio-economic status, age, disability, religious beliefs, political beliefs, or other ideologies.

Engagement - A process to strengthen relationships, increase local knowledge and inform decision-making.

Hard-to-reach - Individuals and groups that may be more difficult to involve in public engagement and/or may have many barriers to engagement. These barriers may include disability, location, language, culture, time, and resources.

IAP2- International Association for Public Participation. The leading professional organisation advancing the practice of public participation globally by promoting the right of those affected by a decision to have a say in the decision-making process, highlighting the benefits of this to organisations, governments and individuals, and providing training programs.

~~**IAP2 Spectrum**- developed by IAP2, the IAP2 Public Participation Spectrum helps to define the community's role in any public participation or engagement process. The spectrum identifies five levels of engagement based on the engagement purpose or goal and the organisation's promise to the public during the process. Also includes examples of methods or tools suitable for each level.~~

Inclusion - The practices that allow all people to feel valued and respected, irrespective of age, disability, gender, religion, sexual preference, or nationality, are evident when anyone who wishes to can fully participate. This means they can access, understand, and contribute their perspectives and talents to the engagement.

Locally-led - Locally-led approaches are defined by a geographic location. They are collaborative, long-term approaches to listen and respond with a local focus.

Partnership - Two or more people or organisations working in a formalised relationship with a clear sense of purpose. Accountabilities and responsibilities are shared.

~~**Program**- a group of related projects, subprograms and program activities managed in a coordinated way to obtain benefits not available from managing them individually.~~

Process - A relationship between key steps, activities, tasks, policies and/or resources.

Program - A group of related projects, subprograms and program activities managed in a coordinated way to obtain benefits not available from managing them individually.

Project- an endeavour undertaken to create a unique product, service or result. Projects have a definite beginning and end, and a desired outcome. Projects could be the development of a product/service, change in business structure or process, delivering information technology, construction of infrastructure or enhancing a business practice/policy.

Public ~~**Participation**~~- Individuals who live, work, visit or have an interest in a defined place. ~~is another term used to describe the process of 'community engagement'. Other terms include 'civic engagement', 'citizen engagement', 'public engagement' and 'public involvement'.~~

~~**Online engagement hub**- an online platform used to coordinate an organisation's stakeholder and community engagement activities. The tools and functionality of the platform enables engagement at all levels of the IAP2 Spectrum. Your Say Stirling is the City's online engagement hub.~~

~~**Our Vision**- the City of Stirling will be a place where people choose to live, work, visit and invest. We will have safe and thriving neighbourhoods with a range of housing, employment and recreational opportunities. We will engage with our diverse community to help shape our future into the City of Stirling – City of Choice~~

~~**Our Mission**- to serve the City's diverse community through delivering efficient, responsive and sustainable services.~~

~~**Our Values**- integrity; community participation; accountability; respect; environment; diversity.~~

Stakeholder- individuals~~, groups~~ or organisations~~.~~, which affect, or can be affected by project decisions. Organisations can include not-for-profit and community-based groups, business and industry, and volunteer networks. They may also include other departments or agencies across federal, state and local government.~~interested in, impacted by or in a position to influence the City of Stirling's activities or objectives.~~

~~**Statutory**- a legal requirement the City must adhere to.~~

~~**Sustainability Principles**- long-term decision making; fairness for all generations; improving lives and human rights; environmentally and socially responsible development; acting with precaution; conserving the natural environment and biodiversity; minimising the impact of operations, goods and services; accountability, transparency and engagement.~~

Relevant management practices/documents

Stirling Way-Community Engagement Management Practice

Engagement Planner Tool
Shaping our City Website
Communication and Reporting Templates
Local Focus Library
Access and Inclusion Plan
~~Innovate~~ Reconciliation Action Plan (RAP) ~~September 2018–September 2020~~
Integrated Planning and Reporting Framework
6.18 Planning Consultation Policy~~Procedure~~
Risk Management Policy
Strategic Community Plan 2022–2032 ~~2018–2028~~
Customer Service Charter
Customer Engagement Strategy

Legislation/local law requirements

WA Local Government Act 1995 and Regulations
Health Act 1911 and associated regulations
Metropolitan Region Town Planning Scheme Act 1959
Planning and Development (Local Planning Schemes) ~~Regulations 2015~~
Regulations 2015 Heritage of WA Act 1990
~~Heritage of WA Act 1990~~
Environmental Protection Act 1986
Bush Fires Act 1954 and associated regulations
Occupational Health, Safety and Welfare Act 1984 and associated regulations
Privacy Act 1998
Disability Services Act 1993 and Equal Opportunity Act 1984

Office use only				
Relevant delegations	~~Not applicable~~			
Initial Council adoption	**Date** ~~2 July 2019~~		**Resolution #**	~~0719/020~~
Last reviewed	**Date** ~~March 2021~~		**Resolution #**	
Next review due	**Date**			

~~Appendix 1 – IAP2 Spectrum of Public Participation~~

IAP2 Spectrum of Public Participation

IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

INCREASING IMPACT ON THE DECISION

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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10

Community Engagement Policy

Aligned City Value/s	**Approachable**	**Responsive**	**Transparent**	**Innovative**
Responsible Directorate	**Community Development**			
Responsible Business Unit/s	**Community Engagement**			
Responsible Officer	**Head of Community Engagement**			
Affected Business Unit/s	**All Business Units**			

Objective

The objectives of this policy are to:

- Provide a clear statement of Council's commitment to best-practice community and stakeholder engagement.
- Define the guiding principles to ensure meaningful and inclusive engagement across the City of Stirling.
- Provide a set of definitions for consistent and clear communication
- Communicate the responsibilities for community engagement across Council.
- Promote transparency and accountability in Council's decision-making.
- Manage the impact of community engagement across our diverse communities.

Scope

This policy outlines the City of Stirling's commitment to community engagement.

It is supported by a suite of engagement resources that provide a step-by-step approach to designing, delivering, reporting on, and evaluating community engagement.

This policy applies to all Council service areas, teams and employees.

Policy

At the City of Stirling, community engagement focuses on informing the Council's decisions, sharing knowledge, and strengthening relationships with the community. It refers to the many ways in which the Council connects with communities in day-to-day interactions and in the development and implementation of policies, programs, and services.

The outcomes of community engagement activities might include informing decisions that result in improved service, design, facilities, or policy; strengthening relationships between the community and the Council; or facilitating the process of sharing knowledge between the community and the Council.

Principles

The City of Stirling has adopted guiding principles to underpin engagement with the community. These principles will help to improve service delivery, identify and respond to changing local needs, and maintain an ongoing dialogue with diverse community members.

The following seven principles guide the City of Stirling's community engagement:

1. We manage expectations with clear purpose and negotiables
2. We use best practice tools and methodology
3. We build trust and credibility
4. We lead with respect and understanding of what we already know
5. We identify our stakeholders and start where people are at
6. We close the loop with the community
7. We monitor and evaluate our engagement efforts and identify opportunities for improvement.

Each of the seven principles are described further below.

Principle	Description
We manage expectations with clear purpose and negotiables	• The purpose of the engagement is publicly communicated at the start of the engagement process. This includes the objectives, negotiables and non-negotiables. • The community is informed on how their involvement will influence the decision-making process at the start of the engagement. • Councillors have participated in the Engagement planning process and the setting of engagement objectives and negotiables.
We use best practice tools and methodology	• Best practice engagement is using tools and methodologies that are designed to be inclusive, accessible and coordinated. An inclusive and accessible process demonstrates respect and leads to diverse voices being heard by decision-makers and the broader public. • There is a mix of engagement types, including online and face-to-face, which reflect the community's preferences.
We build trust and credibility	• The community is supported to participate in the engagement, and the Council demonstrates that their involvement is valued. • There is evidence that the engagement outcomes have informed project decisions.
We lead with respect and understanding of what we already know	• Impacts associated with the engagement process are identified and managed. • The community has the knowledge, resources and opportunity to provide informed contributions to the engagement. This requires the participants to be provided with relevant, tailored and timely information about the project and their role in the decision-making process. • Throughout any engagement, all community members and their views are respected. • The engagement builds on the existing understanding of the community, and previous community engagement processes and outcomes.
We identify our stakeholders and	• The engagement planning involves understanding the community and the key groups who may have an interest or may be impacted by the

Principle	Description
start where people are at	engagement. This includes researching the community to identify who has and who has not contributed to past projects and actively seeking out and genuinely engaging those groups and cohorts in the community who are considered 'hard to reach'. • The engagement design identifies and addresses any barriers to community engagement and uses a range of engagement tools to provide people with options in how they participate.
We close the loop with the community	• Engagement outcomes and how decisions were made, will be shared with the community. • Updates and final outcomes of community engagement will be shared on key Council communication forums and channels.
We monitor and evaluate our engagement efforts and identify opportunities for improvement.	• The success of the engagement will be measured to understand what is working, what is not working and ideas for improvement. • Participants will be given the opportunity to provide feedback on the engagement, both on the process itself and their preferences for future engagement.

When the City of Stirling may engage

The City of Stirling will undertake engagement when decisions or plans are likely to impact the community. This may include situations where Council is:

- Creating a new plan or updating an existing plan
- Making a change that will impact the community
- Making a decision that is likely to impact people and the places they live, work, invest or visit
- Seeking to address an issue impacting the community that has been raised and requires a decision
- Hearing from the community that they have an interest in a policy, initiative or service
- Requiring assistance to identify community needs, values or aspirations
- Seeking to provide information to increase knowledge and change behaviour
- Seeking new, or wishes to strengthen, existing relationships with the community
- Required by law to do so.

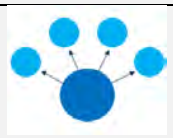
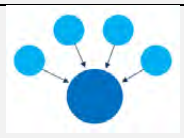
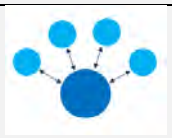
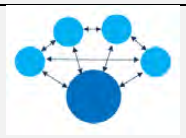
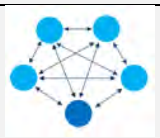
Engagement Spectrum

The City of Stirling's engagement approach is guided by the IAP2 Public Participation Spectrum, which describes five levels of engagement, from Inform to Empower.

The Spectrum below includes a commitment to the community in terms of their involvement and influence on the Council's process. Many projects will involve more than one level of engagement. This is because the community can have different levels of influence at different stages of the project and different groups within the community may be more directly impacted than others.

The Spectrum also includes a description of Consultation, Engagement, and Empowerment. These outline how the levels of engagement could be used in the Council's decision-making process.

The table below describes the five levels of the Spectrum and the roles of Council and community.

	Inform	Consult	Involve	Collaborate	Empower
Levels					
Goal	To provide balanced and objective information to make our community aware of something that has happened or will happen.	To listen to our community's feedback on options or a potential decision and consider their views in our decision.	To seek input to identify issues, concerns and aspirations to inform decision-making and show how that input has informed the decision	To work with our community to develop a detailed understanding of all the issues and opportunities and identify agreed solutions at every step of the process.	To build the capacity of our community to identify solutions and/or lead change.
Commitment	We will keep you informed.	We will listen to and acknowledge your concerns.	We will work with you to exchange information, ideas and concerns	We will seek advice and innovation from amongst the various stakeholder groups	We will work with you to implement agreed decisions.
Description	**Consultation** The engagement levels of Inform and Consult typically occur when a decision has been made, and Council wants to either communicate that decision to the community, or seek opinions on the decisions. **Business Units Responsibility**		**Engagement** The engagement levels of Involve and Collaborate involve two-way information flows and include sharing knowledge within and across the community during the decision-making process. When committing to undertaking Engagement, decision makers are using the community's feedback to inform the decision and the outcome. **Community Engagement Team Responsibility**		**Empowerment** The engagement level of Empower is where decisions are made jointly between Council and the community. This is where decision-making authority has been delegated to a group, which includes both representatives of Council and the community.

When engagement may not be sought

There are some situations when it may not be effective or appropriate to engage with the community or stakeholders:

- Legal constraints exist (e.g. confidentiality).
- Council is required to act in a timeframe which precludes consultation for example, an issue of public safety or it is an emergency.
- The matter delivers a policy-driven decision where previous engagement with the community and stakeholders has occurred.
- Council is not the decision-maker and has no ability to influence the decision.

- The matter concerns public safety or is an emergency.

Where it is determined that feedback will not be sought, Council will clearly communicate to inform the impacted stakeholders why feedback was not sought.

Responsibility of Business Units

To ensure a consistent approach to community engagement, Business Units are required to develop consultation procedures for when a decision has been made and BUs want to either communicate with the community (Inform) or seek feedback on the decision (Consult).
As a minimum, these procedures will include the following areas:

- Legislative requirements (if applicable)
- Decision-maker
- Background and context
- Consultation requirements
- Method and timing of feedback and communication
- Advertising time-frames
- Impacted consultation radius
- Signage and content requirements.
- How submissions are considered
- What matters can be considered
- Reporting format for feedback on decisions including consultation tables.

The procedure and related structure will be reviewed annually to ensure relevance and practicality.

Responsibility of the Community Engagement Team

The Community Engagement Team sets the strategic community engagement vision and leads the planning, coordination, and management of projects and program shaping our City.

The team encourages an approach to ask early, ask everyone, ask for advice and take the time to listen. The team has developed the Stirling Way Community Engagement Management Practice, to guide how we engage with our community and Locally-led Stirling to get everyone involved in shaping what it means to be ‘a local’.

Definitions

Collaboration	To work with our community to develop a detailed understanding of all the issues and opportunities and identify agreed solutions at every step of the process.
Communication	Imparting or exchanging information or ideas, utilising a range of channels and mediums.
Community	A group of people who live in the same geographical area or have a shared background, interest, affiliation or membership.
Compliance	Understanding and meeting regulatory and/or legal requirements.
Consultation	To listen to our community’s feedback on options or a potential decision and consider their views in our decision.
Consultation Tables	A summary table for reports that consolidates community support and opposition by proximity to the project location (100m, 200m) and extended community. The purpose

	is to enhance consistency in relation to how Council reviews and interprets local consultation submissions.
Deliberation	A method of engagement process with a select group of participants. The process focuses on a defined issue. It weighs up options and provides recommendations to decision-makers.
Diverse community	The different types of people that make up a community. Diversity includes race, ethnicity, gender, sexual orientation, socio-economic status, age, disability, religious beliefs, political beliefs, or other ideologies.
Engagement	A process to strengthen relationships, increase local knowledge and inform decision-making.
Hard-to-reach	Individuals and groups that may be more difficult to involve in public engagement and/or may have many barriers to engagement. These barriers may include disability, location, language, culture, time, and resources.
IAP2	International Association for Public Participation. The leading professional organisation advancing the practice of public participation globally by promoting the right of those affected by a decision to have a say in the decision-making process, highlighting the benefits of this to organisations, governments and individuals, and providing training programs.
Inclusion	The practices that allow all people to feel valued and respected, irrespective of age, disability, gender, religion, sexual preference, or nationality, are evident when anyone who wishes to can fully participate. This means they can access, understand, and contribute their perspectives and talents to the engagement.
Locally-led	Locally-led approaches are defined by a geographic location. They are collaborative, long-term approaches to listen and respond with a local focus.
Partnership	Two or more people or organisations working in a formalised relationship with a clear sense of purpose. Accountabilities and responsibilities are shared.
Process	A relationship between key steps, activities, tasks, policies and/or resources.
Program	A group of related projects, subprograms and program activities managed in a coordinated way to obtain benefits not available from managing them individually.
Project	An endeavour undertaken to create a unique product, service or result. Projects have a definite beginning and end, and a desired outcome. Projects could be the development of a service, change in business structure or process, delivering information technology, construction of infrastructure or enhancing a policy.
Public	Individuals who live, work, visit or have an interest in a defined place.
Stakeholders	Individuals or organisations, which affect, or can be affected by project decisions. Organisations can include not-for-profit and community-based groups, business and industry, and volunteer networks. They may also include other departments or agencies across federal, state and local government.
Submission	A submission is a formal written response process to understand the community support and/or opposition for a proposed decision or plan during a consultation period.
Tacit Consent	Tacit consent is whereby a non-response is treated to be a response in the affirmative for the purpose of decision-making. The City does not use this methodology.

Relevant management practices/documents

- Stirling Way Community Engagement Management Practice
- Engagement Planner Tool
- Shaping our City Website
- Communication and Reporting Templates
- Local Focus Library
- Access and Inclusion Plan
- Reconciliation Action Plan (RAP)
- Integrated Planning and Reporting Framework
- 6.18 Planning Consultation Policy
- Risk Management Policy
- Sustainable Stirling 2022–2032
- Customer Service Charter
- Customer Engagement Strategy

Legislation/local law requirements

- WA Local Government Act 1995 and Regulations
- Health Act 1911 and associated regulations
- Planning and Development Act 2005 ~~Metropolitan Region Town Planning Scheme Act 1959~~
- Planning and Development (Local Planning Schemes) Regulations 2015
- ~~Regulations 2015 Heritage of WA Act 1990~~
- Heritage Act 2018
- Environmental Protection Act 1986
- Bush Fires Act 1954 and associated regulations
- Occupational Health, Safety and Welfare Act 1984 and associated regulations
- Privacy Act 1998
- Disability Services Act 1993 and Equal Opportunity Act 1984

Office use only				
Relevant delegations	<<Corporate Compliance to insert relevant delegations>>			
Initial Council adoption	**Date**	2 July 2019	**Resolution #**	0719/020
Last reviewed	**Date**	30 March 2021	**Resolution #**	0321/037
Next review due	**Date**	Click or tap to enter a date.		

Community Engagement Policy

Aligned City Value/s	**Approachable**	**Responsive**	**Transparent**	**Innovative**
Responsible Directorate	**Community Development**			
Responsible Business Unit/s	**Community Engagement**			
Responsible Officer	**Head of Community Engagement**			
Affected Business Unit/s	**All Business Units**			

Objective

The objectives of this policy are to:

- Provide a clear statement of Council's commitment to best-practice community and stakeholder engagement.
- Define the guiding principles to ensure meaningful and inclusive engagement across the City of Stirling.
- Provide a set of definitions for consistent and clear communication
- Communicate the responsibilities for community engagement across Council.
- Promote transparency and accountability in Council's decision-making.
- Manage the impact of community engagement across our diverse communities.

Scope

This policy outlines the City of Stirling's commitment to community engagement.

It is supported by a suite of engagement resources that provide a step-by-step approach to designing, delivering, reporting on, and evaluating community engagement.

This policy applies to all Council service areas, teams and employees.

Policy

At the City of Stirling, community engagement focuses on informing the Council's decisions, sharing knowledge, and strengthening relationships with the community. It refers to the many ways in which the Council connects with communities in day-to-day interactions and in the development and implementation of policies, programs, and services.

The outcomes of community engagement activities might include informing decisions that result in improved service, design, facilities, or policy; strengthening relationships between the community and the Council; or facilitating the process of sharing knowledge between the community and the Council.

Principles

The City of Stirling has adopted guiding principles to underpin engagement with the community. These principles will help to improve service delivery, identify and respond to changing local needs, and maintain an ongoing dialogue with diverse community members.

The following seven principles guide the City of Stirling's community engagement:

1. We manage expectations with clear purpose and negotiables
2. We use best practice tools and methodology
3. We build trust and credibility
4. We lead with respect and understanding of what we already know
5. We identify our stakeholders and start where people are at
6. We close the loop with the community
7. We monitor and evaluate our engagement efforts and identify opportunities for improvement.

Each of the seven principles are described further below.

Principle	Description
We manage expectations with clear purpose and negotiables	• The purpose of the engagement is publicly communicated at the start of the engagement process. This includes the objectives, negotiables and non-negotiables. • The community is informed on how their involvement will influence the decision-making process at the start of the engagement. • Councillors have participated in the Engagement planning process and the setting of engagement objectives and negotiables.
We use best practice tools and methodology	• Best practice engagement is using tools and methodologies that are designed to be inclusive, accessible and coordinated. An inclusive and accessible process demonstrates respect and leads to diverse voices being heard by decision-makers and the broader public. • There is a mix of engagement types, including online and face-to-face, which reflect the community's preferences.
We build trust and credibility	• The community is supported to participate in the engagement, and the Council demonstrates that their involvement is valued. • There is evidence that the engagement outcomes have informed project decisions.
We lead with respect and understanding of what we already know	• Impacts associated with the engagement process are identified and managed. • The community has the knowledge, resources and opportunity to provide informed contributions to the engagement. This requires the participants to be provided with relevant, tailored and timely information about the project and their role in the decision-making process. • Throughout any engagement, all community members and their views are respected. • The engagement builds on the existing understanding of the community, and previous community engagement processes and outcomes.
We identify our stakeholders and	• The engagement planning involves understanding the community and the key groups who may have an interest or may be impacted by the

Principle	Description
start where people are at	engagement. This includes researching the community to identify who has and who has not contributed to past projects and actively seeking out and genuinely engaging those groups and cohorts in the community who are considered 'hard to reach'. • The engagement design identifies and addresses any barriers to community engagement and uses a range of engagement tools to provide people with options in how they participate.
We close the loop with the community	• Engagement outcomes and how decisions were made, will be shared with the community. • Updates and final outcomes of community engagement will be shared on key Council communication forums and channels.
We monitor and evaluate our engagement efforts and identify opportunities for improvement.	• The success of the engagement will be measured to understand what is working, what is not working and ideas for improvement. • Participants will be given the opportunity to provide feedback on the engagement, both on the process itself and their preferences for future engagement.

When the City of Stirling may engage

The City of Stirling will undertake engagement when decisions or plans are likely to impact the community. This may include situations where Council is:

- Creating a new plan or updating an existing plan
- Making a change that will impact the community
- Making a decision that is likely to impact people and the places they live, work, invest or visit
- Seeking to address an issue impacting the community that has been raised and requires a decision
- Hearing from the community that they have an interest in a policy, initiative or service
- Requiring assistance to identify community needs, values or aspirations
- Seeking to provide information to increase knowledge and change behaviour
- Seeking new, or wishes to strengthen, existing relationships with the community
- Required by law to do so.

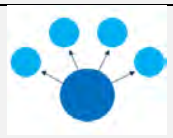
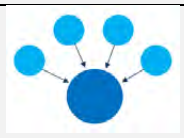
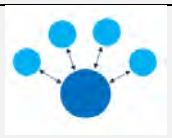
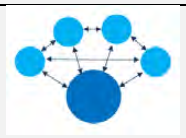
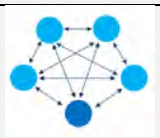
Engagement Spectrum

The City of Stirling's engagement approach is guided by the IAP2 Public Participation Spectrum, which describes five levels of engagement, from Inform to Empower.

The Spectrum below includes a commitment to the community in terms of their involvement and influence on the Council's process. Many projects will involve more than one level of engagement. This is because the community can have different levels of influence at different stages of the project and different groups within the community may be more directly impacted than others.

The Spectrum also includes a description of Consultation, Engagement, and Empowerment. These outline how the levels of engagement could be used in the Council's decision-making process.

The table below describes the five levels of the Spectrum and the roles of Council and community.

	Inform	Consult	Involve	Collaborate	Empower
Levels					
Goal	To provide balanced and objective information to make our community aware of something that has happened or will happen.	To listen to our community's feedback on options or a potential decision and consider their views in our decision.	To seek input to identify issues, concerns and aspirations to inform decision-making and show how that input has informed the decision	To work with our community to develop a detailed understanding of all the issues and opportunities and identify agreed solutions at every step of the process.	To build the capacity of our community to identify solutions and/or lead change.
Commitment	We will keep you informed.	We will listen to and acknowledge your concerns.	We will work with you to exchange information, ideas and concerns	We will seek advice and innovation from amongst the various stakeholder groups	We will work with you to implement agreed decisions.
Description	**Consultation** The engagement levels of Inform and Consult typically occur when a decision has been made, and Council wants to either communicate that decision to the community, or seek opinions on the decisions. **Business Units Responsibility**		**Engagement** The engagement levels of Involve and Collaborate involve two-way information flows and include sharing knowledge within and across the community during the decision-making process. When committing to undertaking Engagement, decision makers are using the community's feedback to inform the decision and the outcome. **Community Engagement Team Responsibility**		**Empowerment** The engagement level of Empower is where decisions are made jointly between Council and the community. This is where decision-making authority has been delegated to a group, which includes both representatives of Council and the community.

When engagement may not be sought

There are some situations when it may not be effective or appropriate to engage with the community or stakeholders:

- Legal constraints exist (e.g. confidentiality).
- Council is required to act in a timeframe which precludes consultation for example, an issue of public safety or it is an emergency.
- The matter delivers a policy-driven decision where previous engagement with the community and stakeholders has occurred.
- Council is not the decision-maker and has no ability to influence the decision.

- The matter concerns public safety or is an emergency.

Where it is determined that feedback will not be sought, Council will clearly communicate to inform the impacted stakeholders why feedback was not sought.

Responsibility of Business Units

To ensure a consistent approach to community engagement, Business Units are required to develop consultation procedures for when a decision has been made and BUs want to either communicate with the community (Inform) or seek feedback on the decision (Consult).
As a minimum, these procedures will include the following areas:

- Legislative requirements (if applicable)
- Decision-maker
- Background and context
- Consultation requirements
- Method and timing of feedback and communication
- Advertising time-frames
- Impacted consultation radius
- Signage and content requirements.
- How submissions are considered
- What matters can be considered
- Reporting format for feedback on decisions including consultation tables.

The procedure and related structure will be reviewed annually to ensure relevance and practicality.

Responsibility of the Community Engagement Team

The Community Engagement Team sets the strategic community engagement vision and leads the planning, coordination, and management of projects and program shaping our City.

The team encourages an approach to ask early, ask everyone, ask for advice and take the time to listen. The team has developed the Stirling Way Community Engagement Management Practice, to guide how we engage with our community and Locally-led Stirling to get everyone involved in shaping what it means to be ‘a local’.

Definitions

Collaboration	To work with our community to develop a detailed understanding of all the issues and opportunities and identify agreed solutions at every step of the process.
Communication	Imparting or exchanging information or ideas, utilising a range of channels and mediums.
Community	A group of people who live in the same geographical area or have a shared background, interest, affiliation or membership.
Compliance	Understanding and meeting regulatory and/or legal requirements.
Consultation	To listen to our community’s feedback on options or a potential decision and consider their views in our decision.
Consultation Tables	A summary table for reports that consolidates community support and opposition by proximity to the project location (100m, 200m) and extended community. The purpose

	is to enhance consistency in relation to how Council reviews and interprets local consultation submissions.
Deliberation	A method of engagement process with a select group of participants. The process focuses on a defined issue. It weighs up options and provides recommendations to decision-makers.
Diverse community	The different types of people that make up a community. Diversity includes race, ethnicity, gender, sexual orientation, socio-economic status, age, disability, religious beliefs, political beliefs, or other ideologies.
Engagement	A process to strengthen relationships, increase local knowledge and inform decision-making.
Hard-to-reach	Individuals and groups that may be more difficult to involve in public engagement and/or may have many barriers to engagement. These barriers may include disability, location, language, culture, time, and resources.
IAP2	International Association for Public Participation. The leading professional organisation advancing the practice of public participation globally by promoting the right of those affected by a decision to have a say in the decision-making process, highlighting the benefits of this to organisations, governments and individuals, and providing training programs.
Inclusion	The practices that allow all people to feel valued and respected, irrespective of age, disability, gender, religion, sexual preference, or nationality, are evident when anyone who wishes to can fully participate. This means they can access, understand, and contribute their perspectives and talents to the engagement.
Locally-led	Locally-led approaches are defined by a geographic location. They are collaborative, long-term approaches to listen and respond with a local focus.
Partnership	Two or more people or organisations working in a formalised relationship with a clear sense of purpose. Accountabilities and responsibilities are shared.
Process	A relationship between key steps, activities, tasks, policies and/or resources.
Program	A group of related projects, subprograms and program activities managed in a coordinated way to obtain benefits not available from managing them individually.
Project	An endeavour undertaken to create a unique product, service or result. Projects have a definite beginning and end, and a desired outcome. Projects could be the development of a service, change in business structure or process, delivering information technology, construction of infrastructure or enhancing a policy.
Public	Individuals who live, work, visit or have an interest in a defined place.
Stakeholders	Individuals or organisations, which affect, or can be affected by project decisions. Organisations can include not-for-profit and community-based groups, business and industry, and volunteer networks. They may also include other departments or agencies across federal, state and local government.
Submission	A submission is a formal written response process to understand the community support and/or opposition for a proposed decision or plan during a consultation period.
Tacit Consent	Tacit consent is whereby a non-response is treated to be a response in the affirmative for the purpose of decision-making. The City does not use this methodology.

Relevant management practices/documents

- Stirling Way Community Engagement Management Practice
- Engagement Planner Tool
- Shaping our City Website
- Communication and Reporting Templates
- Local Focus Library
- Access and Inclusion Plan
- Reconciliation Action Plan (RAP)
- Integrated Planning and Reporting Framework
- 6.18 Planning Consultation Policy
- Risk Management Policy
- Sustainable Stirling 2022–2032
- Customer Service Charter
- Customer Engagement Strategy

Legislation/local law requirements

- WA Local Government Act 1995 and Regulations
- Health Act 1911 and associated regulations
- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Heritage Act 2018
- Environmental Protection Act 1986
- Bush Fires Act 1954 and associated regulations
- Occupational Health, Safety and Welfare Act 1984 and associated regulations
- Privacy Act 1998
- Disability Services Act 1993 and Equal Opportunity Act 1984

Office use only				
Relevant delegations	<<Corporate Compliance to insert relevant delegations>>			
Initial Council adoption	**Date**	2 July 2019	**Resolution #**	0719/020
Last reviewed	**Date**	30 March 2021	**Resolution #**	0321/037
Next review due	**Date**	Click or tap to enter a date.		

At 8.17pm, Councillor Suzanne Migdale returned to the meeting during consideration of Item 13.2.

13.2 USE OF CIVIC FACILITIES FOR CITIZENSHIP CEREMONIES 2025

Business Unit:	Governance	Service: Council Governance
Ward:	City Wide	Location: City of Stirling Administration / Civic Building – 25 Cedric Street, Stirling WA 6021
Applicant:	Not Applicable	

Role

Executive - *Governing the City and the community through executive powers.*

Council Resolution

1024/010

Moved Councillor Krsticevic, seconded Councillor Proud

That Council APPROVES the allocation of dates for 2025 Citizenship Ceremonies.

The motion was put and declared CARRIED (12/0).

For: Councillors Dudek, Ferrante, Giudici, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re and Mayor Irwin.
Against: Nil.

Recommendation

That Council APPROVES the allocation of dates for 2025 Citizenship Ceremonies.

Purpose

This report provides Elected Members with the proposed dates for Citizenship Ceremonies in 2025 and the opening address allocation for Elected Members. The Mayor approves Civic events, including Citizenship Ceremonies, under the City's policies and any changes can be approved by the Mayor.

Details

The City receives requests from the Department of Home Affairs to host Citizenship Ceremonies.

At each Citizenship Ceremony, members of Federal and State Parliament are invited to attend, along with Elected Members.

In 2025, there will be Federal, State and Local Government Elections. As per the Citizenship Ceremonies Code, Citizenship Ceremonies must not be scheduled on Federal or State sitting days. At the time of this report, there are no sitting schedules for State or Federal Parliaments for 2025, therefore ceremony dates are based on information currently available, relating to Election Dates.

Officers have also considered the date of the Local Government Election and the induction period following the election.

Citizenship Ceremonies are predominately held at 6.00pm on Wednesdays, with the exception of three special events – Australia Day, Harmony Day and Citizenship Day.

Ceremonies are held with up to 200 recipients, plus dignitaries, Elected Members, and recipient guests. Finger food and non-alcoholic beverages are provided.

The Deputy Mayor presides at Citizenship Ceremonies, and Ward Councillors take turns to present an opening address. The exception to this is Australia Day, Harmony Day and Citizenship Day - for these three events, the Mayor presides and the Deputy Mayor gives the opening address.

To fairly distribute the opportunity to present an opening address at Citizenship Ceremonies among Elected Members, the below schedule has been created for the opening address.

Proposed Citizenship Date	Opening Address	Note
Sunday 26 January 2025	Deputy Mayor Migdale	'Australia Day'
Wednesday 19 February 2025	Councillor Olow	
Friday 21 March 2025	Deputy Mayor Migdale	'Harmony Day'
Wednesday 9 April 2025	Councillor Thornton	
Wednesday 21 May 2025	Councillor Ferrante	
Wednesday 4 June 2025	Councillor Giudici	
Wednesday 25 June 2025	Councillor Lagan	
Wednesday 9 July 2025	Councillor Hatton	
Wednesday 23 July 2025	Councillor Perkov	
Wednesday 27 August 2025	Councillor Proud	
Wednesday 3 September 2025	Councillor Re	
Wednesday 17 September 2025	Deputy Mayor Migdale	'Citizenship Day'
Wednesday 8 October 2025	Councillor Paparde	
Wednesday 5 November 2025	Councillor Dudek	
Wednesday 19 November 2025	*Councillor Elect Coastal Ward	
Wednesday 10 December 2025	*Councillor Elect Balga Ward	

*Councillor Elect follows the results of the 2025 Ordinary Council Election.

The below reserve list is set up for Elected Members who are unable to attend a ceremony. The reserve list will reflect the opposite order of the above Elected Members allocated attendance. The opportunity will be allocated to the Elected Members on the reserve list in the order in which they appear.

The reserve list will be as follows:

- Councillor Dudek
- Councillor Creado
- Councillor Paparde
- Councillor Krsticevic
- Councillor Re
- Councillor Proud
- Councillor Perkov
- Councillor Hatton
- Councillor Lagan
- Councillor Giudici
- Councillor Ferrante
- Councillor Thornton
- Councillor Olow

Councillors Elect will be added to the list following the 2025 Ordinary Council Election in the order as specified in the report.

Where Citizenship Ceremonies are unable to be held due to reduced numbers of conferees or any other reason, the Citizenship Ceremony will be cancelled.

The Elected Member scheduled to perform the opening address will be placed at the top of the reserve list to ensure fairness and equity to all.

Opening Address

The Opening Address is delivered by the Elected Member scheduled to attend the Ceremony. The Opening Address requirements are provided by the Civic Business Officer.

In the event the Mayor is presiding officer, the Deputy Mayor is invited to deliver the Opening Address.

Financial Assessment and Implications

Citizenship Ceremonies are funded within existing budget allocations.

Stakeholder Engagement

Nil.

Relevant Policies, Legislation and Council Resolutions

Use of the Civic Facilities requires approval of the Mayor as stipulated within the Civic Facilities Policy.

Civic Facilities Policy

Elected Member and CEO Attendance at Events Policy

Local Government Act 1995

Sustainable Stirling 2022-2032

Key Result Area: Our community

Objective: An inclusive and harmonious City

Priority: Build strong relationships with our multicultural and diverse community

Strategic Risk

Strategic Risk	Risk Appetite
Governance	The City will act with integrity and implement appropriate processes and controls to avoid breach of legislation.

Relevant Documents and Information

Attachments

Nil.

Available for viewing at meeting

Nil.

Linked Documents

Nil.

14. NOTICES OF MOTION FOR CONSIDERATION

'Notices of Motion for Consideration' include a brief report to assist Council in deciding to approve or not approve the Motion.

A further and more detailed report will be submitted at a future Ordinary Council meeting for Motions that are approved, in accordance with Clause 4.5(2)(c) of the City of Stirling Meeting Procedures Local Law 2021.

14.1 PROPOSED NOTICE OF MOTION - COUNCILLOR JOE FERRANTE - INTERSECTION IMPROVEMENTS - WORDSWORTH AVENUE AND ALEXANDER DRIVE, YOKINE

Business Unit:	Engineering Services	Service: Transport Services
Ward:	Lawley	Location: Intersection of Alexander Drive and Wordsworth Avenue, Yokine
Applicant:	Not Applicable	

Role

Executive - *Governing the City and the community through executive powers.*

Council Resolution

1024/011

Moved Councillor Ferrante, seconded Councillor Migdale

That a report be PRESENTED to a future Council meeting regarding the intersection of Wordsworth Avenue and Alexander Drive, Yokine, providing potential options and engineering solutions with approximate costings for suitable traffic controls; allowing for better flow of park users; and improving safety of residents exiting and entering Wordsworth Avenue.

The motion was put and declared CARRIED (11/1).

For: Councillors Dudek, Ferrante, Giudici, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud and Re.
Against: Mayor Irwin.

Notice of Motion Recommendation

That a report be PRESENTED to a future Council meeting regarding the intersection of Wordsworth Avenue and Alexander Drive, Yokine, providing potential options and engineering solutions with approximate costings for suitable traffic controls; allowing for better flow of park users; and improving safety of residents exiting and entering Wordsworth Avenue.

(Suggested Alternative Recommendation – Refer to Conclusion of Report)

Background provided by Elected Member

"The residents of Yokine are fed up with congestion and safety issues of trying to perform a safe right hand turn on to Alexander Drive."

Details

Background

The intersection of Alexander Drive and Wordsworth Avenue is located in Yokine. It is surrounded by residential properties to the north, Yokine Regional Open Space to the south-west, and the Stirling Community Centre Inglewood to the south-east.

Alexander Drive is a four-lane District Distributor (A) road that carries approximately 33,000 vehicles per day, and Wordsworth Avenue is a two-lane Local Distributor road that carries 4,500 vehicles per day. Wordsworth Avenue combines with Latrobe Street and Swanston Street to provide an important connection between Flinders Street and Alexander Drive. Separate left and right turn lanes are provided on the Wordsworth Avenue approach, and there is a wide median in Alexander Drive that allows vehicles from Wordsworth Avenue to make right turns in two staged movements.

The City has previously received requests to review the safety of the intersection of Alexander Drive and Wordsworth Avenue. In response to these requests, the City has undertaken various investigations of available traffic data, crash statistics and pedestrian movements to determine the need and justification for treatments at this intersection. A summary of those investigations is described in this report.

Review of Intersection Safety

Crash data for the intersection indicates there were 12 reported crashes in the last 5-year period on record (between 2019 and 2023). In terms of crash frequency, this intersection ranks 146th of all intersections across the City and 44th of all unsignalised intersections.

A summary of the crashes is described in Table 1 and shown in Figure 1.

Category	Data
Crash Type	7 Right angle crashes, 4 Rear End Crashes, 1 Right Turn Through crash
Crash Severity	9 Property Damage Only, 3 Medical Attention
Road Conditions	11 Dry, 1 Wet
Light Conditions	11 Daylight, 1 Dark – Street Lights On

Table 1 – Summary of Crash Statistics for Alexander Drive and Wordsworth Avenue for Crashes between 2019 and 2023

A review of historical crash data for the intersection indicates that the crash frequency has been progressively reducing over the last decade. The frequency of crashes was previously as high as 21 crashes over a 5-year period (between 2013 and 2017).

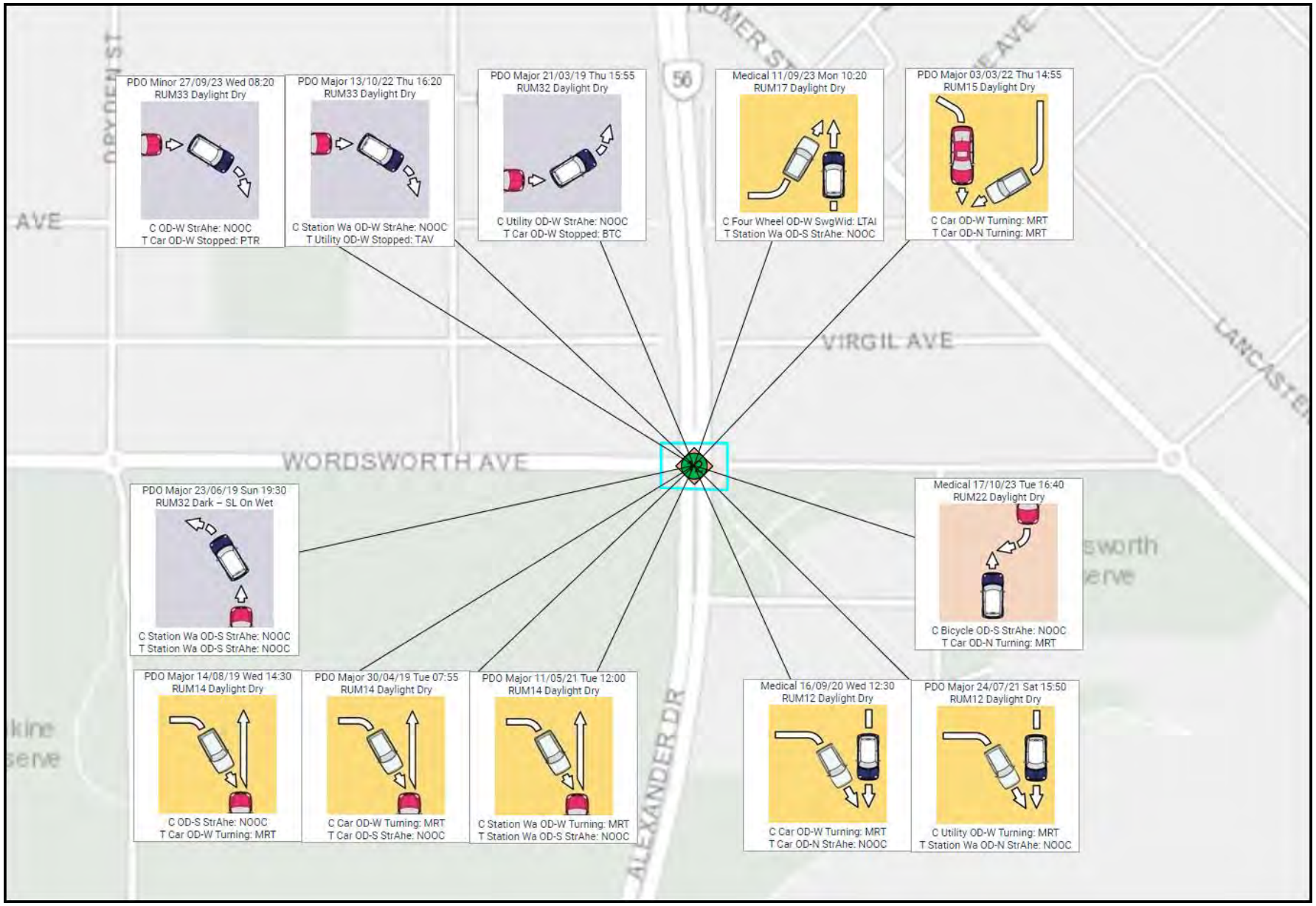


Figure 1 – Collision Diagram for Alexander Drive and Wordsworth Avenue for Crashes between 2019 and 2023

Review of Pedestrian Access

The City has previously investigated the need for a formalised pedestrian crossing at this intersection (i.e. zebra crossing or pelican signals). The investigation included traffic counts surveys and video surveys to quantify the number of vehicles travelling through the intersection and the number of pedestrians crossing the road.

The data obtained from these surveys demonstrated that the current pedestrian volumes fall well below the minimum requirements set by Main Roads WA (MRWA). Further pedestrian surveys conducted in May 2024 indicated that the pedestrian volumes have remained relatively consistent with the previous video surveys, and the warrants for a formalised pedestrian crossing are still not satisfied.

The provision of a grade separated pedestrian crossing (i.e. a bridge or underpass) has also been considered as part of the City's investigations, but has been found to not be feasible for a number of reasons:

- These types of grade-separated crossings are rarely provided, except at freeways and other limited access highways with significantly higher traffic and pedestrian volumes.
- The capital costs are very high for both types of crossing (i.e. in the millions of dollars) and would be difficult to justify based on the current low pedestrian numbers.
- A bridge can be visually intrusive and result in privacy concerns for nearby residences.
- An underpass has a reduced level of personal security, high lighting costs and is prone to vandalism.
- Level differences can cause problems for the elderly and persons with a mobility impairment.
- Both types of crossing are generally poorly patronised due to the level difference, longer walking distance (particularly at a pedestrian bridge) and reduced perception of personal safety.

In terms of constructability, there is steep downward slope on the eastern side of the road and a level difference of up to 5m between the road pavement surface and the playing fields in Yokine Reserve. It would be difficult to construct a circular ramp approach on the Yokine Reserve side of the bridge with such a steep bank. The vertical clearance for a pedestrian bridge would need to be 4.9m above the roadway (to accommodate the maximum permitted height of heavy vehicles). This would increase the risk of conflict with high voltage power lines along the western side of Alexander Drive (in Yokine Reserve) and high-tension power lines on the eastern side. These services would need to be undergrounded to accommodate a pedestrian bridge, and the cost for this component alone would likely cost in the millions of dollars.

A report on pedestrian crossing options was considered by Council at its meeting held 3 December 2019, and Council resolved as follows (Council Resolution Number 1219/058):

> *"That Council DOES NOT PROCEED with a formalised pedestrian crossing on Alexander Drive, Yokine between Yokine Reserve and the Terry Tyzack Aquatic Centre, on the basis that recent investigations have shown the minimum warrants have not been satisfied."*

Consideration of Treatments

The City has previously investigated the installation of traffic signals at the intersection of Alexander Drive and Wordsworth Avenue, which could potentially incorporate pedestrian crossing facilities. The approval of new traffic signals rests within MRWA.

The Traffic Signals Approval Policy process through MRWA is a complex process and achieving approvals for new signals has become increasingly difficult in recent years. The City previously submitted Black Spot applications for new traffic signals at two intersections with 40-plus reported crashes in a five-year period. Despite the potential benefits to road safety and positive benefit-vs-cost ratios, both applications were not supported by MRWA. Based on this experience, the intersection of Alexander Drive and Wordsworth Avenue is unlikely to gain approval for new traffic signals, given there has been only 12 reported crashes over the last five-year period.

The City has also been requested to consider a roundabout at this location. While it may appear to be a large open area, the construction of a dual lane roundabout would occupy a significantly large area of land which is not available within the existing road reserve. Additionally, a dual lane roundabout on a road such as this would come at a significant cost (likely more than $1 million based on recent projects), which could not be justified based on the current crash statistics.

Based on the above information, the City does not have any plans for modifications at this stage, but will continue to monitor the crash patterns to determine if further action becomes warranted in the future. The City appreciates that there can often be delays and congestion along side roads onto major arterial roads, particularly during peak periods. However, these issues exist at many unsignalised junctions onto major arterial roads, and motorists need to remain vigilant and adhere to road rules when travelling through these locations.

Alternative Recommendation

The City has conducted several investigations over the past decade to evaluate the feasibility of intersection modifications and pedestrian crossing facilities. Based on the data available, these investigations have concluded that such treatments currently have a low justification. As such, the City considers that a report outlining potential options and engineering solutions for the intersection of Wordsworth Avenue and Alexander Drive is not required at this time.

Financial Assessment and Implications

There are no financial implications associated with this report at this stage. Any modifications to the intersection would need to be considered as part of a future budgeting process.

Sustainable Stirling 2022-2032

Key Result Area: Our built environment

Objective: An accessible and connected City

Priority: Provide and maintain safe and accessible roads and parking

Strategic Risk

Strategic Risk	Risk Appetite
Reputation	The City will ensure that any decisions that may affect the City's reputation are made at the appropriate level with stakeholders remaining informed and engaged.

Relevant Documents and Information

Attachments

Nil.

Available for viewing at the meeting

Nil.

Linked Documents

Nil

Suggested Alternative Recommendation

That Council NOTES a report detailing potential options and engineering solutions for the intersection of Wordsworth Avenue and Alexander Drive is not required based on recent and ongoing investigations already undertaken.

Reason for Alternative Recommendation

The City has undertaken a number of investigations over the last decade to evaluate the feasibility of intersection modifications and pedestrian crossing facilities. Based on the data available, these investigations have concluded that such treatments currently have a low justification at this stage.

Councillor Damien Giudici disclosed an Impartial Interest in Item 14.2 as he is an employee of DevelopmentWA that is the developer of the ECU Project. He left the meeting at 8.16pm prior to consideration of the Item.

14.2 PROPOSED NOTICE OF MOTION - COUNCILLOR SUZANNE MIGDALE - ECU MOUNT LAWLEY - PROVISION OF COMMUNITY INFRASTRUCTURE

Business Unit:	City Future	Service: Schemes, Policies & Heritage
Ward:	Lawley	Location: ECU Mount Lawley Campus
Applicant:	Not applicable	

Role

Advocacy - *Advocating to government or other organisations.*

Council Resolution

1024/012

Moved Councillor Migdale, seconded Councillor Ferrante

That the Chief Executive Officer WRITES to Development WA requesting the consideration of the retention of additional existing key infrastructure at the ECU Mount Lawley campus which may benefit the diverse growing local community (i.e. library, sport & fitness centre, performing arts facilities) and that these facilities be handed over to the City of Stirling as part of the site redevelopment.

The motion was put and declared CARRIED (11/0).

For: Councillors Dudek, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re and Mayor Irwin.
Against: Nil.

Notice of Motion Recommendation

That the Chief Executive Officer WRITES to Development WA requesting the consideration of the retention of additional existing key infrastructure at the ECU Mount Lawley campus which may benefit the diverse growing local community (i.e. library, sport & fitness centre, performing arts facilities) and that these facilities be handed over to the City of Stirling as part of the site redevelopment.

Background provided by Elected Member

"While it is acknowledged that the ECU Mount Lawley campus redevelopment is being undertaken by the State Government it is considered worthwhile investigating whether any infrastructure can be maintained for the benefit of the local community. This may include the University Library, Sport & Fitness Centre and WAAPA Performing Arts facilities.

Given the close proximity of Mount Lawley High School there may also be shared-use opportunities associated with these facilities. It is noted that, aside from the State Government's willingness (or not) to retain and handover over this infrastructure, the City will need to review the future demand for such community facilities based on projected population growth within the area".

Details

On 20 September 2020 the State Government announced that the ECU Mount Lawley campus would relocate to the Perth CBD as part of a 'City Deal'. The ECU site has an area of 18.3ha and includes specialised facilities such as a media training centre, performing arts facilities and on-campus accommodation. The site abuts the Mount Lawley High School, where the ECU fitness centre is located.

As a consequence of this relocation, the site will be redeveloped, with Development WA being the lead State Agency responsible for the redevelopment. No substantive progress has been made to date on planning for the redevelopment of the site.

The potential value of making the remaining on-site facilities available to the local community is acknowledged, and has previously been considered by Council at its meeting held 27 October 2020. At that meeting, Council considered a Notice of Motion report following the public announcement of the relocation of ECU Mount Lawley, and resolved (Council Resolution Number 1020/032) as follows:

"That the Mayor WRITES to the Minister for Planning asking that the State Government:-

a. *Explains the master planning process for the Western Australian Academy of Performing Arts / Edith Cowan University site in Mount Lawley;*

b. *Confirms if a committee will be formed, and if so, what the terms of reference will be and whether the City of Stirling will be represented; and*

c. *Confirms whether there is potential for the Western Australian Academy of Performing Arts building to be gifted to the City as a Performing Arts Centre / Theatre."*

The Minister for Planning responded to the City's letter on 11 January 2021, encouraging *the City to engage with the Department of Education through the master planning process concerning the potential for the community to gain access to these facilities.*

Since that time, the City's officers have been working with the Department of Education to discuss community access to the performing arts facility. These discussions are ongoing.

The City's officers have also been in early discussions with Development WA regarding the future redevelopment of the site, with periodic meetings taking place. To date, no detailed proposals have been discussed. As part of these on-going discussions, any resolution of Council regarding this site will be discussed with Development WA.

As the City's officers are currently engaging with the Department of Education over the use of the performing arts centre and are in discussions with Development WA over the future of the site, it is possible to expand these actions to address the Notice of Motion without impacting on service delivery.

This will be achieved during the periodic meetings that take place with the Department of Education and Development WA.

For these reasons, the Notice of Motion is supported.

Financial Assessment and Implications

Nil

Sustainable Stirling 2022-2032

Key Result Area: Our community

Objective: An inclusive and harmonious City

Priority: Facilitate social connections and access to services locally

Objective: An active and healthy City

Priority: Facilitate a range of recreation and leisure opportunities for everyone in the City

Strategic Risk

Strategic Risk	Risk Appetite
Partnerships	The City will be proactive in improving existing relationships and working with new partners to grow its reputation as an organisation that the community, business, government and other organisations choose to engage with.
Community	The City will ensure that it engages with the community in accordance with its Community and Stakeholder Engagement Plan.

Previous Council Resolutions

Meeting Date	Council Resolution Number	Council Resolution
27 October 2020	1020/032	That the Mayor WRITES to the Minister for Planning asking that the State Government: a. Explains the master planning process for the Western Australian Academy of Performing Arts / Edith Cowan University site in Mount Lawley; b. Confirms if a committee will be formed, and if so, what the terms of reference will be and whether the City of Stirling will be represented; and c. Confirms whether there is potential for the Western Australian Academy of Performing Arts building to be gifted to the City as a Performing Arts Centre / Theatre.
11 May 2021	0521/029	That the Mayor WRITES to the Chairman of the Mount Lawley Senior High School / WAAPA working group to request representation by local government ward Councillors in this group.
1 March 2022	0322/024	That the Mayor WRITES to Premier Mark McGowan to move the abandoned Fremantle Quay Film Studios location to the existing WAAPA site in Mount Lawley. In addition, the Mayor, Ward Councillors and relevant officers prepare a presentation so a value proposition can be discussed in a meeting with the Premier.

Relevant Documents and Information

Attachments

Nil.

Available for viewing at the meeting

Nil.

Linked Documents

Nil

At 8.21pm, Councillor Damien Giudici returned to the meeting prior to Item 15.

At 8.22pm, Councillor Elizabeth Re retired from the meeting.

15. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING

15.1 PROPOSED NOTICE OF MOTION - COUNCILLOR KARLO PERKOV - PEDESTRIAN BRIDGE AT LAKE GWELUP RESERVE, GWELUP

Councillor Karlo Perkov submitted the following Notice of Motion at the Council meeting held 15 October 2024.

Notice of Motion Recommendation

That the Mayor WRITES to the Member for Scarborough, the Member for Carine and Water Corporation seeking a commitment to fully fund the reconstruction of the pedestrian bridge in Lake Gwelup Reserve between Porter Street and Pascoe Street.

Reason for Motion

The bridge is important to the community and needs to be resolved.

15.2 PROPOSED NOTICE OF MOTION - COUNCILLOR JOE FERRANTE - REVIEW OF OFFERS IN THE ANNUAL RATES NOTICE

Councillor Joe Ferrante submitted the following Notice of Motion at the Council meeting held 15 October 2024.

Notice of Motion Recommendation

That a report be PRESENTED to the Community and Resources Committee meeting to be held 26 November 2024, regarding a review of the complimentary offers that are attached to the City's annual rates notices, and including the following as new proposed options:

a. Free Practise Range Golf at the New Hamersley Golf course
b. Free upgrades to Large Yellow Recycling Bins
c. Free upgrades to Large Green Waste Bin
d. Free Family swim pass
e. Free Spin or similar Classes at our Gyms
f. One Annual Parking Fine Credit (Excluding Disability Bays)

Reason for Motion

The current offers have not been reviewed for many years and the City should be looking at cost of living help, and be more relevant and valuable for the ratepayer.

16. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

17. NEW BUSINESS OF AN URGENT NATURE

Nil.

18. MATTERS BEHIND CLOSED DOORS

Council Resolution

1024/013

Moved Councillor Lagan, seconded Councillor Migdale

That Item 18.1 - Mirrabooka Town Centre Opportunity be CONSIDERED Behind Closed Doors in accordance with Section 5.23(2)(c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

> ***(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.***

The motion was put and declared CARRIED (11/0).

For: Councillors Dudek, Ferrante, Giudici, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud and Mayor Irwin.
Against: Nil.

At 8.25pm, the meeting was closed to the public.

At 8.26pm, Deputy Mayor Migdale assumed the Chair prior to consideration of Item 18.1.

At 8.32pm, the following attendees left the meeting:

- Mayor Mark Irwin;
- Councillor Joe Ferrante;
- Councillor David Lagan; and
- Director Infrastructure Andrew Murphy.

18.1 MIRRABOOKA TOWN CENTRE OPPORTUNITY

Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

Council Resolution

1024/014

Moved Councillor Krsticevic, seconded Councillor Proud

That Council PROCEEDS with the confidential recommendation as outlined in the conclusion of this report.

The motion was put and declared CARRIED (8/0) by an Absolute Majority Vote.

For: Councillors Dudek, Giudici, Hatton, Krsticevic, Migdale, Olow, Perkov and Proud.
Against: Nil.

At 8.35pm, Mayor Mark Irwin, Councillor Joe Ferrante, Councillor David Lagan and Director Infrastructure Andrew Murphy returned to the meeting following the conclusion of Item 18.1.

Council Resolution

1024/015

Moved Councillor Krsticevic, seconded Councillor Proud

That the Meeting be REOPENED to the public.

The motion was put and declared CARRIED (11/0).

For: Councillors Dudek, Ferrante, Giudici, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud and Mayor Irwin.
Against: Nil.

At 8.36pm, the meeting was reopened to the public.

19. CLOSURE

The Presiding Member declared the meeting closed at 8.37pm.

These minutes were confirmed as a true and correct record of proceedings on:

……/……/ 2024

SIGNED:

Presiding Member Name: ……..

_____

PRESIDING MEMBER