

Deputation List

Agenda Briefing Forum – 21 January 2025

Deputations will be heard at the Agenda Briefing Forum at **7pm, Tuesday 21 January 2025**.

The items will then be considered by Council at its Ordinary Council Meeting, scheduled for **7pm, Tuesday 28 January 2025**.

The procedure for making a deputation is available on the City's website:

[Petitions and Deputations - City of Bayswater](#)

Deputations may be made in person or in writing.

In-person deputations

The following people have registered to make in-person deputations:

Deputee Name(s)	In Support / Not in Support of the Officer's Recommendation or Councillor Motion
10.1.1 Proposed Road Dedication – Reserve 41129 (Blackboy Way Reserve) lot 11210, 14 Blackboy Way, Morley WA 6062	
Jason Bartell (spokesperson) and Alex Jarvis	In support
10.3.4 Proposed Street Tree Removal for Subdivision of Land – Lot 221, 45 Gummery Street, Bedford	
Jamie Ford	Not in support <i>*Has provided their deputation in writing which is attached below</i>
14.1.1 Keeping and Control of Cats Amendment Local Law 2024	
Bruce Webber on behalf of the WA Feral Cat Working Group	Not in support <i>*Has provided their deputation in writing which is attached below.</i>
Rachael Roberts (spokesperson) Environment House on behalf of Friends of Groups on the City of Bayswater	Not in support <i>*Has provided their deputation in writing which is attached below.</i>

Written deputations

The following deputations have been received in writing and are attached:

Deputee Name(s)	In Support / Not in Support of the Officer's Recommendation or Councillor Motion
10.3.4 Proposed Street Tree Removal for Subdivision of Land – Lot 221, 45 Gummery Street, Bedford	
Georgina Ker	In support
14.1.1 Keeping and Control of Cats Amendment Local Law 2024	
David Dyke	Not in support

Item 10.3.4 Proposed Street Tree Removal for Subdivision of Land – Lot 221, 45 Gummery Street, Bedford

Jamie Ford

I'm here today to seek permission from council to remove and replace a verge tree from the left-hand side of the verge adjacent to my property to allow me to create an access leg for a battle axe subdivision I wish to apply for.

The tree I am seeking to remove and replace is a Queensland box tree, located under powerlines that is at least 48 years old as evidenced on the 1977 Landgate ariel imagery. (see attachment 1) This species of trees only achieves 20-40 years of good health and maturity before beginning to decline as reported in the Urban tree mortality report in the August 2024 council minutes. (see attachment 2) There are many Queensland box trees which are already dying and in decline with reduced canopy coverage on every street in Bedford. I have provided photographic evidence of some of these trees. (see attachment 3) The tree on my property is covered in fungus and scale, which are signs that the tree is already in decline. Other reasons for the high percentage of Queensland box tree mortality, as reported, include the fact that it is a sub-tropical tree and due to climate change our environment no longer sustains this species which requires a wetter and milder climate. It also highlights the constant stress trees under powerlines receive as they are constantly being cut back which diminishes their lifespan. The tree I'm requesting to remove is a post-mature tree at the end of its lifespan that is no longer suitable for the environment it was originally planted in. There was another tree of the same species located on the opposite side of the crossover which died and was removed in 2023 due to heat stress as well as the other mitigating factors listed above, demonstrating the likelihood that this current tree does not have many years left before it will die.

The Queensland box tree represents approximately one third of the City's street trees as reported in the May 2022 council minutes. (attachment 4) They make up almost double the amount of the next most planted verge tree in the City of Bayswater. This is in direct conflict with the trees on private land and street tree policy whose objectives include providing a diverse range of tree species to assist with providing a more resilient urban forest. As stated in the 2022 minutes, typical watering costs of a mature tree are between 5 to 10 times the cost of watering a single juvenile tree. Mature trees require large volumes of water on a regular basis to assist them to recover from severe drought-stress, although this intervention does not guarantee their survival. Even so, the City has allocated \$100,000 in the latest budget solely for watering mature trees in distress as well as allocating a full-time employee to do so. Money and resources could be utilised to try to systematically remove and replace these trees as demonstrated by the City of Claremont where Queensland Box trees are allowed to be removed are replaced at the cost of the resident due to their inappropriateness and overabundance in the City's catchment area. (attachment 5) In doing so, it will create a more resilient urban tree canopy, which in 5-10 years' time will be even more critical for the community to have instead of having a policy which states that no tree is to be removed unless dead which will then lead to a large percentage of the council area having a decreased urban tree canopy in the near future as these species of trees continue to decline and die en masse.

The officer who is not in support of the application has advised two alternatives: The first is continuing with the already approved side by side subdivision applied for by the previous owner of the property. This would mean demolition of the current property which would result in adding a considerable increase in carbon emissions, landfill and waste which is in

opposition to strategy 9 of the COB strategic community plan 2021-2031. By allowing this, the urban heat island effect is increased by adding to greenhouse gases. (<https://www.climatechange.environment.nsw.gov.au/impacts-climate-change/built-environment/urban-heat>) The main reasoning for keeping the tree is to reduce the heat island effect but the demolition of a house over the retention of a post-mature, inappropriate tree species at the end of its lifespan doesn't seem like an appropriate payoff.

The second alternative is to create an easement on the property to create a driveway to the back block. Unfortunately, this is not possible. Due to the location of the house on the block the outdoor space needs to be located at the front of the property. To be able to comply with r-codes the access to the outdoor space would need to be located on the right-hand side of the property where the main living area is. The car spaces would need to be located on the left-hand side of the property where the easement is proposed. (see attachment 6) It has been suggested to create a driveway around the tree with examples provided located at 51a Bourne St, 32 Clarke Rd and 18 Armanda St. (see attachment 7) These properties are new builds who could build to the land limitations with two of the properties having the garages located at the back of the building and the other property having the garage on the opposite side of the access leg. This is because it is not viable to create parking for the front property and an easement driveway in the same location in most instances. It is not possible on my property for an access driveway to the back block to go around the tree as well as provide two car spaces and an outdoor area with access from the main living room for the front house, which are all requirements of the current r-codes.

I believe it is in the community's best interest to allow me to remove the Queensland box tree that is at the end of its life and replace it with a native, drought tolerant, height appropriate tree that will benefit the community for many decades to come without costing the community money or resources. I would like to propose that I plant a Coral Gum that is on the current COB planting palette and water wise tree list and is a native, drought tolerant species. I am happy to source a tree that is already at a reasonable height to mitigate the time it will take for it to reach maturity and allow more shade and help reduce the urban heat island effect immediately.

I believe it is extremely important to be pro-active in the updating of our urban forest as trees are an asset which take a long time to grow and mature. Doing anything about the already acknowledged tree mortality once the trees are already dead seems counter-productive and will not result in reaching the target of a 20% urban canopy coverage by 2030.

Thank you for your time.

The strategic implications for allowing me remove and replace this tree fall under the environmental and liveability themes in the City of Bayswater Strategic Community Plan 2021-2031.

The strategies include:

S9 – Encourage sustainability and sustainable lifestyles with a focus on waste reduction, carbon reduction, education, and the maintenance of assets (covering goals E4 & E5)

S10 – Green our suburbs and restore the natural environment and biodiversity, while balancing density and built form which covers goals E2, E4 and E5.

S11 – Support affordable housing and address homelessness which covers C4 and E1.

Attachment 1

1977 Landgate ariel image



Landgate ariel image 1981



Attachment 2

City of
Bayswater



Agenda

Ordinary Council Meeting

27 August 2024

Notice of Meeting

The next Ordinary Council Meeting will take place in the Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on **Tuesday, 27 August 2024** commencing at **7:00pm**.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Edwards'.

JEREMY EDWARDS
CHIEF EXECUTIVE OFFICER

15 August 2024

- In year 2, trees are watered once each week.
- In year 3, trees are watered fortnightly.
- Watering occurs during the drier months of the year.
- The City will undertake extra watering if required for trees that are under stress and struggling.
- Additional watering by residents is also encouraged in City promotional material and various media channels.
- Maintenance of the trees – replacing and correcting stakes, formative pruning of the tree, mulching at the base, and weed control.
- Replacing defective, damaged or dead trees.
- Ongoing mature tree maintenance beyond three years.

Urban Tree Mortality

Trees have a life span, and all are expected to reach their respective end of life. Tree deaths can occur naturally but are also brought on prematurely for a number of reasons often relating to the location, environmental factors and impacts of activities.

Climate change has become an important factor in tree mortality in recent years and there are many examples in the City of Bayswater, as well as across the Perth Metro Area and State, of trees in decline because of climatic factors. The City's arborists believe the recent increase of trees being in decline is due to:

1. Increased temperatures and dry periods:
 - The City has experienced the driest six-month spell in 150 years.
 - The total rainfall during this period has been less than 22mm.
2. There being less ground water available. This is likely the result of recharge being less than the requirement to maintain vegetation. This can be attributed to several factors, including increased hardstand areas and stormwater conveyance away from source. This imbalance has seen a steady decline in groundwater reserves available for trees.
3. Reticulated verges not being reticulated anymore. There are many trees that were established on reticulated verges that have been unable to adapt to a sudden change in watering regime.
4. The species that have been planted in the past, for example the two most notable tree species to show decline are:
 - Queensland Box – this a sub-tropical tree that is used the wetter environments and conditions.
 - Kings Park special – this particular species is struggling due to being propagated from a single cultivar. This has resulted in a lack of resilience in this particular species which is being exposed by the drier conditions being experienced.
5. The age of trees and the regular and extensive pruning undertaken over many years:
 - Many years of under powerline lopping has reduced the life span of these trees due to the stress placed on the trees.
 - Many trees typically only achieve 20 to 40 years before beginning to decline.

The following table provides data on tree mortality for the three most recent years:

	2021	2022	2023
Mature Tree Deaths	178	586	420
Juvenile Tree Deaths	50	200	521
Total Tree Deaths	228	786	940
Juvenile Trees under 3-Year Maintenance	4,114	5,924	9,308
Planted	1,292	3,014	5,002
Annual Juvenile Tree Mortality Rate (as % of total annual maintained juvenile trees)	1.2%	3.4%	5.6%
Annual Mature Tree Mortality Rate (as % of total estimated 140,000 mature trees)	0.13%	0.42%	0.30%

(Note: 2023 data refers to tree planting that has occurred in Winter 2023 and mortality figures after the planting season and extending to the end of the dry period i.e. Q2 2024)

The City has also lost trees due to removals required to manage the spread of the Polyphagous Shothole Borer (PSHB). At the time of writing this report, there have been 36 trees removed within the City as part of the response being managed by the DPIRD. Inspections and monitoring of trees and management of infestations by DPIRD is continuing in the City of Bayswater. The City will continue to assist the DPIRD including following any instructions by the department.

To address the growing concerns relating to the increase in tree mortality rates due to climate stresses, the City is implementing the following activities:

- Additional watering, including weekend watering on weeks that have been hotter than average.
- In 2024/25, there will be a water truck and dedicated staff member watering struggling senior trees.
- Trialling new tree species. The City has been trialling species that are normally wheatbelt and goldfields species.
- The City has been adding water crystals to new trees and struggling juvenile trees. The water crystals assist by storing water close to the trees roots systems for the trees use between watering cycles and high stress periods.
- The review of the City's tree species list to remove host trees for the PSHB.

LEGISLATIVE COMPLIANCE

The City of Bayswater *Activities in Thoroughfares and Public Places and Trading Local Law 2020* is applicable to trees planted along thoroughfares.

RISK MANAGEMENT CONSIDERATION

The table below shows the level of risk for each impact category, if the officer's recommendation is not adopted by the Council.

Impact Category	Appetite	Risk Rating
Workplace, Health and Safety	Low	Low
Financial	Medium	Low

Reputation and Stakeholders	Medium	Low
Service Delivery	Medium	Low
Environment	Low	Low
Governance and Compliance	Low	Low
Strategic Risk	SR03 - Council plans, decision making process and/or activities fail to invest in the management, protection and improvement of its natural environment.	

The City has programs, processes and budgets in place to deliver and manage its tree assets, and to undertake planting and establishment of new trees that will increase the City's urban tree canopy. This report provides an update on the status of this and does not propose any changes to these programs and processes.

FINANCIAL IMPLICATIONS

The City has sufficient allocations in the 2024/25 Budget for the tree planting program, as well as the maintenance of juvenile and mature trees across the City.

This report is not seeking any changes to the current budget allocations.

STRATEGIC IMPLICATIONS

The figures and projections made by City officers suggest that the City will continue to make positive canopy coverage gains on land it owns and manages. However, the targets set by Council for the entire City of Bayswater area are unlikely to be met by 2030 through the City's current tree planting efforts, simply due to the time it takes for the trees to generate a measurable tree canopy. It is expected that the City's planting efforts together with canopy gains through the existing tree canopy growth will achieve the 20% target at a later date beyond 2030. This could be accelerated through the further undergrounding of overhead power lines around the City.

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

- Theme: Environment and Liveability
- Goal E2: Remain focused on greening the City's suburbs and streetscapes and increasing the tree canopy.
- Goal E5: Protect and enhance the City's natural environment and biodiversity, and encourage the community to participate in its protection.

CONCLUSION

This report to Council provides an update on the results of the latest LIDAR tree canopy survey, the City's tree planting and maintenance program and tree mortality rates.

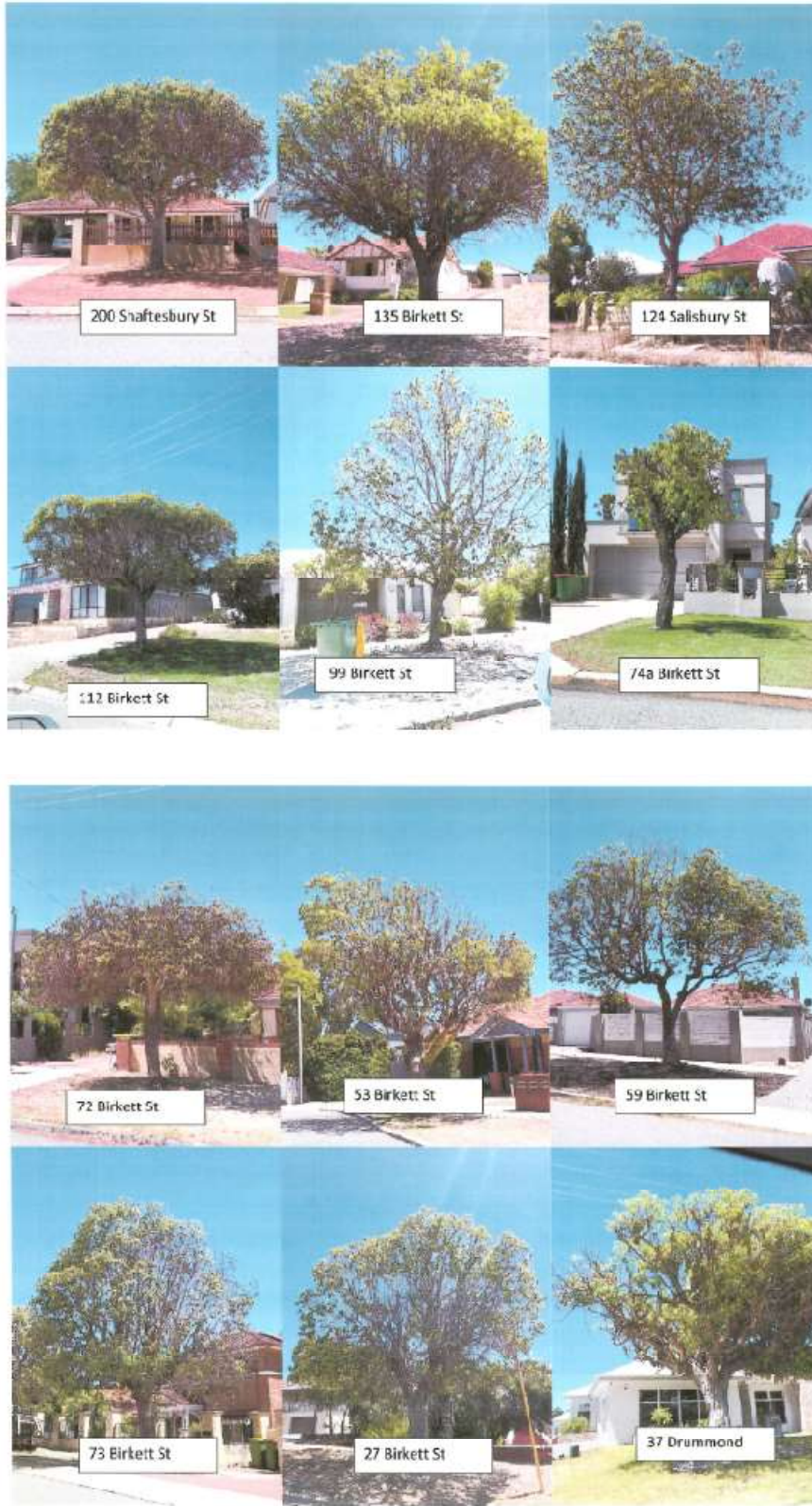
The latest LIDAR survey results show a decrease in overall tree canopy coverage from 14.56% in 2021 to 14.48% in 2024, and that net canopy losses have occurred on land impacted by State projects and on privately owned land.

The results also show that there have been net canopy gains on City-owned and managed land.

Attachment 3









Ordinary Council Meeting

24 May 2022

By signing these minutes I certify that they were confirmed at the Ordinary Council Meeting held on Tuesday, 25 June 2022 by resolution of Council

CR FILOMENA PIFFARETTI, MAYOR
CHAIRPERSON

10.3.3 Verge Tree Mortality

Responsible Branch:	Parks & Gardens
Responsible Directorate:	Works & Infrastructure
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Refer:	Item 11.2: OCM 22.03.2022

SUMMARY

To inform Council of the reasons for the decline and/or deaths of mature verge trees in the City; and to obtain Council's approval to implement measure/s to reduce and or counterbalance tree mortality rates within the City.

ADDITIONAL INFORMATION

Limb 4 of the Council resolution from the Ordinary Meeting on 22 March 2022 requests information on the estimated overall loss of value to the City, of having a mature verge tree die and require removal, and the overall loss of value of all dead mature and young trees across the City during the summer months. In response, the following information is provided.

The total estimated loss of value to the City of trees lost during the period between October 2021 and May 2022 is calculated in the below table. It should be noted that Helliwell valuations have not been carried out on each tree, therefore, average figures have been used for an approximate calculation.

	Quantity (no. of trees)	Average Helliwell Valuation (per tree)	Average Cost (per tree)	Total Cost
0-5m trees	103	\$2,000		\$206,000
5.1-10m trees	22	\$4,000		\$88,000
<10.1m trees	7	\$5,000		\$35,000
Removal costs				\$29,000
Replacement costs	132		\$450	\$59,400
Total				\$417,400

An update is also provided for the following passage in the report as the calculation did not include the City's overheads and allowance for supplementary watering:

"Replacement cost of trees

The estimated replacement costs of the trees removed during the summer months of 2021/2022 will be approximately \$59,400 (\$450 per tree) over a three-year period, including watering and maintenance costs."

Also, additional information was requested to provide insight as to what percentage of the mature dead trees were located under power lines.

City officers investigated this and found that 63% of the trees that died during the October 2021 to May 2022 period are within the vicinity of a Low Voltage power line (66 of the 104 mature trees recorded from the 132 deaths).

RECOMMENDATION IMPLICATIONS

In light of the above, the Officer's Recommendation remains unchanged.

OFFICER'S RECOMMENDATION

That Council notes the information provided on verge tree mortality within the City of Bayswater.

At 8:47pm, Ms Julia Hendley withdrew from the meeting and returned at 8:49pm.

MOTION

1. Notes the provided information on verge tree mortality within the City.
2. Approves the implementation of the following measures to reduce and/or counterbalance tree mortality rates within the City of Bayswater:
 - a) Mandatory replacement of dead trees with new trees, ensuring that adjacent property owners are informed before works are undertaken.
 - b) A supplementary watering program to mature trees as required, through City contractors, and the inclusion of \$30,000 in the City's 2022/23 operational budget to fund the program.

Cr Dan Bull Moved, Cr Lorna Clarke Seconded

AMENDMENT

That limbs 3 and 4 be added to the motion as per the following:

3. Requests the Chief Executive Officer to consider the implementation of any of the measures to improve tree survival and establishment proposed in the report, as they become necessary, to reduce and/or counterbalance tree mortality rates within the City of Bayswater.
4. Amends the City's Urban Tree Policy by replacing "*The City will undertake all activities required to establish new trees and provide ongoing maintenance, with the prior approval of the property owner.*" with "*The City will undertake all activities required to establish new trees and provide ongoing maintenance. The City will consult with the adjacent property owner before a new tree is planted on the adjacent verge.*"

Cr Elli Petersen-Pik Moved, Cr Giorgia Johnson Seconded

LOST: 5/6

For: Cr Sally Palmer, Cr Elli Petersen-Pik, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.

Against: Cr Filomena Piffaretti, Mayor, Cr Assunta Mefeca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Michelle Sutherland and Cr Catherine Ehrhardt, Deputy Mayor.

MOTION

1. Notes the provided information on verge tree mortality within the City.
2. Approves the implementation of the following measures to reduce and/or counterbalance tree mortality rates within the City of Bayswater:

Ordinary Council Meeting Minutes

24 May 2022

- a) Mandatory replacement of dead trees with new trees, ensuring that adjacent property owners are informed before works are undertaken.
- b) A supplementary watering program to mature trees as required, through City contractors, and the inclusion of \$30,000 in the City's 2022/23 operational budget to fund the program.

Cr Dan Bull Moved, Cr Lorna Clarke Seconded

LOST: 5/6

For: Cr Sally Palmer, Cr Elli Petersen-Pik, Cr Dan Bull, Cr Lorna Clarke and Cr Georgia Johnson.

Against: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Michelle Sutherland and Cr Catherine Ehrhardt, Deputy Mayor.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council notes the information provided on verge tree mortality within the City of Bayswater.

Cr Steven Ostaszewskyj Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED: 7/4

For: Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor and Cr Georgia Johnson.

Against: Cr Sally Palmer, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Lorna Clarke.

The meeting was adjourned at 10:03pm and reconvened at 10:14pm.

At 10:14pm, Cr Michelle Sutherland withdrew from the meeting and did not return.

BACKGROUND

At the Ordinary Meeting held on 22 March 2022, Council considered a notice of motion regarding verge tree mortality, and resolved as follows:

"That Council, in light of the many mature verge trees in the City of Bayswater that have died in recent months, requests the City to prepare a report to be presented at the Ordinary Council Meeting in May 2022, which includes information about:

1. *The number of trees (mature and young) that have been identified as having died during the summer months (by species, suburb and total number), and the suspected causes;*
2. *The number of mature dead trees that were on verges irrigated by the owners of adjacent properties;*
3. *The frequency of watering undertaken by the City for the mature and young verge trees;*
4. *The estimated overall loss of value to the City of having a mature verge tree die and require removal, and the overall loss of value of all dead mature and young trees across the City during the summer months;*
5. *Whether the City will replace each of the dead verge trees (mature and young) over the coming winter months;*

6. *Recommendations of any measures and changes to current City practices (or to tree selection for irrigated/non-irrigated verges) that could reduce the mature verge tree mortality rate and improve the survival rate of young verge trees; and*
7. *Investigate the survival rate of verge trees adjacent to development sites including the effectiveness of verge tree protection clauses in development approvals, compliance measures undertaken, and the appropriateness of the current \$1,400 bond."*

EXTERNAL CONSULTATION

No consultation has yet occurred with the public or other agencies on this matter.

OFFICER'S COMMENTS

Tree mortality

Tree mortality is a normal part of the natural life cycle of a healthy urban forest and is not unexpected due to the trees being living organisms. Generally, trees die due to inadequate resources to support growth, an inability to cope with existing environmental conditions or being unable to overcome diseases or insect attacks. Although being an unfortunate reality the death of trees provides opportunity to grow new trees that may be better suited to existing conditions and provide increased biodiversity within the urban forest population.

Dead or dying trees resonate with the community who appreciate their value as an important part of our natural environment, and accordingly this can result in emotive responses being communicated through to the City. Due to this, the death of trees can be perceived as being a larger problem than what it really is, particularly during extreme weather events that may result in a higher number of tree deaths.

While factors that influence tree mortality impact all age-ranges of trees, juvenile and mature trees are age categories at either end of an average tree's lifespan, and accordingly have different sensitivities which need to be managed.

Juvenile trees

'Juvenile trees' refer to newly-planted or young trees less than 10 years of age. This includes trees that are not yet established or self-sufficient, and require more intensive care compared to semi-mature or mature trees. In practice, in an urban landscape an average and acceptable tree mortality rate for juvenile trees is between 5%-10% per annum.

Juvenile trees are maintained through an intensive process of watering and care until established, which is defined as the time until the tree no longer needs scheduled watering or structural support, and is effectively self-sufficient. While tolerant of many physical changes, due to their limited root-volume, young trees are particularly sensitive to acute drought-stress, so effective watering to maintain available soil moisture is critical for the first three years.

The recent extreme heat-waves of summer 2021/2022 have caused the death of more juvenile trees than in an average summer period. In addition, some just-established trees which would normally cope without additional water, have also succumbed. Spare capacity in tree watering services is maintained to provide an additional response on occasion, however extreme weather events for long periods cannot be fully planned for and will always cause an impact. Therefore, an increased mortality in juvenile trees is expected during extreme heat-waves and is principally due to acute water-stress and heat.

Dead juvenile trees are typically removed by field staff and noted for replacement in the next season, and the cause of death is not recorded in detail for each tree. Detailed annual records of juvenile tree mortality are not included in this report, and will be the subject of future data collection and analysis.

Mature trees

Mature trees are defined as trees within one-third to two-thirds of their average life expectancy for the species. For example, if a Queensland Box tree (*Lophostemon confertus*) lives for up to 60 years on average, it can be considered mature between 20 years and 40 years of age; while *Callistemon* 'Kings Park Special' rarely lives beyond 40 years of age and would be considered mature at 15 years of age. For the purposes of this report, many of the mature trees listed are in the fully mature or post mature age range.

To determine if the recent reporting of stressed, dying or dead mature trees of particular species is a significantly increased mortality rate, officers would need to determine the average or normal background health condition and mortality rate in mature trees. Officers also need to determine if there is a relationship between reported stressed, dying or dead trees and the proportions of each species as a population, the irrigation status of the land adjacent to the tree, and if there are other disturbance factors such as development activity impacting each tree.

The Tree Services team removes between 80 to 150 trees each year, and over 80% of these are dead trees. The 132 dead trees assessed for this report were recorded between October 2021 and April 2022 (traditional watering period), although this figure is expected to marginally increase once all dead trees have been accounted for by the end of May 2022.

In the tables below, *Callistemon* are over-represented amongst the dead trees when compared to the overall population, and this is most likely due to their post-mature age range and pre-existing decline. The Queensland Box tree is represented in the same proportion to its overall population, so while many trees demonstrate evidence of stress, they do not appear to be dying at a greater than expected rate.

Table 1 - Quantity of dead trees removed by species

Species	2020-2021	2021-2022
Callistemon	34	53
Eucalyptus	18	31
Queensland Box	16	24
Palm	11	2
Agonis	2	5
Various Native	3	10
Various Exotic	8	5
Unknown species	1	2
Total	93	132

Table 2 - Dead trees by species October-April 2022

Tree Species	% Proportion of list
Callistemon KPS	40%
Eucalyptus	24%
Queensland Box	18%
WA Peppermint	4%
Other species	14%
Total	100%

Table 3 - Age range of dead trees

Age Range	Qty trees %
Post-mature	65%
Mature	14%
Semi-mature	6%

Juvenile	15%
Total	100%

Table 4 - Dead trees removed by suburb

Suburb	2020-2021	2021-2022
Bayswater	24	30
Bedford	10	10
Embleton	3	9
Maylands	12	35
Morley	27	34
Noranda	17	14
Total	93	132

Table 5 - Proportion of street tree species listed in City Spatial database (23,422 trees)

Tree Name (by Genus)	% Proportion of Tree Population
Queensland Box	27%
Eucalyptus	16%
Callistemon	10%
WA Peppermint	7%
Jacaranda	6%
Corymbia	5%
Melaleuca	4%
Other species	25%

Overall, the current mortality rate across the verge tree population of 23,422 is 0.5%, which is acceptable given the mortality percentage based on average life span of 50 years would be around 1.9% or 468 trees, although the actual figure would be more variable in any given year if the age profile of all trees was known.

Factors influencing tree decline and death

Trees are subject to range of physical and environmental factors that can cause stress. In this case, we define stress as a factor that impacts the trees physiological systems, limiting its growth or damaging its structure, and therefore requires an adaptive response. Stress will lead to decline and death of a tree when sustained above certain thresholds for sufficient time. The cause of death for each tree is a combination of both pre-existing and new stress factors, including an extreme heat-wave event.

The main factors leading to decline and death observed for the 132 trees listed included:

- Low vitality in over-mature trees – “natural death” caused by accumulated factors at the end of a tree’s normal lifespan.
- Drought stress – mild to severe, temporary or terminal response to lack of available water which varies with species.
- Heat stress during extreme events, when the temperature exceeds the tolerance of living tissue.
- Low water tables – leading to drought-stress and impacts mature trees reliant on groundwater.
- Poor soil conditions in root-zone – Compacted structure, low organic matter, poor water availability, low oxygen and/or nutrient levels.

Mature and juvenile trees require constant access to soil moisture in order to transpire and photosynthesise, and will suffer drought or water-stress when water becomes unavailable, indicated through wilting of foliage when severe. For a juvenile tree with a small root volume and high growth rate, there is a limited margin of tolerance, and a sudden severe water-deficit can cause a young tree to die quickly. Mature trees can be sensitive to disturbance and loss of foliage and roots, however with more energy reserves and a much larger soil volume to draw on, they often tolerate water-stress for longer periods than juvenile trees. Notwithstanding this, in order to remain alive, they require a higher volume of water due to their size. Appropriate species and stock selection, establishment, irrigation, prevention of disturbance, and root-zone treatments (mulching, soil amendments or decompaction) can reduce the risk of drought-stress in trees.

The Bureau of Meteorology stated that the summer of 2021-2022 was the hottest summer on record across Greater Perth, with an average temperature of 33.3 degrees, which is 2.5 degrees above average. This temperature increase, along with the lowest recorded summer rainfall since 2013-2014 has increased stress in mature and juvenile trees throughout the City. Trees growing in streetscape environments are often surrounded by materials that reach temperatures above 65°C on a hot day, also leading to direct stress and damage from radiant heat.

Lower water tables and reduced soil moisture from rising temperatures has also increased nutrient deficiencies, which have negatively influenced the development of root systems in juvenile trees. Trees planted in 2020 and 2021 that subsequently died during the 2021/22 summer period, displayed poor root development. Soil probing of trees that died in both irrigated and non-irrigated verges displayed poor moisture levels when probed at 500mm below surface level, indicating poor water-holding capacity.

Altered and disturbed soils on road verges can become compacted over time, reducing water and oxygen infiltration. The naturally low organic matter content of sandy soils predisposes them to poor water retention and low-nutrient levels. Development activities, such as clearing and earthworks, desiccate the soil and tree roots within it, often leading to acute stress and death. Tree protection conditions can prevent damage, and appropriate soil and root-zone treatments can improve tree health.

Tree mortality and health status in relation to irrigation and property development

From the 132 trees listed 29 locations were not accurately recorded and have been excluded. Out of 103 dead trees, 75 were located on non-irrigated road verges, 10 in non-irrigated medians, and 18 were located on irrigated verges. Of the adjacent properties, only 36 had gardens with obvious irrigation.

A field audit was conducted to determine if an obvious relationship existed between the irrigation status of verges and the health of the closest street tree. This was achieved using a systematic sampling method to create a representative "snapshot" of the City's tree population. This sample provided data against which the list of dead trees can be compared.

The tree audit consisted of sampling a random selection of residential streets spread evenly across the City. Field staff recorded data from 10 to 20 trees along each street, providing a representative sample of 323 trees and locations across the City. The results compare well with the population proportions of each species in the current database and are therefore considered to be a fairly representative sample.

The comparison data across 323 verge locations is demonstrated in Table 6 below:

Table 6 Audit results – Verge irrigation and development status

	Irrigated	Non-irrigated	Development
Verges	158	153	12

While the majority of properties provide some irrigation to their gardens, around half also irrigate the adjacent verge area, which contributes towards soil-moisture available to the tree. The

average health status (as a range from 0 to 5) for trees adjacent to these categories of verges is shown in Table 7.

Table 7 Audit results - Average tree health

All Trees	Irrigated	Non-irrigated	Development
Verge	2.9	2.7	2.4

Trees on irrigated verges or adjacent to irrigated properties demonstrated a slightly better health status on average. A noticeable difference however, is the reduction of health of trees adjacent to development sites. When the health status of Queensland Box is compared to all trees, it appears more sensitive than average to these same factors.

Table 8 Audit results – Tree health Queensland Box

Old Box	Irrigated	Non-irrigated	Development
Verge	3.1	2.8	1.5

As the Queensland Box tree (*Lophostemon confertus*) represents around one-third of Bayswater street tree population (27% - 36%) and is largely comprised of mature or older trees, its response to changing climate and weather conditions will need to be observed carefully. The species may already be at the threshold of its natural adaptations for water stress and heat tolerance in an "average year", and accordingly may be unable to cope with increasingly harsh conditions, or survive extreme drought and heat events occurring across consecutive years.

Tree watering – juvenile and mature trees

The frequency and volume of water applied in the annual watering program varies according to individual species characteristics and tree size, with the average volume of water for each application being 50L. The current annual watering program is undertaken between September and May, and can be started earlier or extended depending on prevailing conditions to reduce stress caused by lack of water. The City currently waters over 1,500 juvenile trees weekly or twice weekly.

The City current watering program for juvenile trees is detailed in Table 9 below.

Table 9 - Tree Watering Program

Newly installed trees	Twice weekly for four weeks following installation
First year trees	Twice weekly watering between September and May
Second year trees	Weekly watering between September and May
Third year trees	Fortnightly watering between September and May
Fourth year onwards	Only if required following Arborist assessment

Over the summer months, mature trees reported by staff or residents to be in decline may be provided with supplementary watering to try and arrest the decline and potential death. The City's Tree Services team assesses each mature tree, with the application of additional water dependent on available resources, the individual tree's value, and species tolerance to hot and dry conditions.

Mature trees will require large volumes of water on a regular basis to assist them to recover from severe drought-stress, although this intervention does not guarantee their survival. Typical watering costs of a mature tree will be between 5 to 10 times the cost of watering a single juvenile tree. The addition of mature trees to a watering program should be considered very carefully with regards to the impact on budget and other essential tree maintenance programs.

Cost of watering trees

The estimated cost of the City's entire tree watering program is \$535,000 including over heads for the coming 22/23 financial year. This program predominately provides water to juvenile trees and additional funds will be required if a mature tree watering program is implemented.

Replacement cost of trees

The estimated replacement costs of the trees removed during the summer months of 2021/2022 will be approximately \$26,400 (\$200 per tree) over a three-year period, including watering and maintenance costs.

Tree replacement program

In accordance with the Urban Forest Strategy 2017, the City will manage and maintain existing canopy cover, and also increase urban canopy through extensive tree planting programs. The City generally aims to replace removed street trees within a 12-18-month period; however, the revision of the *Urban Tree Policy* in November 2021 to include a clause requiring the consent of the adjacent property owner before planting a tree, has affected the number of dead trees being replaced. Currently, only 20% of removed trees in the 2021/2022 summer period have been listed for replacement this winter, which is a significant reduction from the 83% of replacement trees listed for the same period in 2020/2021.

Protection of trees adjacent to development sites

The health of verge trees adjacent to development sites is also impacted by the following activities:

- Change of verge and/or property irrigation status prior to, and during development
- Clearing of vegetation on the verge and property
- Disturbance and exposure of soil on the verge and property
- Prevention of normal water infiltration into the root zone

Some of these activities result from the non-compliance of developer/builders with regard to the tree protection conditions imposed on all development approvals and building permits granted by the City, and subdivision approvals granted by Western Australia Planning Commission (WAPC).

Over the 2021/2022 summer period, 13 mature verge trees have been reported for non-compliance – with building materials being stored within the tree protection zone, with three of the trees having died as a directly result.

Measures to improve tree survival and establishment

Table 10 below lists potential actions that may be taken by the City in order to improve current tree mortality rates.

Table 10 – Proposed measures to improve tree survival

Proposed measure	Positive	Negative
(a) Reduce the size of planted trees where practical, to 5 - 10 litre size.	<ul style="list-style-type: none"> • Healthier root system development after planting. • Reduced root girdling. • Reduced loss of existing roots during planting. • Reduced procurement costs as cost of individual trees \$60 less for 5L stock. 	<ul style="list-style-type: none"> • Perception of reduced value when smaller tree is planted. • Increased likelihood of vandalism or accidental damage to newly installed tree. • Some tree mortality is still expected.
(b) Providing supplementary	<ul style="list-style-type: none"> • May result in arresting the decline of some trees. 	<ul style="list-style-type: none"> • May result in increased costs depending on scale of

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<p>watering to mature trees through City contractors where determined beneficial to do so.</p>	<ul style="list-style-type: none"> • Can provide the perception the City is proactively assisting stressed or declining trees. 	<p>program.</p> <ul style="list-style-type: none"> • Can result in mess on the verges of properties as a lot of water is delivered to a relatively small area in a short amount of time leading to run-off. • Tree mortality is still expected regardless of supplementary watering.
<p>(c) Eco-zoning of verges and medians where considered appropriate.</p>	<ul style="list-style-type: none"> • Recognised as best practice tree care. • Increased soil moisture retention. • Uses some mulch products produced by recycling green waste from City trees. • Soil and nutrient improvement from mulch breakdown into organic matter. • Water saving particularly where medians and verges were previously irrigated. 	<ul style="list-style-type: none"> • Initial installation costs can be substantial. • Negative perception issues with community members that prefer grass treatments in these areas.
<p>(d) Inclusion of more drought tolerant native and endemic species to the City's approved tree planting list.</p>	<ul style="list-style-type: none"> • Improved resilience to future climate changes (expected to be hotter and drier). • Increase overall diversity within the urban forest. 	<ul style="list-style-type: none"> • Requires trials of untested species with potential increase in tree mortality during trials. • Negative perception of using majority of native / endemic species.
<p>(e) Increased monitoring and enforcement of existing requirements for verge tree protection as detailed in development conditions, and in all building and development sites.</p>	<ul style="list-style-type: none"> • Greater compliance with existing tree protection requirements. • Reduced mortality in adjacent street trees when they are appropriately fenced, mulched, and irrigated over summer (during development). • Reduction of building materials being stored within the TPZ. 	<ul style="list-style-type: none"> • Developer / builder resistance. • Potential for additional resourcing costs.

LEGISLATIVE COMPLIANCE

- City of Bayswater *Urban Trees Policy*
- City of Bayswater *Trees on Private Land and Street Verges Policy*

RISK ASSESSMENT

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In accordance with the City's Risk Management Framework, the officer's recommendation and following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council notes the information provided on verge tree mortality within the City of Bayswater.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The information in this report is received. The matter of replacement trees to be considered as part of the Urban Trees Policy review.	

Option 2	<p>That Council:</p> <ol style="list-style-type: none"> Notes the provided information on verge tree mortality within the City. Approves a supplementary watering program to mature trees as required, through City contractors, and the inclusion of \$30,000 in the City's 2022/23 operational budget to fund the program. 	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Moderate
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option will result in more dead trees being replaced and the potential survival of stressed mature trees.	

Option 3	<p>That Council:</p> <ol style="list-style-type: none"> Notes the provided information on verge tree mortality within the City. Approves the implementation of additional measures as determined by Council to reduce and/or counterbalance tree mortality rates within the City of Bayswater: <ol style="list-style-type: none"> 	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Unknown
Reputation	Low	Unknown
Governance	Low	Unknown
Community and Stakeholder	Moderate	Unknown
Financial Management	Low	Unknown
Environmental Responsibility	Low	Unknown
Service Delivery	Low	Unknown
Organisational Health and Safety	Low	Unknown

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Conclusion	This option will result in more dead trees being replaced and the potential survival of stressed mature trees.	
Option 4	That Council notes the information provided on verge tree mortality within the City, and does not support any changes to existing operations at this time.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Moderate
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Adoption of Council of this option will result in fewer dead trees being replaced and the acceptance that tree mature tree mortality is an inevitable outcome of the natural lifecycle of an urban forest.	

FINANCIAL IMPLICATIONS

The replacement of dead trees is already accounted for in current operational budgets.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

- Theme: Environment and Liveability
- Goal E2: Remain focused on greening the City's suburbs and streetscapes and increasing the tree canopy.
- Goal E5: Protect and enhance the City's natural environment and biodiversity, and encourage the community to participate in its protection.

CONCLUSION

Tree mortality is a normal part of the natural life cycle of a healthy urban forest and is not unexpected, due to trees being living organisms. Generally, trees die due to inadequate resources to support growth, an inability to cope with existing environmental conditions, or being unable to overcome diseases or insect attacks. Although an unfortunate reality, the death of trees provides opportunity to grow new trees that may be better suited to existing conditions and provide increased biodiversity within the urban forest population.

Attachment 5

City of Claremont

<https://www.claremont.wa.gov.au/environment/trees/support-for-residents/>

Further information and relevant documents

POLYPHAGOUS SHOT-HOLE BORER BEETLE

QUEENSLAND BOX TREES

DEALING WITH MOTHS AND CATERpillARS

You can apply to replace Queensland box trees on your street with other species.

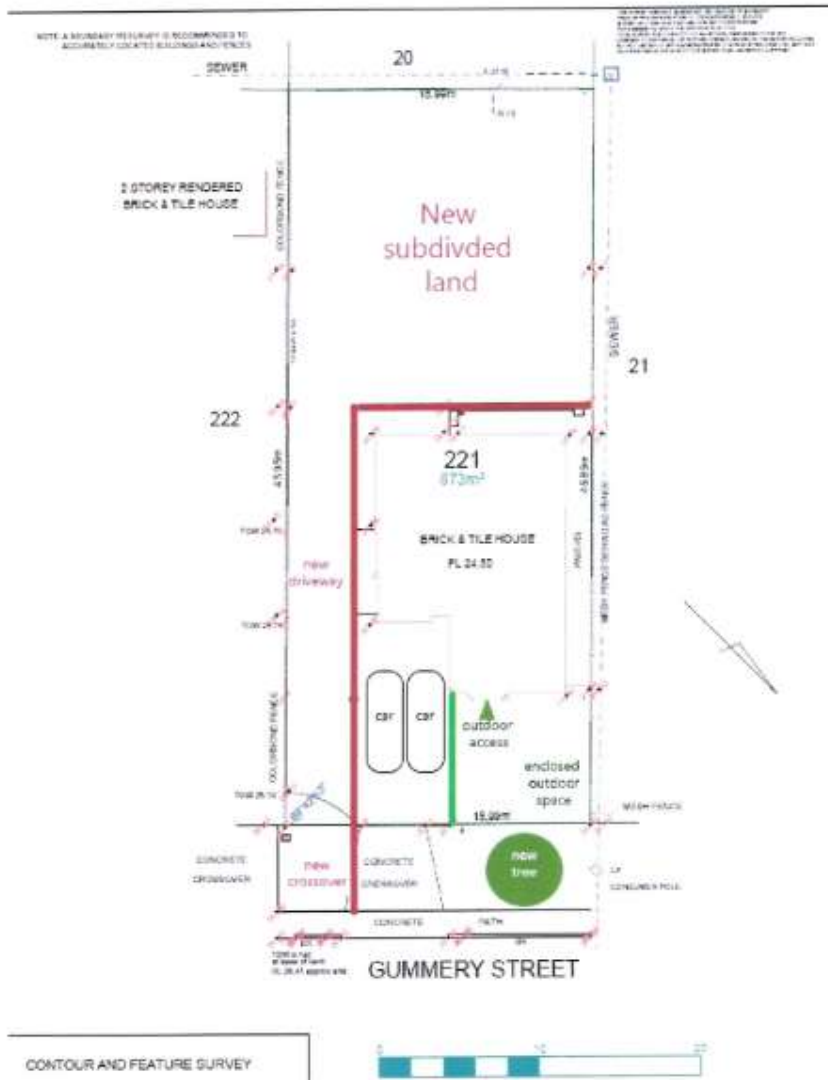
Box trees can be removed by the Town where:

- The removed tree is replaced with a designated tree according to the Town's street tree master plan.
- The resident pays \$3,535 per tree.
- Each year, no more than 10% of all the trees on any one street are replaced, and a maximum of 85 box trees throughout the Town.

For more information:

- View Council's resolution from the Ordinary Council Meeting, Tuesday 20 November 2018. Minutes can be viewed [here](#).
- Apply to remove and replace a street tree under forms below.

Attachment 6



Attachment 7



18 Armanda St,
Bayswater



51a Bourne St,
Morley



32 Clarke Rd,
Morley

Item 10.3.4 Proposed Street Tree Removal for Subdivision of Land – Lot 221, 45 Gummery Street, Bedford

Georgina Ker

I support the officer's recommendation and thank the City officers for their work in putting together a comprehensive report that clearly outlines why this tree does not meet the criteria for removal.

I live nearby and am a regular visitor to this street while walking my dogs. Gummery St is a lovely quiet street, with decent tree canopy and a number of new street trees which will improve this over time. An important point to note is that the majority of blocks are still original, meaning that we can expect a significant number of subdivisions/development applications in the future.

As the officers have noted, the proposal does not satisfy the objectives of the City's Urban Tree Planting and Maintenance Policy. Insufficient justification has been given for its removal, and the precedent set here is vital for future development along Gummery St.

There are a number of other verges on undivided blocks with two mature street trees (see photos for examples) as well as one with an exceptionally tall eucalypt specimen providing a large amount of tree canopy coverage. If this application is approved, that will set a precedent for other verges along Gummery Street and throughout Bedford.





Although the Queensland Box Tree is now recognised as an unsuitable tree for verge tree planting, as per the City's policy that does not justify the removal of a mature and relatively healthy specimen, simply that these will no longer be in the City's verge tree planting palette.

I hope that Council will support the Officer's recommendation and provide a decision consistent with their own policies.

Georgina Ker

Lawrence St, Bedford

Item 14.1.1 Keeping and Control of Cats Amendment Local Law 2024

David Dyke

With Voting coming up at the OCM on 28th January 2025 I Request all Councilors Vote for this Amendment to be sent directly to The New Legislative Council for Full Debate.

City of Bayswater have asked Community and Environment Groups TWICE now and received back a resounding Yes for Clause 2 & 81 to be implemented as a CoB Local Cat Law. We cannot ask our Community & Environmental Groups their Opinion and then Not Listen, with Council moving to ignore these results.

I am fully aware CoB have received a letter back from JSCDL and is Confidential.

From my previous experience with this subject I assume Council amendment has been disallowed.

Proroguing was announced on 17th December meaning now all committees have been suspended, and shortly 41st Parliament will be dissolved.

I also note Legislative Council will have 2 months to serve until 23rd May when Committees will be allocated members.

Both CoB community & wider Metro community are in full support of Keeping Cats Safe on Owners Property as per your amendment.

This also has Bi-partisan support in Legislative Council.

Cats left to roam can face various dangers such as traffic accidents, predators, or even injuries & diseases from fights with other cats & animals

Additionally, they are killing wildlife at a fast rate evident with the Threatened Species Commissioners Reports.

My personal Plea would you please review your previous stance and reject JSCDL request.

David Dyke
Maylands

Item 14.1.1 Keeping and Control of Cats Amendment Local Law 2024

Bruce Webber on behalf of Western Australian Feral Cat Working Group

21st January 2025

City of Bayswater – Deputation Western Australian Feral Cat Working Group

My name is Dr Bruce Webber and I represent the Western Australian Feral Cat Working Group. I speak to you tonight on Item 14.1.1 and I speak in opposition to the Officer's recommendation.

I understand that confidentiality means that little information can be shared on this agenda item. However, with what information is available, the known framework involved, and past decisions made by the current JSCDL membership, allow us to assume that this committee has recommended disallowance for the Clause 82 approach you have taken to prevent cat roaming across the City. This is a very disappointing outcome, but one that isn't surprising.

If the City is intending to adopt the recommendation in the JSCDL's confidential report, as proposed in Item 14.1.1, then we assume that the City is proposing to remove any local laws relating to cat containment. I will outline for you tonight why this recommendation is not appropriate.

As we have discussed before, a recommendation for disallowance is not the final point in the process for the creation of local laws. It is simply another piece of feedback for you to consider, to add to the array of feedback already gathered. Let's consider that other feedback:

- We have shared with you the wealth of scientific data that supports the prevention of cats roaming, for the benefit of the cats themselves, for local wildlife, and for the people of your community.
- You have heard twice from your community now that they want cats to be permanently contained. This strong message mirrors what we are hearing as a Working Group from across the state – the majority of local governments would put in place cat containment laws if there was a clear pathway to implementation.
- You are aware that the leading organisations for cat welfare in the state – Cat Haven WA, The Australian Veterinary Association, and the RSPCA – all recommend that pet cats should be prevented from roaming, for the welfare of the cats as well as their impacts on people and the environment.
- You have legal advice, including that from Castledine Gregory, the views of LGEMA, and your own legal advice from January 2024, that clarifies the pathway pursued for containment in this recent local law process is valid, reasonable and proportionate.
- Your own peak body, WALGA, is firmly in support of cat containment laws, as was so clearly articulated at the AGM last October.
- And as I informed you in October last year, we have been consulting on this matter with Upper House members of all political persuasions. They have told us that it would be entirely appropriate for a containment law to be considered by the Upper House. Indeed, they are surprised that it has not been discussed in the Upper House as yet. The primary pathway to enable this engagement is through a local government declining a recommendation of disallowance from the JSCDL. Upper House members want to engage on this issue in an open, accountable and transparent way. That is, they want you to ignore this recommendation for disallowance.

To summarise, in one corner we have the scientific community, the leading organisations nationally for cat welfare, some of our state's leading legal practitioners in local government law, your own legal team, your own peak body, members of the Upper House, and most importantly, the community of the City of Bayswater who you have been elected to represent. In the other corner you have one single committee, who have made an opaque recommendation and who choose not to share any justification for their views.

21st January 2025

Be aware that this one opinion comes from a committee that is currently prorogued, that will never sit again with its recent membership, and is clearly isolated in its views on the matter. When the JSCDL is reformed after the election, it will have different members with different views and the ability to revisit past legal advice. It would be wise, therefore, to not assume that past performance is the best indication of future results with this committee.

Councillors, up to this point you have shown impressive leadership by putting cat containment laws back into the picture for the City. You have listened and responded to your community with a position that is backed by the lion's share of relevant stakeholders for this issue. Your choice to oppose the Officer's recommendation – to disregard the recommendation of disallowance from the JSCDL - is simply the next step in setting up a clear path to implementation for cat containment laws in WA. We encourage you to stay the course and do what is right on this incredibly important matter.

Thank you for your time.

Item 14.1.1 Keeping and Control of Cats Amendment Local Law 2024

Rachael Roberts (spokesperson). Prepared by Environment House on behalf of Friends of Groups in the City of Bayswater.

Thank you for the opportunity to table a deputation on this issue. Thank you to our Council for continuing to represent the interests of our community and our City of Bayswater Keeping and Control of Cats Amendment Local Law 2024. Extensive deputations over many years have been presented in support of the City of Bayswater's *Keeping and Control of Cats Amendment Local Law 2024*. Councillors have heard from many Scientists, Local Friends of Groups and the WA Cat Haven in support of this Local Law.

This deputation determinedly asks our elected Councillors to stay the course, represent our community, and support our local law under the WA Cat Act 2011. We assume that our Council will be considering a request from the JSCDL at this meeting or the next. The Agenda suggests that there is a reason that this matter should be dealt with behind closed doors and we seek further clarification as to why?

We can only work on the assumption that the JSCDL has written to Council and you may have a notice of motion to disallow before you. We note that the JSCDL Committee Members who wrote that letter will not constitute the JSCDL in the next Parliament. **We also note the extensive evidence that for every month or year that we delay, more of our native wildlife will be lost completely unnecessarily and pet cats will be lost and injured unnecessarily.**

Why should City of Bayswater Councillors not act on a request to remove Clause 2.2 and instead choose to utilise the 'Disallowance Procedure of the Legislative Council'.

- 1) **Your legal advice**, obtained January 2024, confirmed that the City can use the mechanism of section 82 of the Cat Act 2011 to incorporate the text of a gazetted local law of another local government.
- 2) **The legal opinion of Castledine Gregory 5.5.2023** stated that the "effective control" provision is valid and a reasonable and proportionate exercise of the power to make local laws.
- 3) There are currently only three domestic animals allowed to roam freely – the bee, the pigeon and cats. **Pet owners are aware of their obligations to have control of pets** and adding cats to this list is not an unreasonable addition. It is easily explained given the well documented benefits for human health, cat welfare, wildlife welfare and individuals enjoyment of their personal property and surrounds.
- 4) The JSCDL **does not have the power** to disallow delegated legislation, as clearly articulated on the WA Parliament website.
- 5) There is no specific legal advice in the public realm that supports the removal of Clause 2.2 from the City of Bayswater Keeping and Control of Cats Amendment Local Law 2024. **All we have is the advice from public servants, clearly stating that their comments "do not constitute legal advice"** - page 42 of the Ordinary Council Meeting Agenda.

This **deputation from Friends of Group volunteers across the City of Bayswater, urges our elected local representatives to act on the legal advice you have received**, on behalf of our community. Clause 2.2 is not vexatious. The Cat Act 2011 states:

An Act to —

- **provide for the control and management of cats; and**
- **promote and encourage the responsible ownership of cats,**

and for related matters.

Clause 2.2 of the City of Bayswater Keeping and Control of Cats Amendment Local Law 2024 does both these things.

It is an entirely reasonable and legal course of action to use the rules of the WA Parliament made specifically for these circumstances - the 'Disallowance Procedure of the Legislative Council'.

We urge you to not support any notice of disallowance from the JSCDL regarding Clause 2.2 of the City of Bayswater Keeping and Control of Cats Amendment Law 2024. We strongly urge Councillors to use the clearly outlined Disallowance Procedure of the Legislative Council in the WA Parliament, in support of your own local law.