

City of Swan Council 8 July 2026

Statement

by Humphrey Boogaardt

At the June council meeting the answers about mature tree removals were answered that retrospective approvals were given.

Retrospective approval in planning at City of Swan seems not to be uncommon. If it is known that the City of Swan gives easily retrospective approval scrupulous operators will make use of this facility.

We are not saying abolish retrospective approval but only to use it as very last resort based on very sound arguments. Maybe these requests have to come for Council and cannot be dealt with delegated authority.

It was not the first time but at the June Council meeting that “retrospective approval” was used to answer question about legitimacy of certain actions regarding native vegetation.

A few years ago in the Swan Valley east of the railway at corner William Street, a whole series of Grass Trees (*Xanthorrhoea preissii*) were removed without approval to put up a new fence. They are a protected species and permission for removal needs to be obtained. When the removal was pointed out to the City. The response from the City was to approve the removal retrospectively. When this decision was queried, the answer was that prosecution is just too much work and costly. In other words do what

ever you like but make sure that prosecution will be costly to the City and you will get retrospective approval.

An unintended breach could be after scrutiny of its validity justify a retrospective approval. But, chopping down mature trees by a developer cannot be classified as an unintended breach. If a developer does not know a permit is needed for chopping down mature trees during a climate crisis, they should be deregistered.

“Take action first, get permission later” approach is unethical, and undermines our rules based society. From what we were told retrospective approval is not an uncommon occurrence in planning at the City of Swan. To use this approach is not ethically justifiable.

It has also been noticed that the mechanism of planning enforcement are slow. This is perceived by the citizens that the bullies have it all their way. The wider public is suffering because the lack of swift action by the City regarding unapproved undertakings by citizens, developers or businesses. The City can read out reams of pages to justify retrospective approvals but in the end in most cases the justification is unethical. Action required from the City of Swan is to stop this unethical behaviour and use retrospective approval only in exceptional cases. The City of Swan may need to change its rules, make fines higher and as part of fines recoup any legal costs.

In all, the community asks the City of Swan to act in an ethical manner regarding retrospective behaviour. ----->

This statement highlights again that having a Review of the Planning Department is essential and in the public interest.

City of Swan Minutes of Council Meeting 8 July 2026 summary of statement:

Mr Humphrey Boogaardt Retrospective planning approvals are used too often by the City of Swan, potentially encouraging unauthorised works such as tree removal. The community called for retrospective approvals to be limited to exceptional circumstances, stronger enforcement and penalties for breaches, and a review of planning practices to ensure ethical and accountable decision-making.

Declaration

I confirm that generative AI technology (such as ChatGPT) was not used in the writing or editing of, or in the generation of any of the concepts and visualisations for, this report.

