

Sustainable Infrastructure and Waste Reports


Committee Consideration – 14 February 2012
Council Resolution – 28 February 2012

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T01.12	Quarterly Report – Requests for Street Tree Removals Referred for Council Consideration
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Committee	14 February 2012
Council	28 February 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Andrew Dickson – A/Manager Parks Services
Director	Andrew Melville – Acting Director Sustainable Infrastructure and Waste
Director Signature	
File ref.	ME2, ME2/73, DO1, D11/19121
Previous Item No's	Council Minutes 27 July 2010 Item CM18.10
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Purpose

To present for Council's approval or refusal, requests for street tree removals that cannot be approved by Administration under delegation with reference to Council's Street Trees policy, (refer to page 14 of Council Policy Manual – Attachment 1).

Recommendation to Committee

Council:

- a) **refuse the request for the removal of two (2) Lemon Scented Gum street trees adjacent to 73 Melvista Avenue, Nedlands (Doonan Road verge); and**
- b) **refuse the request for the removal of the River Red Gum located in Poplar Gardens reserve adjacent to the units at 7 Lantana Avenue, Mt Claremont**

Strategic Plan

KFA 2: Natural Environment

- 2.3 Promote, maintain and protect existing plant diversity (both native and introduced) in the City.

Background

Council's Street Tree policy allows for the removal of street trees in certain specific circumstances (refer to Attachment 1, page 14 Council Policy Manual). All requests for street tree removal are considered by Administration in accordance with the Policy.

Where requests for street tree removal are declined, residents sometimes pursue their options beyond Administration by contacting elected members. These requests are often referred back to Administration to determine if there are reasonable grounds for consideration by Council.

Key Relevant Previous Decisions:

Council Minutes 27 July 2010 – item CM18.10

Council endorse the revised Street Trees policy which replaces the existing council policy Street Trees 4.13.

Proposal Detail

A quarterly report has been developed to allow Council to consider requests for street tree removal.

Included are the resident's concerns and Administration's comments as per the intent of the Council Street Tree policy. The report incorporates discussion points including the nature of the request, the merits of the request, a recommendation from Administration and explanations with regard to Administration's recommendation to Council.

Consultation

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

Consultation type:

Direct consultation between residents, Administration and Council.

Dates: Ongoing

Legislation

- *Local Government Act 1995*
- *Local Law Thoroughfares*
- Council Policy – Street Trees

- Council Policy – Verge Development

Budget/financial implications

Budget:

Within current approved budget: Yes No

Requires further budget consideration: Yes No

Financial:

The City has an annual operational budget allocation for the management of street trees in accordance with policy and statutory requirements.

Risk Management

Recommendations from Administration take into account the applicable standards, statutory requirements, common law and Quantified Tree Risk Assessment principles with regards to the management of trees within public land.

Discussion

73 Melvista Avenue, Nedlands (Doonan Road verge) – Refuse request to remove.

From 2007 onwards, the City has received a number of requests from the owners of 73 Melvista Avenue to remove two (2) Lemon Scented Gum street trees adjacent to their property. The owners have advised that they are concerned about danger to property and lives posed by the trees. Their concerns have arisen as a result of a number of incidents of branches falling from the trees. Please refer to Figure 1 below showing the most recent incident.



Figure 1 – 80mm diameter fallen branch from street tree adjacent to 73 Melvista Avenue (2 December 2011). No damage reported.

On at least two (2) occasions the owners have alleged that falling branches have resulted in minor damage to property (see Figure 2 and 3 below illustrating one reported incident of property damage).



Figure 2 - Damage to tile, guttering and fascia board to property at 73 Melvista Avenue allegedly caused by falling branch from verge tree (15 August 2011).



Figure 3 – Branch alleged to have caused the damage to the property (15 August 2011).

Another alleged incident of property damage was reported to the City on 22 June 2009. The owners of the property reported that during stormy weather on 22 and 23 May 2009, large branches were torn from the verge trees crashing onto the roof breaking the ridge capping and many tiles. The owners requested reimbursement of the insurance excess and the costs to repair the damage; total cost \$935.00. This was referred to the City's insurers who refused the claim citing the inclement weather conditions for which the City could not be held liable for and

that the damage could not have been prevented in reasonable circumstances.

The owners of 73 Melvista Avenue have cited the following reasons for their requests for removal of the trees:

- the trees overhang their house and garage;
- roof tiles are regularly being broken by falling branches and the tiles are no longer manufactured and are difficult to source;
- their ceilings have been water damaged as a result of broken tiles;
- they are facing increasing repair bills;
- they no longer park cars in the driveway because the branches overhang it;
- the roots are beginning to affect their driveway;
- their retaining wall is beginning to crack;
- their insurance excess has increased by 500% because of the claims they have made; and
- there is a real risk to human life and safety as the branches fall without warning onto our property, the verge and Doonan Road.

The City has included these two (2) trees on its register for 'Annual Visual Tree Assessment'.

Commencing in 2003, both trees have been assessed approximately annually by an independent suitably qualified arborist, with recommendations given regarding remedial works where required. The recommendations have been as shown in the table below.

Date Inspected	Consultant	Comments	Works Required	Date Completed
29/01/03	Consultant 1	Nil	Minor pruning required.	11/02/03
22/10/04	Consultant 1	Nil	No pruning required.	Not Applicable
20/09/05	Consultant 1	Nil	No pruning required.	Not Applicable

04/12/06	Consultant 1	Although the limbs upon these two specimens extend over into the property boundary and the roadway, the encroaching limbs were in a mechanically structurally sound and healthy condition with no evidence of excessive limb loading. It was evident that their canopies were holding some sporadic sections of deadwood, which consisted only of light material and therefore was insignificant in size to represent a risk factor to property or to persons.	No remedial works required.	Not Applicable
08/01/08	Consultant 1	It was evident that although the limbs upon both trees extend over the roadway and into the property boundary, the encroaching limbs were found to be in a structurally sound condition. Their canopies were holding some sporadic sections of deadwood, which consisted only of light material and therefore was not a potential risk factor. Their remaining canopies were in a structurally sound condition.	No remedial works required.	Not Applicable
16/09/08	Consultant 1	It was evident that although the canopies upon these two No remedial works (2) <i>Corymbia citriodora</i> specimens extend excessively over the roadway and into the required property boundary, the encroaching limbs were found to be in a structurally sound and healthy condition with no evidence of weak forking or excessive limb loading, and therefore the two trees do not represent a potential risk factor to the surrounding targets at this time.	No remedial works required.	Not Applicable

21/05/10	Consultant 2	This inspection of both <i>Corymbia citriodoras</i> revealed that they were in fair health and condition with minor deadwood which was not of a size or weight to represent a hazard to the surrounding targets at this time. There was no evidence of excessive limb loading, weak forking or weak branch unions rendering these trees to be in a structurally sound condition at this time.	No works required.	Not Applicable
25/08/11	Consultant 2	Report attached (refer to Attachment 2.)	Tree 1 - Remove the minor deadwood which extends over the driveway and verge. Tree 2 – No works are required at this time.	27/11/11

The most recent inspection conducted on 25 August 2011 was carried out with the application of Quantified Tree Risk Assessment (QTRA) principles. This system of risk assessment is applied by suitably trained and qualified arborists under licence in Australia, the United Kingdom, New Zealand, Singapore and Hong Kong. The resultant arboricultural report found the trees did not pose an unacceptable level of risk to lives or property (refer to Paperbark Technologies - Annual Arboricultural Update for 73 Melvista Avenue, Nedlands – Attachment 2).

All trees have the potential to cause harm, however the risk of harm is managed by applying sound tree management principles to reduce the risks associated with trees in an urban environment.

On currently available information, Administration recommends the following:

- removal of these two (2) street trees is not considered necessary;
- the City continues to manage the trees in line with Quantified Tree Risk Assessment (QTRA) principles;

- the trees continue to be monitored through the 'Annual Visual Tree Assessment' program; and
- remedial works are carried out in accordance with the City's consultant arborist's recommendations.

7 Lantana Avenue, Mt Claremont (Poplar Gardens reserve) – Refuse request to remove.

In February 2004, the City received correspondence, from the then Department of Housing and Works, relating to concerns posed by a large gum tree situated in a City managed reserve (Figures 4 and 5). The concerns were raised by residents living in property owned and managed by the Department at 7 Lantana Avenue, Mt Claremont. As a consequence of the concern raised, the City engaged an independent qualified arborist to inspect, assess and provide a report on the tree. It was requested that recommendations be included as to the necessity of any remedial pruning or other works.

Figure 4



Figure 5



In the ensuing period to date, City Administration is not aware of any formal written request having been received in relation to the tree. In the period commencing 2009 to date, there have been a number of phone calls to the City from residents concerned with the size and safety of the tree.

A phone call was received by the City’s Parks department in 2009 from the resident at 4/7 Lantana Avenue. The resident wished to discuss their concerns with the safety of the tree. The resident was informed that the City would arrange for the tree to be assessed by a suitably qualified arborist and that the tree would be placed on the City’s Annual Visual Assessment register of trees.

The resident informed they wished to have the tree removed. They were informed that as the property was owned and managed by the Department of Housing/Homeswest, a formal request would need to be forwarded by the Department and that it would be best to contact their staff to arrange this.

In the period 2009 to date, the tree has been independently assessed three (3) times by two different arborists. The recommendations have been as shown in the table below.

Date Inspected	Consultant	Comments	Works Required	Date Completed
25/03/2009	Consultant 1	The main trunk was found to be in a mechanically structurally sound condition and therefore does not represent a risk factor to the structural strength or to the	Reduce the lowest northern branch which	April 2009

		stability of the tree. It is therefore this consultant's opinion that an inspection of this specimen of <i>Eucalyptus camaldulensis</i> revealed that the tree was found to be in a predominantly structurally sound condition, and although it would be advisable to inspect the tree annually to monitor limb loading, it only requires remedial pruning to reduce limb loading on the northern stem.	contains a dead limb (Growing towards Unit 3/7 Lantana Way, Mt Claremont) back to a sound growth point.	
24/06/2010	Consultant 1	This mature specimen was found to be in good health and a structurally sound condition with no evidence of weak forking or excessive limb loading. It was evident that previous limb reduction away from the powerlines has been carried out resulting in an upright canopy.	No works required.	Not Applicable
14/12/2011	Consultant 2	Structural condition – Good Vitality – Good	No work required.	Not Applicable

The most recent inspection conducted on 14 December 2011 was carried out with the application of Quantified Tree Risk Assessment (QTRA) principles.

On currently available information, Administration recommends the following:

- removal of the tree is not considered necessary;
- the City continues to manage the tree in line with Quantified Tree Risk Assessment (QTRA) principles;
- the tree continue to be monitored through the 'Annual Visual Tree Assessment' program; and
- remedial works are carried out in accordance with the City's consultant arborist's recommendations.

Conclusion

It is recommended that Council refuse the requested tree removals in line with Administrations recommendations.


Attachments

1. Page 14 of Council Policy Manual

2. Paperbark Technologies - Annual Arboricultural Update for 73 Melvista Avenue, Nedlands
3. Paperbark Technologies - Arboricultural Report for Walkway behind Unit 3/7 Lantana Way, Mt Claremont

T02.12	Undertake Tree Audit and Compile Tree Database Tender
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Committee	14 February 2012
Council	28 February 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Steve Crossman – Special Projects
Director	Andrew Melville – Acting Director Sustainable Infrastructure and Waste
Director Signature	
File ref.	TEN/335
Previous Item No's	CM08.10, CM18.10, 14.6 – Council Minutes – 27 April 2011
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Purpose

To award the contract for undertaking an audit of all City owned trees.

Recommendation to Committee

Council accepts the tender submitted by Homewood Consulting Pty Ltd to undertake an audit of all the trees owned by the City and compile a database in accordance with the submitted price schedule (see Attachment 1).

Strategic Plan

KFA 2 Natural Environment:

2.2.1 Continue to create and maintain green networks and open spaces.

Background

In July 2010 Council adopted the current Street Trees policy. The policy was endorsed with the context that many trees had been removed over the years and of seeking improved management of the City's street tree population. The policy states that the City "records the current condition of the tree population". Council further resolved in 2011 to measure the percentage of the City that is treed.

Key Relevant Previous Decisions:

Item CM08.10 – Council Minutes – 27 April 2010, the recommendation to Council was that they approve the Street Trees policy. Council resolved to lay this item on the table to be brought back to Council for consideration in order to formulate a comprehensive street tree strategy.

Item CM18.10 – Council Minutes – 27 July 2010, Council endorsed the revised Street Trees policy which replaced the existing Council policy Street Trees 4.13

Item 14.6 – Council Minutes – 27 April 2011, Council resolved to measure the percentage of the City that is treed with a view to increasing that percentage over time.

Proposal Detail

The scope of work covered under the contract will be:

- counting and assessing condition of trees on all verges, median islands and roundabouts in the City of Nedlands;
- counting and assessing condition of trees located in the parks and reserves in the City of Nedlands (excluding bush land reserves); and
- compiling of the following data into a database compatible with the City’s software:
 - location;
 - species;
 - health;
 - age;
 - amenity value; and
 - photographic data.

Consultation

Required by legislation:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Required by City of Nedlands policy:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

The City will inform the community of the street tree audit and database via information placed on the City’s website and in the Nedlands News section placed in local papers.

Legislation

Local Government Act 1995

Budget/financial implications

Budget:

Within current approved budget: Yes No

Requires further budget consideration: Yes No

Financial:

Funds were allocated by Council during the 2011/2012 budget process for street tree management.

Risk Management

Key risk areas including financial, health, service interruption, environment and regulatory risks have been addressed in the control measures applied through the tender documentation and evaluation process.

In undertaking this audit, the City will gain important information on the health of its trees. This will allow the development of better monitoring and maintenance programs. These programs will help identify and rectify areas of greater risk.

Discussion

The tender was advertised in the West Australian newspaper on 10 September 2011 with submissions closing at 2.00 pm on 27 September 2011.

Conforming tenders were received from the following businesses:

- Arbor Logic;
- Natural Area Consulting;
- Homewood Consulting; and
- Paperbark Technologies.

There was one (1) nonconforming tender received from Arbor Carbon as the submission failed to comply to the conditions of the tendering. This submission was not included in the evaluation.

The tender was evaluated by three (3) City officers. The evaluation consisted of each submission being scored against the following criteria:

1. Price – 30%
2. Capacity and experience – 25%
3. Service quality – 25%
4. Timeframe – 10%
5. Financial capabilities – 10%

The total scores after evaluation were as follows:

- Homewood Consulting - 95.00%;
- Paperbark Technologies – 91.17%;
- Natural Area Consulting – 65.80%; and
- Arbor Logic – 21.69%.

Conclusion


After evaluation, Administration recommends Council award the contract to Homewood Consulting Pty Ltd to undertake the tree audit and database in accordance with the submitted price schedule, having attained an evaluation score of 95.0%.

Attachments

1. Price Schedule

T03.12 Sustainable Nedlands Committee
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Committee	14 February 2012
Council	28 February 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Andrew Melville – Manager Sustainable Nedlands
Director	Andrew Melville – Acting Director Sustainable Infrastructure and Waste
Director Signature	
File ref.	Nil
Previous Item No's	Item No 8.6 – Special Council Meeting 18 October 2011
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Purpose

To appoint the Community Representatives to the Sustainable Nedlands Committee.

Recommendation to Committee

Council appoint the following seven (7) persons to the Sustainable Nedlands Committee for a period ending at the next ordinary Local Government election in 2013:

1. **Bronwen Channon;**
2. **Gordon Davies;**
3. **Rod Griffiths;**
4. **Susan Hartley;**
5. **Agnes Pallagi;**
6. **Bronwen Tyson; and**
7. **Kay Whyte.**

Strategic Plan

KFA 2: Natural Environment

- 2.3 Promote, maintain and protect existing plant diversity (both native and introduced) in the City.
- 2.5 Implement a water plan to reduce water consumption.
- 2.6 Implement programs that reduce the City's greenhouse gas emissions and assist the public to reduce community emissions.

Background

The Sustainable Nedlands Committee is a committee of Council that has been in existence since 1997. The Committee brings together Councillors and local residents who are knowledgeable in various areas relevant to sustainability. The Committee has achieved its primary objective of integrating sustainability into the City's Strategic Plan and programs. The Committee has now been focusing on policy review.

Key Relevant Previous Decisions:

At the Special Council Meeting held on 18 October 2011 Council passed the following resolution where Part c) called for nominations from the community to the fill all community positions on the committee.

Council Resolution

That:

- a) The Mayor & Councillor Walker be appointed as Council's delegate and Councillor Shaw be appointed as deputy delegate respectively to the Sustainable Nedlands Committee for a period ending at the next ordinary Local Government elections in 2013;
- b) The Director Development Services and the Manager Sustainable Nedlands or their delegates be appointed as Administration Representatives (non members) to the Sustainable Nedlands Committee for a period ending immediately prior to the next Local Government elections in 2013; and
- c) The Sustainable Nedlands Committee call for nominations from the community for all Community Representative positions for a period ending immediately prior to the next Local Government elections in 2013; and
- d) Subject to a) above, Council adopt the revised Terms of Reference of the Committee of the Sustainable Nedlands Committee as below.

Proposal Detail

Following Council's Resolution at the Special Council Meeting held on 18 October 2011, the City advertised for expressions of interest from community members in both the Western Suburbs Newspaper and Post Newspaper on 8 November 2011 and the Post Newspaper 12 November 2011. The City advised that the expression of interest from community members was open until 25 November 2011.

All submissions were received within the advertised timeframe with the exception of Susan Hartley who submitted her nomination on 7 December 2011.

In addition, a former Sustainable Nedlands Committee member John McBain submitted his nomination within the allocated timeframe. Due to the recent changes in the terms of reference adopted by Council at the Special Council Meeting held on 18 October 2011, Mr. McBain was advised by the City via written correspondence on 24 November 2011 that he was no longer eligible for membership of the Committee in accordance the adopted Terms of Reference where membership criteria item 3 states that:

"Seven (7) Committee members are to be residents or ratepayers of the City of Nedlands or own a business located within the City of Nedlands."

Mr John McBain was also recognised and thanked in the same correspondence for his ongoing service to the community of the City of Nedlands.

Consultation

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

Legislation

- *Local Government Act 1995*
- Council Policy - Council Committees and Administrative Liaison Working Groups

Budget/financial implications

Budget:

Within current approved budget: Yes No

Requires further budget consideration: Yes No

Financial:

There are no financial impacts beyond the current approved City of Nedlands 2011-2012 budget.

Risk Management

There is a risk that should Council not accept the expressions of interest submitted by community members who meet the criteria for membership of the Sustainable Nedlands Committee, there will be an insufficient number of members to meet the Terms of Reference membership requirement for the Sustainable Nedlands Committee.

Discussion

The current Terms of Reference for the Sustainable Nedlands Committee requires that there are seven (7) Community members appointed to the Committee. Following the closure date for expression of interest submissions the City had received six (6) valid nominations, one (1) invalid nomination and one (1) late nomination.

Should Council accept the submitted expressions of interest from Bronwen Channon, Gordon Davies, Rod Griffiths, Susan Hartley, Agnes Pallagi, Bronwen Tyson and Kay Whyte there will be sufficient Community members of the Committee to meet the requirements of the Sustainable Nedlands Committee Terms of Reference.

Conclusion

The current Terms of Reference for the Sustainable Nedlands Committee requires that there are seven (7) Community members appointed to the Committee. Following the closure of the nomination period the City had received six (6) valid nominations, one (1) invalid nomination and one (1) late nomination.


The expressions of interest that meet the membership criteria of the Sustainable Nedlands Committee Terms of Reference include Bronwen Channon, Gordon Davies, Rod Griffiths, Susan Hartley, Agnes Pallagi, Bronwen Tyson and Kay Whyte.

Attachments

Nil

T04.12	Point Walter Family Concert and Fireworks, Sunday 4 March 2012 – Point Walter Reserve, Bicton
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Committee	14 February 2012
Council	28 February 2012

Applicant	Dr Shayne Silcox, CEO - City of Melville
Owner	City of Melville
Officer	Shannon Berdal – Environmental Health Officer
Director	Andrew Melville – Acting Director Sustainable Infrastructure and Waste
Director Signature	
File ref	ENV/017-04
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Purpose

This report is coming before Council because the City of Melville sent correspondence to the City of Nedlands advising that the City of Melville’s Chief Executive Officer has approved the Point Walter Family Concert and Fireworks to be held at Point Walter Reserve, Bicton on Sunday 4 March 2012. This approval is pursuant to Regulation 18 (3) of the *Environmental Protection (Noise) Regulations 1997*.

Council’s role is to determine whether it agrees with the City of Melville’s proposed conditions applicable to the approval, pursuant to Regulations 18 (12) of the Regulations which states:

- (12) *An approval must not be granted unless the local government of each district in which noise emissions received from the event are likely to fail to comply with the standard prescribed under regulation 7 agrees to the proposed conditions applicable to the approval.*

Recommendation to Committee

Council, pursuant to Regulation 18 (12) of the *Environmental Protection (Noise) Regulations 1997*, agrees to the City of Melville’s proposed conditions, (outlined in the attachment 1) for the Point Walter Family Concert and Fireworks to be held at Point Walter Reserve, Bicton on Sunday 4 March 2012, subject to:

- a) **the Notice of the event being publicised in the 'Post' and 'Western Suburbs Weekly' local newspapers on the week commencing 27 February 2012;**
- b) **the notification to City of Nedlands being distributed to residences along Jutland Pde and Victoria Ave, Dalkeith by way of letter drop at least seven (7) days prior to the event; and**
- c) **that a delegated policy statement be prepared for presentation to Council which outlines the conditions under which officers may approve this type of application.**

Strategic Plan

Strategic Plan Implications

In agreeing with the conditions imposed by the City of Melville for the Point Walter Family Concert and Fireworks held at Point Walter Reserve on 4 March 2012, this supports the City's Strategic Plan in the following areas:

KFA 5: Governance

- 5.6 Ensure compliance with statutory requirements and guidelines.
- 5.8 Establish and actively manage a range of partnerships with government, private and not-for-profit sectors.

In agreeing to the conditions imposed by the City of Melville for the Point Walter Family Concert and Fireworks, the City of Nedlands is fulfilling a statutory requirement under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997*. This is supported by KFAs 5.6 and 5.8.

Background

Since 2005, Point Walter Reserve, Bicton has been host to an annual family concert with fireworks in February or March. The City's records do not indicate any noise complaints from past events. Council has previously agreed to the conditions imposed by the City of Melville for the Point Walter Family Concert and Fireworks, which was last held on 6 March 2011. This was subject to the event being publicised in the local newspapers and notification given to residents along Jutland Pde and Victoria Ave, Dalkeith.

Point Walter Reserve is located in Bicton, and is west of Point Resolution Reserve, Dalkeith. Prevailing weather conditions can facilitate sound transmission across the Swan River to Dalkeith.

Proposal Detail

Point Walter Family Concert and Fireworks, Sunday 6 March 2012 will include:

- A range of dancers
- Children’s activities
- Band – Proud Mary
- Fire n’ Motion fire twirlers
- Fireworks

The City of Melville seeks agreement from the City of Nedlands, to the conditions applicable to the approval pursuant to sub Regulation 18 (12) of the *Environmental Protection (Noise) Regulations 1997* which states:

“an approval must not be granted unless the local government of each district in which noise emissions received from the event are likely to fail to comply with the standard prescribed under regulation 7, agrees to the proposed conditions applicable to approval.”

Council needs to consider the City of Melville’s conditions applicable to approval and decide whether it agrees to them. Refer to Attachment 1 for the conditions applicable to approval.

Consultation

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

Legislation

- *Environmental Protection (Noise) Regulations 1997.*
- City of Nedlands is the determining authority for conditions applicable to approval.
- City of Melville is the determining authority for the approval.

Budget/financial implications

Budget:

Within current approved budget: Yes No

Requires further budget consideration: Yes No

Financial:

There are no financial impacts to the approved City of Nedlands 2011/12 budget.

Strategic Plan Implications

In agreeing with the conditions imposed by the City of Melville for the Point Walter Family Concert and Fireworks, to be held at Point Walter Reserve on 4 March 2012, this supports the City's Strategic Plan in the following areas.

Vision

The City of Nedlands is an attractive City with residential amenity and a strong sense of community and place.

Risk Management

Conditions applicable to approval are considered by Council and agreed to as required by the *Environmental Protection (Noise) Regulations 1997*. The conditions applicable to approval are adequate in minimising the possibility of the City receiving noise complaints from its residents.

Discussion

Sound levels associated with the Point Walter Family Concert and Fireworks are likely to affect those residences along Jutland Parade and Victoria Avenue, Dalkeith. Starting and finishing times and other conditions imposed by the City of Melville are outlined in attachment 1. The night will culminate with a 15 minute firework display from the sand spit at Point Walter commencing at 9.05 pm.

The reason why the City of Melville seeks Council to agree to the conditions applicable to approval is because the event would lose its character or usefulness if it were required to comply with the normal neighbourhood sound levels prescribed in the *Environmental Protection (Noise) Regulations 1997*.

It is not expected that noise generated by this year's event will be an issue given the City of Melville's noise control measures contained in the conditions applicable to approval, outlined in attachment 1.

Issue: Noise likely to be heard at some residences in Dalkeith

Requirement:

That Council agrees to conditions applicable to approval for the Point Walter Family Concert and Fireworks, Sunday 6 March 2012.

<p>In order for the City of Melville to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>, the City agree to the Conditions of Approval as described in attachment 1</p> <p>The City is satisfied that the Conditions stipulated in attachment 1 will minimise any adverse impact on residents</p>	
Applicants Proposal	To seek agreement from Council of the conditions applicable to approval.
Applicant justification summary	The City of Melville is required to have agreement from the City of Nedlands Council for the conditions relevant to the approval.
Officer technical comment	<p>The City of Melville's application to seek agreement from the City of Nedlands Council over conditions applicable to approval is in accordance with the requirement to do so under the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>The noise control measures which form the conditions applicable to approval should:</p> <ol style="list-style-type: none"> 1. include the Notice of the event being publicised in the Nedlands 'Post' and 'Western Suburbs Weekly' newspapers on the week commencing 27 February 2012. 2. include the notification to the City of Nedlands residents being distributed to residences along Jutland Parade and Victoria Avenue, Dalkeith by way of letter drop at least seven (7) days prior to the event.

Conclusion

The City of Melville has sought agreement of its conditions applicable to the approval of the Point Walter Family Concert and Fireworks, Sunday 4 March 2012. It is required to do so in accordance with the *Environmental Protection (Noise) Regulations 1997*.

Sound levels from the event are likely to exceed the normal neighbourhood sound levels prescribed in the regulations for Jutland

Pde and Victoria Ave, Dalkeith. If noise from the event were required to comply with these levels, the event would lose its character and usefulness.


It is anticipated that any impact on City of Nedlands residents will be low, given the City of Melville's proposed conditions applicable to approval. Council's role is to agree, or not to agree, as to whether the event conditions imposed by the City of Melville are reasonable. In view of the above and the fact that notification is a condition of approval, there seems to be little justification for Council not to agree with the conditions the City of Melville will impose.

Attachments

1. Conditions applicable to approval

T05.12	Soundwave Festival, Monday 5 March 2012 – Claremont Showground, Claremont
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Committee	14 February 2012
Council	28 February 2012

Applicant	Town of Claremont
Owner	Town of Claremont
Officer	Chris Hammond – Environmental Health Coordinator
Director	Andrew Melville – Acting Director Sustainable Infrastructure and Waste
Director Signature	
File ref	ENV/017-04
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Purpose

This report is coming before Council because the City has received formal advice from the Town of Claremont that Soundwave Festival Pty Ltd has applied to host the Soundwave Festival at the Claremont Showground on Monday 5 March 2012 (i.e. Labour Day public holiday). This application is pursuant to Regulation 18(3) of the *Environmental Protection (Noise) Regulations 1997*.

Council's role is to determine whether it agrees with the Town of Claremont's proposed conditions applicable to the approval, pursuant to Regulations 18(12) of the Regulations which states:

- (12) *An approval must not be granted unless the local government of each district in which noise emissions received from the event are likely to fail to comply with the standard prescribed under regulation 7 agrees to the proposed conditions applicable to the approval.*

Recommendation to Committee:

Council, pursuant to Regulation 18 (12) of the *Environmental Protection (Noise) Regulations 1997*, agrees to the Town of Claremont's proposed conditions, (outlined in the Attachment 1) for the Soundwave Festival to be held at the Claremont Showground on Monday 5 March 2012, subject to:

- 1) **the Town of Claremont notifying the City of Nedlands Manager Sustainable Nedlands in writing, of any noise complaints received from residents in the City of Nedlands, within five (5) days after the event.**

Strategic Plan

Strategic Plan Implications

In agreeing with the conditions imposed by the Town of Claremont for the Soundwave Festival to be held at the Claremont Showground on 5 March 2012, this supports the City's Strategic Plan in the following areas.

Vision

The City of Nedlands is an attractive City with residential amenity and a strong sense of community and place.

KFA 4: Community Wellbeing

- 4.4 Continue to develop a sense of community through the promotion of cultural events and programs.

The Soundwave Festival is supported by KFA 4.4 above in that it provides an opportunity for those 15 years and older (typically 15 years - 45 years) in the community to enjoy music from a variety of their favourite artists in the one accessible venue. They are able to interact socially and enjoy the festival with those who have a similar musical taste.

KFA 5: Governance

- 5.6 Ensure compliance with statutory requirements and guidelines.
- 5.8 Establish and actively manage a range of partnerships with government, private and not-for-profit sectors.

In agreeing to the Town of Claremont's proposed conditions applicable to the approval of the Soundwave Festival, the City is fulfilling a statutory requirement under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997*.

Background

The Claremont Showground venue has long been associated with the annual Royal Show. However since the inception of the Big Day Out event many years ago, its use has diversified to host a variety of regular music events / festivals like the Big Day Out, City Muster, Stereosonic and V Festival. For these large events including this year's Soundwave Festival, the Town seeks agreement from the City of Nedlands over the conditions it proposes for the event, only as they relate to noise. This

enables the Town to fulfill the regulatory requirement in granting approval of the Soundwave Festival.

The Soundwave Festival originated in Perth and is now a national touring music event which hosts a number of rock, metal and punk acts. This year's event will host over 90 international acts. It is a licensed, all ages event with a minimum attendance age of 15 years. Ticket sales are expected in the vicinity of 30 000 – 40 000 persons. The City received two complaints from last year's event and these related to noise.

Council has previously agreed to conditions which the Town of Claremont has proposed for concerts at the Showground, with minor amendments being made. These included alterations to the advice to residents leaflet in terms of the distribution area, which has since become a standard distribution area for Regulation 18 Concerts held at the Claremont Showgrounds.

Proposal Detail

Soundwave Festival 2012 is scheduled to be held at Claremont Showground on Monday 5 March 2012 (Labour Day public holiday) from 11:00am to 10:30pm. Sound system checks are confined to a period of two hours between 1:00pm and 6:00pm on Sunday 4 March 2012 and one half hour between 10:00am and 10:30am on Monday 5 March 2012.

The Town of Claremont seeks Council's agreement to the conditions it proposes for Soundwave 2012, in relation to noise. The Town seeks agreement to the conditions because it is required to do so for this type of event under regulation 18(12) the *Environmental Protection (Noise) Regulations 1997* which states:

“an approval must not be granted unless the local government of each district in which noise emissions received from the event are likely to fail to comply with the standard prescribed under regulation 7, agrees to the proposed conditions applicable to approval.”

Council needs to consider the Town of Claremont's conditions applicable to approval and decide whether it agrees to them. Refer to Attachment 1 for the conditions applicable to approval.

This year's proposed conditions are very similar to last year's conditions. Sound levels are the same, however, the Town of Claremont has conditioned one hour less in the window available for sound testing. The 'Advice to Residents' leaflet is also to be delivered 14 days prior to the event compared with 7 days per last year's conditions. The proposed distribution area for the leaflet is per Attachment 2. For the City of Nedlands, this entails a majority of Mount Claremont and some of Nedlands.

Consultation

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

Legislation

- Environmental Protection (Noise) Regulations 1997;
- City of Nedlands is the determining authority for conditions applicable to approval; and
- Town of Claremont is the determining authority for the approval.

Budget/financial implications

Budget:

Within current approved budget: Yes No

Requires further budget consideration: Yes No

Financial:

There are no financial impacts to the approved City of Nedlands 2011-2012 budget

Strategic Plan Implications

In agreeing with the conditions imposed by the Town of Claremont for the Soundwave Festival to be held at the Claremont Showground on 5 March 2012, this supports the City's Strategic Plan in the following areas.

Vision

The City of Nedlands is an attractive City with residential amenity and a strong sense of community and place.

Risk Management

Conditions applicable to approval are considered by Council and agreed to as required in accordance with the *Environmental Protection (Noise) Regulations 1997*. The conditions applicable to approval are adequate in minimising the possibility of the City receiving noise complaints from its residents.

Discussion

Soundwave Festival is similar to other music events hosted at the Claremont Showground, where due to the likelihood of noise levels being exceeded, requires an exemption from the relevant provisions of the *Environmental Protection (Noise) Regulations 1997* (the Regulations) prior to the event going ahead. Under the relevant provisions in the Regulations, Regulation 18 (12) states:

“an approval must not be granted unless the local government of each district in which the noise emissions received from the event are likely to fail to comply with the standard prescribed under Regulation 7 agrees to the proposed conditions applicable to the approval.”

The purpose of a Regulation 18 approval is to cater for an event, which would otherwise lose its character or usefulness if it were required to comply with prescribed noise levels. Regulation 7 stipulates prescribed noise levels normally applied to assess the impact of noise within neighbourhoods.

Noise from the event will be of a punk, metal, rock music genre incorporating amplifiers and public address systems. There is likelihood that noise levels will exceed the requirements of the Regulations in some areas of the City of Nedlands, most particularly those located in parts of Mount Claremont. The Town has imposed conditions on the event to facilitate noise control (refer to Attachment 1, Schedule – Conditions of Approval). The Town of Claremont is applying both ‘A’ weighted and ‘C’ weighted sound level limits to control noise impact. ‘C’ weighted sound level limits were introduced by the Town of Claremont in early 2010 to help further control noise from concerts.

Details of the event and a complaint response service are proposed to be publicised in the ‘The Post’ and ‘Western Suburbs Weekly’ newspapers for the two weeks leading up to the event.

Issue: Noise likely to be heard at some residences in the City of Nedlands

Requirement:	That Council agrees to conditions applicable to approval for the Soundwave Festival at Claremont Showground, Monday 5 March 2012	Acceptable development and performance criteria
Applicants Proposal:	To seek agreement from Council of the conditions applicable to approval.	
Applicant justification summary:	The Town of Claremont is required to have agreement from the City of Nedlands Council for the conditions relevant to the	

<p>Note: a full copy of all relevant consultation feedback received by the City has been given to the City's Councillors prior to the meeting.</p>	<p>approval.</p>
<p>Officer technical comment:</p>	<p>The Town of Claremont's application to seek agreement from the City of Nedlands Council over conditions applicable to approval is in accordance with the requirement to do so under the Environmental Protection (Noise) Regulations 1997.</p> <p>The noise control measures which form the conditions applicable to approval should:</p> <ol style="list-style-type: none"> 1) include the Town of Claremont notifying the City of Nedlands Manager Sustainable Nedlands of any noise complaints received from residents in the City of Nedlands, within five (5) days after the event.

Conclusion

It is important to note that Council's role in the Town of Claremont's approval process for Soundwave Festival 2012 is to agree, or not to agree, as to whether the event conditions imposed by the Town of Claremont are reasonable. Council's role does not extend to deciding whether it approves of the event or anything outside the scope of noise. The *Environmental Protection (Noise) Regulations 1997* recognise the likelihood and necessity that noise levels from such an event will be above the normal neighbourhood levels. It is anticipated that the impact on City of Nedlands residents will be tolerable given the proposed conditions of approval.


In view of the above and the fact that the Town of Claremont has fulfilled its statutory obligation to notify the City of the upcoming event, there seems little justification for Council not to agree to the conditions proposed for the Soundwave Festival 2012.

Attachments

1. Soundwave Festival Schedule - Conditions of Approval
2. Distribution area for 'Advice to Residents' leaflet

T06.12	Keeping of Bee Hive - 38 Minora Road, Dalkeith
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Committee	14 February 2012
Council	28 February 2012

Applicant	Dr Nevin Watson
Owner	Dr Nevin Watson
Officer	Shannon Berdal - Environmental Health Officer
Director	Andrew Melville – Acting Director Sustainable Infrastructure and Waste
Director Signature	
File ref	M12/1257
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Purpose

This report is coming before Council because Dr Nevin Watson of 38 Minora Road, Dalkeith has requested permission from Council to retain a non-commercial hobby honey bee colony at his residence. As per the *City of Nedlands Health Local Laws 1997 Division 7 - Bee Keeping*, this requires Council to determine the acceptability of this request.

Recommendation to Committee

Council:

1. Pursuant to the *City of Nedlands Health Local Laws 1997 Division 7 - Bee Keeping*, agrees to the request of Dr Nevin Watson to retain a non-commercial hobby bee hive subject to:
 - a) maintenance of the Swarm Control Management Plan already in place; and
 - b) the City of Nedlands Health Local Law where should the bees from this hive, in the opinion of the Manager create a nuisance, direction may be given to remove the hive(s).
2. Sustainable Nedlands is satisfied that the resident of the property has sufficient knowledge, understanding and

- support to minimise any potential adverse effects that keeping a bee hive within a residential area may have.**
- 3. Seek a report from Administration outlining conditions under which approval for similar applications can be delegated to staff.**

Strategic Plan

KFA 2: Natural Environment

- 2.2 Prepare and implement management plans for natural areas.
- 2.3 Promote, maintain and protect existing plant diversity (both native and introduced) in the City.

KFA 4: Community Wellbeing

- 4.2 Encourage, support and provide for a range of recreation and leisure opportunities, both active and passive.

Background

Bees form an essential component to our ecosystem and play a vital role in ensuring plant biodiversity. Western Australia and South Australia are the two remaining locations in the world to be exempt from the devastating effects of the small hive beetle, varroa mite and European foulbrood disease, in consideration of which support for recreational beehives is a necessary development to sustain healthy bee populations in Western Australia. Feral honey bees are uncontrolled and are typically more aggressive in temperament. Managed honey bees are moved regularly to harvest excess honeyflows thereby keeping them busy to avoid becoming a nuisance, and their numbers and location are controlled by beekeepers.

If a bee sting is removed correctly, it will often result in pain little worse than a mosquito bite. Incorrect removal will result in all the venom being injected into the flesh and distributed throughout the body. Severe reactions are unlikely, but can occur.

Dr Nevin Watson, resident of 38 Minora Road, Dalkeith is seeking permission from Council to retain a non-commercial hobby honey bee colony at his residence in the form of a single hive. The colony was initially established without human intervention in an unused dog kennel at the rear of the property. Following its discovery the hive was transferred to a constructed hive (refer attachment 6, photograph 2) and since such time has been in situ for the greater part of a year. Dr Watson was unaware that Council approval was required to be sought in order to keep a beehive at his residence. However, on being made aware of this requirement by his affiliation with amateur beekeeping organisations Dr Watson voluntarily advised the City of the existence of the hive at his residence and provided supporting documentation to facilitate Council approval for its retention.

Proposal Detail

Dr Nevin Watson resident of 38 Minora Road, Dalkeith is seeking permission from the City to keep two (2) non-commercial hobby bee hives at his residence. The purpose of this report is to assess the suitability for retaining the existing two (2) beehives within a residential area located in the City of Nedlands. The report highlights the necessary considerations that need to be accounted for in order to ensure that the amenity of surrounding residents is not adversely affected by the retention of these hobby bee hives and that essential ongoing management of the hives is being undertaken in order to maintain public safety as it relates to bees.

Consultation

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

Legislation

City of Nedlands Health Local Laws 1997 Division 7 - Bee Keeping “A person shall not keep or permit the keeping of bees anywhere within the City of Nedlands unless approval to do so has been given by the Council.”

Under the *Western Australian Beekeepers Act (1963)*, all persons keeping honeybees are required to register with the Department of Agriculture and Food and to brand their beehives with a registered hive brand as allotted by the Register of Brands. All beehives must be registered for the following year by 1 January.

Budget/financial implications

Budget:

Within current approved budget: Yes No

Requires further budget consideration: Yes No

Financial:

There are no financial impacts to the approved City of Nedlands 2011-2012 budget.

Risk Management

The applicant has advised a Swarm Control Management Plan is in place. Additionally support and expertise is being provided by WA Apiarists' Society and Mr Dan Dowsett.

Discussion

The following addresses the essential considerations for keeping a bee hive in a residential area and an assessment of the applicants' activities in addressing this criterion.

Issue: Aspect

Requirement	Hives should be positioned in a warm, sunny location. In summer, hives should be shaded during late morning and afternoon thereby reducing the need for the bees to seek water to cool the hive in hot weather.
Applicants Proposal	Hive is located in a suitable and shady location, water sources are immediately available.
Applicant justification summary	Letter of support from Mr Dan Dowsett affirms location to be suitable.
Officer technical comment	Hive aspect addressed adequately

Issue: Obstructions to divert flight

Requirement	Bees can be trained to fly in a certain direction or height through the provision of obstructions to their flight path. Provisions of sufficient obstructions are required to be in place to divert the flight path away from residences.
Applicants Proposal	Flight path is being altered through vegetation and fencing.
Applicant justification summary	<p>The flight path of the bees coming and going to the hive at 38 Minora Road, Dalkeith is being addressed via the following obstructions:</p> <ul style="list-style-type: none"> • The plum tree canopy on 38 Minora Road and the mature fig tree on 46 Beatrice Road, Dalkeith (refer attachments 5 & 6, photograph 1 & 2) • Verge to Adelma Road, Dalkeith adjacent to the plum tree canopy and fence (refer attachments 5 & 6, photograph 1 & 2) • Golden Cane Palm, 50ft Liquid Amber and 60+ft Rottneist Island Pine, dense garden

	and 1.8 m bricked boundary fence at 36 Minora Road, Dalkeith.
Officer technical comment	Collectively the aforementioned obstructions render the immediate neighbours residences out of the incoming and outgoing flight path from the hive.

Issue: Proximity of dwellings

Requirement	Proximity of the hive does not cause a nuisance to residents.
Applicants Proposal	Hive is suitably located away from dwellings
Applicant justification summary	<p>The hive is located:</p> <ul style="list-style-type: none"> • in the most isolated location, 20 m from residence at 38 Minora Road, Dalkeith (refer attachment 7, photograph 3) • 12 m to Adelma Road, Dalkeith footpath (refer attachment 8, photograph 4) • 23 m to the rear patio of 46 Beatrice Road, Dalkeith (refer attachment 9, photograph 5) • 25 m to insect screened patio of 36 Minora Road, Dalkeith (refer attachment 10, photograph 6) • Hive is placed in a suitable area, where the bees will fly high and not be a nuisance.
Officer technical comment	Proximity to dwellings is sufficiently addressed to not create a nuisance.

Issue: Number of colonies

Requirement	As per direction from the WA Department of Agriculture and Food two hives is a reasonable number to keep in a backyard in the metropolitan area without becoming a nuisance to neighbours.
Applicants Proposal	Single Colony of Two hives.

Applicant justification summary	The colony has been in situ for over 12 months and managed successfully without complaint.
Officer technical comment	The number of hives is being suitably managed.

Issue: Providing water

Requirement	Bees are to be provided with an immediate water source.
Applicants Proposal	Provision of water.
Applicant justification summary	Multiple water sources are immediately available to the hive: <ul style="list-style-type: none"> • 3 m to birdbath (refer attachment 5, photograph 1); and • 20 m fish pond
Officer technical comment	Water source for the colony is being adequately addressed.

Issue: Temperament of bees

Requirement	Monitoring of the hive to maintain a docile strain.
Applicants Proposal	Hive had been requeened with a docile strain and is subject to continued monitoring.
Applicant justification summary	Regular monitoring is undertaken of the hive and since its initial discovery the hive has been requeened to ensure that the honeybees that reside in this hive are of a less aggressive nature. The applicant monitors and has a management plan in place in order to keep the bees busy and aid in preventing swarming.
Officer technical comment	Maintenance of a docile strain is being adequately addressed.

Issue: Swarms

<p>Requirement</p>	<p>The swarming process is part of the natural reproductive life cycle of honeybee colonies. Catching a swarm used to be the main way beekeepers increased hive numbers. However, modern beekeeping practices such as grafting, rearing queens and feeding bees to increase worker numbers, allowing colonies to swarm is counter-productive. Swarming reduces the honey crops from the hive, and a strain that swarms may have the undesirable trait to swarm to excess. Without swarm management, including stock improvement, every colony may swarm, leaving the parent hive weak and of little value for producing honey. Prevention or control of swarming is essential to maintaining a hive within a residential area.</p>
<p>Applicants Proposal</p>	<p>Swarming will be prevented from occurring. The hive has been managed without problem for over 12 months.</p>
<p>Applicant justification summary</p>	<p>Applicant has undertaken Australian Honey Bee Industry Council and Department of Agriculture, Fisheries and Forestry Beekeeping Certificate III RTE3153A Manage honey bee swarms. This Certification involves developing skills and knowledge, specific to management strategies to prevent swarming inclusive of signs that swarming is about to happen and prevention strategies that are to be implemented to prevent swarming and collection of a swarm.</p>
<p>Officer technical comment</p>	<p>Swarming is very alarming to the general public in residential areas additionally it is common for people to become anxious about the possibility of bee stings, particularly those individuals that are susceptible to severe reactions from bee stings. When undisturbed swarming bees are very docile and are not inclined to sting additionally modern beekeeping techniques are designed to prevent swarming as it is in the best interest of both the condition of the hive, honey production and the beekeeper to do so. The training undertaken by the applicant is comprehensive and of a national standard</p>

	<p>ensuring that they have been endowed with the necessary education to prevent and control swarming and should a swarm develop how to collect it safely. However, should measures fail support from affiliations with amateur beekeeping organisations and relationships with other beekeepers are available to draw upon for assistance should it be required.</p>
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Issue: Hive Management

<p>Requirement:</p>	<p>The applicant is required to have a strong understanding of how to manage the hive and identify problems that may arise particularly in relation to swarm control, temperament of the colony, disease management and prevention and maintenance of safety to nearby residents.</p>
<p>Applicants Proposal:</p>	<p>Sufficient knowledge and support is available to successfully manage the hive. The hive has been managed without problem for over 12 months.</p>
<p>Applicant justification summary</p>	<p>Applicant has participated and completed training from Australian Honey Bee Industry Council and Department of Agriculture, Fisheries and Forestry Beekeeping Certificate III RTE3155A "Manipulate Honeybee Brood". Certification is inclusive of the following modules:</p> <ul style="list-style-type: none"> • when and how a honey bee brood (eggs, larvae and pupae of the bee) should be manipulated; and • opening hives, removing and repositioning frames safely
<p>Officer technical comment</p>	<p>The colony has been managed by the applicant for over 12 months without problem or complaint. The training undertaken by the applicant and support available from affiliations with amateur beekeeping organisations and relationships with other beekeepers are available to draw upon for assistance should it be required.</p>

Issue: Amateur Affiliations

Requirement	Membership with amateur beekeeping associations can facilitate better management of hobby bee hives and assist in educating non-members, new members and the general public.
Applicants Proposal	Member of the WA Apiarists' Society.
Applicant justification summary	Sought the expertise of Mr Dan Dowsett, registered Beekeeper and former President and Life Member of WA Apiarists' Society, in the form of site inspections and in relation to risk management strategies applicable to the colony located at 38 Minora Rd. Further Mr Dowsett has declared the applicant, Dr Nevin Watson, to possess a sound working knowledge of national competencies in relation to Swarm Control Management Plans (refer attachment 1).
Officer technical comment	Applicant has a genuine interest in further developing knowledge, skills and professional relationships through amateur affiliations.

Issue: Education

Requirement	Make people aware of the minimal risk of properly managed bees.
Applicants Proposal	Not to inform residents of the existence of the hive unless required to do so.
Applicant justification summary	The applicant has not received any complaints in relation to the hive. Some neighbours are aware of the existence of the hive. The neighbours at 46 Beatrice Road, Dalkeith have verbally advised the City of no objection to the retention of the hive at 38 Minora Road, Dalkeith. The number of bees retained in the hive is manageable without creating a nuisance.
Officer technical comment	Observation based on several site visits the number of bees that enter and exit the hive is not significant and by comparison with other wild bee colonies is appreciably less. Further inspection of the dividing fence of the

	residence adjacent to Adelma Road, Dalkeith there was not a noticeable number of bees flying over the fence line. Given the aforementioned information notification to immediate neighbours of the existence of the hive is not a necessary task and may be more likely to provoke unwarranted attention and/or complaints.
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Issue: Beekeeper registration and hive brands

Requirement	Under the <i>Beekeepers Act (1963)</i> , all persons keeping bees are required contact the Western Australia Department of Agriculture and Food to register and brand their hives.
Applicants Proposal	Registered as a beekeeper and registered hive brand with Western Australia Department of Agriculture and Food.
Applicant justification summary	Copies of Certificate of Registration as a Beekeeper and Certificate of Registration of Hive Brand have been submitted (refer attachment 2 & 3).
Officer technical comment	Re-registration is required annually in January of both hive and brand. Re-registration for 2012 is currently in process.

A site inspection was conducted by one of the City's Environmental Health Officers the outcome of which raised the following comments:

- Bees are provided with a significant number of sources from which to seek nectar from the numerous flowers, large vegetable patch and mature flowering trees

Conclusion

The applicant has equipped themselves with the relevant skills, knowledge and support to maintain public safety in relation to keeping a bee hive and additionally has made numerous allowances to ensure that the surrounding amenity of both the immediate neighbours and those at further distances will not be hindered. Further the City's records indicate that no complaints have been received in relation to bees from this site.

It is not anticipated that the continued retention of the bee hive at 38 Minora Road, Dalkeith will pose an adverse impact to residents of the

City of Nedlands. Council's role is to determine if they approve the application proposed by Dr Nevin Watson subject to conditions, based upon the aforementioned criteria and the applicants' solutions for addressing them there would seem to be little justification for Council to refuse the request.

Attachments

1. Photograph 1 – location of hive, birdbath and obstructive vegetation at rear of 38 Minora Road, Dalkeith
2. Photograph 2 – location of hive at rear of 38 Minora Road, Dalkeith
3. Photograph 3 – location of hive from 38 Minora Road, Dalkeith residence
4. Photograph 4 – distance of hive to Adelma Road, Dalkeith footpath
5. Photograph 5 – distance of hive to 46 Beatrice Road, Dalkeith
6. Photograph 6 – distance of hive to 36 Minora Road, Dalkeith