

***Local Government Act 1995***

*Shire of Gingin*

**Bee Keeping Local Law 2004**

[Amended by Bee Keeping Amendment Local Law 2015 Government Gazette 04/12/2015]

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## ***Local Government Act 1995***

### **Shire of Gingin**

#### **BEE KEEPING LOCAL LAW (2004)**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Gingin resolved on 21<sup>st</sup> October 2003 to make the following local law.

#### **1. Citation and application**

This local law may be cited as the Shire of Gingin Bee Keeping Local Law (2004) and shall apply throughout the district.

#### **2. Repeal**

The Local Laws Relating to the Keeping of Bees published in the Government Gazette of 24 December 1976 is repealed.

#### **3. Interpretation**

In this local law, unless the context requires otherwise -

“**Act**” means the Local Government Act 1995;

“**bee hive**” means a hive standing alone or any 2 or more hives standing in a group;

“**Bee keeper**” has the meaning given to it in regulation 3 of the *Biosecurity and Agriculture Management Regulations 2013*;

“**Crown land**” has the meaning given to it in the Forest Management Regulations 1993;

“**district**” means the district of the local government;

“**local government**” means the Shire of Gingin;

“**permit**” means a permit issued under this local law;

“**permit holder**” means a person who holds a valid permit;

“**Rural Living Area**” means any area zoned as Rural Living under the local government’s Local Planning Scheme;

“**Schedule**” means the Schedule to this local law; and

“**townsite**” means the townsites of Gingin, Lancelin, Guilderton, Seabird and Ledge Point which are –

- (a) constituted under section 26(2) of the Land Administration Act 1997;  
or
- (b) referred to in clause 37 of Schedule 9.3 of the Act.

#### **4. Permit required to keep bees**

- (1) Subject to the provisions of this clause, a person shall not keep bees or allow bees to be kept on land except in accordance with a valid permit issued in relation to the land.
- (2) Subclause (1) does not apply where –
  - (a) the land is outside a townsite or Rural Living Area; and
  - (b) the bees are kept –
    - (i) at least 500m from a thoroughfare; or
    - (ii) less than 500m from a thoroughfare but the vegetation or a screen or other barrier on the land is such as to encourage the bees to fly at a height over the thoroughfare as will not create a nuisance to users of the thoroughfare.
- (3) Subclause (1) does not apply where an occupier of land keeps bees on the land –
  - (a) for a continuous period not exceeding 8 weeks; and
  - (b) for the purpose of pollinating a crop on the land.
- (4) An occupier referred to in subclause (3), in keeping bees under that subclause, shall provide a good and sufficient water supply on the land which is readily accessible by the bees.
- (5) Subclause (1) does not apply where a person keeps bees on Crown land.

#### **5. Application for a permit**

An applicant for a permit shall -

- (a) be a person registered as a beekeeper under regulation 13 of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*;
- (b) provide such details as may be required by the local government;
- (c) apply in the form determined by the local government; and

- (d) pay any application fee imposed and determined by the local government under sections 6.16 – 6.19 of the Act.

## **6. Determination of application**

- (1) The local government may -
  - (a) refuse to determine an application for a permit which does not comply with clause 5;
  - (b) approve an application for a permit subject to the conditions referred to in clause 7 and to such other conditions as it considers appropriate; or
  - (c) refuse to approve an application for a permit.
- (2) Where an application for a permit is approved subject to conditions, the permit holder is to comply with those conditions or is to cause those conditions to be complied with.
- (3) Where the local government approves an application under subclause (1)(b), it is to issue to the applicant a permit in the form determined by the local government.
- (4) A permit is valid from the date of issue for a period of five years unless and until it is cancelled under this local law.

## **7. Conditions of approval**

- (1) Without limiting the generality of clause 6(1)(b), an application for a permit may be approved by the local government subject to the following conditions -
  - (a) the provision of an adequate and permanent water supply on the land which is readily accessible by the bees on the land;
  - (b) each bee hive shall be -
    - (i) kept at a distance specified by the local government from any neighbouring building, thoroughfare, public place, private street, laneway or boundary of the land; or
    - (ii) located near a screen or other barrier so as to prevent the bees flying low over a thoroughfare, public place or adjoining land;
  - (c) no more than 2 bee hives are to be kept on land of less than 2,000 square metres in area;
  - (d) no more than 15 bee hives are to be kept on land between 2,000 and 20,000 square metres in area;

- (e) annual submission by the permit holder of a copy of a Bee Keeper's Licence as approved by the Department of Agriculture and Food, Western Australia; and
  - (f) an annual inspection will be carried out by the local government.
- (2) In respect of a particular application for a permit, the local government may vary any of the conditions referred to in subclause (1).

## **8. Variation or cancellation of permit and conditions**

- (1) The local government may vary the conditions of a permit after it has been issued.
- (2) The local government may cancel a permit on the request of a permit holder to do so.
- (3) Notwithstanding clause 12, a permit shall be cancelled on –
- (a) the permit holder ceasing to be registered as a beekeeper under regulation 13 of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*; or
  - (b) the expiration of a continuous period of 12 months during which the permit holder has not kept any bees on the land to which the permit relates,
- without any action required on the part of the local government.

## **9. Permit holder to notify of cessation of registration or keeping of bees**

- (1) In this clause a 'permit holder' includes the holder of a permit cancelled by clause 8(3).
- (2) A permit holder is to notify the local government in writing as soon as practicable after -
- (a) the permit holder ceases to be registered as a beekeeper under regulation 13 of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*; or
  - (b) a continuous period of 12 months passes during which the permit holder has not kept any bees on the land described in her or his permit.
- (3) A permit holder shall, within 7 days of the local government giving the permit holder a written notice to do so, provide to the local government –
- (a) written proof of her or his registration as a beekeeper under regulation 13 of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*;

- (b) in respect of land identified by the local government in its notice, a signed statement as to whether or not he or she has kept bees on the land within the 12 months preceding the date of the notice; or
- (c) both.

#### **10. Permit not transferable**

A permit is personal to the permit holder and applies only to the land described in the permit.

#### **11. Nuisance**

A person shall not keep or allow to be kept bees or beehives, or both, on land so as to create a nuisance.

#### **12. Notice to remove bees**

- (1) Whenever in the opinion of the local government a person has contravened any provision of the *Biosecurity and Agriculture Management Act 2007* or of this local law which relates to the keeping of bees or bee hives, the local government may give the permit holder in relation to that land, or if there is no valid permit in relation to that land an owner or occupier of the land a written notice requiring her or him to remove any bees or bee hives, or both, from the land within the time specified in the notice.
- (2) Subject to Division 1 of Part 9 of the Act, on the giving of a notice referred to in subclause (1), any valid permit given by the local government relating to the keeping of bees or bee hives on that land is cancelled from the time specified in the notice, being not less than 7 days from the date it is given.
- (3) Where a person fails to comply with a notice given under subclause (1), the local government may dispose of the bees or the bee hives or both in such manner as it sees fit and recover the costs of so doing from the permit holder or an owner or occupier, as the case may be, as a debt due to it.

#### **13. Offences and penalties**

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing commits an offence.
- (2) A person who commits an offence under this local law is liable to a penalty of \$5,000 and a daily penalty of \$500 in respect of each day or part of a day during which the offence has continued.
- (3) An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.

- (4) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the Schedule.

#### **14. Forms**

For the purposes of this local law -

- (a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Local Government (Functions and General) Regulations 1996; and
- (b) the form of the notice sent under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the Local Government (Functions and General) Regulations 1996.

#### **15. Objections and appeals**

When the local government makes a decision under this local law as to whether it will -

- (a) grant a person a permit;
- (b) vary or cancel a permit; or
- (c) give a person a notice under clause 12(1),

the provisions of Division 1 of Part 9 of the Act and regulation 33 of the *Local Government (Functions and General) Regulations 1996* shall apply to that decision.

**Schedule – Prescribed Offences**

<b>CLAUSE</b>	<b>DESCRIPTION</b>	<b>MODIFIED PENALTY \$</b>
4(1)	Failure to obtain permit to keep bees	125
4(4)	Failure to comply with obligation when temporarily keeping bees	125
6(2)	Failure to comply with a condition of a permit to keep bees	125
9(3)	Failure to comply with notice of local government	125
11	Creation of nuisance from keeping of bees or beehives	125
12(1)	Failure to comply with notice to remove bees or bee hives for contravention of local law	125

Dated this Thirty-first day of March 2004.

The Common Seal of the Shire of )  
 Gingin was affixed by authority of )  
 a resolution of the Council in the )  
 presence of:- )

\_\_\_\_\_  
 G E MORTON  
 Shire President

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 S D FRASER  
 Chief Executive Officer