



CITY OF GOSNELLS

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KEEPING OF BEES

CITY OF GOSNELLS PUBLIC HEALTH LOCAL LAW 2017

Local Government Act 1995

CITY OF GOSNELLS PUBLIC HEALTH LOCAL LAW 2017

PART 1 – PRELIMINARY

1.5 Interpretation

(1) In this local law, unless the context specifies otherwise –

authorised person means a person authorised by the local government, under section 9.10 of the *Local Government Act 1995* to administer or enforce this local law;

bee means a bee of the species *Apis mellifera*;

bee hive means an enclosed man made structure where bees of the species *Apis mellifera* live and raise their young;

beekeeper has the meaning given in Regulation 3 of the *Biosecurity and Agriculture Management Regulations 2013*;

local government means the City of Gosnells;

nuisance means –

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

occupier where used in relation to land means the person by whom or on whose behalf the land is actually occupied or, if there is no occupier, the person entitled to possession of the land;

street means any highway or thoroughfare which the public are entitled to use, and includes every part of the highway or thoroughfare, including the verge and other things including bridges and culverts appurtenant to it;

(2) Any other expression used in this local law and not defined herein shall have the meaning given to it in the *Local Government Act 1995* or the *Health (Miscellaneous Provisions) Act 1911*.

(3) Where under this local law the local government is authorised to carry out actions or cause works to be undertaken as a consequence of the failure of any person to comply with the terms of a notice or other conduct, the right to enter land is at all times subject to the provisions of Part 3, Division 3, Subdivision 3 of the *Local Government Act 1995*.

PART 2 – KEEPING OF ANIMALS

Division 3 – Keeping of bees

2.13 Conditions for keeping of bees

- (1) A person who keeps bees or bee hives or permits bees or bee hives to be kept shall -
 - (a) unless exempted under Regulation 13 of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*, be registered as a beekeeper;
 - (b) provide a good and sufficient water supply on the land which is readily accessible by the bees;
 - (c) keep each bee hive -
 - (i) at least 9 metres from, any building on any other lot;
 - (ii) at least 9 metres from any footpath, street, private street or public place;
 - (iii) at least 5 metres from the boundary of the lot.
- (2) A person shall not keep more than –
 - (a) two bee hives on land of less than 2,000 square metres in area;
 - (b) 15 bee hives on land between 2,000 and 20,000 square metres in area.

2.14 Nuisance caused by bees

A person shall not keep or allow bee hives to be kept on land so as to create a nuisance.

2.15 Application for exemption for keeping bees or bee hives

- (1) A person may apply in writing for an exemption from the conditions for keeping bee hives prescribed in clause 2.13.
- (2) The application for an exemption should include –
 - (a) a statement from the person who wants to keep or permit to be kept bees or bee hives, outlining the reasons why an exemption is sought;
 - (b) the number of bee hives proposed to be kept;
 - (c) a site plan showing lot size, and the location of bee hives and their distance from any boundaries and buildings on any adjoining lots; and
 - (d) proof of being a registered bee keeper under Regulation 13 of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.
- (3) Prior to granting an exemption, the local government shall take into account the opinions of the owners and occupiers of adjoining properties.
- (4) The local government may grant, with or without conditions, or refuse to grant an application for exemption.

- (5) Where an exemption for the keeping of bees or bee hives is granted subject to conditions, the holder of the exemption shall comply or cause compliance with those conditions.
- (6) A grant of exemption is personal to the applicant and applies only to the land described in the exemption.
- (7) The applicant shall notify the local government of any change in the circumstances on which the grant of an exemption was based as soon as the changes occur.
- (8) The grant of exemption can be withdrawn by the local government in the event that –
 - (a) the holder does not comply or cause compliance with the conditions;
 - (b) there is a change in the circumstances upon which the exemption was granted; or
 - (c) the bee hives subject to the exemption cause a nuisance.

2.16 Notice to remove bee hives

Whenever in the opinion of the local government a person has contravened any provision of this local law which relates to the keeping of bees or bee hives, the local government may give the owner and/or occupier of the land a written notice requiring her or him to remove any bee hives from the land within the time specified in the notice.

PART 8 - ENFORCEMENT

Division 2 – Offences and penalties Subdivision 1 - General

8.3 Offences and penalties

- (1) A person who –
 - (a) fails to do anything required or directed to be done under this local law;
 - (b) fails to comply with the requirements of a notice issued under this local law by an authorised person; or
 - (c) does anything which under this local law that person is prohibited from doing, commits an offence.

- (2) Where, under this local law, an act is required to be done or forbidden to be done in relation to any land or premises, the owner or occupier of the land or premises has the duty of causing to be done the act so required to be done, or of preventing from being done the act forbidden to be done.

- (3) A person who commits an offence under this local law is liable to a maximum penalty of \$5,000 and a maximum daily penalty of \$500 in respect of each day or part of a day during which the offence has continued.

Subdivision 2 – Infringement notices and modified penalties

8.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of Section 9.16(1) of the *Local Government Act 1995*.

- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

8.5 Form of infringement notices

For the purposes of this local law –

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the *Local Government Act 1995* is that of Form 1 in Schedule 1 of the Regulations;

- (b) the form of the infringement notice given under section 9.16 of the *Local Government Act 1995* is that of Form 2 in Schedule 1 of the Regulations; and

- (c) the form of the notice given under section 9.20 of the *Local Government Act 1995* withdrawing an infringement notice is that of Form 3 in Schedule 1 of the Regulations.

SCHEDULE 1 - PRESCRIBED OFFENCES

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY (\$)
15	2.13	Failure to comply with a condition of keeping bees	150
16	2.14	Creation of nuisance from keeping of bees or beehives	150
17	2.15(5)	Failure to comply with a condition of exemption for keeping bees	150
39	8.1(3)	Failure to comply with a notice issued by the local government	250