

LOCAL GOVERNMENT ACT 1995

SHIRE OF MUNDARING

LOCAL LAW: BEEKEEPING

In pursuance of the powers conferred upon it by the abovementioned Act, and of all other powers enabling it, the council of the abovementioned local government hereby records having resolved on 22 July, 1997 to make the following local law.

**CITATION**

1. This local law may be cited as the *Shire of Mundaring Beekeeping Local Law 1997* and shall apply and have operation throughout the whole of the district of the Shire of Mundaring.

**COMMENCEMENT**

2. This local law shall come into operation fourteen (14) days after the date on which the local law is published in the *Government Gazette*.

**INTERPRETATION**

3. In this local law, unless the context requires otherwise—

“Beehive” means a movable or fixed structure, container or object in which bees are kept.

“Council” means the Council of the Shire of Mundaring.

“District” means the local government district of the Shire of Mundaring.

“Residential Land” means land zoned as residential under any town planning scheme in force in the district from time to time.

**KEEPING OF BEES**

4. No person shall keep or permit to be kept bees in more than two beehives on any Residential Land without the prior written approval of the Council.

5. Council may grant a written approval for an owner or occupier of land to keep more than two beehives. Such approval may be given with or without conditions and the person to whom the approval is granted shall comply with all such conditions. If the applicant for the approval is not the owner of the land on which the bees are to be kept, the application shall be accompanied by a written form or consent from the owner of the land.

6. Notwithstanding sections 4 and 5 a person shall not keep or permit to be kept bees in beehives on any land within the district unless—

(a) At all times an adequate and permanent supply of water in a receptacle is provided on the land not less than ten metres from any beehive.

(b) The beehive is kept not closer than eight metres to any footpath, street or public place and not closer than five metres from any other boundary of the land.

(c) The beehive is screened or setback in such a manner as to afford protection to all persons in the locality.

(d) The applicant produces to the Shire a current Certificate of Registration as a Beekeeper and a Certificate of Hive Brand.

7. No person shall keep bees in such a manner as to cause a nuisance.

8. A person shall not keep or permit to be kept bees on a footpath, street or public place in the district.

9. Notwithstanding any preceding section, where Council forms the opinion that the keeping of bees on residential land or any other land within the district has caused a nuisance or has adversely affected the residential amenity of the locality, Council may cause notice to be served on the owner or occupier of the land who shall within the period specified in such notice remove the bees from the land.

10. A person who fails to comply with a written notice issued pursuant to section 9 or contravenes any section of this local law or omits to do any act required by this local law commits an offence and shall be liable, on conviction to a penalty not exceeding \$500 and to a maximum daily penalty in the case of a continuing offence following conviction of \$50 per day.

Dated this 22nd day of June 1999.

The Common Seal of the Shire of Mundaring was hereto affixed in the presence of—

J. ELLERY, Shire President.  
M. N. WILLIAMS, Chief Executive Officer.

LG303\*

LOCAL GOVERNMENT ACT 1995  
*Shire of Kalamunda*  
BEE KEEPING LOCAL LAW 2008

## Table of Contents

## PART 1—PRELIMINARY

- 1.1 Citation
- 1.2 Application
- 1.3 Commencement
- 1.4 Repeal
- 1.5 Interpretation
- 1.6 Permit fees and charges

## PART 2—BEE KEEPING

- 2.1 Permit required to keep bees
- 2.2 Application for a permit
- 2.3 Determination of application
- 2.4 Conditions of approval
- 2.5 Variation or cancellation of permit and conditions
- 2.6 Permit holder to notify of cessation of registration or keeping of bees
- 2.7 Permit not transferable
- 2.8 Nuisance
- 2.9 Notice to remove bees

## PART 3—OFFENCES AND PENALTIES

- 3.1 Offences and penalties
- 3.2 Modified penalties
- 3.3 Form of notices
- 3.4 Objections and appeals

## SCHEDULE—PRESCRIBED OFFENCES

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LOCAL GOVERNMENT ACT 1995  
*Shire of Kalamunda*  
BEE KEEPING LOCAL LAW 2008

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Kalamunda resolved on 18 August 2008 to make the following local law.

## PART 1—PRELIMINARY

**1.1 Citation**

This local law may be cited as the *Shire of Kalamunda Bee Keeping Local Law 2008*.

**1.2 Application**

This local law shall apply throughout the district of the Shire of Kalamunda.

**1.3 Commencement**

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

**1.4 Repeal**

The *Shire of Kalamunda Local Law Relating to Bee Keeping* published in the *Government Gazette* of 17 November 1998 is repealed.

**1.5 Interpretation**

In this local law, unless the context otherwise requires—

“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 nest” means a structure, container or object used by feral bees;
- “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 Kalamunda;
- “permit” means a permit issued under this local law;
- “permit holder” means a person who holds a valid permit; and
- “residential” means any land zoned Residential, Residential Bushland or Urban Development under the Shire of Kalamunda District Planning Scheme.

#### 1.6 Permit fees and charges

All permit fees and charges applicable under this local law shall be as determined by the local government from time to time, in accordance with sections 6.16—6.19 of the Act.

### PART 2—BEE KEEPING

#### 2.1 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 residential land except in accordance with a valid permit issued in relation to the land.
- (2) 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.
- (3) An occupier referred to in subclause (2), in keeping bees under that subclause, shall provide a good and sufficient water supply on the land which is readily accessible by the bees.
- (4) Subclause (1) does not apply where a person keeps bees on Crown land.

#### 2.2 Application for a permit

An applicant for a permit shall—

- (a) be a person registered as a beekeeper under section 8 of the *Beekeepers Act 1963*;
- (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.

#### 2.3 Determination of application

- (1) The local government may—
  - (a) refuse to determine an application for a permit which does not comply with clause 2.2;
  - (b) approve an application for a permit subject to the conditions referred to in clause 2.4 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 unless and until it is cancelled under this local law.

#### 2.4 Conditions of approval

- (1) Without limiting the generality of clause 2.3(1)(b), an application for a permit may be approved by the local government subject to the following conditions—
  - (a) the provision of a good and sufficient 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 thoroughfare, public place 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; and

- (d) no more than 15 bee hives are to be kept on land 2,000 square metres or greater in area.
- (2) In respect of a particular application for a permit, the local government may vary any of the conditions referred to in subclause (1).

#### **2.5 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 2.9, a permit shall be cancelled on—
- (a) the permit holder ceasing to be registered as a beekeeper under section 8 of the *Beekeepers Act 1963*; 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.

#### **2.6 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 2.5(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 section 8 of the *Beekeepers Act 1963*; 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 section 8 of the *Beekeepers Act 1963*;
  - (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.

#### **2.7 Permit not transferable**

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

#### **2.8 Nuisance**

A person shall not keep or allow to be kept bees, bee nests, beehives, or any combination of these, on land so as to create a nuisance.

#### **2.9 Notice to remove bees**

- (1) Whenever in the opinion of the local government a person has contravened any provision of the *Beekeepers Act 1963* or of this local law which relates to the keeping of bees, bee nests 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, bee nests, bee hives, or any combination of these, 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, bee nests, bee hives or any combination of these, 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.

### **PART 3—OFFENCES AND PENALTIES**

#### **3.1 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 shall be liable, upon conviction, to a penalty not exceeding \$5000, and, if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

**3.2 Modified penalties**

- (1) An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the Schedule.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that—
- (a) commission of the prescribed offence is a relatively minor matter; and
  - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

**3.3 Form of notices**

For the purposes of this local law—

- (a) the form of the infringement notice referred to in section 9.16 of the Act is to be in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the withdrawal of infringement notice referred to in section 9.20 of the Act is to be in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

**3.4 Objections and appeals**

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

- (a) grant or refuse to grant a person a permit;
- (b) vary or cancel a permit; or
- (c) give a person a notice under subclause 2.9(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

Clause	Description	Modified Penalty \$
2.1(1)	Failure to obtain permit to keep bees	125
2.1(3)	Failure to comply with obligation when temporarily keeping bees	125
2.3(2)	Failure to comply with a condition of a permit to keep bees	125
2.6(3)	Failure to comply with notice of local government	125
2.8	Creation of nuisance from keeping of bees, bee nests or beehives	125
2.9(1)	Failure to comply with notice to remove bees, bee nests or bee hives for contravention of local law	125

Dated this 15th day of September 2008.

The Common Seal of the Shire of Kalamunda was affixed by authority of a resolution of the Council in the presence of—

DONALD McKECHNIE, Shire President.  
JAMES TRAIL, Chief Executive Officer.