

**CITY OF HOBART  
HEALTH AND ENVIRONMENTAL SERVICES AMENDMENT BY-LAW  
REGULATORY IMPACT STATEMENT**

**By-Law No. 1 of 2016**

**A By-Law to amend the Health and Environmental Services By-law, No. 1 of 2008**

## **1 Purpose and Process of Regulatory Impact Statement**

When Council seeks to amend a By-Law it is a statutory requirement of the *Local Government Act 1993* that a Regulatory Impact Statement is prepared (RIS). The preparation of an RIS requires a council to analyse the most effective options available to address a particular issue and to identify whether the benefits of a restriction on competition or an impact on business imposed by the By-Law outweigh the costs. It requires an assessment of the direct and indirect social, economic and environmental impacts of the proposed By-Law and alternatives considered.

The *Local Government Act 1993*, under section 156A, provides that once the RIS has been prepared, Council must submit it to the Director of Local Government, Department of Premier and Cabinet, for assessment. If the Director is satisfied that the RIS meets the statutory requirements, he or she will issue a certificate to that effect and Council may then commence the public consultation process.

Pursuant to section 158 of the *Local Government Act 1993* copies of the draft By-Law and Regulatory Impact Statement are accessible by contacting the Council one of the following ways:

Telephone: 6238 2711  
Fax: 6238 2186  
Email: [hcc@hobartcity.com.au](mailto:hcc@hobartcity.com.au)  
Mail: Town Hall, Macquarie St  
GPO Box 503  
Hobart, Tasmania 7001  
Australia  
Internet: [www.hobartcity.com.au](http://www.hobartcity.com.au)  
In person: 16 Elizabeth Street, Hobart  
Office Hours: Mon-Fri 8.30am-5.15pm

These documents are accessible on the Council's website for viewing and downloading.

## 2 By-Law Objectives and Means of Achieving Them

The By-Law is specifically intended to ensure that the requirements and restrictions around the keeping of beehives in urban settings are aligned with the *Code of Practice for Urban Beekeeping in Tasmania*, as developed by the Southern Beekeepers Association Inc (Version 2: 7<sup>th</sup> October 2014).

The By-Law addresses the following areas:

1. Number of bee hives;
2. Location of bee hives;
3. Infringement Notice offences.

The objectives for each part of the By-Law and the means of achieving them are set out in the table below:

No.	Area	Objective	Measures to Achieve Them
1.	Number of bee hives.	Control the number of bee hives kept on land.	Specification of varying land sizes and a maximum number of bee hives that may be kept on varying sizes of land.
2.	Location of bee hives.	Ensure bee hives are located to minimise nuisances to neighbours.	Provision of hive location details to ensure clear flight paths for bees including distances from property boundaries.
3.	Infringement Notice offences.	Enable Council to proceed against parties committing an offence under the By-Law.	Outlines the process for issuing notices against offending parties. Penalties should reflect the nature of any public risks associated with non-compliance.

## 3 Background

The By-Law has been developed for the purposes of replacing clause 24 of the Council's Health and Environmental Services By-Law (No. 1 of 2008), made under section 145 of the *Local Government Act 1993* ("the Act"), for the purpose of regulating and controlling a range of health and environmental issues including the keeping of bee hives.

The Health and Environmental Services By-Law (No. 1 of 2008) contains a provision, clause 24, addressing the keeping of bee hives. It was deemed appropriate to amend the By-Law to address the keeping of bees as clause 24 of the current By-Law restricts the keeping of bee hives to being not closer than 50 metres to a neighbouring property. This restriction, in effect, prevents the keeping of bees on the average sized suburban block of land. It also did

not provide any variation to the number of hives permitted where the size of a property increased.

The By-Law amends the Health and Environmental Services By-Law (No. 1 of 2008) bee keeping restrictions by –

- Providing a table detailing varying land sizes with the maximum number of bee hives permitted to be kept;
- Providing an exemption clause to keep more than the permitted number of bee hives with permission from the General Manager;
- Providing details on how bee hives should be located to allow clear flight paths and maintaining minimum distances from property boundaries; and
- Amending the infringement notice provisions to better reflect the nature of any public risks associated with non-compliance.

The By-Law was created as the result of an approach from the Southern Beekeepers Association which is the Southern Branch of the Tasmanian Beekeepers Association. Their approach was based on the fact that they had developed a Code of Practice for Urban Beekeeping which was largely inconsistent with the provisions of the existing By-Law.

In the development of the By-Law consultation was undertaken with the Southern Beekeepers Association. They were briefed on the content of the proposed amendments and their submissions and requests, including their *Code of Practice for Urban Beekeeping in Tasmania*, were considered. A number of their submissions, including appropriate sections of the Code, were incorporated into the By-Law.

The By-Law was subsequently made available for public comment on Councils internet site for a period of 21 days prior to certification by the Director of Local Government, as required by the *Local Government Act 1993*.

#### **4 Nature of any Restriction on Competition**

The By-Law has no restrictions on competition as it allows for more bee hives to be kept on land, dependent upon the size of the land, than that currently permitted under the Health and Environmental Services By-Law (No. 1 of 2008).

In addition it does not impose any permit or licensing process in order to house bee hives, meaning there is no barrier to participation emanating from the By-Law.

**5 Assessment of the Costs and Benefits of Restrictions on Competition**

There is no restriction on competition arising from the By-Law therefore it is not necessary to undertake an assessment of the costs and benefits.

**6 Cost/Benefit Analysis Outcome**

It is assessed that the proposed By-Law is unlikely to restrict competition as outlined above.

**7 Nature of any Impact on Business**

The By-Law does not have any direct impacts on business and would have no effect on commercial bee keepers producing honey for sale to the public through retail outlets. The proposed number of bee hives permitted to be kept on respective sizes of land would enable honey to be produced for personal use. Commercial quantities of honey would not be able to be produced from the number of bee hives permitted to be kept on land in accordance with the By-Law.

**8 Assessment of the Costs and Benefits of Impact on Business**

It is envisaged that any increase in domestic bee keeping will have a negligible impact on local commercial honey producers and retailers. Domestic bee keeping, with limited numbers of bee hives, is likely to encourage more people to include honey in their diets and could result in a market increase in the sale of commercially produced honey in the long term. The local flora and agricultural environment will also benefit from an increase in the native honey bee population through increases in pollination rates. There are also likely long term health benefits for individuals through regular honey consumption.

**9 Cost/Benefit Analysis Outcome**

The health and environmental benefits far outweigh the negligible impacts and costs on businesses.

**10 Assessment of any Direct or Indirect Economic, Social and Environmental Impacts**

		<b>Direct</b>	<b>Indirect</b>
<b>Environmental</b>	<b>Benefits</b>	<ul style="list-style-type: none"><li>• Encourages sustainable and productive urban agriculture;</li><li>• Increases local agricultural pollination rates;</li><li>• Provides greater amenity in</li></ul>	<ul style="list-style-type: none"><li>• Promotes enhanced connection to natural environments;</li><li>• Encourages active engagement with localised flora.</li></ul>

		neighbourhoods.	
	<b>Costs</b>		
<b>Social</b>	<b>Benefits</b>	<ul style="list-style-type: none"> <li>• Promotes and supports sustainable urban living;</li> <li>• Supports industry best practice standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Creates a more liveable city;</li> <li>• Allows for greater exposure of <i>Code of Practice for Urban Beekeeping in Tasmania</i> to existing and new bee keepers.</li> </ul>
	<b>Costs</b>	<ul style="list-style-type: none"> <li>• Poorly managed bee hives can cause increase in neighbourhood complaints.</li> </ul>	<ul style="list-style-type: none"> <li>• Increase in neighbourhood bee swarming incidents.</li> </ul>
<b>Economic</b>	<b>Benefits</b>		<ul style="list-style-type: none"> <li>• Improves food security through increases in pollination rates;</li> <li>• Assists the local commercial honey industry through bee numbers.</li> </ul>
	<b>Costs</b>	<ul style="list-style-type: none"> <li>• Increase in regulation and enforcement resources and time.</li> </ul>	<ul style="list-style-type: none"> <li>• Increase in admin costs associated with regulation and enforcement activities.</li> </ul>

## 11 Alternatives Considered

There is no alternative to the implementation of this By-Law, concerning the effective control and management of keeping bee hives in urban areas, other than complete reliance on the bee keeping recommendations outlined in the document *Code of Practice for Urban Beekeeping in Tasmania*.

There is no other legislation available to control and manage the keeping of bees specifically in relation to bee hive numbers and associated nuisances arising from non-compliance with recommended bee keeping practices.

The absence of this By-Law will leave no regulatory mechanism in place to effectively control acceptable bee hive numbers on land and to ensure the locations of bee hives on land does not contribute to neighbourhood nuisances. The By-Law also allows for these standards to be assessed and enforced when necessary.

## **12 Net Public Benefit versus Least Net Cost to the Community**

The local community and environment will benefit from the implementation of this By-Law through effective management and control of bee hives in urban areas.

The By-Law provides the Council with a regulatory framework with which it can ensure that acceptable maximum numbers of bee hives are kept on land, relative to the size of the land. It also ensures that bee keepers locate their hives on land so as to minimise any negative impacts on neighbouring residences.

The By-Law has been constructed by a certified legal practitioner to ensure it imposes the least regulatory burden on local bee keepers as possible. It ensures current best practice for bee keepers and targets non-compliance issues, which could directly impact on the local community, in a proportionate and fair manner.

## **13 Public Consultation Process**

In the conduct of the review of the By-Law comments and recommendations were invited from the Southern Beekeepers Association and Council's By-Laws regulatory and enforcement officers.

The Southern Beekeepers Association provided contributions that reflected bee keeping best practices as outlined in their *Code of Practice for Urban Beekeeping in Tasmania*. Council's regulatory and enforcement officers interact with the community on a frequent basis in the operation of the current By-Law and provided comment on the feasibility of enforcing compliance with the By-Law.

Upon the preparation of a draft of the By-Law it was presented with an accompanying report to Council's City Planning Committee for consideration at an open meeting. After approval of the Committee it was then passed to Council for consideration in an open meeting.

In accordance with regulations 7 and 9 of the *Local Government (Meeting Procedures) Regulations 2005* the meeting was advertised and the agendas for the above Committee and Council meetings were made available to the public at the Council's office and on the Council's website. This therefore allowed any member of the public to be aware that the By-Law would be considered at that meeting and also gave them access to the draft By-Law. Considering the adoption of the By-Law in an open meeting allowed any member of the public to raise concerns regarding the By-law that they may have had.

Aldermen are required to represent and act in the best interests of the community therefore providing another opportunity for the public's interests and wishes to be represented.

Once the Council passed a formal resolution of its intention to make a By-Law it was sent to the following organisations for comments –

- Southern Beekeepers Association; and
- Department Primary Industries, Parks, Water and Environment (DPIPWE).

These organisations were sent a draft copy of the by-Law and asked to provide comments. No further comments were received from the Southern Beekeepers Association and no comment was received from DPIPWE.

The By-Law was made available on Council's internet site for a period of 21 days encouraging public comment. In order to ensure that as many interested parties were aware of the By-Law's availability for comment an advertisement was placed in The Mercury newspaper. This advertisement was aimed to notify those parties that may have not been identified as interested parties.

Five responses were provided as a result of the consultation undertaken and were generally supportive of the By-Law. One response raised some concerns with the By-Law in that it did not expressly address the location of bee hives in close proximity with main roads, near schools but it was considered that existing nuisance laws could address these issues.