

Environmental Health By-law

By-law No. 1/2023

Contents

PART 1 – PRELIMINARY.....	4
1. Short Title	4
2. Application	4
3. Interpretation	4
PART 2 - REFUSE DISPOSAL SITES	6
4. Depositing Refuse.....	6
5. Hours of operation	6
6. Fire safety	6
7. Scavenging.....	6
8. Disposal of loose materials	7
9. Direction of Authorised Officer.....	7
PART 3 - HOUSEHOLD REFUSE DISPOSAL	7
10. Interpretation.....	7
11. Kerbside Collection Service	8
12. Use of mobile garbage bins.....	8
PART 4 – ANIMAL CONTROL.....	9
13. Interpretation	9
14. Maintenance of premises used by animals.....	10
15. Pest animals	10
16. Storage of animal food	11
17. Keeping of poultry	11
18. Prohibition on farm animals in General Residential Zone.....	11
19. Control of animals.....	12
20. Maximum number of bee hives.....	12
21. Keeping of bee hives.....	13
22. Location of bee hives	13
PART 5 - CARAVANS.....	13
23. Interpretation.....	13
24. Caravan Licence.....	14
25. Disallowance of occupation in exchange for rent.....	15
26. Term of Caravan Licence.....	15

27.	Non-compliance with Caravan Licence.....	15
28.	No occupancy without Caravan Licence.....	16
29.	No occupancy on public land	16
30.	Storage of caravans	16
PART 6 – CONTROL OF BURNING		16
31.	Control of burning.....	16
32.	Access to water supply.....	17
PART 7 – INFRINGEMENT NOTICES & ENFORCEMENT		17
33.	Interpretation of Part 7	17
34.	Infringement notices - breach of By-Law	17
35.	Recovery of expenses.....	18
36.	Obstruction, threats and intimidation	18
37.	Power of entry.....	18
Environmental Health By-law No. 1 of 2023.....		19
SCHEDULE 1		19
INFRINGEMENT NOTICES-PENALTIES.....		19
SCHEDULE 2		21
SCHEDULE 3.....		22

BREAK O'DAY COUNCIL ENVIRONMENTAL HEALTH BY-LAW

By-Law No. 1 of 2023

A BY-LAW of the Break O'Day Council made under Section 145 of the *Local Government Act* 1993 (Tas) for the purposes of regulating and controlling matters of environmental health.

PART 1 – PRELIMINARY

1. Short Title

This By-Law may be cited as the Environmental Health By-Law No 1 of 2023

2. Application

- (1) This By-law applies to the municipal area of the Break O'Day Council.
- (2) This By-law does not apply to a councillor or an employee of the Councillor a contractor or agent of the Council where such person is carrying out activities in or on any Council land or waste facility in the course of their duties for and on behalf of the Council.

3. Interpretation

In this By-law:

Act means the *Local Government Act* 1993 (Tas);

animal means an animal as defined in the Animal Welfare Act 1993;

Authorised Officer means an employee of the Council appointed by the Council or General Manager as an authorised officer for the purpose of this By-Law;

beehive means a modular framed housing for a honey bee colony, which normally contains either a nucleus colony or a standard size colony;

By-Law is a reference to this Environmental Health By-Law No 1 of 2023;

Caravan means any object or structure having the general characteristics of a caravan, a house on wheels, a covered van or trailer, and any vehicle used or adapted for human habitation or occupation, whether the wheels or axles are removed or not and whether it is resting directly on the ground or is placed on blocks or other supports, and any structure, awning, veranda, lean-to, carport or other enclosed or partly enclosed area used or capable of being used in connection with or appurtenant to any caravan but does not include a building or temporary structure for which a permit is required under the *Building Act* 2016 (Tas);

Caravan Licence means a valid and current licence to occupy a caravan

issued by an Authorised Officer in accordance with Form 2 in Schedule 3 to this By-Law;

Council means the Break O'Day Council (ABN 96 017 131 248) constituted pursuant to the Act;

Environmental Health Officer means a person employed by Council from time to time holding the position of Environmental Health Officer;

Fee unit means the sum as prescribed under the provisions of the *Fee Unit Act 1997* (Tas);

General Residential Zone means the General Residential Zone defined in a planning scheme applicable to the Municipal Area;

General Manager means the General Manager appointed by the Council pursuant to section 61 of the Act.

Infringement Notice means a notice complying with section 149 of the Act;

mobile garbage bins mean mobile bins as approved and supplied by the Council for the collection of one of the following:

- (a) Domestic waste
- (b) Recyclables
- (c) Green waste; and
- (d) Any other waste as notified by the Council

Municipal Area means the municipal area of the Break O'Day Council defined in accordance with section 16 of the Act.

nuisance means as defined by section 199 of the Act;

penalty units means the amount of money set under the provisions of the *Penalty Units and Other Penalties Act 1987* (Tas);

Person means an individual, corporation or other legal entity (other than the Crown);

proprietor includes the owner, occupier or any person having the control or management of land;

public land means land within the Municipal Area which is owned, vested in or managed by Council and includes any public place and any local highway;

public place has the meaning given to that term in section 3(1) of the *Police Offences Act 1935* (Tas);

Refuse means rubbish, waste and other similar articles or things including recyclable materials but does not include Trade Waste;

Refuse Disposal Attendant means a person who is employed by Council to work at one or more Refuse Disposal Sites;

Refuse Disposal Site means any land designated by Council for the disposal of Refuse and includes:

- (a) refuse disposal areas (i.e. tips);
- (b) waste transfer stations;
- (c) resource recovery facilities, and
- (d) recycling centres

residential zone means the General Residential Zone, Low Density Residential Zone, and Village Zone defined in a planning scheme applicable to the Municipal Area;

Trade Waste means liquid or solid waste produced or generated on commercial premises or as a result of commercial activities; and

Waste means as defined by section 3(1) of the *Environmental Management and Pollution Control Act 1994*.

PART 2 - REFUSE DISPOSAL SITES

4. Depositing Refuse

A person must not deposit, or cause to be deposited, any Refuse at a Refuse Disposal Site other than in accordance with the directions set out in any signage or notice located at the Refuse Disposal Site or given by a Refuse Disposal Attendant or Authorised Officer.

Penalty: Fine not exceeding 2 penalty units.

5. Hours of operation

A person must not, without the permission of an Authorised Officer or Refuse Disposal Attendant, deposit or cause to be deposited any Refuse at a Refuse Disposal Site other than during the operating hours of that Refuse Disposal Site as designated either by signage displayed at the entrance to the Refuse Disposal Site or on Council's website.

Penalty: Fine not exceeding 2 penalty units.

6. Fire safety

A person must not:

- (a) deposit any hot or incendiary materials including ashes, embers, or coals;
- or
- (b) light any fire,

at a Refuse Disposal Site.

Penalty: Fine not exceeding 2 penalty units.

7. Scavenging

A person must not, without the consent of an Authorised Officer or Refuse Disposal Attendant, remove any article or thing deposited at a Refuse Disposal Site or interfere with any material, plant or equipment located at a Refuse

Disposal Site.

Penalty: Fine not exceeding 2 penalty units.

8. Disposal of loose materials

A person must not deposit any loose paper, cardboard, plastic or similar materials at a Refuse Disposal Site other than by depositing such materials in disposal bins or area designated for that purpose.

Penalty: Fine not exceeding 2 penalty units.

9. Direction of Authorised Officer

- (1) Where a person (or persons) seeks to dispose of any item or material at a Refuse Disposal Site and an Authorised Officer or Refuse Disposal Attendant form the opinion that the relevant item or material:
 - (a) may pose a risk to the health or safety of Council employees, members of the public, or the environment if it were deposited at a Refuse Disposal Site; or
 - (b) is prohibited from being deposited at a Refuse Disposal Site,the Authorised Officer or Refuse Disposal Attendant (as applicable) may direct that person (or persons):
 - (c) not to deposit the relevant item or material at the Refuse Disposal Site; or
 - (d) to deposit the relevant item or material in a specific manner.
- (2) A person must not fail to comply with a direction given by an Authorised Officer or Refuse Disposal Attendant under clause 9(1) of this By-Law.

Penalty: Fine not exceeding 2 penalty units.

PART 3 - HOUSEHOLD REFUSE DISPOSAL

10. Interpretation

In this Part 3 -

Kerbside Collection Service means a service provided by Council consisting of:

- (a) the provision of mobile garbage bins for the separate disposal of

recyclable and non-recyclable domestic Refuse; and

- (b) the periodic collection of Refuse from those mobile garbage bins; and

Notice means a public Council notice displayed in a daily newspaper circulated in the Municipal Area and provided by Council to persons to whom Council supplies domestic kerbside collection services.

11. Kerbside Collection Service

- (1) The General Manager may determine by Notice the classes of materials deemed to be recyclable and non-recyclable for the purpose of the Kerbside Collection Service.
- (2) A person must not collect Refuse stored in mobile garbage bins that form part of the Kerbside Collection Service unless they are authorised to do so by the General Manager.

Penalty: Fine not exceeding 2 penalty units.

12. Use of mobile garbage bins

- (1) The proprietor (or proprietors) of land serviced by the Kerbside Collection Service must:
- (a) store mobile garbage bins wholly within the boundaries of their land unless authorised by an Authorised Officer, excepting when placed on the kerbside for collection;
 - (b) only deposit in the recyclable mobile garbage bin recyclable Refuse as determined by the General Manager in accordance with clause 11(1);
 - (c) only deposit in the non-recyclable mobile garbage bin non-recyclable Refuse as determined by the General Manager in accordance with clause 11(1);
 - (d) keep all mobile garbage bins in good repair and in a clean and sanitary condition;
 - (e) clean and disinfect mobile garbage bins if directed to do so by an Authorised Officer;
 - (f) keep the lid of mobile garbage bins closed except when waste is being deposited in them;
 - (g) put mobile garbage bins out for collection only at the times and in the manner and location notified by Council or as directed by an Authorised Officer;
 - (h) ensure that the contents of any mobile garbage bin do not exceed fifty (50) kilograms;

- (i) remove mobile garbage bins from the kerbside as soon as practicable following each collection;
- (j) not deposit Trade Waste in any mobile garbage bins;
and
- (k) not deposit in any mobile garbage bins any material, item or substance which:
 - i. is hot, or is likely to become hot;
 - ii. may, or is likely to explode;
 - iii. may interact with other substances in the bin and generate toxic or poisonous gases or fumes;
 - iv. is corrosive or may otherwise damage the bin;
 - v. contains sharps, hazardous waste or potentially infectious waste; or
 - vi. is controlled waste as defined by the *Environmental Management and Pollution Control Act 1994*.

Penalty: Fine not exceeding 2 penalty units.

PART 4 – ANIMAL CONTROL

13. Interpretation

(1) In this Part 4 -

domestic animal includes an animal or bird that is:

- (a) kept by an owner or some other person who has charge of the animal;
and
- (b) reliant upon human contact to satisfy its welfare requirements;

farm animal means a horse, livestock or any other animal that is commonly being farmed or grazed but excludes poultry;

poultry includes chickens (including hens and roosters), ducks, fowl, geese, guinea fowl, peacocks, pheasants, pigeons and domestic birds including caged birds and any other domesticated bird that is kept for eggs or meat, or for display;

pest animal means a feral animal, vermin or vectors;

prepared food includes:

- (a) a product manufactured altered or modified for the purpose of consumption by animals; or
- (b) commercial products or household scraps used for the purpose of animal consumption,

but does not include hay or straw of any type;

stock includes cattle, goats, deer, sheep, pigs, or a combination of two or more of them; and

vermin includes rats, mice, flies, fleas, lice, or any other animal or insect pest.

14. Maintenance of premises used by animals

(1) The proprietor of any land must:

- (a) keep any structures, buildings, enclosures or areas on that land to which an animal has access in a clean and sanitary condition;
- (b) keep any bedding or floor coverings used by an animal, or to which an animal has access on that land, in a clean and sanitary condition;
- (c) regularly empty any container used for the keeping of animal waste, animal food or manure on that land and keep such container in a clean and sanitary condition;
- (d) not allow an animal to cause any nuisance, including through smell, noise, or the attraction of rodents or flies;
- (e) take all the necessary steps to abate any nuisance that may arise as a result of keeping an animal.

Penalty: Fine not exceeding 2 penalty units.

(2) A person must not discharge, deposit, or allow or permit to be discharged or deposited, any animal waste including but not limited to faeces:

- (a) onto any property excepting the property on which the relevant waste is produced; or
- (b) into any water course or drain.

Penalty: Fine not exceeding 2 penalty units.

15. Pest animals

(1) An Authorised Officer may direct a proprietor of land where any pest animal is present to take steps to remove or eradicate the relevant pest animals.

(2) A person must not fail to comply with a direction given by an Authorised Officer pursuant to clause 15(1).

Penalty: Fine not exceeding 2 penalty units.

16. Storage of animal food

A person must not keep, store or allow to be kept or stored on any land, prepared animal food unless it is stored in a sealed receptacle constructed of a material that is resistant to access by pest animals.

Penalty: Fine not exceeding 2 penalty units.

17. Keeping of poultry

- (1) A person must not keep any poultry within 5 metres of any dwelling house or 2 metres of a property boundary without the written authorisation of the General Manager and without complying with any direction given in writing by the General Manager.

Penalty: Fine not exceeding 2 penalty units.

- (2) A person must not keep more than 6 poultry on a property within or partly within a residential zone as defined in a planning scheme applying to the area without the written authorisation of the General Manager and without complying with any direction given in writing by the General Manager.

Penalty: Fine not exceeding 2 penalty units.

- (3) A person must not keep a rooster on a property within or partly within a residential zone without the written authorisation of the General Manager and without complying with any direction given in writing by the General Manager.

Penalty: Fine not exceeding 2 penalty units.

- (4) If a person keeps a rooster on a property in accordance with the requirements of this By-law, the rooster must be kept and housed in such a manner to ensure it does not create a nuisance.

Penalty: Fine not exceeding 2 penalty units.

18. Prohibition on farm animals in General Residential Zone

A person must not keep, or allow to be kept, any farm animal on any land less than 1000 m² situated within the General Residential Zone without the written authorisation of the General Manager and without complying with any direction given in writing by the General Manager.

Penalty: Fine not exceeding 2 penalty units.

19. Control of animals

- (1) An Authorised Officer may seize, detain and impound an animal where the Authorised Officer believes an offence against this By-law has been committed.
- (2) If an animal is seized and its owner is identifiable, the Authorised Officer is to notify in writing the owner of the animal that:
 - (a) the animal has been seized and detained; and
 - (b) the owner may reclaim the animal.
- (3) If, after five (5) working days after the notice has been given to the owner, the owner does not reclaim the animal, the General Manager may sell, destroy or otherwise dispose of the animal.
- (4) If an animal is seized and its owner is not identifiable, the General Manager, not less than 3 working days after its seizure, may sell, destroy or otherwise dispose of the animal.
- (5) The Council may recover from the owner of the animal the costs of any action taken under this clause and any costs incurred by the Council in moving, maintaining, selling, destroying or disposing of the animal as a debt due to it.
- (6) This clause 19 of this By-law does not apply to:
 - (a) domestic cats or domestic dogs; or
 - (b) a situation where a farm animal is on a public road and is under the supervision of a competent person.

20. Maximum number of bee hives

- (1) Unless authorised by a permit to do so, a person may keep a maximum number of bee hives specified in column 2, on land of size specified in column 1:

Column 1	Column 2
Land Size (m ²)	Maximum Number of Bee Hives
Less than 400	0
400 to 1,000	2
1,000 to 2,000	5
2,000 to 4,000	10

- (2) A person must not keep more than the maximum number of beehives

specified in sub-clause (1) without a permit to do so.

Penalty: Fine not exceeding 2 penalty units.

21. Keeping of bee hives

(1) A person keeping bee hives must ensure

the provision of a good and sufficient water supply on the land which is readily accessible by the bees on the land.

Penalty: Fine not exceeding 2 penalty units.

22. Location of bee hives

A person must not keep bee hives within 3 metres of a property boundary unless a solid fence or impenetrable plant barrier, not less than two metres high, forms the property boundary or written authorisation of the General Manager has been obtained.

Penalty: Fine not exceeding 2 penalty units.

PART 5 - CARAVANS

23. Interpretation

(1) In this Part 5 -

development has the meaning given to that term in section 3(1) of the *Land Use Planning and Approvals Act 1993* (Tas);

occupy includes to reside or live in for the purposes of shelter, entertainment, sleeping, resting, cooking, eating, or for any other similar use whether on a temporary or permanent basis;

permit has the meaning given to that term in section 3(1) of the *Land Use Planning and Approvals Act 1993* (Tas);

planning scheme has the meaning given to that term in section 3(1) of the *Land Use Planning and Approvals Act 1993* (Tas); and

use has the meaning given to that term in section 3(1) of the *Land Use Planning and Approvals Act 1993* (Tas).

(2) This Part 5 does not apply to any Caravan (or Caravans):

- (a) Located on an authorised caravan or RV park;
- (b) involved with, or forming part of, any use or development (or both) of

land for which:

- i. a permit has been issued under the *Land Use Planning and Approvals Act 1993* (Tas), including without limitation a permit issued for the operation of a caravan park; or
 - ii. a permit under the *Land Use Planning and Approvals Act 1993* (Tas) is required in order to secure compliance with any planning scheme applicable in the Municipal Area;
- (c) used on a temporary basis by persons engaged in a travelling show, including but not limited to a circus or some other form of public performance;
 - (d) occupied for thirty (30) days or less in a calendar year;
 - (e) used by work gangs or contractors involved in construction work authorised by Council.

24. Caravan Licence

- (1) A person must not have a caravan situated on private land within the Municipal Area for a period exceeding thirty (30) days (consecutive or otherwise) in each financial year without a current Caravan Licence issued by Council unless the caravan is situated at the person's principal place of residence solely for the purpose of storage.

Penalty: Fine not exceeding 2 penalty units.

- (2) A person may apply for a Caravan Licence by submitting to Council:
- (a) an application made in accordance with Form 1 in Schedule 2 of this By-Law; and
 - (b) the relevant prescribed fee per application, if any, specified in Schedule 2 to this By-Law.
- (3) Upon receipt of an application made in accordance with clause 24(2), an Authorised Officer may request that the applicant supply additional information for the purpose of assessing the application. If an applicant fails to comply with a request made pursuant to this clause 24(2) the relevant application may be refused.
- (4) Subject to sub-clause 24(5) of this By-Law, an Authorised Officer may grant or refuse an application made in accordance with sub-clause 24(2) and if an application is granted the Authorised Officer may impose reasonable terms and conditions upon a Caravan Licence, including but not limited to the siting of the Caravan on the relevant site.
- (5) A Caravan Licence will not to be granted unless an Authorised Officer has approved of the proposed method (or methods) for the disposal of refuse and wastewater during the period of occupancy.

- (6) When considering whether to grant an application made in accordance with sub-clause 24(2), the Authorised Officer must take into consideration the following matters:
- (a) restricted to a maximum of 2 caravan licences per lot under 1000m² in the General Residential Zone;
 - (b) the current and future appearance of the site where the Caravan is to be located as viewed from adjoining land, public roads and any other public place;
 - (c) whether the Caravan will have a negative visual impact on the relevant streetscape;
 - (d) whether the proposed occupancy of the Caravan will negatively impact upon the amenity of the users of land in the vicinity of the site where the Caravan is to be located;
 - (e) whether there is sufficient vehicular access to the site where the Caravan is to be located;
 - (f) whether the site where the Caravan is to be located is subject to natural hazards including but not limited to flooding and bushfire;
 - (g) the number of existing caravans on the site where the Caravan is to be located;
 - (h) the need for the provision of smoke alarms and fire extinguishers; and
 - (i) any policy adopted by Council for the purposes of this By-Law.

25. Disallowance of occupation in exchange for rent

An owner or occupier of land must not approve or permit any person to occupy a caravan situated on that land in exchange for the payment of rent whether the rent is paid to the owner or occupier of that land or to some other person unless a planning permit has been issued for the use or development under the *Land Use Planning and Approvals Act 1993* (Tas).

Penalty: Fine not exceeding 2 penalty units.

26. Term of Caravan Licence

Once granted, a Caravan Licence will remain current up to and including the day falling on 30 June next occurring following the date on which the Caravan Licence was issued.

27. Non-compliance with Caravan Licence

The person to whom a Caravan Licence is granted must comply with the terms and conditions of that Caravan Licence.

Penalty: Fine not exceeding 2 penalty units.

28. No occupancy without Caravan Licence

- (1) A person must not occupy a Caravan for a period exceeding thirty (30) days (consecutive or otherwise) in each calendar year on privately owned land without a Caravan Licence.

Penalty: Fine not exceeding 2 penalty units.

- (2) The owner of any land within the Municipal Area must not authorise, allow or otherwise permit any person to occupy a Caravan upon their land for a period exceeding thirty (30) days (consecutive or otherwise) in each calendar year unless such occupancy is authorised by a Caravan Licence.

Penalty: Fine not exceeding 2 penalty units.

29. No occupancy on public land

A person must not occupy a Caravan situated on any public land unless such land is authorised for that purpose.

Penalty: Fine not exceeding 2 penalty units.

30. Storage of caravans

A person must not occupy a caravan being stored at a "principal place of residence" within the Municipal Area without a Caravan Licence.

Penalty: Fine not exceeding 2 penalty units.

PART 6 – CONTROL OF BURNING

31. Control of burning

- (1) An Authorised Officer may direct an owner or occupier of land, or any other person, to extinguish a fire which has been lit for the burning of waste or fuel or for any other purpose.
- (2) A person who receives a direction from an Authorised Officer to extinguish a fire pursuant to sub-clause 31(1) must not fail to comply with that direction.

Penalty: Fine not exceeding 2 penalty units

- (3) A person must not burn any matter or allow any waste, material or substance to be burned in a manner or to an extent which causes a nuisance.

Penalty: Fine not exceeding 2 penalty units

- (4) If an owner or occupier of land or a person who has lit a fire does not comply with a direction to extinguish the fire pursuant to sub-clause 31(1) an Authorised Officer may extinguish the fire or instruct the Tasmania Fire Service to extinguish the fire.

- (5) Council may recover all costs incurred by it as a result of any action taken pursuant to sub-clause 31(4) from the person who failed to comply with the direction given pursuant to sub-clause 31(1).

32. Access to water supply

A person must not light an open-air fire or allow an open-air fire to be lit or to remain alight unless a water supply, or another suitable means of fire extinguishment, is provided

Penalty: Fine not exceeding 2 penalty units

PART 7 – INFRINGEMENT NOTICES & ENFORCEMENT

33. Interpretation of Part 7

In this Part 7, 'specified offence' means an offence against the clause of this By-Law specified in Column 1 of Schedule 1 to this By-Law.

34. Infringement notices - breach of By-Law

- (1) An Infringement Notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 1 to this By-Law is the penalty payable under the Infringement Notice issued in respect of that offence.
- (2) An Authorised Officer may:
- (a) Issue an Infringement Notice to a person that the Authorised Officer has reason to believe is guilty of a specified offence; and
 - (b) Issue one Infringement Notice in respect of more than one specified offence; and
 - (c) Issue a monetary penalty for the specified offence in respect of which the Infringement Notice is issued.
- (3) In addition to any other method of service, an Infringement Notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.
- (4) A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:
- (a) pay the monetary penalty in full to the Council;
 - (b) apply to the General Manager for withdrawal of the infringement notice;
 - (c) apply to the General Manager for a variation of payment conditions; or
 - (d) lodge with the General Manager a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.
- (5) If a person who has been served with an infringement notice fails to take one or more of the actions required by sub-clause 4 within the prescribed time, the infringement may

be referred to the Director, Monetary Penalties Enforcement Service.

- (6) The *Monetary Penalties Enforcement Act 2005* (Tas) applies to an Infringement Notice issued under this By-Law.

35. Recovery of expenses

In addition to a penalty imposed in relation to a failure to comply with or a contravention of this By-Law, an expense incurred by Council in consequence of that failure or contravention is recoverable by Council as a debt payable by the person so failing to comply or contravening.

36. Obstruction, threats and intimidation

- (1) A person must not obstruct or hinder an Authorised Officer or a Refuse Disposal Attendant engaged in the exercise of any of the powers conferred by this By-Law.

Penalty: Fine not exceeding 5 penalty units.

- (2) A person must not intimidate, threaten or abuse an Authorised Officer or a Refuse Disposal Attendance engaged in the exercise of any of the powers conferred by this By-Law.

Penalty: Fine not exceeding 5 penalty units.

37. Power of entry

For the purposes of this By-Law, an Authorised Officer may enter and remain on land after giving the proprietor of the land notice of their intention to do so in accordance with s.20A of the Act other than where such notice is not required pursuant to s.20A(3) of the Act.

Environmental Health By-law No. 1 of 2023

**SCHEDULE 1
INFRINGEMENT NOTICES-PENALTIES**

Column 1 CLAUSE	Column 2 OFFENCE	Column 3 PENALTY (Penalty not to exceed) (Penalty units)
4	Depositing Refuse	2
5	Hours of operation	2
6	Fire safety	2
7	Scavenging	2
8	Disposal of loose materials	2
9 (2)	Failure to comply with direction	2
11 (2)	Collection of refuse from mobile bins without authority	2
12 (1)	Improper or incorrect use of mobile garbage bin	2
14 (1)	Maintenance of premises used by animals	2
14 (2)	Improper discharge of animal waste	2
15 (2)	Pest Animals	2
16	Storage of animal food	2
17 (1)	Keeping of Poultry	2
17 (2)	Number of poultry	2

Break O'Day Council - Environmental Health By-Law No. 1 of 2023

17 (3)	Keeping of roosters	2
17 (4)	Proper housing of roosters	2
18	Keeping of farm animals in general residential zone	2
20 (2)	Maximum number of beehives	2
21	Keeping of beehives	2
22	Location of beehives	2
24(1)	Caravan on private land without a Caravan Licence	2
27	Non-compliance with Caravan Licence	2
25	Disallowance of occupancy in exchange for rent	2
28 (1)	No occupancy without Caravan Licence – occupier	2
28 (2)	No occupancy without Caravan Licence – proprietor	2
29	No occupancy on public land	2
30	Storage of Caravans	2
31 (2)	Non-compliance with direction to extinguish fire	2
31 (3)	Control of burning	2
32	Access to water supply	2
36 (1)	Obstruct or hinder an Authorised Officer or Refuse Disposal Attendant	5
36 (2)	Intimidate, threat or abuse an Authorised Officer of Refuse Disposal Attendant	5

Break O'Day Council - Environmental Health By-Law No. 1 of 2023

SCHEDULE 2

SCHEDULE OF FEES Column 1 CLAUSE	Column 2 Description	Column 3 Fee (Fee units)
24(2)(b)	Caravan Licence – full year (1 July to 30 June)	156
24(2)(b)	Caravan Licence – part year, from date of application to 30 June	13 per month (inclusive of month of application)

**SCHEDULE 3
FORM 1 – CARAVAN LICENCE APPLICATION**



For office use PID: TRIM REF:

Application for Caravan Licence

Occupation of a caravan – Information and advice

We understand that numerous ratepayers in Break O'Day use caravans on private lots for short-term stays or while constructing a home. This practice is integral to the community's culture, and we support it when appropriate.

The council acknowledges that caravans can sometimes create problems for neighbours. Concerns often raised include the devaluation of properties and the negative impact on visual aesthetics. Additionally, it may cause noise disturbances, especially with multiple caravans or extra guests. Poor management of wastewater and greywater can also have environmental consequences.

To minimise potential impacts, Council expects that:

- Your caravan and lot will be maintained in good order and at all times. There will be no waste or items stored externally that are visible from the street, and
- Your caravan will be positioned away from the street. When viewed from the street it must be partially screened by 1.5m high boundary fencing, landscaping or garden walls. Noting that a solid front boundary fence above 1.2m high requires a planning application;

ADDRESS - where caravan is located

Street No.		Street	
Town			

APPLICANT DETAILS – all correspondence will be sent to applicant

Name:		Phone No:	
Postal Address		Mobile No.	
Email Preferred:	Yes	No	Email address:

OWNER'S AUTHORISATION - Required if owner is not the applicant

Name:		Phone No:	
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SIGNATURE OF OWNER:	DATE:
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CARAVAN DETAILS

Make	
Colour	
Length	
Year of Manufacture	
Registration	
Purpose of Use	
Number of people to occupy	
How regular will occupancy be	

WASTE WATER RETENTION & DISPOSAL METHOD & SAFETY

Black Water	
Grey Water	
Method of Water Supply	
Method of Rubbish Disposal	

Does the caravan have a smoke alarm and fire extinguisher

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

CARAVAN SITING AND IMPACT

1. All applications **MUST** include a photo of the caravan (external) and photos of all internal amenities and fixtures.
2. All applications **MUST** include a site plan showing:
 - a. The outline of the property, the siting of the caravan (including distances to boundaries) and all existing buildings;
 - b. The location of screening vegetation or fences.

It is the responsibility of the applicant to ensure your waste is disposed of in a safe & compliant manner, by signing this application you are agreeing to these terms.
 Plumbing Works must not be conducted on the property without first obtaining a Plumbing Permit.

SIGNATURE OF APPLICANT:	DATE:
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PRIVACY STATEMENT
 Personal Information will be used solely by Council for that primary purpose or directly related purpose. Council may disclose the Information to other regulatory organisations where required to by law; officers of Break O'Day Council; data service providers engaged by Council from time to time; and any other agent to Council. If you cannot provide or do not wish to provide the Information sought, Break O'Day Council will be unable to process your application. You may make application for access or amendment to Information held by Council. Enquiries concerning the matter can be addressed to: Information Officer Break O'Day Council, 32-34 Georges Bay Esplanade, St Helens TAS 7216. Or email: admin@bodc.tas.gov.au.

**SCHEDULE 3
FORM 2 – CARAVAN LICENCE**

Break O'Day Council - Environmental Health By-Law No. 1 of 2023



For office use
PID:
TRIM Ref:

Caravan Licence

A licence to occupy a caravan with the registration _____ located at _____
_____ for the approved period expiring on _____
_____ is hereby granted subject to the following:

Standard condition list

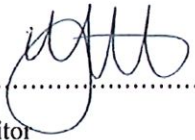
Condition	When to apply
General Amenity	
Rubbish and solid waste must be appropriately contained on site and removed to a waste transfer station on a regular basis	For all
The caravan must be partially screened by solid side and rear boundary fencing at least 1.5m high	If the lot is in a residential zone and is not fenced
The caravan must be partially screened by other buildings, plantings, garden walls or fencing between the street and the caravan	If the lot abuts a major road and the caravan may detract from the streetscape if not screened
The site must be maintained at all times in good order to not detract from the amenity of appearance of the street	For all
At any time, no more than two tents, campers, RV's or the like are to be on the lot in addition to the licensed caravan	If the lot is on a major road
Access must be surfaced with a pervious dust-free surface and drained in a manner that does not cause a stormwater nuisance.	For all
No form of hard annexe is permitted to be erected unless permission has been obstructed by Council	For all
Greywater / Wastewater & Safety	
Greywater may be disposed of on-site but must not cause a nuisance either be its volume or quantity.	For all

Kitchen scraps and similar materials are to be separated and composted or removed to a wastewater station	
Wastewater must be disposed of off-site at an authorised dump point.	For all
A working smoke alarm must be installed in the caravan	For all
Occupation of the caravan must not cause excessive or unreasonable levels of noise either by use of generators or the actions of licensee or their guest.	For all
General	
This caravan licence is not transferable to any person.	For all
This caravan licence will remain current up to and including the day falling on 30 June next occurring following the date on which the Caravan licence was issued.	For all


Environmental Health Officer/Authorised Officer
Break O'Day Council

Date: / /


Certified as being in accordance with the law by:


.....
Solicitor
Dated 30 NOVEMBER 2023

Certified as being made in accordance with the *Local Government Act 1993*:


.....
General Manager
Dated 30 NOVEMBER 2023

The Common Seal of the Break O'Day Council was hereunto affixed in the presence of:


.....
General Manager
Dated 30 NOVEMBER 2023

