

DRAFT Environmental Health By-Law - FAQ Sheet



Break O'Day Council has developed a new By-Law that addresses various Health issues in our area. Under statutory regulations, when we develop a new by-law we must formally advertise it for a 21 day period for community feedback.

To make it easy for the community to provide us with feedback we have developed this FAQ which explains what the by-law is all about, what we are trying to achieve with the by-law as well as some questions for you to consider when providing us with feedback.

GENERAL

What is a by-law?

The purpose of the by-law is to regulate and control various matters to ensure health, amenity and environmental quality are maintained in the Break O'Day Area. The By-law ensures that we, Break O'Day Council, has additional powers relating to the protection of public and environmental health that are not already addressed in existing legislation.

What is a 'nuisance'?

The term nuisance is referred to within the by-law and its definition is determined by the Local Government Act 1993 (Tas). A nuisance includes anything that –

- a. Causes, or is likely to cause danger or harm to the health, safety or welfare of the public; or
- b. Causes, or is likely to cause, a risk to public health; or
- c. Gives rise to unreasonable or excessive levels of noise or pollution; or
- d. Is, or is likely to be, a fire risk; or
- e. Constitutes an unsightly article or rubbish

Who is an 'authorised person' in the By-law?

An authorised person is a Council officer who has been given authority in the relevant area of the by-law. For example, there may be an officer at the St Helens Waste Transfer Station or our Animal Control Officer who deals with animal complaints/nuisances.

Will the Council enforce this by-law?

The purpose of this by-law is to enable Council to respond more efficiently to complaints to uphold our community expectations and standards. This by-law provides Council with the 'head of power' to control matters of public nuisance and protect the health and wellbeing of the community.

REFUSE DISPOSAL

What is a 'Refuse Disposal Site'?

A refuse disposal site is what we would commonly refer to as the 'Tip' or a Waste Transfer Station.

Am I allowed to take anything at Refuse Disposal Sites?

No, scavenging items is strictly prohibited unless authorised by an officer. This is due to various occupational health and safety concerns. Our top priority is to ensure the safety of our community and officers working at the waste transfer station, and scavenging can pose potential harm.

What is household refuse disposal?

This section covers the 'Kerbside Collection' or 'wheelie bin' service available to households and businesses throughout the municipality. The purpose of this section is to ensure that our wheelie bin collection system operates in an effective and sanitary manner and that we ensure no nuisances occur from poor management.

ANIMAL CONTROL

Why do we need a by-law which controls animals?

Our council acknowledges that certain animal-related issues in our community are beyond our control. That's why we've established a by-law to address the concerns of our community and maintain acceptable standards. This section aims to prevent keeping animals and poultry that cause disturbances and ensure that they are housed appropriately.

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ANIMAL CONTROL

What is a Residential Area?

A residential area, as defined within the by-law, is any property within the:

- General Residential Zone
- Low-Density Zone
- Village Zone

If you are unsure what zone your property is in, please contact Council.

What is 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

My property is within a 'residential area', how many chooks can I have?

If you reside in the designated Residential Area as indicated above, the by-law states that you can keep a maximum of 6 poultry. This means that if you already have 6 chickens and no other poultry, you have reached the limit. The total number of poultry (as defined earlier) permitted in a Residential Area is 6. This limit is in line with other Local Government Areas and reflects the expectations of our community.

I live in the General Residential Zone, so can I have a rooster?

No, it will be prohibited to keep roosters in a General Residential Zone (excluding Village Zone or Low-Density Zone). This decision is a result of Council receiving numerous complaints regarding the disturbances caused by roosters in the area. Since the General Residential Zone has a higher population density, the presence of roosters could significantly affect a large number of people.

I have a horse/sheep in a General Residential Zone, does the by-law apply to me?

Yes, if your land area is below 1000m² and located in the General Residential Zone, you are prohibited to keep horses or any type of farm animal. The term "farm

animal" encompasses horses, livestock like sheep or goats, or any other animal that is usually bred or grazed, but this does not include poultry.

How many bee hives can I have and where can I keep them?

Consistent with the Tasmanian Beekeepers Association, the by-law mandates a minimum of 3 metres distance between a bee hive and a property boundary. However, the distance can be reduced if there is a solid fence or an impenetrable plant barrier, not less than 2 meters high, forming the property boundary.

The maximum number of bee hives based on land size can be found in the following table:

LAND SIZE	NUMBER OF HIVES
Less than 400	0
400-1000	2
1000 - 2000	5
2000 -4000	10

Some questions to think about:

- Do you agree that having a maximum of six poultry (e.g. chickens) in a residential area lot aligns with your expectations and standards?
- Do you think it's appropriate to ban roosters from General Residential Zones? Does this match your community's expectations and standards?
- Do you agree with the maximum number of bee hives and proposed location of beehives?

CARAVANS AND RVS

Is an RV park (or similar) excluded from this by-law?

Yes, an authorised caravan/RV parks are excluded.

I stay in my caravan less than 30 days a year – do I need a caravan licence?

No, if a caravan is occupied less than 30 days per calendar year you do not need a caravan licence.

My lot is within the General Residential Zone – how many caravan licences can I have?

Two, the by-law proposes that you will only be able to

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have two caravan licences per lot under 1000m² in the General Residential Zone.

Can I lease out my caravan?

No, the by-law does not allow the occupation of a caravan situated on your land to be leased out to anyone for rent. If this is something you would like to do there may be other avenues available to you such as applying for a Planning Permit under the Planning Scheme. Contact us for advice and requirements.

How long will my caravan licence last?

The licence is valid for a maximum of one year. To renew your caravan licence, you must submit a caravan licence application form and pay the application fee every year.

What is required in a caravan licence application?

- A completed caravan licence application form
- A photo of the caravan (external) and photos of all internal amenities and fixtures
- A site plan showing:
 - The outline of the property, the siting of the caravan (including distances to boundaries) and all existing buildings
 - The location of screening of vegetation or fences

Why do I need a site plan for a caravan licence and screening?

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

On the other hand, 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, they may cause noise disturbances, especially with multiple caravans or extra guests. Poor management of wastewater and greywater can also have environmental impacts.

To minimise these potential impacts, we require

information that helps us understand the location of the caravan on your property and any proposed screening. 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.
- Your caravan will be positioned away from the street and partially screened by a 1.5m high boundary fence, landscaping or garden walls. As a solid front boundary fence above 1.2m high requires a planning application, some form of screening will generally be required between the caravan and the street.
- Any external BBQ or main outdoor areas should be to the rear of the caravan

Some questions to think about:

- Do you believe that the Caravans section in Part 5 of the by-law accurately represents our community's expectations and standards?
- Do you think there are any important matters that we haven't discussed yet?

BURNING OFF

What can I burn?

The proposed by-law states that burning any material in a way that causes a nuisance is not allowed. Some instances of this include:

- Burning a substantial amount of green waste, leading to substantial smoke that affects you and nearby property owners.
- Burning near a property boundary with a neighbouring dwelling in close proximity.
- Burning toxic matter that causes significant odour and health concerns
- Burning in an unsafe manner that poses a fire risk such as burning in windy conditions.

If you have feedback for us regarding the Proposed Municipal By-Law, put it in writing and email it to admin@bodc.tas.gov.au or drop in to the Council Office at 32-34 Georges Bay Esplanade, St Helens.