

Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2016

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2016*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) For the purposes of the definition of **complementary accommodation** in schedule 1 of the authorising local law, the accommodation listed in schedule 3 is prescribed as appropriate to caravan parks.
- (3) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.

- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.
- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, this subordinate local law prescribes—
 - (a) the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) the individuals or organisations that are declared to be third party certifiers; and
 - (c) the qualifications that are necessary for an individual or organisation to be a third party certifier.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

Schedule 1 Operation of caravan parks

Section 5

1. Prescribed activity

Operation of caravan parks

2. Activities that do not require an approval under the authorising local law

No activities stated.

3. Documents and materials that must accompany an application for an approval

- (1) If the applicant is not the owner of the place at which the caravan park is to be operated—the written consent of the owner to the application.
- (2) The name and address of the proposed resident manager of the caravan park and the proposed resident manager's written agreement accepting the responsibilities of resident manager of the caravan park.
- (3) A plan of the proposed caravan park which must be drawn to scale showing—
 - (a) the location and real property description of the place at which the caravan park is to be operated; and
 - (b) the boundaries of the caravan park; and
 - (c) the division of the caravan park into sites, including the location and number of potential sites, with each site clearly defined and bearing a distinguishing mark or number; and
 - (d) the location of each road and building situated within the caravan park; and
 - (e) details of the water supply system, including the position of all water points; and
 - (f) the position of all waste containers; and
 - (g) details of the sewerage system including the position of each sanitary convenience, ablution and laundry building; and
 - (h) details of the on-site sewerage facilities and the waste water disposal system; and
 - (i) the position of all fire places; and
 - (j) the nature and position of—
 - (i) all fire safety installations; and
 - (ii) all electrical installations; and

- (iii) all food preparation areas; and
 - (iv) all recreational facilities; and
 - (v) all car parking facilities.
- (4) Details of the facilities for sanitation, washing and laundry to be provided for users of the caravan park.
- (5) Details of water quality, reticulation and drainage facilities to be provided for users of the caravan park.
- (6) Details of the maximum number of persons who can be accommodated at—
 - (a) the caravan park; and
 - (b) each site within the caravan park.
- (7) Details of the rules which will govern the use of the caravan park, including rules which prohibit or restrict the keeping of dogs at the caravan park.
- (8) A current certificate of compliance issued under the *Fire and Rescue Service Act 1990*.
- (9) A current certificate of testing and compliance issued under the *Electricity Safety Act 2002*.

4. Additional criteria for the granting of an approval

- (1) The operation of the caravan park must be lawfully conducted on the premises.
- (2) The operation of the caravan park must not produce—
 - (a) environmental harm; or
 - (b) environmental nuisance; or
 - (c) an unreasonable inconvenience or annoyance to the occupiers of any adjoining land.
- (3) All facilities at the caravan park must be—
 - (a) of an acceptable standard; or
 - (b) able to be brought to an acceptable standard, for use by residents of the caravan park.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

- (1) The operation of the caravan park must not detrimentally affect the amenity of adjoining land.

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- (2) The operation of the caravan park, including any premises, building, structure, vehicle, facility, equipment or fixture must be maintained in—
 - (a) good working order and condition; and
 - (b) a clean, safe and tidy condition.
 - (3) Provision must be made for people, vehicles and caravans to enter and exit the caravan park safely.
 - (4) The approval holder must—
 - (a) provide and maintain an adequate supply of water to the caravan park, including water suitable for drinking, cooking and personal hygiene; and
 - (b) cause hot and cold water to be reticulated to every shower, bath and hand basin.
 - (5) The water supply for drinking purposes must be potable water.
 - (6) The approval holder must ensure that, if water obtained from a particular water outlet in the caravan park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “Unsuitable for Drinking”.
 - (7) The approval holder must provide and maintain adequate toilet, bathing and showering facilities for persons of both sexes (including disabled persons) using the caravan park, including—
 - (a) at least 2 showers or baths (in separate cubicles) for each sex, for every 15 individual sites (within the caravan park); and
 - (b) at least 1 handbasin for every 4 shower cubicles (or baths) for each sex; and
 - (c) shower (or bath) cubicles must be constructed so as to totally conceal a person within the cubicle from persons who may be outside the cubicle; and
 - (d) for water closets—for every 12 individual sites (within the caravan park)—
 - (i) for males—at least 2 water closet pedestals and 0.9 metres of urinal stall; and
 - (ii) for females—at least 4 water closet pedestals.
 - (8) If bed linen is supplied—
 - (a) keep it in a clean and sanitary condition; and
 - (b) replace it with clean bed linen after each change of occupation of the accommodation.
 - (9) All materials of a hazardous or dangerous nature which are used in the

operation of the caravan park must be stored and used in a safe manner.

- (10) Facilities for the disposal of waste must be—
 - (a) sufficient to accommodate the collection and storage of all waste generated as part of the operation of the caravan park; and
 - (b) provided in the manner, and at the locations, specified by the local government.
- (11) The local government may limit the number of persons who may occupy a site and require the approval holder to—
 - (a) ensure that the limit is displayed on a notice erected in a prominent position at the caravan park; and
 - (b) take appropriate action to ensure that the limit is not contravened.
- (12) The approval holder must—
 - (a) not locate or permit accommodation to be located at any place within the caravan park other than on a site approved by the local government under this subordinate local law; and
 - (b) not locate or permit to be located more than 1 accommodation, on a site at any 1 time; and
 - (c) not permit accommodation to be occupied by more persons than the accommodation is designed to accommodate.
- (13) The approval holder must—
 - (a) unless an accommodation is fitted with a set of twin wash tubs and a clothes washing machine or washing boiler— provide for the exclusive use of the occupants of the accommodation, laundry facilities in the ratio of 1 set of twin wash tubs and 1 clothes washing machine or washing boiler and 1 clothes hoist or an equivalent length of clothes line for every 20 sites or part of a site; and
 - (b) provide, at a distance of not more than 10m from any site, a waste water disposal point which is—
 - (i) provided with a water stand pipe; and
 - (ii) provided with an impervious paved area measuring not less than 1m by 1m and graded to a central drainage inlet which is connected to a sewerage system; and
 - (c) not erect or locate an accommodation or suffer or permit an accommodation to be erected or located, closer than 3m to any other accommodation; and
 - (d) if the local government has approved a site layout plan for the caravan park— cause each site to be clearly defined and legibly marked in

- accordance with the plan; and
- (e) not erect an accommodation or suffer or permit an accommodation to be erected, unless and until the accommodation is weatherproof, in good repair, fit for human habitation and in a clean and sanitary condition; and
 - (f) provide ground anchor points designed to withstand heavy wind loads to enable the tie-down of caravans and complementary accommodation; and
 - (g) cause sanitary conveniences and ablutionary facilities to be located not more than 100 m from any site; and
 - (h) provide and maintain specified recreational facilities; and
 - (i) provide and maintain buffer zones between sites and roads, external boundaries and other facilities of the caravan park; and
 - (j) provide and maintain lighting at the caravan park—
 - (i) to a specified standard; and
 - (ii) during specified hours.
- (14) If the local government gives written notice to the approval holder that the local government is not satisfied that the resident manager of the caravan park is a suitable person to be the resident manager— replace the resident manager with an alternate resident manager who is acceptable to the local government within a time stated in the notice.
- (15) The approval holder must keep and maintain a register which details—
- (a) the name and address of each person who hires a site or complimentary accommodation at the caravan park; and
 - (b) an identifying number for the site or accommodation; and
 - (c) if a caravan is brought onto the site—the registration number of the caravan and (if applicable) the vehicle towing it; and
 - (d) the dates when the hiring of the site or accommodation begins and ends.
- (16) The approval holder or the resident manager must, at the request of an authorised person, produce the register for inspection.
- (17) The approval holder must not permit or allow a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation.
- Example—a caravan that is not weather proof.*
- (18) The approval holder must not, unless the local government agrees in writing, change the sites at the caravan park by—

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- (a) adding to the existing sites; or
 - (b) changing the position or boundaries of a site.
- (19) The approval holder must not change any building, structure or facility at the caravan park by—
- (a) adding new buildings, structures or facilities; or
 - (b) removing existing buildings, structures or facilities; or
 - (c) changing the position of any building, structure or facility.
- (20) However, subsections (18) and (19) do not apply if the proposed change constitutes development under the *Sustainable Planning Act 2009*.
- (21) The operation of the caravan park must not—
- (a) create a traffic problem; or
 - (b) increase an existing traffic problem; or
 - (c) detrimentally affect the efficiency of an existing road network.
- (22) The approval holder must not use an extension telephone bell, open air address system or similar device as part of the operation of the caravan park if the bell, system or device causes a nuisance or annoyance to any person.
- (23) The operation of the caravan park must not attract fly breeding or vermin infestation.
- (24) The approval holder must dispose of all waste generated as part of the operation of the caravan park in a manner which maintains the operation of the caravan park and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (25) Signage used in the operation of the caravan park must be exhibited in a manner, and at the locations, specified by the local government.
- (26) The local government may prescribe rules which govern the use of the caravan park and require the approval holder to ensure compliance with the rules by each user of the caravan park.
- (27) The rules which govern the use of the caravan park must be displayed in the manner, and at the locations, specified by the local government so that the rules can be viewed by users of the caravan park.
- (28) The approval holder must comply with specified standards for the painting, paving and internal and external treatment of buildings, structures and sites.
- (29) The approval holder must ensure that no accumulation, aggregation or proliferation of—
- (a) discarded or disused machinery, goods or wares; or
 - (b) waste, refuse, scrap, bottles or second hand materials of any

- description; or
- (c) dead, overgrown or untended trees or vegetation,
- occurs on any part of the caravan park.
- (30) The approval holder must not permit a person who occupies a site or complementary accommodation at the caravan park to engage in any business, trade or occupation within—
- (a) the site; or
- (b) the complementary accommodation; or
- (c) the caravan park.
- (31) The local government may specify conditions applying to the operation of the caravan park including—
- (a) times and days for administration of the arrival and departure of hirers of accommodation at the caravan park; and
- (b) conditions of stay; and
- (c) minimum requirements for condition and maintenance of caravans and complementary accommodation; and
- (d) conditions applying to the use of any facilities or services of the caravan park; and
- (e) the prohibition of specified activities.
- (32) The local government may require that the approval holder direct a person to leave the caravan park forthwith, or within a specified time, where the person is found to be—
- (a) acting in a disorderly or objectionable manner; or
- (b) contravening a requirement of this local law or a Local Government Act, which contravention will, in the opinion of an authorised person, adversely impact on the safety or amenity of other caravan park users.
- (33) The local government may require that the approval holder remove from the caravan park a caravan which, in the opinion of an authorised person, is dilapidated, unsightly or overcrowded within a specified time.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitting by the applicant.
- (2) The term of the approval must be specified in the approval.
- (3) An approval may be granted for a term of up to 3 years.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) The term for which an approval may be renewed or extended must not exceed 3 years.
- (3) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

Schedule 3 Prescribed complementary accommodation

Section 4

The other accommodation that is prescribed as appropriate to caravan parks is accommodation in—

- (a) an on-site caravan; and
- (b) a cabin; and
- (c) a manufactured home; and
- (d) a tent or other structure that can be readily assembled and disassembled.

Schedule 4 Dictionary

Section 4

accommodation means—

- (a) a caravan; or
- (b) a complementary accommodation.

building has the meaning given in the Building Act 1975.

cabin means a relocatable home, building or fixed structure (other than a building or structure used exclusively as the residence or office of a resident manager).

electrical installation has the meaning given in the *Electricity Act 1994*.

environmental harm has the meaning given in the *Environmental Protection Act 1994*.

environmental nuisance has the meaning given in the *Environmental Protection Act 1994*.

facilities includes—

- (a) toilets; and
- (b) bathing and showering facilities; and
- (c) facilities for washing and drying clothes; and
- (d) facilities for cooking and food preparation; and
- (e) sporting and other recreational facilities; and
- (f) the facilities for the use or convenience of people using a caravan park.

fire safety installation has the meaning given in the *Building Act 1975*.

local government public health risk has the meaning given in the *Public Health Act 2005*.

manufactured home has the meaning given in the *Manufactured Homes (Residential Parks) Act 2003*.

occupant (of accommodation) means a person who resides at the accommodation.

on-site sewerage facility has the meaning given in the *Plumbing and Drainage Act 2002*.

potable water means water which complies with Australian Drinking Water Guidelines.

premises means the premises used for the operation of the caravan park.

relocatable home means a Class 1 or Class 3 building under the Building Code of Australia (or its equivalent) which is—

- (a) constructed away from the site at which it is erected; and
- (b) designed to be moved from 1 location to another; and
- (c) ordinarily able to be moved within 24 hours of commencement of work associated with the move.

resident (of a caravan park) means a person who resides in a caravan or complementary accommodation at the caravan park.

resident manager (of a caravan park) means—

- (a) a person nominated by the approval holder and accepted by the local government from time to time who—

- (i) is responsible for the management and supervision of the caravan park; and
 - (ii) resides on or near the caravan park; and
 - (iii) is present or available at all reasonable times to ensure the operation of the caravan park; and
- (b) if that person cannot be located, or if no such person is nominated and accepted, the approval holder.

sanitary convenience has the meaning given in the *Environmental Protection Act 1994*.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2002*.

site means a part of a caravan park which is designated for a single accommodation of a particular type.

structure has the meaning given in the *Local Government Act 2009*.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

vermin means—

- (a) reptiles, bed bugs, lice, fleas, parasites and cockroaches; and
- (b) guinea pigs and other rodents capable of carrying or transmitting a notifiable disease; but
- (c) does not include—
 - (i) a protected animal within the meaning of the *Nature Conservation Act 1992*; or
 - (ii) a local government public health risk.

waste has the meaning given in the *Environmental Protection Act 1994*.

water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

This and the preceding 14 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2016* made in accordance with the provisions of the *Local Government Act 2009* by Winton Shire Council by resolution dated the day of **(insert the date of the relevant resolution of Council)** 2016.

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Chief Executive Officer