

Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011*.

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) The dictionary in schedule 3 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, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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 camping grounds

Section 5

1. Prescribed activity

Operation of camping grounds.

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

- (1) Section 6(2) of the authorising local law does not apply to the operation of the prescribed activity by the local government on a local government controlled area.
- (2) Also, section 6(2) of the authorising local law does not apply if the operation of the prescribed activity complies with the minimum standards prescribed in this subsection (2)—
 - (a) the operation of the camping ground must not—
 - (i) create a traffic problem; or
 - (ii) increase an existing traffic problem; or
 - (iii) detrimentally affect the efficiency of an existing road network; and
 - (b) provision must be made for people and vehicles to enter and exit the camping ground safely; and
 - (c) all roads must have a hard, durable, self-draining, all-weather surface; and
 - (d) each camp site must be provided with space to park a vehicle of the occupier of the site and parking for visitors must be provided in accordance with the local government's planning scheme; and
 - (e) the operator must not permit or allow a person to bring on to a camp site a tent or other type of accommodation that is not fit for human habitation; and
 - (f) each open fireplace must be located a safe distance from any camp site or flammable material and fires may only be permitted in a designated fireplace; and
 - (g) the operator must ensure an adequate level of amenity for residents; and
 - (h) camp site sizes must be at least 1.5 times the area of the tent, and associated awning, annexe or other structure on the site; and
 - (i) each camp site must incorporate the following separation distances and specifications—
 - (i) 1.5m setback from any other camp site boundary; and

- (ii) 3m setback from any adjoining building; and
- (iii) 2m setback from any internal road; and
- (j) each camp site must have a well-drained surface, and must not be situated on flood-prone land; and
- (k) the operator must provide and maintain adequate toilet, bathing and showering facilities for persons of both sexes (including disabled persons) using the camping ground; and
- (l) all toilet and ablution facilities must be provided with reticulated water and ablution facilities must have reticulated hot and cold water provided to all shower cubicles and hand basins; and
- (m) at least 1 sanitary disposal unit must be provided for every 4 female toilet cubicles; and
- (n) adequate supplies of toilet paper, soap and paper hand towels must be provided to wall-mounted dispensers in each amenities block; and
- (o) toilet and ablution facilities must be located at least 6m, but no more than 100m from any camp site (excluding sites provided with ensuite facilities); and
- (p) at least 1 240V power point must be installed for every 5 hand basins; and
- (q) individual toilets, showers and baths must be screened to provide absolute privacy to the user, and fitted with inside locks; and
- (r) amenities blocks, toilets, ablutionary and other associated facilities (including sanitary disposal units) must be cleaned a minimum of once daily, and more frequently in periods of high demand; and
- (s) the operator must keep and maintain all buildings, playground areas and equipment used for recreational purposes at the camping ground in a safe and proper condition; and
- (t) the operation of the camping ground must not attract fly breeding or vermin infestation; and
- (u) the operator must—
 - (i) not erect or locate accommodation or suffer or permit accommodation to be erected or located, closer than 3m to any other accommodation; and
 - (ii) not erect accommodation or suffer or permit 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
 - (iii) cause sanitary conveniences and ablutionary facilities to be

located—

- (A) not more than 100 m from any camp site; and
 - (B) at least 6 m from any camp site; and
- (v) the operator must dispose of all waste generated as part of the operation of the camping ground in a manner which maintains the operation of the camping ground and its surrounds in a clean, tidy, sanitary and hygienic condition; and
 - (w) all facilities for the disposal of waste must be sufficient to accommodate the collection and storage of all waste generated as part of the operation of the camping ground; and
 - (x) all waste containers should be conveniently located for residents, and must not be located where they create an odour nuisance; and
 - (y) all water supplied for drinking, cooking or ablutionary purposes must be potable; and
 - (z) if a potable reticulated water supply is available—each water supply outlet for non-potable water must be clearly labelled with the words, “Unsuitable For Drinking”; and
 - (aa) a potable water supply point must be made available within a convenient walking distance of each camp site; and
 - (ab) where bore water is provided for drinking, cooking or ablutionary purposes, the water must be tested at least annually for microbiological and chemical contaminants, to ensure that the water is potable; and
 - (ac) where rainwater is provided for drinking, cooking or ablutionary purposes, the rainwater harvesting and storage system must be maintained to ensure that a public health risk or spread of disease is negligible; and
 - (ad) the camping ground operator must ensure that a resident manager (or nominee)—
 - (i) resides in or within 50m of the camping ground; and
 - (ii) is responsible for the supervision and orderly conduct of the camping ground; and
 - (iii) is present at the office at regular, reasonable hours; and
 - (iv) is always accessible in cases of emergency; and
 - (ae) the operator of the camping ground must maintain a register, available for inspection at any time by an authorised person containing—
 - (i) the name and address of each person who hires camp site; and

- (ii) an identifying number for the camp site; and
- (iii) the dates when the hiring of the camp site begins and ends; and
- (af) the operator must ensure that the register is kept for a minimum of 2 years; and
- (ag) if bed linen is supplied—
 - (i) keep it in a clean and sanitary condition; and
 - (ii) replace it with clean bed linen after each change of occupation of the camp site; and
- (ah) the operator of the camping ground must develop a cleaning and maintenance schedule, which specifies the frequency with which camping ground facilities are to be cleaned and maintained; and
- (ai) all barbeques must be maintained in a clean and safe condition; and
- (aj) the operator of the camping grounds must ensure that—
 - (i) all habitable accommodation, vehicles and their fittings are weatherproof, in good repair and fit for human occupation; and
 - (ii) all residents maintain their accommodation in a state consistent with the health, safety and visual amenity of the camping ground; and
 - (iii) all common facilities and accommodation, including any supplied household linen and fittings are kept in a clean, sanitary and safe condition; and
 - (iv) all facilities and equipment are kept in a safe condition; and
- (ak) the operator must—
 - (i) not locate or permit accommodation to be located at any place within the camping ground other than on a camp site approved by the local government under this subordinate local law; and
 - (ii) not locate or permit to be located more than 1 accommodation, on a camp site at any 1 time; and
 - (iii) not permit accommodation to be occupied by more persons than the accommodation is designed to accommodate; and
- (al) each camp site used as part of the operation of the camping ground must be individually numbered and described.

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 camping ground is to be operated—the written consent of the owner to the application.

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- (2) A plan of the proposed camping ground which must be drawn to scale showing—
 - (a) the land comprising the camping ground and its location and real property description; and
 - (b) the boundaries of the camping ground; and
 - (c) the division of the camping ground into camp sites, including—
 - (i) the location and number of potential camp sites with each site clearly defined and bearing a distinguishing mark or number; and
 - (ii) the separation distance between each camp site; and
 - (iii) the number of persons who, it is intended, may occupy each camp site; and
 - (d) the location of each road and building situated within the camping ground; 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.
 - (3) Details of the facilities for sanitation, washing and laundry to be provided for users of the camping ground.
 - (4) Details of water quality, reticulation and drainage facilities to be provided for users of the camping ground.
 - (5) Details of the rules which will govern the use of the camping ground, including rules which prohibit or restrict the keeping of dogs at the camping ground.

4. Additional criteria for the granting of an approval

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

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 camping ground must not detrimentally affect the amenity of adjoining land.
- (2) The operation of the camping ground, 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 and vehicles to enter and exit the camping ground safely.
- (4) The approval holder must provide and maintain an adequate supply of water to the camping ground, including water suitable for drinking, cooking and personal hygiene.
- (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 camping ground 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 camping ground.
- (8) If bed linen is supplied—

Comment [h1]: Delete. The statement only needs to be more generic and not so specific

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- (a) keep it in a clean and sanitary condition; and
 - (b) replace it with clean bed linen after each change of occupation of the camp site.
- (9) All materials of a hazardous or dangerous nature which are used in the operation of the camping ground 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 camping ground; 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 camp site and require the approval holder to—
- (a) ensure that the limit is displayed on a notice erected in a prominent position at the camping ground; and
 - (b) take appropriate action to ensure that the limit is not contravened.
- (12) The approval holder must keep and maintain a register which details—
- (a) the name and address of each person who hires a camp site; and
 - (b) an identifying number for the site; and
 - (c) if any vehicle is brought on to the site—
 - (i) the registration number of the vehicle; and
 - (ii) the dates when the hiring of the site begins and ends.
- (13) The approval holder must, at the request of an authorised person, produce the register for inspection.
- (14) The approval holder must not permit or allow the occupation of a camp site by more persons than the limit fixed for the site under the conditions of an approval.
- (15) The approval holder must not permit or allow a person to bring on to a camp site a tent or other type of accommodation that is not fit for human habitation.
- (16) The approval holder must keep and maintain all buildings, playground areas and equipment used for recreational purposes at the camping ground in a safe and proper condition.
- (17) The approval holder must not, unless the local government agrees in writing, change the camp sites at the camping ground by—
- (a) adding to the existing sites; or

- (b) changing the position or boundaries of a site.
- (18) The approval holder must not change any building, structure or facility at the camping ground 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.
- (19) However, subsections (17) and (18) do not apply if the proposed change constitutes development under the *Sustainable Planning Act 2009*.
- (20) The operation of the camping ground 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.
- (21) The operation of the camping ground must not attract fly breeding or vermin infestation.
- (22) In the operation of the camping ground the approval holder must only use lighting which is angled or shaded so that the lighting does not cause a nuisance or inconvenience.
- (23) The approval holder must dispose of all waste generated as part of the operation of the camping ground in a manner which maintains the operation of the camping ground and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (24) Signage used in the operation of the camping ground must be exhibited in a manner, and at the locations, specified by the local government.
- (25) Each camp site used as part of the operation of the camping ground must be individually numbered and described in the manner specified by the local government.
- (26) The local government may prescribe rules which govern the use of the camping ground and require the approval holder to ensure compliance with the rules by each user of the camping ground.
- (27) The rules which govern the use of the camping ground 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 camping ground.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted 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 1 year.

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 1 year.
- (3) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated.		

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 Dictionary

Section 4

accommodation means a tent or other structure that can be readily assembled and disassembled.

building has the meaning given in the *Building Act 1975*.

camp site means a part of a camping ground which is designated for occupation by a tent, inclusive of ropes, poles, supports and pegs incidental to the erection and use of the tent.

commercial camping ground means land that is made available, on a commercial basis, for camping but does not include a caravan park.

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) other facilities for the use or convenience of people using a camping ground.

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*.

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

operator, of a camping ground, means the person carrying out, undertaking or otherwise engaging in the operation of the camping ground.

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

premises means the premises used for the operation of the camping ground.

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*.

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*.