

REDLAND SHIRE COUNCIL LOCAL LAW NO.7 (CAMPING GROUNDS)

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PART 1—PRELIMINARY

Citation

1. This model local law may be cited as Local Law No.7 (Camping grounds).

Objects

2. The objects of this local law are to—
 - (a) ensure that commercial camping grounds are properly maintained; and
 - (b) ensure that the operator of a commercial camping ground provides basic facilities for users of the camping ground; and
 - (c) ensure that camping grounds comply with appropriate standards of cleanliness and hygiene; and
 - (d) regulate conduct on camping grounds.

Definitions

3. In this local law—

"authorised person" means a person authorised by the local government to exercise the powers of an authorised person under this local law;

"bedding" includes mattresses, pillows, bed linen, blankets and bed coverings;

"camping ground" means—

- (a) a commercial camping ground; or
- (b) land approved by the local government for camping;

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

"facilities" means—

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

"local government land" means a park, reserve, road or other land under the local government's control;

"operate" a camping ground means to permit access to, or use of, the camping ground.

"operator" of a camping ground means a person who permits access to, or use of, the camping ground.

"structure" means a structure affixed to the ground.

"the Act" means the *Local Government Act 1993*.

PART 2—COMMERCIAL CAMPING GROUNDS

Requirement to hold permit

4. A person must not operate a commercial camping ground unless authorised by a permit under this Part.

Maximum penalty—100 penalty units.

Application for permit

5. An application for a permit authorising a person to operate a commercial camping ground must include or be accompanied by—

- (a) a plan showing the boundaries of the camping ground and the division of the camping ground into camping sites; and
- (b) if the applicant is not the owner of the land on which the camping ground is situated—the written consent of the owner to the application; and
- (c) details of the facilities for sanitation, washing and laundry to be provided for campers; and
- (d) details of water quality, reticulation and drainage; and
- (e) if permits or approvals under other laws are necessary for the construction, installation or operation of buildings, structures or facilities necessary for the establishment or operation of the camping ground—certified copies or other appropriate evidence of the necessary permits or approvals; and
- (f) other information and materials required by the local government.

Grant of permit

6. (1) The local government may grant a permit authorising a person to operate a commercial camping ground if satisfied that the permit may be granted consistently with the objects of this local law and the criteria laid down by local law policies.

(2) A local law policy may specify criteria with which the operation of a commercial camping ground must comply.

Term of permit

7. (1) A permit may be granted for an unlimited term or for a specified term fixed under a relevant local law policy.

(2) If the permit is granted for a specified term, the local government may, from time to time, on application by the operator, renew the permit.

(3) The term for which a permit is granted or renewed is to be—

- (a) fixed as required by a relevant local law policy; or
- (b) in the absence of a relevant local law policy—decided by the local government when it grants the permit or the renewal.

(4) However, the local government must, on application for renewal of a permit made before the end of the term for which the permit was granted or last renewed, renew the permit for a further term unless—

- (a) the local government has given the operator written notice of its intention not to renew the permit as required under a relevant local law policy; or
- (b) there are proper grounds for cancellation of the permit¹.

Conditions of permit

8. (1) A permit may be granted on conditions the local government considers appropriate.

(2) The conditions of a permit may, for example—

- (a) require the operator—
 - (i) to provide and maintain an adequate supply of water to the camping ground, including water suitable for drinking, cooking and personal hygiene; and
 - (ii) to 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**"; and
 - (iii) to provide and maintain, in accordance with requirements specified in local law policies or the permit, adequate toilets and

¹ Proper grounds for cancellation of a permit exist if an operator fails to remedy contravention of this local law or a condition of a permit within the time allowed in a compliance notice (See section 23(1)).

bathing or showering facilities for persons of both sexes (including disabled persons) using the camping ground; and

- (iv) to provide, in accordance with requirements specified in local law policies or the permit, facilities for disposal of wastes; and
- (b) if a limit is fixed in local law policies or the permit on the number of persons who may occupy a camping site require the operator—
 - (i) to ensure that the limit is displayed on a notice erected in a prominent position on the camping ground; and
 - (ii) to take appropriate action to ensure that the limit is not contravened; and
- (c) if the operator supplies bedding—require the operator—
 - (i) to keep it in a clean and sanitary condition; and
 - (ii) if bed linen is provided—to change and replace it with clean bed linen whenever there is a change of occupier; and

(3) However, the conditions of the permit must be consistent with the conditions of any statutory authorisation or approval for the establishment of the camping ground.

(4) The local government may, by local law policy, prescribe conditions that must be imposed in a permit or that will ordinarily be imposed in a permit.

Power to change conditions of permit

9. (1) The local government may, by written notice given to an operator, change² the conditions of the operator's permit.

(2) However, the local government may only change the conditions of a permit if—

² A "**change**" to the conditions of a permit includes a change by omission, substitution or addition. (See *Acts Interpretation Act 1954*, s. 36)

- (a) the operator agrees to the proposed change; or
- (b) the local government—
 - (i) gives the operator reasonable written notice of the proposed change inviting the operator to make written representations about the proposed change within a reasonable period fixed in the notice; and
 - (ii) if the operator makes written representations within the time allowed in the notice—takes the representations into account.

Compliance with conditions of permit

10. The operator of a commercial camping ground must ensure that the conditions of a permit are complied with.

Maximum penalty—100 penalty units.

Transfer of permit

11. (1) The operator of a commercial camping ground may, with the approval of the local government, transfer the operator's permit to another person.

(2) The local government may impose conditions on the transfer of a permit.

(3) However, the local government cannot—

- (a) unreasonably refuse to approve the transfer of a permit; or
- (b) impose unreasonable conditions on the transfer of a permit.

PART 3—OPERATIONAL REQUIREMENTS

Division 1—The register

The register

12. The operator of a commercial camping ground must ensure that a register is kept containing—

- (a) the name and address of each person who hires a camping site; and
- (b) an identifying number for the site; and
- (c) if vehicle is brought onto the site—the registered number of the vehicle; and
- (d) the dates when the hiring of the site begins and ends.

Maximum penalty—50 penalty units.

Production of register

13. The operator must, at the request of an authorised person, produce the register for inspection.

Maximum penalty—10 penalty units.

Division 2—Use of camping sites

Limit on numbers

14. The operator of a commercial camping ground must not permit occupation of a camping site by more persons than the limit fixed for the relevant site under a local law policy or the conditions of the permit.

Maximum penalty—50 penalty units.

Fitness for human habitation

15. The operator of a commercial camping ground must not permit a person to bring onto a camping site a tent or other type of accommodation that is not fit for human habitation.

Maximum penalty—50 penalty units.

Division 3—Maintenance of camping ground

Obligation to maintain buildings and facilities

16. The operator of a commercial camping ground must maintain all buildings, structures and facilities provided by the operator on the camping ground in

good and serviceable condition.

Maximum penalty—50 penalty units.

Obligation to keep camping ground clean and tidy

17. The operator of a commercial camping ground must keep the camping ground (including all camping sites) clean and tidy.

Maximum penalty—50 penalty units.

Obligation to maintain layout of facilities etc.

18. (1) The operator of a commercial camping ground must not, unless the local government agrees in writing, change the camping sites in the camping ground by—

- (a) adding to the existing sites; or
- (b) changing the position or boundaries of a site.

Maximum penalty—100 penalty units.

(2) The operator of a commercial camping ground must not change structures or facilities in the camping ground by—

- (a) adding new structures or facilities; or
- (b) removing existing structures or facilities; or
- (c) changing the position of structures or facilities.

Maximum penalty—100 penalty units.

(3) This section does not apply if the proposed change constitutes development under the *Integrated Planning Act 1997*.

PART 4—CONDUCT ON CAMPING GROUNDS

Fires

19. A person must not light or maintain a fire, in the open, on a camping ground unless—

- (a) the fire is in a fireplace or incinerator approved by the local government; or
- (b) an authorised person approves.

Maximum penalty—50 penalty units.

Campers to keep camping ground in a clean and sanitary condition

20. (1) A person who camps on a camping ground must maintain the camping site, and any tent or other accommodation on the camping site, in a clean and sanitary condition.

Maximum penalty—20 penalty units.

(2) A person must not deposit waste on a camping ground unless the waste is deposited in a receptacle, or a waste disposal system, provided for the purpose.

Maximum penalty—20 penalty units.

(3) A person must not use facilities on a camping ground in a way that makes them unclean or insanitary.

Maximum penalty—20 penalty units.

Limitation on numbers

21. A person who occupies a camping site on a camping ground must not allow onto the site more persons than a limit fixed under a relevant permit or local law policy and notified by a notice displayed on the camping ground.

Maximum penalty—20 penalty units.

PART 5—ENFORCEMENT

Division 1—Stop Orders

Stop Orders

22. (1) If a person operates a commercial camping ground without a permit under this local law, an authorised person may, by written notice given to the person (a “**stop order**”), order the person to stop operating the camping ground.

(2) A person against whom a stop order is made must comply with the order.

Maximum penalty—100 penalty units.

(3) However, if a person against whom a stop order is made undertakes to make an application for a permit as soon as practicable, the authorised person may suspend the stop order to give the person a reasonable opportunity to apply for and obtain a permit.

Division 2—Compliance notices

Compliance notices

23. (1) If the operator of a commercial camping ground contravenes a provision of this local law or a condition of the permit, an authorised person may give the operator a written notice (a “**compliance notice**”) under this section.

(2) A compliance notice may—

- (a)** if the contravention is of a continuing or recurrent nature— require the operator to stop the contravention; and
- (b)** whether or not the contravention is of a continuing or recurrent nature—require the operator to take specified action, within a time specified in the notice, to remedy the contravention.

(3) The operator must comply with a notice under this section.

Maximum penalty—50 penalty units.

Division 3—Suspension or cancellation of permit

Suspension or cancellation of permit

24. (1) If an operator fails to carry out a requirement of a compliance notice within the time allowed in the notice, the local government may, by written notice given to the operator, suspend or cancel the permit.

(2) However, before suspending or cancelling a permit, the local government must—

- (a) give written notice to the operator of the proposed suspension or cancellation; and
- (b) allow the operator a reasonable period stated in the notice to make written representations to the local government about the proposed suspension or cancellation; and
- (c) consider representations made in response to the notice.

Division 4—Local government's power to carry out work

Local government's power to have work carried out

25. If an operator fails to have work required by a compliance notice carried out, the local government may itself have the work carried out.

Powers of entry and cost recovery

26. (1) The local government may enter land to perform work under section 1066 of the Act.

(2) If the operator is the owner of the relevant land, the amount properly and reasonably incurred by the local government in performing the work is recoverable (together with interest) under sections 1066, 1067 and 1068 of the Act.

(3) If the operator is not the owner of the relevant land, the amount properly and reasonably incurred by the local government is recoverable as a debt from the operator together with interest on the same basis as applies to an owner of land under section 1067 of the Act³.

³ Section 1067(2) of the Act provides for the payment of interest on the same basis as for an overdue rate.

PART 6—MISCELLANEOUS

Camping outside camping grounds

27. A person must not camp on local government land unless—

- (a) the land is within—
 - (i) a camping ground; or
 - (ii) a lawfully established and operated caravan park; or
- (b) the person has the local government's written approval to camp on the land.

Maximum penalty—20 penalty units.

PART 7—LOCAL LAW POLICIES

Local law policies

28. The local government may make local law policies about—

- (a) the information and materials that must be included in or accompany an application for a permit;⁴ or
- (b) criteria with which a commercial camping ground, or the operation of a commercial camping ground, must comply;⁵ or
- (c) the term for which a permit is to be granted or renewed and the notice to be given if the local government proposes not to renew the permit;⁶ or
- (d) requirements for the provision of toilets, and bathing or showering facilities, for persons of both sexes (including disabled persons) using the camping ground;⁷ or

⁴ See section 5(f)

⁵ See section 6(2).

⁶ See section 7.

⁷ See section 8(1)(a)(iii).

- (e) requirements for the provision of facilities for the disposal of wastes on a camping ground;⁸ or
- (f) limits on the number of persons who may occupy a camping site on a camping ground;⁹ or
- (g) conditions that must, or will ordinarily, be imposed in a permit;¹⁰ or

⁸ See section 8(1)(a)(iv).

⁹ See section 8(1)(b).

¹⁰ See section 8(2).

- (h) other matters about which this local law specifically allows for the making of local law policies.