

# **REDLAND SHIRE COUNCIL LOCAL LAW NO.17 (CARAVAN PARKS)**

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## PART 1—PRELIMINARY

### Citation

1. This model local law may be cited as Local Law No.17 (Caravan Parks).

### Objects

2. The objects of this local law are to—
  - (a) ensure that caravan parks are properly operated and maintained; and
  - (b) safeguard health and safety in caravan parks; and
  - (c) provide for the comfort and convenience of short term and long term caravan park residents.

### 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.

**"cabin"** means an unregistered movable dwelling that is provided for hire, complying with the requirements of the *Building Act 1975* for the appropriate class of residential building.

**"caravan"** means a vehicle designed or adapted for use as a residence and includes a motorised caravan capable of moving under its own motive power.

**"caravan park"** means a place for parking caravans and includes a place that provides also for complementary accommodation.

- "complementary accommodation"** means—

- (a) accommodation in—

- (i) an on-site caravan; or
  - (ii) a cabin; or
  - (iii) a tent or other structure that can be readily assembled and disassembled; or
- (b) accommodation approved under local law policies as appropriate to a particular caravan park or caravan parks generally.

**"operate"** a caravan park means to make the caravan park available for parking caravans, or complementary accommodation, on a commercial basis.

**"operator"** of a caravan park means a person who makes the caravan park available for parking caravans, or complementary accommodation, on a commercial basis and includes a former operator.

**"resident"** means a person who resides on a caravan park site, on a temporary or permanent basis.

**"resident manager"** see section 12.

**"site"** means a part of a caravan park for parking a caravan or for complementary accommodation.

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

## PART 2—PERMIT TO OPERATE CARAVAN PARK

### Operation of caravan park

4. A person must not operate a caravan park unless authorised by a permit under this Part.

Maximum penalty—100 penalty units.

**Application for permit**

**5. (1)** An application for a permit authorising a person to operate a caravan park must include or be accompanied by—

- (a) if the applicant is not the owner of the land on which the caravan park is situated—the written consent of the owner to the application; and
- (b) 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; and
- (c) other information and materials required by the local government.

**(2)** Before the application is granted, the applicant must provide evidence of any necessary statutory permit, authorisation or approval—

- (a) for the development and use of the relevant land as a caravan park; and
- (b) for the occupation or use of buildings and structures on the land in connection with the operation of a caravan park.

**Grant of permit**

**6.** The local government may grant a permit authorising a person to operate a caravan park on land if satisfied that—

- (a) the proposed manager is a suitable person to be manager of the caravan park; and
- (b) the operation and management of the caravan park will comply with the criteria laid down under local law policies.

**Term of permit**

**7. (1)** A permit is granted for a term specified in the permit.

(2) 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.

### 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) limit the number of persons the permit holder may cause to be accommodated on a site;
- (b) require the operator to maintain buffer zones between accommodation sites and roads, external boundaries, or facilities on the caravan park;
- (c) require the operator—
  - (i) to provide and maintain an adequate supply of water to the caravan park, including water suitable for drinking, cooking and personal hygiene; and
  - (ii) to 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**"; and
  - (iii) to provide and maintain, in accordance with requirements specified in local law policies or the permit, adequate toilets and bathing or showering facilities for persons of both sexes (including disabled persons) using the caravan park; and

- (iv) to provide, in accordance with requirements specified in local law policies or the permit, facilities for disposal of wastes; and
  - (v) to provide and maintain specified laundry and recreational facilities; and
  - (vi) to provide sewerage, drainage, refuse collection, electricity supply, telephone and postal services, and other specified services, for the benefit of residents generally or a particular class of residents;
- (d) require lighting of the caravan park to specified standards during specified hours;
- (e) 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 occupation of the relevant accommodation or site.

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

**(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, change<sup>1</sup> the conditions of the operator's permit.

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<sup>1</sup> A "**change**" to the conditions of a permit includes a change by omission, substitution or addition. (See *Acts Interpretation Act 1954*, s. 36)

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

- (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.** An operator must ensure that the conditions of a permit are complied with.

Maximum penalty—100 penalty units.

**Transfer of permit**

**11. (1)** An operator 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 its approval of the transfer of a permit; or
- (b) impose unreasonable conditions on the transfer of a permit.

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**PART 3—OPERATIONAL REQUIREMENTS**

**Division 1—The resident manager**

**Management of caravan park**

**12.** The operator must ensure that—

- (a) the caravan park is managed and supervised by an individual (the "**resident manager**") who is resident on or near the caravan park; and
- (b) the resident manager or a representative of the resident manager is present or available at all reasonable times to ensure the proper operation of the caravan park.

Maximum penalty—50 penalty units.

**Who is the resident manager**

**13. (1)** The resident manager nominated in the operator's application for a permit is the first resident manager of the caravan park.

**(2)** The operator may change the resident manager by giving the local government—

- (a) written notice of the name and address of the new nominee; and
- (b) a written agreement under which the new manager agrees to accept the responsibilities of resident manager of the caravan park; and
- (c) other information and materials required under local law policies.

**(3)** If the operator is an individual, the operator may be the manager of the caravan park.

**Power of local government to require change of manager**

**14. (1)** If the local government is not satisfied that a person nominated to be resident manager of a caravan park is a suitable person to be the resident manager,

the local government may, by written notice given to the operator, require the operator to nominate a resident manager acceptable to the local government within a time stated in the notice.

**(2)** The operator must comply with a notice under subsection (1).

Maximum penalty—50 penalty units.

## **Division 2—The register**

### **The register**

**15.** The operator of a caravan park must ensure that a register is kept containing—

- (a) the name and address of each person who hires complementary accommodation or a site on the caravan park; and
- (b) an identifying number for the accommodation or site; and
- (c) if a caravan is brought onto the site—the registered number of the caravan and (if applicable) the vehicle towing it; and
- (d) the dates when the hiring of the accommodation or site begins and ends.

Maximum penalty—50 penalty units.

### **Production of register**

**16.** The operator or the resident manager must, at the request of an authorised person, produce the register for inspection.

Maximum penalty—10 penalty units.

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**Division 3—Use of sites**

**Hiring of sites**

**17.** The operator must not hire out a part of the caravan park for separate occupation unless it is a site approved for separate occupation by the local government.

Maximum penalty—50 penalty units.

**Limit on numbers**

**18. (1)** The operator must not permit occupation of a site by more persons than the limit fixed for the relevant site under the conditions of the permit.

Maximum penalty—50 penalty units.

**(2)** The operator must not permit occupation of a caravan or other type of temporary or permanent accommodation on the caravan park by more persons than the number for which the caravan or other accommodation was designed.

Maximum penalty—50 penalty units.

**Fitness for human habitation**

**19.** The operator must not permit 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 weatherproof.

Maximum penalty—50 penalty units.

**Division 4—Maintenance of caravan parks**

**Obligation to maintain buildings and facilities**

**20.** The operator must maintain all buildings, structures and facilities provided by the operator on the caravan park in good and serviceable condition.

Maximum penalty—50 penalty units.

**Obligation to keep park clean and tidy**

**21.** The operator must keep the caravan park (including all sites on the caravan park) clean and tidy.

Maximum penalty—50 penalty units.

**Obligation to maintain layout of facilities etc.**

**22. (1)** The operator must not, unless the local government agrees in writing, change the sites in a caravan park 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 must not change structures or facilities in a caravan park by—

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

Maximum penalty—100 penalty units.

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

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**PART 4—CONDUCT IN CARAVAN PARKS**

**Fires**

**23.** A person must not light or maintain a fire, in the open, in a caravan park 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.

**Duty to maintain accommodation in proper condition**

**24. (1)** A resident must keep accommodation occupied in a caravan park in a sanitary, clean and tidy condition.

Maximum penalty—20 penalty units.

**(2)** If a resident brings a caravan or another type of accommodation onto a site, the resident must—

- (a) keep the accommodation in good repair; and
- (b) comply with requirements of the operator or an authorised person for securing the accommodation.

Maximum penalty—20 penalty units.

**Waste disposal**

**25. (1)** A resident must not dispose of liquid wastes on a caravan park unless the wastes are disposed of at drainage points provided for the purpose.

Maximum penalty—20 penalty units.

(2) A resident must not dispose of refuse on a caravan park unless the refuse is placed in containers provided for the purpose.

Maximum penalty—20 penalty units.

## PART 5—ENFORCEMENT

### Division 1—Stop orders

#### Stop orders

26. (1) If a person operates a caravan park 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 caravan park.

(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

27. (1) If the operator 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**

**28. (1)** 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, 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**

**29.** 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**

**30. (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 Act.<sup>2</sup>

## PART 6—LOCAL LAW POLICIES

### Local law policies

**31.** 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;<sup>3</sup> or
- (b) the criteria with which the management and operation of a caravan park must comply;<sup>4</sup> or
- (c) the term for which a permit is to be granted or renewed;<sup>5</sup> or
- (d) the conditions of a permit;<sup>6</sup> and
- (e) other matters about which this local law specifically allows for the making of local law policies.

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<sup>2</sup> Section 1067(2) of the *Local Government Act 1993* provides for the payment of interest on the same basis as for an overdue rate.

<sup>3</sup> See section 5(1)(c).

<sup>4</sup> See section 6(b).

<sup>5</sup> See section 7(3)(a).

<sup>6</sup> See section 8.