



Redland
CITY COUNCIL

**Redland City
Council**

**Subordinate Local Law No. 1.8
(Operation of Accommodation Parks)
2015**

It is hereby certified that this a true and correct copy of *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 19 April 2023.

A. Chesterman
Chief Executive Officer



Redland City Council

Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015

Contents

| | | |
|-------------------|--|-----------|
| Part 1 | Preliminary | 3 |
| | 1 Short title | 3 |
| | 2 Purpose and how it is to be achieved | 3 |
| | 3 Authorising local law | 3 |
| | 4 Definitions | 3 |
| Part 2 | Approval for prescribed activity | 4 |
| | 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) | 4 |
| | 6 Approvals that are non-transferable—Authorising local law, s 15(2) | 4 |
| Schedule 1 | Operation of accommodation parks | 5 |
| Schedule 2 | Categories of approval that are non- transferable | 12 |
| Schedule 3 | Dictionary | 13 |

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015*.

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) 2015* 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.
 - (a) The purpose is to be achieved by providing for—
 - (b) various matters regarding the granting of approvals for prescribed activities; and
 - (c) further specification of the definitions relevant to various prescribed activities.
- (2) 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) 2015* (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, a manufactured home is other accommodation approved by the local government as appropriate to an accommodation park.
- (3) 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 accommodation parks

Section 5

1. Prescribed activity

Operation of accommodation parks

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

- (1) An approval is not required under the authorising local law for the operation of accommodation parks if—
 - (a) the only accommodation in the accommodation park is one or more of the following—
 - (i) cabins with self-contained facilities;
 - (ii) manufactured homes with self-contained facilities;
 - (iii) semi-permanent style tents (glamping, for example) that cannot be readily assembled or disassembled with self-contained facilities; or
 - (iv) self-contained caravans or recreational vehicles; and
 - (b) the operator of the accommodation park complies with the following conditions—
 - (i) the operation of the accommodation park must otherwise be lawfully conducted on the premises; and
 - (ii) the operation of the accommodation park must not produce—
 - (A) environmental harm; or
 - (B) environmental nuisance; or
 - (C) inconvenience or annoyance to the occupiers of any adjoining land; and
 - (iii) the operator must ensure all electrical wiring and electrical fittings on the premises are in compliance with—
 - (A) AS/NZS 3760—In-service safety inspection and testing of electrical equipment; and
 - (B) AS/NZS 3001—Transportable structures and vehicles including their sites; and
 - (iv) the operation of the accommodation park must not detrimentally affect the amenity of adjoining land; and
 - (v) the operation of the accommodation park, including any premises, building, structure, vehicle, facility, equipment, recreational water facility or fixture must be maintained in—
 - (A) good working order and condition; and
 - (B) a clean, safe and tidy condition; and
 - (vi) provision must be made for people and vehicles to enter and exit the accommodation park safely; and
 - (vii) The operator must provide appropriate fire safety measures that are

- maintained in good working order and where applicable, are in compliance with—
- (A) AS 2444 – Portable fire extinguishers and fire blankets – selection and location; and
 - (B) AS 2293 – Emergency escape lighting and exit signs; and
 - (C) AS 1851 – Maintenance of fire protection system and equipment; and
- (viii) An inspection report regarding the electrical wiring and electrical fittings on the premises must be conducted by an approved electrical contractor once every three years; and
- (ix) The inspection report must take into account—
- (A) AS/NZS 3760 — In-service safety inspection and testing of electrical equipment; and
 - (B) AS/NZS 3001 — Transportable structures and vehicles including their sites; and
- (x) The operator must—
- (A) provide and maintain an adequate supply of water to the accommodation 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; and
- (xi) The water supply for drinking purposes must be potable water; and
- (xii) The operator must ensure that, if water obtained from a particular water outlet in the accommodation park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “Unsuitable for Drinking”; and
- (xiii) 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; and
- (xiv) 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 accommodation park; and
- (xv) The operation of the accommodation 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; and
- (xvi) The operator must not use an extension telephone bell, open air address system or similar device as part of the operation of the accommodation park if the bell, system or device causes a nuisance or annoyance to any person; and
- (xvii) In the operation of the accommodation park the operator must only use lighting which is angled or shaded so that the lighting does not

cause a nuisance or inconvenience; and

(xviii) The operator must dispose of all waste generated as part of the operation of the accommodation park in a manner which maintains the operation of the accommodation park and its surrounds in a clean, tidy, sanitary and hygienic condition.

- (2) To remove any doubt, if the operation of accommodation parks is not done in accordance with subsection (1) an approval granted by the local government pursuant to the authorising local law is required.

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 accommodation park is to be operated—the written consent of the owner to the application.
- (2) If the accommodation park is proposed to have a resident manager, the name and address of the proposed resident manager of the accommodation park and the proposed resident manager's written agreement accepting the responsibilities of resident manager of the accommodation park.
- (3) A plan of the proposed accommodation park which must be drawn to scale showing—
- (a) the location and real property description of the place at which the accommodation park is to be operated; and
 - (b) the boundaries of the accommodation park; and
 - (c) the division of the accommodation park into sites, including the location and number of potential sites, separation distance between each site, with each site clearly defined; and
 - (d) the location of each road and building situated within the accommodation park; and
 - (e) the water supply system and drainage; and
 - (f) the position of all waste containers; and
 - (g) the location and number of sanitary conveniences, ablution and laundry facilities; and
 - (h) the sewerage and the waste water disposal system; and
 - (i) the carparking facilities; and
 - (j) the nature and position of recreational facilities and food preparation areas.
Example: camp kitchens
- (4) Details of the maximum number of persons who can be accommodated at—
- (a) the accommodation park; and
 - (b) each site within the accommodation park.
- (5) An evacuation plan for the accommodation park.

4. Additional criteria for the granting of an approval

- (1) The operation of the accommodation park must be lawfully conducted on the premises.

- (2) The operation of the accommodation park 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 accommodation park must be—
 - (a) of an acceptable standard; or
 - (b) able to be brought to an acceptable standard, for use by residents of the accommodation park.
- (4) The operation and management of the accommodation park must be adequate to protect public health and safety, amenity and prevent environmental harm.

5. Conditions that must be imposed on an approval

- (1) The approval holder must produce the approval for inspection by an authorised person upon request.
- (2) The approval holder must display a copy of the approval in a prominent position, so that it is easily visible to persons at the accommodation park.
- (3) The approval holder must allow an authorised person to enter and inspect the activities of the accommodation park to ensure compliance.

6. Conditions that will ordinarily be imposed on an approval

- (1) The operation of the accommodation park must not detrimentally affect the amenity of adjoining land.
- (2) The operation of the accommodation park, including any premises, building, structure, vehicle, facility, equipment, recreational facility 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, and complementary accommodations to enter and exit the accommodation park safely.
- (4) A fire safety report must be conducted by a suitably qualified person once every three years and a subsequent report be submitted to the local government, taking into account—
 - (a) AS 2444 – Portable fire extinguishers and fire blankets – selection and location; and
 - (b) AS 2293 – Emergency escape lighting and exit signs; and
 - (c) AS 1851 – Maintenance of fire protection system and equipment; and
 - (d) Suitability of fire safety measures.
- (5) An inspection report regarding the electrical wiring and electrical fittings on the premises must be conducted by an approved electrical contractor once every three years and a subsequent report be submitted to the local government.
- (6) The report must take into account—

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- (a) AS/NZS 3760 — In-service safety inspection and testing of electrical equipment; and
 - (b) AS/NZS 3001 — Transportable structures and vehicles including their sites.
 - (7) The approval holder must provide and maintain an adequate supply of water to the accommodation park, including water suitable for drinking, cooking and personal hygiene.
 - (8) The water supply for drinking purposes must be potable water.
 - (9) The approval holder must ensure that, if water obtained from a particular water outlet in the accommodation park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “Unsuitable for Drinking”.
 - (10) 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.
 - (11) All materials of a hazardous or dangerous nature which are used in the operation of the accommodation park must be stored and used in a safe manner.
 - (12) 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 accommodation park; and
 - (b) provided in the manner, and at the locations, specified by the local government.
 - (13) 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 accommodation park; and
 - (b) take appropriate action to ensure that the limit is not contravened.
 - (14) The approval holder must—
 - (a) not locate or permit accommodation to be located at any place within the accommodation 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 or permitted to accommodate under the conditions of an approval.
 - (15) If the local government gives written notice to the approval holder that the local government is not satisfied that the resident manager of the accommodation 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.
 - (16) The approval holder must keep and maintain a register which details—
 - (a) the name and address of each person who hires a site at the accommodation park; and
 - (b) an identifying number for the site; and

- (c) if accommodation is brought onto the site—the registration number of the (if applicable) caravan or complementary accommodation and (if applicable) the vehicle towing it; and
 - (d) the dates when the hiring of the site begins and ends.
- (17) The approval holder or the resident manager must, at the request of an authorised person, produce the register for inspection.
- (18) The approval holder must not, unless the local government agrees in writing, change the sites at the accommodation park by—
 - (a) adding to the existing sites; or
 - (b) changing the position or boundaries of a site.
- (19) The approval holder must not, unless the local government agrees in writing, change any building, structure or facility at the accommodation 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 (17) and (18) do not apply if the proposed change constitutes development under the *Planning Act 2016*.
- (21) The operation of the accommodation 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 accommodation park if the bell, system or device causes an environmental nuisance.
- (23) In the operation of the accommodation park the approval holder must only use lighting which is angled or shaded so that the lighting does not cause an environmental nuisance.
- (24) The approval holder must dispose of all waste generated as part of the operation of the accommodation park in a manner which maintains the operation of the accommodation park and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (25) Each site used as part of the operation of the accommodation park 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 accommodation park and require the approval holder to ensure compliance with the rules by each user of the accommodation park.
- (27) The rules which govern the use of the accommodation 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 accommodation park.
- (28) The local government may specify conditions applying to the operation of the accommodation park including—
 - (a) times and days for administration of the arrival and departure of hirers of

- accommodation at the accommodation 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 accommodation park; and
 - (e) the prohibition of specified activities.
- (29) The local government may require that the approval holder direct a person to leave the accommodation park forthwith, or within a specified time, where the person is found to be contravening a requirement of this local law or a Local Government Act in circumstances where the contravention will, in the opinion of an authorised person, adversely impact on the safety or amenity of other accommodation park users.
- (30) The local government may require that the approval holder remove from the accommodation park a caravan or complementary accommodation 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 submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

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) 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 |
|---|--|--|
| | | |

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) a caravan; or
- (b) a complementary accommodation; or
- (c) a recreational vehicle.

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).

drainage has the meaning given in the *Plumbing and Drainage Act 2018*.

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 an accommodation 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*.

nuisance includes anything that—

- (a) disturbs or inconveniences people in the vicinity of an accommodation park; or
- (b) detracts from the use or enjoyment of land adjoining or in the vicinity of an accommodation park.

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 2018*.

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

premises means the premises used for the operation of the accommodation 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.

recreational vehicle means a motorised vehicle designed for accommodation, including a motorhome and campervan.

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

resident manager (of an accommodation 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 accommodation park; and
 - (ii) resides on or near the accommodation park; and
 - (iii) is present or available at all reasonable times to ensure the operation of the accommodation park; and
- (b) if that person cannot be located, or if no such person is nominated and accepted, the approval holder.

self-contained caravan or recreational vehicle means a caravan or recreational vehicle that includes, or is equipped with, each of the following—

- (a) sleeping facilities; and
- (b) a toilet; and
- (c) a shower; and
- (d) separate holding tanks for grey and black water; and
- (e) capacity to contain and store all wastewater generated until wastewater can be properly disposed of.

self-contained facilities means where the cabin, manufactured home or semi-permanent style tent contains—

- (a) sleeping facilities; and
- (b) toilet facilities that are water flushed and have drainage; and
- (c) showering or bathing facilities with running water.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2018*.

site means a part of an accommodation 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*.

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

water supply system has the meaning given in the *Plumbing and Drainage Act 2018*.