

Subordinate Local Law No. 1.6 (Operation of Accommodation Parks) 2018

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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 Accommodation Parks) 2018*.

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 accommodation 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, 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.

Part 3 Repeal

7 Repeal of subordinate local law

This subordinate local law repeals—

- (a) *Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011*; and
- (b) *Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011*.

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) Section 6(2) of the authorising local law does not apply to the undertaking of the prescribed activity if—
 - (a) the prescribed activity is undertaken contemporaneously with the operation of a temporary entertainment event; and
 - (b) the operation of the temporary entertainment event is undertaken in compliance with the requirements of the authorising local law.
- (2) For the avoidance of doubt, section 6(2) of the authorising local law does not apply if the local government permits access to, or use of, an accommodation park on a local government controlled area for no consideration.
- (3) Also, section 6(2) of the authorising local law does not apply to the undertaking of the prescribed activity on premises if the undertaking of the prescribed activity on the premises complies with the minimum standards prescribed subsection (4).
- (4) The person undertaking the prescribed activity at the premises must –
 - (a) allow an authorised person to have reasonable access to the premises during normal business hours; and
 - (b) ensure that the undertaking of the prescribed activity at the premises does not detrimentally affect the amenity of land adjoining the premises; and
 - (c) ensure that any premises, building, structure, vehicle, facility, equipment or fixture used in the undertaking of the prescribed activity is maintained in—
 - (i) good working order and condition; and
 - (ii) a clean, safe and tidy condition; and
 - (d) ensure that people, vehicles and caravans may enter and exit the premises used in the undertaking of the prescribed activity safely; and
 - (e) provide and maintain an adequate supply of water to the premises, including water suitable for drinking, cooking and personal hygiene purposes; and
 - (f) ensure that—
 - (i) hot and cold reticulated water is available for every shower and bath which is made available for use by patrons of the premises;

and

- (ii) reticulated water is available for every hand basin which is made available for use by patrons of the premises; and
- (g) ensure that the water supplied for drinking purposes at the premises is potable water; and
- (h) if water supplied from a particular water outlet at the premises is unsuitable for drinking—ensure that a sign is prominently displayed at the outlet stating "unsuitable for drinking"; and
- (i) ensure that all materials of a hazardous or dangerous nature which are used in the undertaking of the prescribed activity are stored and used in a safe manner; and
- (j) ensure that the facilities provided at the premises for the disposal of solid waste are—
 - (i) sufficient to accommodate the collection and storage of all solid waste generated as part of the undertaking of the prescribed activity at the premises; and
 - (ii) provided in the manner, and at the locations, as specified by an authorised person from time to time; and
- (k) not locate accommodation, or permit the accommodation to be located, at any place within the premises other than on a site which is designated for a single accommodation; and
- (l) not locate, or permit to be located, at any 1 time, more than 1 accommodation, on a site which is designated for a single accommodation; and
- (m) not permit accommodation to be occupied by more persons than the accommodation is designed to accommodate; and
- (n) keep and maintain a register which details—
 - (i) the name and address of each person who hires a site or complementary accommodation at the premises; and
 - (ii) an identifying number for the site or accommodation; and
 - (iii) if a caravan is brought onto a site—the registration number of the caravan and (if applicable) the vehicle towing it; and
 - (iv) the dates when the hiring of the site or accommodation begins and ends; and
- (o) produce the register for inspection on demand by an authorised person; and
- (p) 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; and
- (q) in the undertaking of the prescribed activity, not use an extension telephone bell, open air address system or similar device if the bell, system or device causes a nuisance or annoyance to any person; and
 - (r) ensure that the undertaking of the prescribed activity does not attract fly breeding or vermin infestation; and
 - (s) dispose of all solid waste generated as part of the undertaking of the prescribed activity in a manner which maintains the undertaking of the prescribed activity at the premises and its surrounds in a clean, tidy, sanitary and hygienic condition; and
 - (t) ensure that the undertaking of the prescribed activity does not result in an accumulation, aggregation or proliferation of—
 - (i) discarded or disused machinery, goods or wares; or
 - (ii) solid waste, refuse, scrap, bottles or second hand materials of any description; or
 - (iii) dead, overgrown or untended trees or vegetation on any part of the premises; and
 - (u) promptly remove from the premises any accommodation which is dilapidated, unsightly or overcrowded; and
 - (v) not allow the disposal of greywater or blackwater on any part of the premises unless the premises contains an approved dump point; and
 - (w) 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
 - (x) 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
 - (y) provide ground anchor points designed to withstand heavy wind loads to enable the tie down of caravans and complementary accommodation; and
 - (z) maintain adequate recreational facilities at the premises; and
 - (aa) provide and maintain buffer zones between sites and roads, external boundaries and other facilities at the premises; and
 - (ab) provide and maintain adequate lighting at the premises; and
 - (ac) provide and maintain adequate toilet, bathing and showering facilities for persons of both sexes (including disabled persons) using the premises for accommodation park purposes.

3. Documents and materials that must accompany an application for

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) The name, address and contact details 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, with each site clearly defined and bearing a distinguishing mark or number; and
 - (d) the location of each road and building situated within the accommodation 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
 - (i) the position of all fire places; and
 - (j) the nature and position of all fire alarms and fire fighting equipment; and
 - (k) the nature and position of all electrical installations.
- (4) Details of the facilities for sanitation, washing and laundry to be provided for users of the accommodation park.
- (5) Details of water quality, reticulation and drainage facilities to be provided for users of the accommodation park.
- (6) Details of the maximum number of persons who can be accommodated at—
 - (a) the accommodation park; and
 - (b) each site within the accommodation park.
- (7) Details of the rules which will govern the use of the accommodation park, including rules which prohibit or restrict the keeping of dogs at the accommodation park.

- (8) A current certificate of compliance issued under the *Fire and Emergency Services Act 1990*.
- (9) A current certificate of testing and safety issued under the *Electrical Safety Act 2002*.

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.

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 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 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 accommodation park safely.
- (4) The approval holder 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.

- (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 accommodation 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 accommodation park, including—
 - (a) at least 2 showers or baths (in separate cubicles) for each sex, for every 15 individual sites (within the accommodation 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 accommodation 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 accommodation park must be stored and used in a safe manner.
- (10) Facilities for the disposal of solid waste must be—
 - (a) sufficient to accommodate the collection and storage of all solid 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.
- (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 accommodation park; and
 - (b) take appropriate action to ensure that the limit is not contravened.

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- (12) 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.
- (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) 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
 - (c) if the local government has approved a site layout plan for the accommodation park— cause each site to be clearly defined and legibly marked in accordance with the plan; and
 - (d) 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
 - (e) provide ground anchor points designed to withstand heavy wind loads to enable the tie-down of caravans and complementary accommodation; and
 - (f) cause sanitary conveniences and ablutionary facilities to be located—
 - (i) not more than 100 m from any site; and
 - (ii) at least 6 m from any site; and
 - (g) provide and maintain specified recreational facilities; and
 - (h) provide and maintain buffer zones between sites and roads, external boundaries and other facilities of the accommodation park; and
 - (i) provide and maintain lighting at the accommodation park—
 - (i) to a specified standard; and
 - (ii) during specified hours.

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- (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 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.
- (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 complementary accommodation at the accommodation 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 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 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 (18) and (19) 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 a nuisance or annoyance to any person.

- (23) The operation of the accommodation park must not attract fly breeding or vermin infestation.
- (24) The approval holder must dispose of all solid 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) Signage used in the operation of the accommodation park must be exhibited in a manner, and at the locations, specified by the local government.
- (26) The local government may—
 - (a) 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; and
 - (b) require that 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.
- (27) The approval holder must comply with specified standards for the painting, paving and internal and external treatment of buildings, structures and sites.
- (28) The approval holder must ensure that no accumulation, aggregation or proliferation of—
 - (a) discarding or disused machinery, goods or wares; or
 - (b) solid 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 accommodation park.
- (29) The approval holder must not permit a person who occupies a place at an accommodation park, including a site or complementary accommodation at the accommodation park, to engage in a business, trade or occupation if the undertaking of the activity at the place—
 - (a) causes a nuisance or annoyance to any person; or
 - (b) has, or may have, an adverse impact on the safety or amenity of users of the accommodation park.
- (30) 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.
- (31) 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—
- (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 accommodation park users.
- (32) The local government may require that the approval holder remove from the accommodation 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.

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 |
|---|--|--|
| 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 Prescribed complementary accommodation

Section 4

The other accommodation that is prescribed as appropriate to accommodation parks is accommodation in any of the following—

- (a) an on-site caravan;
- (b) a cabin;
- (c) a manufactured home;
- (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 an accommodation park.

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 that is free from pollution, harmful organisms and impurities.

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.

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.

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 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 *Standard Plumbing and Drainage Regulation 2003*.