

Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2015

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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) 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) 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

No activities stated.

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.
2. A plan of the proposed camping ground which must be drawn to scale showing—
 - (a) the location and real property description of the place at which the camping ground is to be operated; 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 camp 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 (including black and grey disposal points); 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, laundry, liquid and solid waste removal and pool waste water removal 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.
6. A current certificate of compliance issued under the *Fire and Emergency Services Act 1990*.
7. A current certificate of testing and compliance issued under the *Electricity Safety Act 2002*.

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; or
 - (d) a risk to public health
- (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

- (1) 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.
- (2) The approval holder must not, unless the local government agrees in writing, change the sites at the camping ground by—
 - (a) adding to the existing sites; or
 - (b) changing the position or boundaries of a site.

6. Conditions that will ordinarily be imposed on an approval

- (1) The operation of the camping ground must comply with —
 - (a) any relevant development approval; and
 - (b) the provisions of the planning scheme and any relevant planning scheme policy of the local government.
- (2) Any building or structure that forms part of the camping ground must comply with the *Building Act 1975* and the *Building Regulation 2006*.
- (3) The operation of the camping ground must comply with the requirements of each

of the following—

- (a) the *Environmental Protection Act 1994*;
 - (b) the *Environmental Protection Regulation 2008*;
 - (c) the *Environmental Protection (Water) Policy 2009*;
 - (d) the *Environmental Protection (Noise) Policy 2008*;
 - (e) the *Environmental Protection (Air) Policy 2008*;
 - (f) the *Food Act 2006*;
 - (g) the *Public Health Act 2005*.
- (4) The operation of the camping ground must not breach a provision of a local law or subordinate local law.
 - (5) The operation of the camping ground must not detrimentally affect the amenity of adjoining land.
 - (6) 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.
 - (7) The approval holder must not permit or allow a person to bring onto a site a tent or other type of accommodation that is not fit for human habitation.
 - (8) 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; or
 - (d) altering or renovating any building, structure or facility,without prior notification to the local government and approval from an authorised person.
 - (9) However, subsection (8) does not apply if the proposed change constitutes development under the *Sustainable Planning Act 2009*.
 - (10) The approval holder must comply with specified standards for the painting, paving and internal and external treatment of buildings, structures and sites.
 - (11) The approval holder must ensure that no accumulation, aggregation or proliferation of—
 - (a) discarding or disused machinery, goods or wares; or
 - (b) 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 camping ground.
 - (12) The operation of the camping ground must not attract fly breeding or vermin infestation.
 - (13) The approval holder must not permit a person who occupies a site at the camping

- ground to engage in any business, trade or occupation within—
- (a) the site; or
 - (b) the camping ground.
- (14) 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.
- (15) All maintenance of the camping ground must be performed safely in accordance with all relevant laws.
- (16) 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.
- (17) Provision must be made for people and vehicles to enter and exit the camping ground safely.
- (18) The approval holder must—
- (a) provide and maintain an adequate and continuous supply of water to the camping ground, including water suitable for drinking, cooking and personal hygiene; and
 - (b) ensure that an adequate and continuous supply of hot and cold water is reticulated to every bathroom, kitchen and laundry facility within the camping ground.
- (19) Water intended for use for domestic purposes as part of the operation of the camping ground must be from an approved water source and be of appropriate water quality to be used for that purpose.
- (20) The water supply for drinking, cooking and personal hygiene purposes must be potable water.
- (21) All water supply connections must be maintained in accordance with the *Plumbing and Drainage Act 2002*.
- (22) The approval holder must not change the water supply system without the prior approval of an authorised person.
- (23) Adequate water and electricity must be provided as part of the operation of the camping ground.
- (24) 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”.
- (25) The camping ground must be provided with—
- (a) sanitary conveniences for each sex for the exclusive use of the residents of the camping ground—
 - (i) in accordance with Table 1 (Sanitary Conveniences); and

Table 1 – Sanitary Conveniences

| No. of sites | Minimum no. of water closets or pan cabinets and pans for females | Minimum no. of water closets or pan cabinets and pans for males | Minimum length of urinals for males |
|---------------------|---|---|--|
| Up to 40 | 1 for every 7 sites or part thereof | 1 for every 10 sites or part thereof | 0.6m for every 20 sites or part thereof |
| Over 40 | 6 plus an additional 1 for every 15 sites or part thereof in excess of 40 sites | 4 plus an additional 1 for every 15 sites or part thereof in excess of 40 sites | 0.6m for every 20 sites or part thereof |

- (ii) such that if 10 or more water closet fixtures are provided—at least 1 water closet fixture and its compartment or cubicle is—
 - (A) accessible to both sexes; and
 - (B) constructed, equipped and provided with access in accordance with AS1428 *Design for Access and Mobility – General Requirements for Access*; and
 - (iii) which are installed and kept in a separate compartment or cubicle constructed so as to ensure that the privacy of each person using the sanitary convenience is maintained; and
 - (b) ablution facilities for each sex for the exclusive use of the residents of the camping ground as follows—
 - (i) 1 shower or bath (in a separate cubicle) for each sex, for every 15 individual sites within the camping ground; and
 - (ii) each cubicle for a shower or a bath must be constructed so as to totally conceal a person within the cubicle from persons who may be outside the cubicle; and
 - (iii) at least 1 hand basin for each sex, for every 15 individual sites within the camping ground; and
 - (iv) 1 baby bath.
 - (c) laundry facilities for the exclusive use of the residents of the camping ground in the ratio of 1 set of twin wash tubs and 1 clothes washing machine and 35 lineal meters of clothes line for every 20 sites or part thereof, excluding any site which is fitted with a set of twin wash tubs and a clothes washing machine.
 - (d) the facilities specified in paragraphs (a) to (c) inclusive, subject to the following—
 - (i) the requirements of this subsection (25) apply where each site is designated for occupation by not more than 3 persons; and
 - (ii) if 1 or more sites are designated for occupation by more than 3 persons — the local government may require the approval holder to provide and maintain toilet, bathing and showering facilities in excess of the requirements specified in paragraphs (a) to (c) inclusive.
- (26) The following standards for sanitary facilities must be adhered to—

- (a) the floors of a sanitary facility must—
 - (i) be able to be easily and effectively cleaned and sanitised; and
 - (ii) be unable to absorb grease, food particles or water; and
 - (iii) be laid so that there is no ponding of water; and
 - (iv) not provide harbourage for insects or vermin; and
 - (v) be smooth; and
 - (vi) prevent the entry of dirt, dust, insects and vermin; and
 - (b) the walls of a sanitary facility must—
 - (i) be able to be easily and effectively cleaned and sanitised; and
 - (ii) be unable to absorb grease, food particles or water; and
 - (iii) not provide harbourage for insects or vermin; and
 - (iv) be smooth; and
 - (v) prevent the entry of dirt, dust, insects or vermin; and
 - (c) the ceiling of a sanitary facility must—
 - (i) be able to be easily and effectively cleaned and sanitised; and
 - (ii) not provide harbourage for insects or vermin; and
 - (iii) be smooth; and
 - (iv) prevent the entry of dirt, dust, insects and vermin; and
 - (d) adequate levels of fresh air must be maintained for the public in accordance with the *Building Act 1975*.
- (27) 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 camp site.
- (28) Human wastes from the operation of the camping ground must be disposed of at a dedicated sanitary facility, the sewerage system or an on-site sewerage facility.
- (29) 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) stored in such a way so as not to attract pests; and
 - (c) provided in the manner, and at the locations, specified by the local government.
- (30) Waste containers that are provided as part of the operation of the camping ground must at all times be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition.
- (31) Waste containers that are provided as part of the operation of the camping ground must be designed and constructed to prevent access by pests and be easily and effectively cleaned and disinfected.
- (32) All waste, including waste water, generated as part of the operation of the

camping ground must be disposed of in a safe and sanitary manner and in accordance with the *Environmental Protection Act 1994* and the *Plumbing and Drainage Act 2002*.

- (33) All waste generated as part of the operation of the camping ground must be disposed of in a manner which maintains the operation of the camping ground and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (34) Waste must not be incinerated on the premises or removed from the premises to be incinerated elsewhere.
- (35) Waste from the operation of the camping ground must not be disposed of into a stormwater installation, waters or a watercourse.
- (36) Adequate electrical outlets must be provided as part of the operation of the camping ground in locations specified by the local government.
- (37) A copy of a current electrical safety certificate of compliance issued under the applicable law in respect of electrical safety must be provided to the local government—
 - (a) on an annual basis with the application for the renewal of the approval; and
 - (b) as required by an authorised person.
- (38) Adequate telephone and postal services must be provided as part of the operation of the camping ground in locations specified by the local government.
- (39) Adequate fire safety installations and means of access must be maintained at all times.
- (40) No dog is allowed within the operation of the camping ground unless kept in accordance with the requirements of *Local Law No. 2 (Animal Management) 2011*.
- (41) The approval holder must not use an extension telephone bell, open air address system or similar device as part of the operation of the camping ground if the bell, system or device causes a nuisance or annoyance to any person.
- (42) Signage used in the operation of the camping ground must be exhibited in a manner, and at the locations, specified by the local government.
- (43) 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) a nuisance; or
 - (b) an inconvenience; or
 - (c) environmental harm; or
 - (d) an environmental nuisance.
- (44) The approval holder must—
 - (a) 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
 - (b) if the local government has approved a site layout plan for the camping ground— cause each site to be clearly defined and legibly marked in accordance with the plan; and
 - (c) keep the camping ground free of pests and conditions offering harbourage

- for pests; 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 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 camping ground.
- (45) A plan of the operation of the camping ground must be displayed in the manner and locations specified by the local government or otherwise so that it can be viewed by members of the public.
- (46) The evacuation plan and procedures for the operation of the camping ground must be displayed in the manner and locations specified by the local government or otherwise so that it can be viewed by members of the public.
- (47) 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.
- (48) 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.
- (49) The approval holder must keep and maintain a register which details—
- (a) the name and address of each person who hires a camp site at the camping ground; and
 - (b) an identifying number for the camp site; and
 - (c) if any vehicle is brought onto the site—the registration number of the vehicle; and
 - (d) the dates when the hiring of the camp site begins and ends.
- (50) The approval holder must, at the request of an authorised person, produce the register for inspection.
- (51) The local government may specify conditions applying to the operation of the camping ground including—
- (a) times and days for administration of the arrival and departure of hirers of sites at the camping ground; and
 - (b) conditions of stay; and
 - (c) minimum requirements for condition and maintenance of accommodation; and
 - (d) conditions applying to the use of any facilities or services of the camping ground; and

- (e) the prohibition of specified activities.
- (52) The local government may require that the approval holder direct a person to leave the camping ground 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 camping ground users.

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—

- (a) means a tent or another form of accommodation used for residential purposes; but
- (b) does not include a caravan or complementary accommodation.

approved water source means a potable water source approved by the local government and may include a nominated reticulated water delivery point and a recognised water source.

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) a tent, inclusive of ropes, poles, supports and pegs incidental to the erection and use of the tent; or
- (b) another form of accommodation.

caravan see *Local Law No. 1 (Administration) 2011*, schedule 1.

complementary accommodation see *Local Law No. 1 (Administration) 2011*, schedule 1.

development approval has the meaning given in the *Sustainable Planning Act 2009*.

domestic purposes means the purpose of—

- (a) human consumption; or
- (b) food preparation; or
- (c) washing; or
- (d) other normal domestic duties.

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 a camping ground.

fire safety installation has the meaning given in the *Building Act 1975*.

human waste means urine and faeces from human beings.

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*.

pest includes vermin and insects.

planning scheme has the meaning given in the *Sustainable Planning Act 2009*.

planning scheme policy has the meaning given in the *Sustainable Planning Act 2009*.

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

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

recognised water source means a source of water recognised in writing by the local government as—

- (a) complying with the Australian Drinking Water Guidelines prepared by the National Health and Medical Research Council and the Agricultural Resources Management Council of Australia and New Zealand; or
- (b) being suitable for domestic purposes.

resident (of a camping ground) means a person who resides in a tent or other accommodation at the camping ground.

sanitary convenience has the meaning given in the *Environmental Protection Act 1994*.

sanitary facility includes the matters (such as shower, toilet and ablution facilities) specified in the *Building Code of Australia*.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2002*.

site see camp site. **stormwater installation** has the meaning given in the *Plumbing and Drainage Act 2002*.

structure has the meaning given in the *Local Government Act 2009*.

surface waters means water other than ground water.

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*.

waste container means a weatherproof container for the storage of waste that—

- (a) is vermin proof; and
- (b) can be readily cleaned; and
- (c) is constructed of durable material; and
- (d) is non-reactive with the intended contents; and
- (e) is leakproof; and
- (f) minimises the loss of material into the environment.

waste water means a liquid waste.

watercourse has the meaning given in the *Water Act 2000*.

waters include—

- (a) surface waters, including water flowing in a watercourse; and
- (b) ground waters; and
- (c) the bed and banks of waters.

water source means the source from which water is obtained.

water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

This and the preceding 15 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Somerset Regional Council by resolution dated the 22nd day of April 2015.



.....
Chief Executive Officer

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