

LG301*

Caravan Parks and Camping Grounds Act 1995

Caravan Parks and Camping Grounds Amendment Regulations (No. 2) 2014

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Caravan Parks and Camping Grounds Amendment Regulations (No. 2) 2014*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 January 2015.

3. Regulations amended

These regulations amend the *Caravan Parks and Camping Grounds Regulations 1997*.

4. Regulation 3 replaced

Delete regulation 3 and insert:

3. Terms used

In these regulations, unless the contrary intention appears —

ablution block means a communal building which contains ablution facilities;

approved, in relation to a facility, means approved in writing by the local government;

AS followed by a designation refers to the Australian Standard having that designation that is published by Standards Australia, as amended from time to time;

AS/NZS followed by a designation refers to the Australian/New Zealand Standard having that designation that is published jointly by Standards Australia and Standards New Zealand, as amended from time to time;

assemble, in relation to a park home or annexe, means the work required —

- (a) where a park home or annexe arrives at a site in more than one piece, to assemble, position and stabilise the park home or annexe; or
- (b) to position and stabilise the park home or annexe on a site;

assistance dog has the meaning given in the *Dog Act 1976* section 8(1);

Building Code means the Building Code of Australia which is volumes 1 and 2, as amended from time to time, of the National Construction Code series published by, or on behalf of, the Australian Building Codes Board;

caravan site means a site which is marked or intended for the use of a caravan;

components, in relation to a park home which is to be, or has been, assembled from parts, means the 2 or more main parts of the park home;

construct, in relation to a park home or annexe, includes all work necessary to manufacture or construct the park home or annexe other than such work as is necessary to assemble the park home or annexe at a site;

cyclonic region means a cyclonic region within the meaning of AS 4055—1992 “Wind loads for housing”;

design wind speed means the maximum design gust wind speed for the area calculated in accordance with AS 4055—1992 “Wind loads for housing”;

en suite means a building on a site which contains ablution, toilet and laundry facilities, or some of these facilities, for the use of the occupiers of that site;

facility road means a road or path inside a facility for the use of vehicles;

form means a form in Schedule 1;

flexible annexe means an annexe made entirely of flexible material except for —

- (a) the supporting frame; and
- (b) any windows or doors, which may be made of flexible or rigid material;

laundry facility means facilities for laundering clothes;

long stay site means a site at a caravan park which is to be occupied consecutively by the one person or group of persons for any period of time;

nature based park means a facility in an area that —

- (a) is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 metres for a distance of 500 metres or more; and
- (b) has been predominantly formed by nature; and
- (c) has limited or controlled artificial light and noise intrusion;

number plate means a number plate within the meaning of the *Road Traffic Act 1974*;

on-site caravan means a caravan owned by, or under the control of, the licence holder of the caravan park and available for hire at a site on the caravan park;

open sided building means a building that —

- (a) is classified as a Class 10a building under the Building Code; and
- (b) has at least one-third of the area of its perimeter open; and
- (c) has 2 or more sides that would be considered open sides in accordance with the Building Code if the building was a carport;

overflow area means an area of a facility specified as an overflow area in the licence for the facility;

park home park means a caravan park at which park homes, but not any other caravans or camps, are situated for habitation;

professional engineer means a corporate member of the Institution of Engineers Australia, or a person who is eligible to become such a member, who has

appropriate experience and competence to construct, or supervise the construction of, park homes;

service means a supply of gas, water or electricity;

short stay site means a site at a caravan park which is to be occupied consecutively by the one person or one group of persons, for no longer than 3 consecutive months;

shower means a shower or a bath;

rigid annexe means an annexe which is not a flexible annexe;

temporary licence means a licence referred to in regulation 54;

transit park means a facility where an occupier may stay no longer than 3 consecutive nights.

5. Regulation 12 amended

- (1) In regulation 12(1) delete “lot” and insert:

lot, as defined in the *Planning and Development Act 2005* section 4(1),

- (2) Delete regulation 12(3).

6. Regulation 15 amended

In regulation 15(2) delete the Penalty and insert:

Penalty: for an offence under subregulation (1) or (2): a fine of \$2 000.

7. Regulation 19 amended

- (1) In regulation 19(1)(f) delete “a guide dog or hearing” and insert:

an assistance

- (2) In regulation 19(1)(l) delete “regulations.” and insert:

regulations; and

- (3) After regulation 19(1)(l) insert:

- (m) for a nature based park, all advertising material and other information sources about the facility, the content of which is controlled by the licence

holder, specify each of the following amenities that is not provided for occupiers at the facility —

- (i) toilets;
- (ii) showers;
- (iii) hand basins;
- (iv) washing-up facilities;
- (v) laundry facilities;
- (vi) hot water for showering or for washing-up or laundry facilities;
- (vii) power points;
- (viii) lighting.

- (4) In regulation 19(2) delete the Penalty and insert:

Penalty for an offence under subregulation (1) or (2): a fine of \$2 000.

- (5) In regulation 19(1) after each of paragraphs (a) to (j) insert:

and

8. Regulation 25 amended

In regulation 25(5):

- (a) delete “a guide dog or hearing” and insert:

an assistance

- (b) delete the Penalty and insert:

Penalty for an offence under subregulation (1), (2), (3) or (4): a fine of \$1 000.

9. Regulation 30 amended

In regulation 30(3) delete the Penalty and insert:

Penalty for an offence under subregulation (2) or (3): a fine of \$3 000.

10. Regulation 32 amended

In regulation 32(7) delete the Penalty and insert:

Penalty for an offence under this subregulation: a fine of \$4 000.

11. Regulation 34 amended

After regulation 34(3) insert:

- (4) After 1 January 2015 a person must not, in a nature based park, attach, or cause to be attached, a rigid annexe to anything other than a caravan that is the manager's residence.

Penalty: a fine of \$3 000.

- (5) Subregulation (4) does not apply to the attachment of a rigid annexe after 1 January 2015 that is done in accordance with approval given before that day.

12. Regulation 36 amended

In regulation 36(7) delete the Penalty and insert:

Penalty for an offence under this subregulation: a fine of \$4 000.

13. Regulation 37 amended

In regulation 37(2) delete the Penalty and insert:

Penalty for an offence under this subregulation: a fine of \$3 000.

14. Regulation 39 amended

After regulation 39(2) insert:

- (3) After 1 January 2015 a person must not, in a nature based park, construct, or cause to be constructed, a carport or pergola other than a carport or pergola for the manager's residence.

Penalty: a fine of \$3 000.

- (4) Subregulation (3) does not apply to the construction of a carport or pergola after 1 January 2015 that is done in accordance with approval given before that day.

15. Regulation 40 amended

After regulation 40(2) insert:

- (3) After 1 January 2015 a person must not, in a nature based park, construct, or cause to be constructed, a storage shed other than a storage shed for the operation of the facility.

Penalty: a fine of \$1 000.

- (4) Subregulation (3) does not apply to the construction of a storage shed after 1 January 2015 if it is done in accordance with approval given before that day.

16. Regulation 43 amended

In regulation 43(3) delete the Penalty and insert:

Penalty for an offence under this subregulation: a fine of \$4 000.

17. Regulation 49 deleted

Delete regulation 49.

18. Regulation 51 replaced

Delete regulation 51 and insert:

51. Calculation of camping sites

The maximum number of camping sites endorsed by a local government on a licence for use at a facility is not to exceed —

- (a) for a nature based park, one site for each 50 square metres of camping ground available at the facility; and
- (b) for any other facility, one site for each 25 square metres of camping ground available at the facility.

19. Regulation 59 amended

- (1) In regulation 59(9) delete “Local” and insert:

Magistrates

(2) Delete regulation 59(10) and insert:

- (10) An application made to the Magistrates Court under this regulation is to be made and dealt with under the *Magistrates Court (Civil Proceedings) Rules 2005* Part 21 Division 3.

20. Schedule 1 amended

In Schedule 1 at the end of Form 1 insert:

Only necessary for application for nature based park licence	<p>3. A management plan containing details about these matters in relation to the facility:</p> <ul style="list-style-type: none"> (a) market segment; (b) the amenities that are proposed to be provided, or not provided, at the facility; (c) site planning; (d) environmental impact and sustainability; (e) waste management; (f) traffic management; (g) risk management; (h) length of stay of occupiers.
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21. Schedule 7 clause 5A inserted

(1) After Schedule 7 clause 4 insert:

5A. Length of stay at nature based parks

- (1) A person cannot be an occupier at a nature based park for more than 28 nights in total in a 3 month period starting on the first day that the person occupies a site at the facility.
- (2) Subclause (1) does not apply to the manager of the facility.
- (3) Subclause (1) applies only to stays that commence on or after 1 January 2015.

(2) In Schedule 7 clause 11(1) delete “facility” and insert:

facility, other than a nature based park,

(3) In Schedule 7 after clause 11(3) insert:

- (4) Buildings on a nature based park may be only of the following types —
 - (a) manager’s house;
 - (b) any of the following buildings classified as a Class 10a building under the Building Code —
 - (i) toilets;
 - (ii) an ablution block;
 - (iii) washing-up facilities;

- (iv) a carport or pergola;
 - (v) a storage shed;
 - (c) a campers' kitchen, if approved.
- (5) A building referred to in subclause (4)(b)(i), (ii) or (iii) or (c) must not be located on a site.
- (6) A carport, pergola or storage shed may be on the manager's residence site at a nature based park but otherwise must not be on a site.
- (7) Subclauses (4), (5) and (6) do not apply to a building on a nature based park if the building's construction and location is in accordance with approval given before 1 January 2015.

22. Schedule 7 clause 12 replaced

Delete Schedule 7 clause 12 and insert:

12. Storage sheds

- (1) A storage shed —
- (a) is not to exceed 6 square metres in area and, unless forming part of a carport, 2.1 metres in height; and
 - (b) is to be built of light weight portable material.
- (2) There must be no more than one storage shed on a nature based park.
- (3) Subclause (2) does not apply to a storage shed on a nature based park if the shed's presence is in accordance with approval given before 1 January 2015.

23. Schedule 7 clause 15 amended

- (1) Before Schedule 7 clause 15(1) insert:

(1A) This clause applies to facilities other than nature based parks.

- (2) In Schedule 7 clause 15(5) delete "or a nature based park".

Note: The heading to amended Schedule 7 clause 15 is to read:

Facility roads in facilities other than nature based parks

24. Schedule 7 clause 16A inserted

After Schedule 7 clause 15 insert:

16A. Facility roads in nature based parks

- (1) This clause applies to nature based parks.

- (2) A facility entrance road is to be at least 6 metres wide or a narrower width that is approved.
- (3) A facility road which is a one way road is to be at least 4 metres wide or a narrower width that is approved.
- (4) A facility road which is a 2 way road is to be at least 6 metres wide or a narrower width that is approved.
- (5) A local government may approve of a narrower width under subclause (2), (3) or (4) for a nature based park only if it is satisfied that the management plan for the facility adequately deals with traffic access and egress.
- (6) A facility road is to be constructed and maintained as is approved but need not be paved or sealed.

25. Schedule 7 clause 19 replaced

Delete Schedule 7 clause 19 and insert:

19. Location of toilets and showers

- (1) There is to be at least one toilet and one shower within 90 metres of each site on a facility other than a nature based park.
- (2) The location of toilets and showers in a nature based park is to be as approved.
- (3) Subclauses (1) and (2) apply despite anything else in this Division.

26. Schedule 7 clause 23 replaced

Delete Schedule 7 clause 23 and insert:

23. Number of toilets, showers, hand basins at nature based parks

- (1) A nature based park is to have at least 2 toilets for every 20 sites, unless otherwise approved.

Note: Clause 47 applies if a local government gives approval for a nature based park to have fewer than 2 toilets for every 20 sites.

- (2) A nature based park is to have at least as many showers and hand basins as is approved.
- (3) Subclause (1) does not apply to a nature based park the licence for which was granted before 1 January 2015 until the licence is transferred or a new licence is granted in relation to that facility.

27. Schedule 7 clause 24 amended

(1) Delete Schedule 7 clause 24(d) and insert:

- (d) hot water (not less than 45° Celsius), unless otherwise approved for a nature based park; and
- (ea) cold running water; and

(2) In Schedule 7 clause 24 after each of paragraphs (a), (b) and (c) insert:

and

28. Schedule 7 clause 26 amended

Delete Schedule 7 clause 26(1)(b) and insert:

- (b) hot water (not less than 45° Celsius), unless otherwise approved for a nature based park; and
- (c) cold running water.

29. Schedule 7 clause 27 amended

(1) In Schedule 7 clause 27(1) delete “point.” and insert:

point, unless otherwise approved for a nature based park.

(2) In Schedule 7 clause 27(2) delete “If” and insert:

Unless otherwise approved for a nature based park, if

(3) In Schedule 7 clause 27(3) delete “it.” and insert:

it, unless otherwise approved for a nature based park.

30. Schedule 7 clause 30 amended

In Schedule 7 clause 30(1) delete “ground” and insert:

ground, other than a nature based park,

31. Schedule 7 clause 31 amended

(1) In Schedule 7 clause 31(1) delete “sites.” and insert:

sites, unless otherwise approved for a nature based park.

- (2) In Schedule 7 clause 31(2) delete “site.” and insert:

site, unless otherwise approved for a nature based park.

- (3) Delete Schedule 7 clause 31(3)(b) and insert:

- (b) hot water (not less than 45° Celsius), unless otherwise approved for a nature based park; and
- (ca) cold running water; and

- (4) After Schedule 7 clause 31(3)(a) insert:

and

32. Schedule 7 clause 32 amended

After Schedule 7 clause 32(3) insert:

- (4) Subclauses (1), (2) and (3) apply to a nature based park unless otherwise approved but the local government is not to give its approval unless it is satisfied that it is not reasonably practicable for a power source for lighting to be provided at the facility.

33. Schedule 7 clause 35 amended

- (1) In Schedule 7 clause 35(3) and (4) delete “facility” and insert:

facility, other than a nature based park,

- (2) After Schedule 7 clause 35(4) insert:

- (5) A nature based park is to have at least one extinguisher in an area accessible to all persons in the facility.

34. Schedule 7 clause 38 amended

In Schedule 7 clause 38 in the definition of *potable water* delete “drink” and insert:

drinking

35. Schedule 7 clause 46 amended

In Schedule 7 clause 46(1)(a) delete “that” and insert:

than

36. Schedule 7 clause 47 replaced

Delete Schedule 7 clause 47 and insert:

47. Communal chemical soil waste dump point

- (1) Subclause (2) applies to all facilities except —
 - (a) park home parks; and
 - (b) transit parks; and
 - (c) nature based parks that have at least 2 toilets for every 20 sites.
- (2) There is to be a communal chemical soil waste dump point that is —
 - (a) in accordance with the requirements of AS/NZS 3500.2.2; and
 - (b) connected to an approved waste water disposal system; and
 - (c) readily accessible to all occupiers at the facility.
- (3) Subclause (2) does not apply to a nature based park the licence for which was granted before 1 January 2015 until the licence is transferred or a new licence is granted in relation to that facility.

37. Schedule 7 clause 48 amended

- (1) In Schedule 7 clause 48 delete “Where” and insert:

- (1) If

- (2) At the end of Schedule 7 clause 48 insert:

- (2) The requirement in subclause (1) for the use of anchor points applies to a nature based park unless otherwise approved but the local government is not to give its approval unless it is satisfied, having regard to the facility’s risk management strategy, that anchor points are not necessary.

38. Schedule 8 deleted

Delete Schedule 8.

39. Various penalties amended

In the provisions listed in the Table after “Penalty:” insert:

a fine of

Table

r. 9	r. 10
r. 12(1)	r. 14
r. 16	r. 17
r. 18	r. 20
r. 21	r. 22
r. 23	r. 24
r. 26	r. 27
r. 28	r. 29
r. 32(1), (1a), (2), (3), (4) and (6)	r. 33(2)
r. 34(3)	r. 36(1), (2), (3) and (4)
r. 38	r. 39(2)
r. 40(2)	r. 44(1)
r. 60	

R. KENNEDY, Clerk of the Executive Council.
