

Western Australia

**Caravan Parks and Camping Grounds
Regulations 1997**

As at 01 Jan 2005

Version 01-b0-07

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Caravan Parks and Camping Grounds Regulations 1997

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Caravan Parks and Camping Grounds Regulations 1997

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Caravan Parks and Camping Grounds Regulations 1997*¹.

2. Commencement

These regulations come into operation on 1 July 1997.

3. Definitions

In these regulations, the definitions in Schedule 8 apply unless the contrary intention appears.

4. Definition of “park home”

- (1) A caravan in respect of which a vehicle licence is not required under section 15 of the *Road Traffic Act 1974*, because it could not be drawn by another vehicle on a road due to its size, is a vehicle of a prescribed class or description for the purposes of the definition of “park home” in section 5(1) of the Act.
- (2) In subregulation (1) —
road has the same meaning as it has for the purposes of the *Road Traffic Act 1974*.

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5. Definition of “annexe”

An attachment to a caravan which has walls and a roof and can be assembled or dismantled within 24 hours by no more than 2 people is an attachment of a prescribed type or description for the purposes of the definition of “annexe” in section 5(1) of the Act.

6. Local government

A function conferred on a local government by these regulations may be performed by an authorised person appointed by that local government who is authorised in writing by that local government to do so.

7. Imposition of conditions on licence

A condition is imposed on a licence under the Act —

- (a) when it is specified in writing on the licence by the local government; or
- (b) if it is impracticable to comply with paragraph (a), when it is specified in writing given to the licence holder.

Part 2 — Caravanning and camping generally

8. This Part subject to other written law

If there is a conflict or inconsistency between this Part and any other written law other than a local law, the other written law prevails to the extent of the conflict or inconsistency.

8A. Definition of “camp” in this Part

In this Part —

camp when used as a verb, includes to camp in a vehicle.

[Regulation 8A inserted in Gazette 16 Jul 1999 p. 3202.]

9. Park homes may only be occupied in caravan parks

Despite anything else in this Part, a person may occupy a park home only in a caravan park licensed under the Act.

Penalty: \$3 000.

10. Where a person may camp

A person may camp only —

- (a) at a site in a caravan park or camping ground, as appropriate, licensed under the Act; or
- (b) in accordance with regulation 11.

Penalty: \$1 000.

11. Camping other than at a caravan park or camping ground

(1) A person may camp —

- (a) for up to 3 nights in any period of 28 consecutive days on land which he or she owns or has a legal right to occupy, and may camp for longer than 3 nights on such land if he or she has written approval under subregulation (2) and is complying with that approval;
- (b) for up to 24 consecutive hours in a caravan or other vehicle on a road side rest area;

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- (c) for up to 24 consecutive hours in a caravan or other vehicle on a road reserve in an emergency, unless to do so would cause a hazard to other road users or contravene any other written law with respect to the use of the road reserve;
 - (d) on any land which is —
 - (i) held by a State instrumentality in freehold or leasehold; or
 - (ii) dedicated, reserved, or set apart under the *Land Administration Act 1997* or any other written law, and placed under the care, control or management of a State instrumentality, in accordance with the permission of that instrumentality; or
 - (e) on any unallocated Crown land or unmanaged reserve, in accordance with the permission of the Minister within the meaning of the *Land Administration Act 1997*, or a person authorised by the Minister to give permission under this paragraph.
- (2) Written approval may be given for a person to camp on land referred to in subregulation (1)(a) for a period specified in the approval which is longer than 3 nights —
- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;
 - (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or
 - (c) despite paragraph (b), by the local government of the district where the land is situated —
 - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and

- (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.

- (3) In this regulation —

building licence means a building licence under section 374 of the *Local Government (Miscellaneous Provisions) Act 1960*;

emergency means a situation where to move the caravan or other vehicle to a more suitable area would constitute an immediate and serious hazard due to the condition of the caravan or other vehicle, or a vehicle towing the caravan, or of the driver, or passengers, of any such vehicle;

road side rest area means an area designated by a traffic sign erected in accordance with a written law, as an area which may be used for 24 hours for —

- (a) resting;
- (b) stopping; or
- (c) camping,

in a vehicle;

State instrumentality has the same meaning as it has for the purposes of the *Land Administration Act 1997*;

unallocated Crown land has the same meaning as it has for the purposes of the *Land Administration Act 1997*;

unmanaged reserve has the same meaning as it has for the purposes of the *Land Administration Act 1997*.

[Regulation 11 amended in Gazette 16 Jul 1999 p. 3202-4;
25 Aug 2000 p. 4911.]

12. Number of caravans on a lot

- (1) A person who owns or has a legal right to occupy a lot is to ensure that —
 - (a) not more than one caravan is being used to camp on the lot at any one time; or

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- (b) where more than one caravan is being used to camp on the lot at any one time, he or she has written approval under subregulation (2) and is complying with that approval.

Penalty: \$1 000.

- (2) Written approval may be given to a person for more than one caravan, as specified in the approval, to be used to camp on a lot for a period of time specified in the approval —
 - (a) by the local government of the district where the lot is situated, if the period of time does not exceed 3 months; or
 - (b) by the Minister, if the period of time exceeds 3 months.
- (3) In this regulation —

lot means lot within the meaning of that word in section 2(1) of the *Town Planning and Development Act 1928*.

13. Suitability of land for camping to be considered before approval under regulation 11(2) or 12(2) is given

Before giving approval under regulation 11(2) or 12(2), the local government or the Minister is to be satisfied that the land is a suitable place for camping especially with respect to —

- (a) safety and health; and
- (b) access to services.

14. Caravan or camp to be maintained

A person camping in a caravan or camp is to maintain it in such a condition that it is not a hazard to safety or health.

Penalty: \$2 000.

15. Mobility of caravans

- (1) The owner of a caravan is to ensure that the caravan has wheels attached to it, or in the case of a park home assembled from components, each component of the park home has wheels

attached to it, and is maintained in such a condition that it is able to be moved under its own power or by being towed, within 24 hours of —

- (a) any services attached to it being disconnected; and
 - (b) in the case of a park home assembled from components, it being split into components.
- (2) A person is not to interfere with a caravan so as to render it unable to be moved, under its own power or by being towed.
Penalty: \$2 000.

Part 3 — Caravan parks and camping grounds

Division 1 — Duties of licence holders

16. Schedules 5 and 6 — licence holder's duty

The licence holder of a facility is to ensure that —

- (a) Schedule 5 is complied with in respect of all caravans on the facility; and
- (b) subject to regulation 27A, Schedule 6 is complied with in respect of all annexes on the facility.

Penalty: \$3 000.

[Regulation 16 amended in Gazette 25 Aug 2000 p. 4911.]

17. Schedule 7 — licence holder's duty

Subject to regulation 27B, the licence holder of a caravan park or camping ground is to ensure that Schedule 7 is complied with in respect of the facility.

Penalty: \$3 000.

[Regulation 17 amended in Gazette 25 Aug 2000 p. 4911.]

18. Compliance with licence conditions

A licence holder is to comply with each condition imposed on the licence.

Penalty: \$3 000.

19. Other duties of licence holders

(1) The licence holder of a facility is to ensure that —

- (a) there is clearly displayed at the office of the facility a notice stating the hours during which the office will be open, or if the facility has no office, there is displayed in a conspicuous place at the facility a notice stating when and where the licence holder or manager is available;

- (b) all occupiers have access into the facility at all times;
- (c) an occupier has pedestrian access to his or her site at all times;
- (d) an occupier has vehicular access to the parking area for his or her site at all times;
- (e) an on-site caravan, and all bed linen and eating and cooking utensils provided by the licence holder in that caravan, are thoroughly cleaned before allowing any person or group of people to stay in the caravan;
- (f) there are no animals in any on-site caravan at the facility, other than a guide dog or hearing dog accompanying its owner;
- (g) an occupier has access to any ablution and toilet facilities of the facility at all times and to recreational and any laundry facilities of the facility at all reasonable times;
- (h) all areas of the facility are at all times in a clean, hygienic and safe condition and are not a hazard to safety or health;
- (i) an occupier's access to communal facilities is disrupted as little as possible in the course of cleaning, repairing and renovating those facilities, and where necessary, that substitute facilities are provided;
- (j) an occupier's use and enjoyment of the facility is not unreasonably restricted or interfered with;
- (k) each caravan on the facility has wheels attached to it, or in the case of a park home assembled from components, each component of the park home has wheels attached to it, and is maintained in such a condition that it is able to be moved under its own power or by being towed, within 24 hours of —
 - (i) any services attached to it being disconnected; and

- (ii) in the case of a park home assembled from components, it being split into components;
 - and
 - (1) in so far as it is under the licence holder's control, occupiers at the facility comply with these regulations.
 - (2) The licence holder of a facility is to comply with any direction given by an authorised person as to the cleaning of any on-site caravan at that facility, or any bed linen or eating or cooking utensils provided by the licence holder in that caravan.
- Penalty: \$2 000.

20. Use of overflow area

The licence holder of a facility is to ensure that an overflow area of the facility is used only —

- (a) with the approval of the local government;
- (b) for the period of time specified in that approval; and
- (c) in accordance with any conditions specified in that approval.

Penalty: \$2 000.

21. Licence holder to ensure sites allocated and used in accordance with licence

The licence holder of a facility is to ensure that —

- (a) sites are not allocated, or used, in contravention of the licence to operate the facility;
- (b) more sites are not allocated or used at the facility than the maximum number of sites endorsed on the licence for use at the facility; and
- (c) more sites of a particular type, or in a particular area, are not allocated or used at the facility than the maximum number of such sites endorsed on the licence for use at the facility.

Penalty: \$3 000.

Division 2 — Duties of other persons

22. Schedules 5 and 6 — caravan owner's duty

The owner of a caravan which is in a caravan park is to ensure that —

- (a) Schedule 5 is complied with in respect of that caravan; and
- (b) subject to regulation 27A, Schedule 6 is complied with in respect of any annexe attached to that caravan.

Penalty: \$3 000.

[Regulation 22 amended in Gazette 25 Aug 2000 p. 4912.]

23. Schedule 7 — occupier's duty

Subject to regulation 27B, an occupier of a site is to ensure that, so far as it is under his or her control, Schedule 7 is complied with in respect of the site.

Penalty: \$3 000.

[Regulation 23 amended in Gazette 25 Aug 2000 p. 4912.]

24. Occupier to maintain site

An occupier is to maintain his or her site at a facility, so far as it is under his or her control, in such a condition that it is not a hazard to safety or health.

Penalty: \$2 000.

25. Control of animals

- (1) A person is not to bring an animal into a facility, or allow an animal under his or her control to stay there, except with the approval of the licence holder of the facility.
- (2) A person who owns, or has the care or control of, a dog is to ensure that while in the facility the dog is either —
 - (a) on a leash under the control of a person; or

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Part 3 Caravan parks and camping grounds

Division 3 Exemptions from some provisions of Schedules 6 and 7

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- (b) enclosed in a caravan, or a fenced or enclosed area of a site sufficient to contain the dog.
- (3) A person is not to allow an animal under his or her control to become or cause a nuisance to any other person at a facility.
- (4) A person is not to bring any animal into an on-site caravan or allow any animal under his or her control to remain in an on-site caravan.
- (5) This regulation, other than subregulation (3), does not apply in respect of a guide dog or hearing dog accompanying its owner.
Penalty: \$1 000.

26. Speed limit

A person is not to drive a vehicle in a facility at a speed exceeding 8 kilometres per hour.

Penalty: \$300.

27. Washing machines

A person is to use a washing machine at a facility only —

- (a) at a laundry facility; or
- (b) in a caravan which has appropriate facilities and is connected to a waste water connection point.

Penalty: \$300.

Division 3 — Exemptions from some provisions of Schedules 6 and 7

[Heading inserted in Gazette 25 Aug 2000 p. 4912.]

27A. Exemptions from Schedule 6

To the extent to which, and in the manner in which, a provision of Schedule 6 specified in the Table to this regulation was not complied with in respect of a caravan —

- (a) on 1 July 1997; and

- (b) immediately after the commencement of the *Caravan Parks and Camping Grounds Amendment Regulations 2000*¹,

regulations 16(b) and 22(b) do not apply in respect of that caravan for as long as the caravan remains at the facility it was located at on 1 July 1997.

Table

cl. 1(2)	cl. 3(1)
cl. 1(3)	cl. 4(c)
cl. 2	

[Regulation 27A inserted in Gazette 25 Aug 2000 p. 4912.]

27B. Exemptions from Schedule 7

To the extent to which, and the manner in which, a provision of Schedule 7 specified in the Table to this regulation was not complied with in respect of a facility or a site —

- (a) on 1 July 1997; and
(b) immediately after the commencement of the *Caravan Parks and Camping Grounds Amendment Regulations 2000*¹,

regulations 17 and 23 do not apply in respect of that facility or site.

Table

cl. 6(1)	cl. 27(3)
cl. 12(a)	cl. 28(1)(d)
cl. 12(b)	cl. 30(5)
cl. 13(1)	cl. 31
cl. 14(1)	cl. 37(2)
cl. 17	cl. 42
cl. 18	cl. 46(1)(b)
cl. 24(b)	cl. 47
cl. 25(1)(e)	cl. 50
cl. 25(2)	cl. 51
cl. 26(4)	

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Part 3 Caravan parks and camping grounds

Division 3 Exemptions from some provisions of Schedules 6 and 7

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[Regulation 27B inserted in Gazette 25 Aug 2000 p. 4912-13.]

Part 4 — Park homes, annexes, carports, pergolas and storage sheds

Division 1 — Certain construction prohibited at facility

28. Park home not to be constructed in caravan park or camping ground

A person is not to construct, or cause any other person to construct, a park home at a caravan park or camping ground.

Penalty: \$3 000.

29. Annexe, carport, pergola or storage shed may be constructed on site

An occupier is not to construct, or cause any other person to construct, any structure or building, other than an annexe, or a building that may be located on a site under clause 11 of Schedule 7 on the site he or she occupies.

Penalty: \$3 000.

[Regulation 29 amended in Gazette 25 Aug 2000 p. 4913.]

Division 2 — Park homes and annexes

30. Park homes

- (1) A person may bring a park home on to a facility only with the prior written approval of —
 - (a) the owner or owners of the park home, unless he or she is the sole owner;
 - (b) the licence holder of the facility; and
 - (c) the local government, in accordance with regulation 31.
- (2) Before giving approval under subregulation (1)(b) for a park home to be brought on to a facility, or allowing a park home to be brought on to a facility, the licence holder of the facility is to sight —
 - (a) the approval of the local government for the park home to be brought on to the facility; and

- (b) the certificates referred to in —
 - (i) regulation 32(1) or (1a), and (2); or
 - (ii) regulation 32(4)(a) and (b).
- (3) A licence holder of a facility who owns, or part owns, a park home on the facility is to ensure that a copy of the certificates sighted under subregulation (2)(b) are kept at the facility with the register of occupiers maintained under section 13 of the Act.
Penalty: \$3 000.

[Regulation 30 amended in Gazette 25 Aug 2000 p. 4913.]

31. Approval of local government for park home

- (1) A local government which approves a park home under regulation 30(1)(c) is to classify the park home under Part 1.3 of Volume 2 of the Building Code and the classification is to be specified in that approval.
- (2) Before giving approval under regulation 30(1)(c) for a park home to be brought on to a facility, a local government is to sight and copy the certificates referred to in —
 - (a) regulation 32(1) or (1a), and (2); or
 - (b) regulation 32(4)(a) and (b).

[Regulation 31 amended in Gazette 25 Aug 2000 p. 4913.]

32. Park home certificates

- (1) A person who constructs a park home is to provide to the purchaser of the park home a certificate signed and dated by a builder registered under the *Builders' Registration Act 1939* stating —
 - (a) that the builder has built, or supervised the building of, the park home;
 - (b) that the park home has been constructed in accordance with the requirements of the Building Code applicable

with respect to a particular class or classes, specified in the certificate; and

- (c) the year in which the park home was constructed and the name of the person who constructed the park home.

Penalty: \$4 000.

- (1a) A builder registered under the *Builders' Registration Act 1939* who has agreed to construct a park home is to provide to the purchaser of the park home a certificate signed and dated by the builder —

- (a) stating —

- (i) that the builder has agreed to build, or supervise the building of, the park home;
- (ii) that the park home will be constructed in accordance with the requirements of the Building Code applicable with respect to a particular class or classes, specified in the certificate; and
- (iii) the year in which the park home will be constructed and the name of the person who constructed the park home;

and

- (b) with the plans for the park home attached.

Penalty: \$4 000.

- (2) A person who constructs a park home is to provide to the purchaser of the park home a certificate signed and dated by a professional engineer stating —

- (a) that, in the opinion of the engineer, the park home will be structurally sound if assembled in accordance with the instructions provided with the park home referred to in subregulation (3) and identified by reference in the certificate;
- (b) the wind velocity that the park home, if assembled in accordance with those instructions, is designed to withstand; and

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Part 4 Park homes, annexes, carports, pergolas and storage sheds

Division 2 Park homes and annexes

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- (c) that the design of the chassis, axles and wheels of the park home, or each component of the park home, are adequate structurally to bear the weight of the park home, or the component of the park home to which they are attached, and to enable the park home, or component of it to which they are attached, to be drawn by another vehicle without structural alteration or damage to the park home.

Penalty: \$4 000.

- (3) A person who constructs a park home is to provide to the purchaser of the park home the instructions (which is to include written reference to any relevant specifications, rules, codes of practice or other publications) that are to be complied with when assembling the park home on a site.

Penalty: \$2 000.

- (4) A person who wishes to bring a park home which was constructed before 1 January 1998 on to a facility is to show the local government and the licence holder of the facility —

- (a) a certificate signed and dated by a builder registered under the *Builders' Registration Act 1939* stating that the park home has been constructed in accordance with the requirements of the Building Code applicable with respect to a particular class or classes, specified in the certificate; and
- (b) a certificate signed and dated by a professional engineer stating —
- (i) that in the opinion of the engineer the park home is structurally sound;
- (ii) the wind velocity that the park home has been constructed to withstand; and
- (iii) that the chassis, axles and wheels of the park home, or each component of the park home, are adequate structurally to bear the weight of the park home, or the component of the park home to

which they are attached, and to enable the park home, or component of it to which they are attached, to be drawn by another vehicle without structural alteration or damage to the park home.

Penalty: \$4 000.

- (5) In this regulation —

person who constructs a park home means the business, body corporate or natural person or persons who or which is responsible for construction of the park home.

- (6) A builder or professional engineer must not make a statement in a certificate referred to in subregulation (1), (2) or (4) which is false in a material particular if he or she —

- (a) knew the statement was false; or
- (b) made the statement with disregard as to its truth or falseness.

Penalty: \$4 000.

- (7) A builder who provides a certificate under subregulation (1a) in respect of the construction of a park home must ensure the park home is constructed in accordance with that certificate and the plans attached, unless —

- (a) the local government; and
- (b) the licence holder of the facility on to which the park home is to be brought,

have approved otherwise in writing.

Penalty: \$4 000.

[Regulation 32 amended in Gazette 25 Aug 2000 p. 4914.]

33. Park homes to be in accordance with Building Code

- (1) A person who constructs or assembles a park home is to do so in accordance with the relevant requirements of the Building Code.

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- (2) A person who carries out any alteration, addition, restoration or repair to a park home is to do so in accordance with the relevant requirements of the Building Code.

Penalty: \$3 000.

- (3) Despite any requirement of the Building Code to the contrary, a park home is not required to contain ablution, toilet or laundry facilities.

[Regulation 33 amended in Gazette 25 Aug 2000 p. 4915.]

34. Annexes

- (1) A person may attach an annexe, or cause an annexe to be attached, to a caravan in a facility only with the prior written approval of —
- (a) the owner of the caravan, if he or she is not the owner; and
 - (b) if the annexe is a rigid annexe —
 - (i) the licence holder of the facility; and
 - (ii) the local government, in accordance with regulation 35.
- (2) Before giving approval under subregulation (1)(b) for a rigid annexe to be attached to a caravan in a facility, or allowing a rigid annexe to be attached to a caravan in a facility, the licence holder of the facility is to sight —
- (a) the approval of the local government for the annexe to be attached to the caravan; and
 - (b) the certificates referred to in regulation 36 with respect to the annexe.
- (3) A person attaching an annexe to a caravan in a facility is to do so in compliance with —
- (a) Schedules 6 and 7, where relevant; and

- (b) if the annexe is a rigid annexe, the written approval of the licence holder of the facility and the local government.

Penalty: \$3 000.

35. Approval of local government for annexe

- (1) A local government which approves an annexe under regulation 34(1)(b)(ii), is to classify the annexe under Part 1.3 of Volume 2 of the Building Code and the classification is to be specified in that approval.
- (2) A local government is to sight and copy the certificates referred to in regulation 36 before giving approval under regulation 34(1)(b)(ii) for a rigid annexe to be attached to a caravan in the facility.

[Regulation 35 amended in Gazette 25 Aug 2000 p. 4915.]

36. Annexe certificate

- (1) A person who constructs a rigid annexe where the amount paid for the annexe exceeds \$12 000 is to provide to the purchaser of the annexe a certificate signed and dated by a builder registered under the *Builders' Registration Act 1939* stating —
 - (a) that the builder has built, or supervised the building of, the annexe;
 - (b) that the annexe has been constructed in accordance with the requirements of the Building Code applicable with respect to a particular class or classes, specified in the certificate; and
 - (c) the year in which the annexe was constructed and the name of the person who constructed the annexe.

Penalty: \$4 000.

- (2) A person who constructs a rigid annexe is to provide to the purchaser of the annexe a certificate signed and dated by a professional engineer stating —

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- (a) that, in the opinion of the engineer, the annexe will be structurally sound if assembled in accordance with the instructions provided with the annexe referred to in subregulation (3) and identified by reference in the certificate; and
- (b) the wind velocity that the annexe, if assembled in accordance with those instructions, is designed to withstand.

Penalty: \$4 000.

- (3) A person who constructs a rigid annexe is to provide to the purchaser of the annexe the instructions (which is to include written reference to any relevant specifications, rules, codes of practice or other publications) that are to be complied with when assembling the annexe on a site.

Penalty: \$2 000.

- (4) A person who wishes to attach an annexe, or cause an annexe to be attached, to a caravan in a facility where the annexe was constructed before 1 January 1998 is to show the local government and the licence holder of the facility —

- (a) a certificate signed and dated by a builder registered under the *Builders' Registration Act 1939* stating that the annexe has been constructed in accordance with the requirements of the Building Code applicable with respect to a particular class or classes, specified in the certificate; and
- (b) a certificate signed and dated by a professional engineer stating —
 - (i) that in the opinion of the engineer, the annexe is structurally sound; and
 - (ii) the wind velocity that the annexe has been constructed to withstand.

Penalty: \$4 000.

- (5) Subregulation (4) does not apply with respect to an annexe —

- (a) if the amount paid for the annexe was \$12 000 or less; or
 - (b) if the annexe is being relocated within a facility.
- (6) In this regulation —
- person who constructs an annexe* means the business, body corporate or natural person or persons who or which is responsible for construction of the annexe.
- (7) A builder or professional engineer must not make a statement in a certificate referred to in subregulation (1), (2) or (4) which is false in a material particular if he or she —
- (a) knew the statement was false; or
 - (b) made the statement with disregard as to its truth or falseness.

Penalty: \$4 000.

[Regulation 36 amended in Gazette 25 Aug 2000 p. 4915.]

37. Rigid annexe to be in accordance with Building Code

- (1) A person who constructs or assembles a rigid annexe is to do so in accordance with the relevant requirements of the Building Code.
- (2) A person who carries out any alteration, addition, restoration or repair to a rigid annexe is to do so in accordance with the relevant requirements of the Building Code.

Penalty: \$3 000.

38. Change of use of park home or annexe

A person is not to change the use of a park home or rigid annexe from the class approved by the local government under regulation 31 or 35 to that of another class unless —

- (a) the park home or annexe complies with the requirements of the Building Code applicable to the new class; and
- (b) the change has been approved.

Penalty: \$3 000.

Division 3 — Carports, pergolas and storage sheds

39. Carports and pergolas

- (1) A person may construct a carport or pergola, or cause a carport or pergola to be constructed, in a facility only with the prior written approval of —
 - (a) the owner or owners of the caravan at the site at which the carport or pergola is to be constructed, if he or she is not the sole owner;
 - (b) the licence holder of the facility; and
 - (c) the local government.
- (2) A person constructing a carport or pergola in a facility is to do so in compliance with —
 - (a) Schedule 7, where relevant; and
 - (b) the written approval of the licence holder and the local government.

Penalty: \$3 000.

40. Storage sheds

- (1) A person may construct a storage shed, or cause a storage shed to be constructed, in a facility only with the prior written approval of —
 - (a) the owner of the caravan at the site at which the storage shed is to be constructed, if he or she is not the owner; and
 - (b) the licence holder of the facility.
- (2) A person constructing a storage shed in a facility is to do so in compliance with —
 - (a) clause 12 of Schedule 7; and
 - (b) the written approval of the licence holder of the facility.

Penalty: \$1 000.

Part 5 — Licensing of caravan parks and camping grounds

41. Types of facilities and licences — Schedule 2

For the purposes of section 6(1) of the Act, a facility of a type referred to in column 2 of Schedule 2 is a facility of a prescribed type and the appropriate licence in respect of the facility is the licence referred to in column 1 of that Schedule directly opposite the facility.

42. Licence to be of a type referred to in Schedule 2

A local government may grant, renew or transfer, only a licence of a type referred to in column 1 of Schedule 2.

43. Application for licence or renewal — Form 1

- (1) An application for the grant or renewal of a licence, is to be made in the form of Form 1.
- (2) The documents described in Form 1 are to be attached to an application for a licence.
- (3) A person must not make a statement in an application for a licence which is false if the person —
 - (a) knew the statement was false; or
 - (b) made the statement with disregard as to its truth or falseness.

Penalty: \$4 000.

44. No change to facility as shown on plan, unless approved

- (1) It is a condition of each licence that the aspects of a facility that are to be included in a plan described in Form 1 are not to be changed other than with prior approval.

Penalty: \$4 000.

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- (2) If approval is given to a change to a facility under subregulation (1), a licence holder of the facility is, within 30 days after the approval is given, to submit an updated plan to the local government showing the change.

45. Fee for application for licence or renewal

- (1) The fees set out in item 1 of Schedule 3 are prescribed for an application for the grant or renewal of a licence under section 7(1)(b) of the Act.
- (2) If an application for the grant or renewal of a licence is refused the application fee referred to in subregulation (1) is to be refunded to the applicant.

46. Licence — Form 2

A licence is to be in the form of Form 2.

47. Applications not dealt with within time are taken to be refused

- (1) If within —
- (a) 63 days of receiving an application for a licence; or
 - (b) 35 days of receiving an application for a renewal of a licence,

the local government to which the application was made has not informed the applicant whether or not the application has been granted, the applicant may give the chief executive officer of the local government a notice requiring the local government to inform the applicant, within 14 days, whether or not the application is granted.

- (2) If within 14 days after receiving a notice referred to in subregulation (1), the local government has not informed the applicant whether or not the application is granted, the local government is to be taken to have refused the application and the applicant may make an application for review to the State Administrative Tribunal under section 27 of the Act.

[(3) deleted]

[Regulation 47 amended in Gazette 30 Dec 2004 p. 7011.]

48. Overflow areas

A local government may specify in a licence for a facility, an area of the facility as an overflow area.

49. Position of transit parks and nature based parks

A local government is not to grant a licence for a transit park or a nature based park if there is a facility within 50 kilometres, or such shorter distance as is approved in writing by the Minister in a particular case, of the proposed facility.

[Regulation 49 amended in Gazette 25 Aug 2000 p. 4920.]

50. Licence to specify number and types of sites and other conditions

A local government is to endorse on each licence, as conditions of the licence —

- (a) the maximum number of sites that may be used at the facility, other than at any overflow area;
- (b) where the facility has an overflow area, the maximum number of sites that may be used at any overflow area when the area is in use;
- (c) the maximum number of sites of particular types that may be used at the facility, other than at any overflow area; and
- (d) where the facility has an overflow area, the maximum number of sites of particular types that may be used at any overflow area when the area is in use.

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 one

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site per 25 square metres of camping ground available at the facility.

52. Duration of licence

The prescribed period for the purposes of section 8 of the Act is one year from the day on which the licence was granted or renewed.

53. Additional fee for renewal after expiry

The fee set out in item 2 of Schedule 3 is an additional fee to be paid by way of penalty if a licence is renewed as provided under section 9(1) of the Act.

54. Temporary licence

- (1) A local government may, on payment of the fee set out in item 3 of Schedule 3, grant a temporary licence for a facility which is to remain in force for such period of less than one year, as is provided in the licence.
- (2) A local government is to endorse on a temporary licence for a facility as conditions of the licence —
 - (a) the maximum number of sites that may be used at the facility;
 - (b) the maximum number of sites of particular types that may be used at the facility; and
 - (c) the services and facilities that are to be provided.

55. Transfer of licence

A licence may be transferred from the licence holder, or holders, to another person, or persons, only with the prior written approval of the local government which granted the licence and on payment of the fee set out in item 4 of Schedule 3.

**Part 6 — Removal of neglected, abandoned, etc.
caravans**

56. Neglected or abandoned caravans

- (1) An authorised person, or the licence holder of the facility where the caravan is situated, may give written notice that, in his or her opinion, a caravan owned or occupied by the person to whom the notice is given, is neglected or abandoned.
- (2) Notice under this regulation is to state briefly —
 - (a) a description of the caravan sufficient to identify it, including where possible, its number plate;
 - (b) any actions that may be taken to rectify the problems with the caravan;
 - (c) that those actions are to be taken within 14 days (or such longer period as is specified) of service of the notice; and
 - (d) that if the notice is not complied with the caravan may be removed from the facility and, after not less than 60 days of that removal, sold.
- (3) Where notice that a caravan on a facility is neglected or abandoned has not been complied with within the time specified in the notice, an authorised person, or the licence holder of the facility may cause the caravan to be removed from the facility.

57. Caravans in a dangerous condition

- (1) An authorised person may give written notice that, in his or her opinion, a caravan in a facility is in such a condition that it is an immediate danger to people or property in the facility.
- (2) Notice under this regulation is to state briefly —
 - (a) a description of the caravan sufficient to identify it, including where possible, its number plate;
 - (b) the facts that have caused the authorised person to come to the conclusion that the caravan is in such a condition

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- that it is an immediate danger to people or property at the facility; and
- (c) the action proposed to be taken to alleviate that danger.
- (3) Where an authorised person has given notice under this regulation then he or she may cause the caravan to be made safe or to be removed from the facility.
- (4) A person who causes a caravan to be made safe under subregulation (3), may require payment of the reasonable costs of doing so from the owner of the caravan.
- (5) The licence holder of a facility may exercise the powers of an authorised person under this regulation if an authorised person is not able to exercise those powers in respect of a caravan due to the geographical isolation of the facility.

58. How notice is to be given

- (1) If a caravan is owned by a person other than the occupier the person giving notice under this Part is to make every reasonable effort to give the notice referred to in subregulation (2) to the owner, as well as to any occupier, of the caravan.
- (2) Subject to subregulation (1), notice is given under this Part if it is —
- (a) given personally, or by certified post, to the occupier or owner;
- (b) left with a person who appears to be over 16 years of age and to reside at the caravan; or
- (c) affixed to a conspicuous part of the caravan, or, if that is not practicable, a conspicuous place as near the caravan as is practicable.

[Regulation 58 amended in Gazette 25 Aug 2000 p. 4915.]

59. Caravans that have been removed

- (1) A person who causes a caravan to be removed from a facility under this Part is to ensure that the caravan is kept safe and released, at any time before it is destroyed or sold, to a person who appears to the authorised person or licence holder to be entitled to possession of it.
- (2) In the event of any doubt or dispute as to entitlement to possession of a caravan, the caravan is to be retained until the doubt or dispute is settled or determined.
- (3) A person who causes a caravan to be removed from a facility under this Part may require payment from the person to whom the caravan is to be released of the reasonable costs of the removal and storage of the caravan.
- (4) A caravan which has not been reclaimed within 60 days of the day it was removed from the facility may —
 - (a) be sold at public auction or tender, or, if such sale is unsuccessful may be sold by private sale; or
 - (b) be destroyed, if in the written opinion of an authorised officer, it is in such poor condition or repair that it is not desirable that it be sold.
- (5) If a caravan is sold under subregulation (4), the person who caused the caravan to be removed under this Part is entitled to retain out of the proceeds of the sale the reasonable costs of the removal, storage and sale of the caravan.
- (6) The balance of any proceeds of the sale of a caravan under this regulation after the deduction of any amount under subregulation (5) is to be credited to —
 - (a) a person who appears to the authorised person or licence holder to have been entitled to possession of the caravan; or
 - (b) if there is no such person, to the trust fund of the local government of the district in which the caravan was situated.

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- (7) The purchaser of a caravan acquired by public auction, tender or private sale under this regulation, unless he or she has actual notice of any interest in the caravan of a person, acquires a good title to the caravan subject to any such interest.
- (8) A person acting under this regulation does not incur any liability in respect of the removal, storage, sale or destruction of the caravan, except —
 - (a) liability for intentional or negligent damage to the caravan, other than the destruction of the caravan under subregulation (4)(b); or
 - (b) where he or she has actual notice of any interest in the caravan of a person and fails to take all reasonable steps to notify that person of the whereabouts of the caravan and afford that person a reasonable opportunity to reclaim the caravan.
- (9) Where a dispute arises between a person who causes a caravan to be removed from a facility under this Part and a person who claims an interest in the caravan, the Local Court may, on application by such person, order the return of the caravan or the payment of any amount from the relevant trust fund or make such other order as the court considers appropriate in the circumstances.
- (10) An application made to the Local Court under this regulation is to be made and dealt with as prescribed by the rules of the Local Court, or in the absence of any relevant rules, as is determined by the court.
- (11) In this regulation —

trust fund means the trust fund established by the relevant local government under section 6.9 of the *Local Government Act 1995*.

[Regulation 59 amended in Gazette 25 Aug 2000 p. 4916.]

60. Notice before sale

Before a caravan is sold or destroyed under regulation 59, the person who caused it to be removed from the facility is to —

(a) make every reasonable effort to give notice in writing to —

(i) the owner of the caravan; and

(ii) the occupier of the caravan at the time of the removal;

and

(b) cause a notice to be inserted in a newspaper circulating generally throughout the State,

to the effect that the caravan has been removed from the facility and if not claimed within 60 days of that removal may be sold or destroyed.

Penalty: \$4 000.

Part 7 — Infringement notices

61. Offences for which an infringement notice may be given

The offences set out in column 1 of Schedule 4 are prescribed to be offences in respect of which an infringement notice may be given under section 23 of the Act.

62. Modified penalties

The modified penalty set out in column 2 of Schedule 4 opposite an offence referred to in column 1 is the prescribed modified penalty for that offence for the purposes of section 23(4) of the Act.

63. Form of infringement notice — Form 3

An infringement notice under section 23(3) of the Act is to be in the form of Form 3.

64. Form of notice of withdrawal of infringement notice — Form 4

A notice under section 23(7) of the Act stating that an infringement notice has been withdrawn is to be in the form of Form 4.

Part 8 — Miscellaneous

65. Register of occupiers

A register of occupiers under section 13(1)(b) of the Act is to be maintained in such a form that it is possible to readily ascertain —

- (a) the name and principal place of residence of an occupier for each site occupied;
- (b) which site is occupied by a particular occupier, or group of occupiers;
- (c) the dates on which an occupier, or group of occupiers, arrives at, and departs from, a site; and
- (d) in respect of a caravan park, the number plate of —
 - (i) the caravan;
 - (ii) the vehicle towing, or which towed, the caravan, where possible; and
 - (iii) another vehicle used by occupiers of the site, if it is not possible to identify the number plate referred to in subparagraph (ii).

[Regulation 65 amended in Gazette 25 Aug 2000 p. 4916.]

66. Local government register of licences

For the purposes of section 14(1) of the Act, the following details are prescribed details to be recorded in respect of each licence granted —

- (a) the name and address of the facility;
- (b) the name and address of each licence holder;
- (c) the type of licence;
- (d) the number and type of sites authorised to be used at the facility;

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- (e) whether or not the facility has an overflow area, and if so, the number and type of sites authorised to be used at the overflow area;
- (f) the number of buildings on the facility that are used for occupation by persons;
- (g) any conditions imposed on the licence.

67. Local government to keep copy of approvals and certificates

The local government is to keep as a permanent record a copy of each approval and certificate —

- (a) granted by it, or by an authorised person appointed by it;
or
- (b) sighted by it.

68. Form of identity card for authorised person — Form 5

An identity card for the purposes of section 17(1)(b) of the Act is to be in the form of Form 5.

[69. Deleted in Gazette 30 Dec 2004 p. 7011.]

70. Application for exemption, variation or modification from subsidiary legislation

- (1) An application from the licence holder under section 31(1) of the Act for an exemption from, or a modification or variation of, any regulation or local law is to be made —
 - (a) in a form approved by the Minister, setting out —
 - (i) a description of the exemption, modification or variation sought;
 - (ii) the regulations or local laws to be affected by the exemption, modification or variation; and
 - (iii) the grounds on which the exemption, modification or variation is sought;
- and

- (b) by sending the completed form to the chief executive officer of the Department.
- (2) The chief executive officer is to submit each form received to the Minister as soon as is practicable.
- (3) The licence holder is to send a copy of the form to the relevant local government.

71. Application to extend exemption from subsidiary legislation

- (1) An application from the licence holder under section 31(4) of the Act to extend the period of an exemption, modification or variation is to be made —
 - (a) at least 21 days before the expiry of the exemption;
 - (b) in a form approved by the Minister, setting out the grounds on which the extension is sought; and
 - (c) by sending the completed form to the chief executive officer of the Department,

and is to be accompanied by a copy of the original exemption, modification or variation.

- (2) The chief executive officer is to submit a form and accompanying document referred to in subregulation (1) to the Minister as soon as is practicable.
- (3) The licence holder is to send a copy of the form to the relevant local government.

72. Entry under section 20 of the Act

- (1) The purpose of ascertaining whether there has been compliance with the Act, these regulations or any condition imposed under the Act is a prescribed purpose under section 20(1)(c) and (3) of the Act.
- (2) A person authorised to enter a caravan or camp in a facility under section 20(1)(a) or (c), (2) or (3) of the Act may not enter that caravan or camp more than once in any period of 4 weeks.

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73. Transitional provisions — Schedule 9

Schedule 9 has effect.

Schedule 1 — Forms

List of Forms

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[6.	<i>deleted</i>	

Schedule 1 Forms

[Regs. 41 and 42.]

Form 1. Application for Grant or Renewal of Licence

<p><i>Caravan Parks and Camping Grounds Act 1995, sec. 7(1)(a)</i></p> <p>APPLICATION FOR GRANT OR RENEWAL OF LICENCE</p>

To	Local government:
Facility name or proposed name	

Applicant/s [Each applicant to provide these details.]	Family name:		
	Other names:		
	Postal address	No.:	Street name:
		Suburb:	Postcode:
	Phone numbers (H):		(W):
	Fax number:	Email:	

Land on which the facility is situated or is to be situated	Address:
	or Land description:

Land owner/s [1. Only necessary if applicant does not own the land referred to above. 2. Details to be provided in respect of each land owner.]	Family name:		
	Other names:		
	Postal address	No.:	Street name:
		Suburb:	Postcode:
	Phone numbers (H):		(W):
	Fax number:	Email:	

Declaration [Making a false statement may be an offence]	I/We declare that all details in this form are true and correct.	
	Signature of applicant/s:	Date:

Notes

Documents to be attached [Not necessary if application is for renewal of licence]	<ol style="list-style-type: none">1. The written approval of the owner of the land referred to in this form for the applicant/s to make this application, or proof that the applicant/s is/are the owner/s of that land.2. A plan of the proposed facility showing —<ol style="list-style-type: none">(a) the sites, and where applicable, denoting the types of sites;(b) the buildings;(c) the roads and paths;(d) the drainage and waste water disposal systems; and(e) the location of fire hoses, fire hydrants and extinguishers.
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Caravan Parks and Camping Grounds Regulations 1997

Schedule 1 Forms

Form 2. Licence

<i>Caravan Parks and Camping Grounds Act 1995, sec. 7(4)</i> LICENCE

Expiry date			
Local government	Name of local government:		
Type of licence			
Facility details	Name:		
	Address: or		
	Land description:		
Licence holder/s details	Family name:		
	Other names:		
	Postal address	No.:	Street name:
		Suburb:	Postcode:
	Phone numbers (H):		(W):
	Fax number:	Email:	
Licence conditions	Conditions:		
	Special conditions to which section 13 of the Act applies:		
Details of sites authorised [Maximum number and type]			
Overflow area details	Address or land description:		
	Details of sites [maximum number and type]:		
	Conditions:		
Issued by:	Local government:	Date:	

Form 3. Infringement Notice

<p><i>Caravan Parks and Camping Grounds Act 1995, sec. 23(3)</i> INFRINGEMENT NOTICE</p>

Local government	Name of local government:
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Alleged offender	Family name:		
	Other names:		
	Postal address	No.:	Street name:
		Suburb:	Postcode:

Alleged offence	Section of the Act: or Provision of the Regulations:
	Description of alleged offence:
	Where and when:

Amount of modified penalty	\$
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Authorised person who issued this notice	Name:
	Signature:
	Date:

Notes

WHAT YOU MUST DO	<p>1. You may dispose of this matter within 28 days after the service of this notice by paying the modified penalty —</p> <p>(a) BY POSTING a cheque or money order made payable to; or</p> <p>(b) IN PERSON AT (address of local government offices)</p> <p>OR</p> <p>2. Elect to have this matter dealt with before a COURT.</p> <p>Should you not pursue one of the above options within the time specified above, additional administrative charges may be incurred and action may be taken to suspend your Motor Driver's Licence until you have paid in full the modified penalty and any additional charges OR you have elected to have this matter dealt with before a Court.</p>
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Schedule 1 Forms

Form 4. Withdrawal of Infringement Notice

<p><i>Caravan Parks and Camping Grounds Act 1995, sec. 23(7)</i> WITHDRAWAL OF INFRINGEMENT NOTICE</p>

Local government	Name of local government:
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To [Details of alleged offender]	Family name:		
	Other names:		
	Postal address	No.:	Street name:
		Suburb:	Postcode:

<p>AN INFRINGEMENT NOTICE SERVED ON YOU HAS BEEN WITHDRAWN AND</p> <ul style="list-style-type: none"> • NO FURTHER ACTION WILL BE TAKEN* • A SUMMONS WILL BE ISSUED* [* delete whichever is not applicable]

Details of withdrawn notice	Date notice given:
	Alleged notice:

Authorised person who issued this notice	Name:
	Signature:
	Date:

Form 5. Identity Card

<p>WESTERN AUSTRALIA <i>Caravan Parks & Camping Grounds Act 1995</i></p> <p>IDENTITY CARD AUTHORISED PERSON</p>	
<p>[Photograph of authorised person]</p>	<p>This is to certify that [name of person] is an authorised person under section 17(1)(b) of the <i>Caravan Parks and Camping Grounds Act 1995</i>.</p>
..... Signature Date
<p>Issued by the chief executive officer of the Department of Local Government* or *[name of the local government].</p>	

* Delete whichever is not applicable.

[Form 6 deleted in Gazette 30 Dec 2004 p. 7011.]

[Schedule 1 amended in Gazette 30 Dec 2004 p. 7011.]

Schedule 2 Types of facilities and licences

Schedule 2 — Types of facilities and licences

[Regs. 41 and 42.]

Licence	Type of facility
1. Caravan park licence	Caravan park
2. Camping ground licence	Camping ground
3. Caravan park and camping ground licence	Caravan park and camping ground
4. Park home park licence	Park home park
5. Transit park licence	Transit park
6. Nature based park licence	Nature based park

[Schedule 2 amended in Gazette 25 Aug 2000 p. 4920.]

Schedule 3 — Fees

1. Application for grant or renewal of licence — reg. 45

The fee for an application for the grant or renewal of a licence is —

- (a) \$200; or
- (b) the amount calculated by multiplying the relevant amount set out in column 2 by the maximum number of sites (including any sites that may be used in an overflow area) of the particular type specified in the application, whichever is the greater amount.

Column 1	Column 2
Long stay sites	\$6 per site
Short stay sites and sites in transit parks	\$6 per site
Camp site	\$3 per site
Overflow site	\$1.50 per site
2. Additional fee for renewal after expiry — reg. 53	
Additional fee by way of penalty for renewal after expiry	\$20
3. Temporary licence — reg. 54	
Temporary licence	<i>pro rata</i> amount of the fee payable under item 1 for the period of time for which the licence is to be in force with a minimum of \$100
4. Transfer of licence — reg. 55	
Transfer of licence	\$100

[5. deleted]

[Schedule 3 amended in Gazette 25 Aug 2000 p. 4920; 30 Dec 2004 p. 7012.]

Schedule 4 Modified penalties

Schedule 4 — Modified penalties

[Regs. 61 and 62.]

Offence	Modified penalty
PART 1 — SECTIONS OF THE ACT	
	\$
1. Section 10(4)	200
2. Section 13(1)(b) and (c) and (2)	50
3. Section 21(7)	200
PART 2 — REGULATIONS	
	\$
1. Regulation 9	200
2. Regulation 10	100
3. Regulation 12(1)	100
4. Regulation 14	100
5. Regulation 15	100
6. Regulation 16(a), relating to Schedule 5, clauses 1 and 4(2)	100
7. Regulation 16(b), relating to Schedule 6, clause 1	100
8. Regulation 17 relating to Schedule 7 —	
(a) clauses 1 and 52	100
(b) clause 48	200
9. Regulation 19(1)(k)	100
10. Regulation 22(a), relating to Schedule 5, clauses 1 and 4(2)	100
11. Regulation 22(b), relating to Schedule 6, clause 1	100
12. Regulation 23, relating to Schedule 7 —	
(a) clause 16(1)	50
(b) clause 48	200
(c) clause 52	100
13. Regulation 25(2)	100
14. Regulation 26	50
15. Regulation 30(1)(b) and (c)	200
16. Regulation 34(1)(b)	200
17. Regulation 39(1)(c) and (2)(b)	200

[Schedule 4 amended in Gazette 25 Aug 2000 p. 4916.]

Schedule 5 — Standards for caravans

[Regs. 16(a) and 22(a).]

Division 1 — Standards applying to all caravans

1. Caravans not to be attached to each other

A caravan is not to be attached to another caravan.

Division 2 — Standards applying to park homes

2. Park homes to be of one storey

A park home is to have only one storey.

3. Park home to have chassis, wheels, tie down points etc.

- (1) A park home, or where the park home is assembled from components, each component of the park home, is to have a chassis with an axle and wheel assembly attached at all times.
- (2) A park home, or where the park home is assembled from components, each component of the park home is to have a draw bar which need not be attached at all times.
- (3) A park home is to have tie down points, chains or similar devices and a device to provide and adjust tension so that the park home can be attached to permanent anchor blocks in the ground.

4. Park home stabilised and secured

- (1) A park home is to be stabilised as approved.
- (2) A park home is to be secured to anchor points at the site where it is parked.

5. Corrosion protection

Metal coverings and exposed metal on a park home are to be of corrosion resistant materials, or are to be treated to resist corrosion.

Schedule 6 — Standards for annexes

[Regs. 16(b), 22(b) and 34(3)(a).]

1. Annexes

- (1) An annexe is to be attached to one caravan only and is not to be attached to anything other than a caravan.
- (2) A caravan may have only one annexe attached.
- (3) An annexe is not to be attached to a park home which is assembled from 2 or more components.

2. Size of annexes

An annexe —

- (a) is not to be longer than the caravan to which it is attached;
- (b) may be higher than the caravan to which it is attached by not more than 300 mm; and
- (c) is not to be wider than 3.6 metres.

3. Flexible annexes

- (1) A flexible annexe is not to be attached to a park home.
- (2) A flexible annexe which has a glass component is to be installed and maintained in accordance with the relevant requirements of —
 - (a) AS 1288—1994 “Glass in buildings — Selection and installation”; and
 - (b) AS/NZS 2208:1996 “Safety glazing materials in buildings”.
- (3) A flexible annexe is not to contain a shower, wash basin, toilet (other than a portable, self contained chemical toilet) or any laundry facility.

4. Rigid annexes

A rigid annexe is to —

- (a) have walls of prefabricated modular panels or sections;
- (b) have walls attached to the ground in such a way that the structure of the annexe is sound; and

- (c) be capable of withstanding —
 - (i) winds of a velocity of 42 metres per second, or such higher velocity as is approved; or
 - (ii) the design wind speed for the area where it is to be constructed,whichever is the highest velocity.

Schedule 7 — Caravan parks and camping grounds

[Regs. 17, 23, 34(3)(a), 39(2)(a) and 40(2)(a).]

Division 1 — General provisions

1. Only one caravan on a caravan site

There may be only one caravan used for habitation on a caravan site at any one time, unless otherwise specified in this Schedule.

2. Caravans to be freely movable from sites

A facility is to be set out so that a caravan situated on any site is able to be moved, either under its own power or by being towed, as soon as any services attached to it are disconnected without the caravan or any vehicle towing the caravan, entering or causing disruption to any other site on the facility.

3. Tent may be on caravan site

- (1) A tent may be on a caravan site.
- (2) A tent may be on a caravan site where there is a caravan only if the caravan is occupied by a person or people who are associated with the person or people occupying the tent.

4. Limit to number of people on site

- (1) No more than 10 people, or such lesser number as is approved, are to camp at a site at any one time, other than as described in subclause (2).
- (2) More than 10 people may camp on a site in a camping ground at the one time if the licence holder of the facility agrees that the tents of a group of people who are associated may be pitched together on the site.

5. On-site caravans

An on-site caravan is to have —

- [(a) deleted]*
- (b) a refrigerator; and

(c) a stove.

6. Part D3 of Building Code to be complied with “Access for People with Disabilities”

- (1) A caravan park is to comply with Part D3 of the Building Code in as far as the provisions of that Part can be applied to a caravan park.
- (2) For the purpose of applying Part D3 of the Building Code to a caravan park —
 - (a) a reference to a building of “Class 3” is to be taken to be a reference to a caravan park; and
 - (b) a reference in that Part to a “*sole-occupancy unit*” is to be taken to be a reference to a park home at the caravan park owned, or under the control of, the licence holder of the park.

Division 2 — Distances between caravans, camps, buildings, etc.

7. Local government or licence holder may increase minimum distances in particular cases

- (1) The distances specified in this Division are minimum distances only and, if, in a particular case, the licence holder of a facility or the local government directs in writing that a distance is to be increased, then the distance is to be increased as directed.
- (2) A local government may only direct that a distance be increased under subclause (1) in a respect of a facility which has fire extinguishers.

8. Position of caravans, annexes and camps

- (1) There is to be at least 3 metres between a caravan, annexe or camp on a site in a facility and —
 - (a) a caravan, annexe or camp on any other site; or
 - (b) any building on the facility that is not on a site.
- (2) There is to be at least 3 metres between any camp described in clause 4(2) and the camp of any person who is not a member of the group.

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- (3) There is to be at least one metre, or such shorter distance as is approved under subclause (3a), between any caravan, camp, annexe or other structure or building and any facility road.
- (3a) A shorter distance may only be approved under subclause (3) if the distance was shorter than one metre —
 - (a) on 1 July 1997; and
 - (b) at the commencement of the *Caravan Parks and Camping Grounds Amendment Regulations 2000*.
- (4) There is to be at least 6 metres between a caravan, camp, annexe or other structure or building on a facility and any land reserved or set aside by the Government of the State for a road unless —
 - (a) a shorter distance is approved; or
 - (b) in the case of a camp, the local government is satisfied that it is safe to pitch the camp closer to such land, but a camp is not to be pitched closer than 2.5 metres from such land.
- (5) There is to be at least one metre between the boundary of a facility and a caravan, camp, annexe or other structure or building on the facility.

9. Position of carports, en suites and other buildings

- (1) There is to be at least one metre between an open sided building attached to a caravan and —
 - (a) any other caravan, annexe or camp; or
 - (b) any other open sided building attached to a caravan on another site.
- (2) There is to be at least 2 metres between a building, other than an open sided building, attached to a caravan and —
 - (a) any other caravan, annexe or camp; or
 - (b) any other building on another site.
- (3) There is to be at least one metre between an open sided double carport and a caravan, annexe, camp or other structure or building on another site.

- (4) There is to be at least 2 metres between a free standing storage shed on a site and a caravan, annexe or other building or structure on another site.
- (5) An open sided double carport is not to be attached to a caravan if it is to be used by the occupants of a caravan on another site.
- (6) There is no minimum distance between a caravan, annexe, camp or any other building or structure and an en suite on the same site.
- (7) In this clause —
open sided double carport means a double carport that is an open sided building.

[Diagram deleted]

Division 3 — Buildings, fences and hard stands

[10. deleted]

11. Buildings on a facility

- (1) Buildings on a facility may be only of the following types —
 - (a) manager's house;
 - (b) office;
 - [(c), (d) deleted]*
 - (e) restaurant;
 - (f) shop;
 - (g) recreational facilities;
 - (h) a building classified as a Class 10a building under the Building Code;
 - [(i) deleted]*
 - (j) any other building approved.
- (2) A building referred to in subclause (1) may not be located on a site, unless it is —
 - (a) a building classified as a Class 10a building under the Building Code;

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- (b) approved by the licence holder of the facility and the local government; and
 - (c) for the use of the occupier of the site.
- (3) A residential building at a facility, other than a manager's house, may not be occupied by the one person, or group of persons, for an aggregate period of more than 6 months in any consecutive period of 12 months.

12. Storage sheds

A storage shed on a site —

- (a) is not to exceed 6 square metres in area and, unless forming part of a carport, 2.1 metres in height;
- (b) is to be built of light weight portable material.

13. Paved areas and areas under some annexes

- (1) Every long stay site is to have either or both of the following —
- (a) a hard stand for a vehicle other than the caravan;
 - (b) such additional amount of space as is approved on the side of the facility road next to the site for at least one such vehicle to park.
- (2) The construction of —
- (a) a hard stand on a site;
 - (b) an area under an annexe attached to an on-site caravan; and
 - (c) an area under an annexe on a long stay site,
- is to be as approved.

14. Fences

- (1) A fence on a site is —
- (a) not to be higher than 1.2 metres; and
 - (b) to be built of lightweight material or mesh.
- (2) A fence on a site is to be built in accordance with the prior written approval of the licence holder of the facility.

- (3) There is to be no fence in the set back area prescribed under clause 8(3) between a facility road and a caravan.

Division 4 — Roads and parking

15. Facility roads

- (1) A facility entrance road is to be at least 6 metres wide.
- (2) A facility road which is a one way road is to be at least 4 metres wide, or such shorter distance as is approved under subclause (3a).
- (3) A facility road which is a 2 way road is to be at least 6 metres wide, or such shorter distance as is approved under subclause (3a).
- (3a) A shorter distance may only be approved under subclause (2) or (3) if the distance was shorter —
- (a) on 1 July 1997; and
 - (b) at the commencement of the *Caravan Parks and Camping Grounds Amendment Regulations 2000*.
- (4) Subject to subclause (5), a facility road is to be constructed and maintained as is approved.
- (5) A facility road in a transit park or a nature based park need not be paved or sealed.

16. Parking

- (1) A vehicle is not to be parked on any facility road, other than in accordance with clause 13(1)(b).
- (2) If parking for at least one vehicle, other than the caravan, is not provided on a site then parking is to be provided for a vehicle near the site.

17. Car parks

- (1) A facility, other than a nature based park or a transit park, is to have a car park which is constructed and maintained as is approved.
- (2) Part of a car park may be a grassed area, if approved.

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- (3) A car park on a facility is to have at least one parking space per 20 caravan sites on the facility, and not less than 4 parking spaces in any event.
- (4) In calculating how many parking spaces are required in a car park in a facility, 2 camp sites are equal to one caravan site.

Division 5 — Recreational areas

18. Recreational areas

- (1) At least $\frac{1}{10}$ of the total area of a facility is to be recreational area.
- (2) Facility roads are not included in calculating recreational areas.
- (3) Unless the local government approves otherwise, $\frac{2}{3}$ of the recreational area of a facility is to be in the one area.
- (4) In a facility, except a transit park or a nature based park, there is to be —
 - (a) recreational facilities for children which are protected from the weather, and enclosed as is approved; and
 - (b) a building for communal or recreational activities, as is approved.

Division 6 — Ablution and toilet facilities

19. Location of toilets and showers

- (1) There is to be at least one toilet and one shower within 90 metres of each site.
- (2) Subclause (1) applies despite anything else in this division.

20. Number of showers, toilets and hand basins, except at transit parks and nature based parks

- (1) This clause applies to all facilities except transit parks and nature based parks.
- (2) A facility is to have at least as many showers, toilets and hand basins as is specified in the following Table opposite the number of sites the facility has.

- (3) Instead of each 600 mm of urinal trough there may be provided —
- (a) a wall hung urinal; or
 - (b) with approval, a pedestal toilet.

**All caravan parks and camping grounds
(except transit parks and nature based parks)
showers, toilets and hand basins**

No. of sites	Toilets			No. of showers (each sex)	No. of hand basins (each sex)
	Male		Female		
	No. of pedestals	mm of urinal trough	No. of pedestals		
1-10	1	600	1	1	1
11-15	1	600	2	2	2
16-20	2	600	2	2	2
21-30	2	1 200	3	3	3
31-40	3	1 200	4	4	4
41-45	3	1 800	5	5	5
46-50	4	1 800	5	5	5
51-60	4	1 800	6	6	6
61-75	5	2 400	7	7	7
76-80	5	2 400	8	8	7
81-90	6	2 400	8	8	8
91-100	6	3 000	9	9	8
101-105	7	3 000	9	9	9
106-120	7	3 000	10	10	9
121-140	8	3 600	11	11	10
141-145	8	3 600	12	12	11
146-150	9	3 600	12	12	11
151-160	9	3 600	12	12	11
161-170	9	4 200	12	12	12
171-180	10	4 200	14	12	12
181-190	11	4 800	14	14	13
191-200	12	4 800	14 plus 1 for every 20 sites over 190	14	13
over 200	12 plus 1 for every 25 sites over 200	4 800 plus 600 mm for every 30 sites over 200	—	14 plus 1 for every 20 sites over 200	13 plus 1 for every 30 sites over 200

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21. Number of showers, toilets and hand basins at transit parks

- (1) A transit park is to have at least as many showers, toilets and hand basins as is specified in the following Table opposite the number of sites the facility has.
- (2) A local government may approve of the use of ablution and toilet facilities located on a property adjoining a transit park by occupiers of the transit park if —
 - (a) the owner of the property agrees in writing; and
 - (b) the ratio of showers, toilets and hand basins is not less than that permitted under subclause (1).
- (3) Instead of each 600 mm of urinal trough there may be provided —
 - (a) a wall hung urinal; or
 - (b) with approval, a pedestal toilet.

**Transit camps
showers, toilets and hand basins**

No. of sites	Toilets			No. of showers (each sex)	No. of hand basins (each sex)
	Male		Female		
	No. of pedestals	mm of urinal trough	No. of pedestals		
1-10	1	0	1	1	1
11-17	1	600	1	1	1
18-20	2	600	2	1	1
21-25	2	600	2	2	2
26-34	2	1 200	2	2	2
35-50	2	1 200	3	2	2

22. Calculation of sites for clauses 20 and 21

In calculating the number of sites a facility has for the purposes of clauses 20 and 21 —

- (a) a site with an en suite is not included;
- (b) a site used by a caravan with ablution, toilet and laundry facilities is not included; and
- (c) 2 camp sites are equal to one site.

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

A nature based park is to have such toilets, showers and hand basins as is approved.

24. Showers

Each shower is to be enclosed in a cubicle which has —

- (a) an area for dressing;
- (b) a lockable door which either opens outwards or can readily be removed from the outside;
- (c) a permanently affixed seat, clothes hook and soap holder;
- (d) hot (not less than 45° celsius) and cold running water; and
- (e) ventilation as is approved.

25. Babies bath

- (1) Each ablution block, other than at a transit park or a nature based park, is to have a babies' bath which —
 - (a) has a capacity of 45 litres;
 - (b) is of stainless steel or other suitable material;
 - (c) has a drain plug;
 - (d) is next to at least 0.45 square metre of waterproof bench, which has a minimum width of 450 mm; and
 - (e) has hot and cold taps connected to a water mixing device which keeps the temperature of the running water at not more than 38° celsius.
- (2) Where a facility is to have a baby bath, at least one baby bath is to be located in a facility in a position and area so that a male or female person in a wheelchair can use it to bath a baby.

26. Hand basins

- (1) Each hand basin is to have —
 - (a) a drain plug; and
 - (b) hot (not less than 45° celsius) and cold running water.

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- (2) Towel rails or hooks, and a mirror and shelving is to be provided near hand basins.
- (3) A building containing toilets is to have at least one hand basin, which need not be in compliance with subclause (1) other than that it has cold running water.
- (4) At least one hand basin is to be located in an ablution block in a facility in a position and area so that a male or female person in a wheelchair can use it.

27. Power points

- (1) An ablution block is to have at least one power point.
- (2) If an ablution block contains more than 4 hand basins, there is to be at least one power point for —
 - (a) each group of 4 hand basins; and
 - (b) any number of hand basins remaining less than 4.
- (3) At least one power point is to be located in an ablution block in a facility in a position and area so that a male or female person in a wheelchair can use it.

28. Toilets

- (1) Each pedestal toilet is to be enclosed in a cubicle which has —
 - (a) a toilet roll dispenser;
 - (b) a coat hook;
 - (c) ventilation as is approved; and
 - (d) a lockable door which either opens outwards or can readily be removed from the outside.
- (2) A urinal is to be attached to the floor or the wall of the building.

29. Napkin disposal units

- (1) Each building on a facility which contains female toilets is to have at least one approved napkin disposal unit.

- (2) If a building on a facility contains more than 10 female toilets, there is to be at least one approved napkin disposal unit for —
 - (a) each group of 10 toilets; and
 - (b) any number of toilets remaining less than 10.
- (3) Each building containing toilets and any area in a building set aside for changing babies napkins is to contain an approved napkin disposal unit.

Division 7 — Laundry facilities

30. Laundry facilities

- (1) A caravan park or camping ground is to have at least as many laundry facilities, as described in subclauses (2) and (3), as is specified in the following Table opposite the number of sites the facility has.
- (2) A laundry facility where there is access to a supply of electricity is to comprise —
 - (a) a washing machine that is connected to a supply of hot (not less than 45° celsius) and cold running water, or which is capable of heating water to that temperature;
 - (b) a trough with a drain plug and hot (not less than 45° celsius) and running cold water;
 - (c) at least 0.3 square metre of bench space suitable for ironing clothes, with access to a power point; and
 - (d) one electric clothes drier or 60 metres of washing line.
- (3) A laundry facility where there is no access to a supply of electricity comprises —
 - (a) a copper and an adequate fuel supply;
 - (b) a trough with a drain plug and hot (not less than 45° celsius) and cold running water;
 - (c) at least 0.3 square metre of bench space suitable for ironing; and
 - (d) 60 metres of washing line.
- (4) A laundry facility is to have in, or next to it, a slop hopper which is located, installed and maintained as is approved.

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- (5) The entry threshold and door types and widths in a laundry facility are to be in accordance with AS 1428.1—1993 “General requirements for access — Buildings” and the benches are to be in accordance with AS 1428.2 — 1992 “Enhanced and additional requirements — Buildings and facilities”.

Table of laundry facilities

No. of sites	No. of laundry facilities
Up to 60	1 per 20 sites
61-120	1 per 30 sites
Over 120 sites	1 per 50 sites

Division 8 — Washing up facilities for campers

31. Washing up facilities for campers

- (1) A camping ground is to have at least one trough for the washing of utensils used for cooking and eating for each 20 camp sites.
- (2) There is to be at least one washing up trough within 90 metres of each camping site.
- (3) Each trough is to be of stainless steel and to have —
- (a) a drain plug;
 - (b) hot (not less than 45° celsius) and cold running water;
 - (c) a capacity of at least 45 litres; and
 - (d) next to it, at least 0.5 square metre of waterproof bench.

Division 9 — Lighting

32. Lighting

- (1) Each ablution block and each building containing a toilet is to be lit at night so that light of an intensity of not less than 100 lumens per square metre radiates throughout the building.
- (2) A building containing a laundry facility is to be lit at night so that light of an intensity of not less than 160 lumens per square metre radiates throughout the building.

- (3) The grounds of a caravan park or camping ground are to be lit at night so that occupants have sufficient visibility to go to and return from the nearest ablution block, and the nearest building containing a toilet, in safety.

Division 10 — Fire fighting equipment

33. Fire hose reels

- (1) Unless clause 35 applies, or the facility is a park home park to which clause 34 applies, every site, caravan, camp, building and other structure in a facility is to be within reach of the nozzle end of a fire hose when the hose is fitted to the reel and laid to avoid any obstructions or other physical barriers.
- (2) A fire hose in a facility is to be on a fire reel which is to be installed in accordance with the requirements of —
- (a) AS 1221-1991 “Fire Hose Reels”; and
 - (b) AS 2441.1-1988 “Installation of Fire Hose Reels”.

34. Park home parks

If a park home park serviced by a fire brigade constituted under a written law of the State has a water supply, which in the opinion of the officer in charge of that brigade, is adequate for fire fighting then a fire hydrant is to be installed in the park home park to the satisfaction of that officer.

35. Fire extinguishers

- (1) Where a local government is of the opinion that a facility’s water supply is not adequate to operate fire hoses effectively, the facility is to have fire extinguishers, in accordance with this clause.
- (2) Fire extinguishers in a facility are to be in accordance with the requirements of AS 2444-1995 “Portable fire extinguishers — Selection and location”.
- (3) A facility is to have at least one extinguisher for every 6 sites.
- (4) A facility is to have an extinguisher not more than 30 metres from each site, located in a central position in an area accessible to all persons in the facility.

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36. Fire equipment to be maintained, accessible and ready

- (1) Fire equipment at a facility is to be accessible and ready for use at all times.
- (2) Fire equipment at a facility is to be maintained in accordance with the requirements of Part 1 or 2, as is appropriate, of AS 1851 “Maintenance of Fire Protection Equipment”.

Division 11 — Electricity

37. Electricity to sites

- (1) All caravan sites at a facility are to be supplied with electricity, unless the local government has exempted a facility from this requirement.
- (2) All long stay sites are to have a separate meter to record the electricity, if any, supplied to that site.

Division 12 — Water supply

38. Interpretation

In this Division —

potable water means drink water within the meaning of the “Guidelines for Drinking Water Quality in Australia 1987” published for the National Health and Medical Research Council and the Australian Water Resources Council by the Australian Government Publishing Service, Canberra;

tap means a tap which is connected to a supply of water.

39. AS 3500.1

AS 3500.1—1992 “National plumbing and drainage code, Part 1: Water Supply” is to be complied with at a facility with respect to any supply of potable water.

40. Tap at transit park and nature based park

There is to be a centrally located tap at a transit park and a nature based park for use by all occupiers, unless otherwise approved.

41. Tap at camping ground

There is to be at least one tap within 30 metres of each camping site at a camping ground.

42. Potable water for sites

- (1) A supply of potable water of at least 300 litres per day, or such lesser amount as is approved under subclause (2), is to be available for use by each site at a facility.
- (2) The local government may, with the written approval of the Executive Director, Public Health (within the meaning of the *Health Act 1911*), approve of a lesser quantity of water than that specified in subclause (1) being available at a facility.

43. Long stay sites to have own tap or connection

Subject to clause 42, there is to be a tap or water connection point with a supply of potable water at every long stay site.

44. Tap within 10 metres of short stay sites

There is to be a tap connected to a supply of potable water within at least 10 metres of every short stay site on a facility, unless otherwise approved.

Division 13 — Waste water, sewage and drainage

45. Interpretation

In this division —

AS/NZS 3500.2.2 means *AS/NZS 3500.2.2: 1996 “National Plumbing and Drainage. Sanitary plumbing and drainage —Acceptable solutions.”*.

46. Waste water disposal

- (1) Each —
 - (a) caravan site at a facility is to be no more than 10 metres; and

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- (b) camp site at a facility is to be no more than 30 metres, from a sullage waste water dump point which is in accordance with the requirements of AS/NZS 3500.2.2, or the facility is to utilize other approved means of dealing with sullage.
- (2) A long stay site with a caravan which has ablution, toilet or laundry facilities is to have a sewage connection point which is in accordance with the requirements of AS/NZS 3500.2.2.

47. Chemical toilet dump point

There is to be a communal chemical soil waste dump point, in accordance with the requirements of AS/NZS 3500.2.2, which is connected to an approved waste water disposal system at all facilities, other than park home parks, nature based parks and transit parks.

Division 14 — Miscellaneous

48. Cyclone activity

Where a facility is in an area in a cyclonic region each caravan, annexe or other building or structure on a site is to be made safe, and in particular is to be tied down using anchor points, as approved, capable of securing the caravan, annexe or other building or structure in winds at design wind speed for that area, during any cyclonic activity or while there is warning of possible impending cyclonic activity.

49. Rubbish

- (1) There is to be at least one rubbish bin with a capacity of not less than 80 litres within 90 metres of each site, other than sites at nature based parks or transit parks.
- (2) Rubbish bins at nature based parks and transit parks are to be provided as is approved.
- (3) Rubbish bins at facilities are to be water and vermin proof.
- (4) Rubbish bins are to be emptied, and the rubbish removed from the facility, as is necessary but at least once a week.
- (5) Rubbish bins at facilities are to be in a clean and hygienic condition.

50. Telephones

- (1) There is to be at least one telephone available at all times for the use of occupiers at a facility, unless otherwise approved.
- (2) Each long stay site and each site with a park home is to have all connections necessary to install a telephone on the site, unless otherwise approved.

51. Postal service

If mail is delivered to a facility by Australia Post —

- (a) the occupiers of each long stay site are to have a lockable mail box; and
- (b) there is to be a suitable central area which is open at least 2 hours a day from Monday to Friday from which mail can be collected.

52. Solid fuel fires and appliances

- (1) A caravan, other than a park home, is not to contain any solid fuel appliance.
- (2) A solid fuel fire is to be lit at a facility only in a place set aside by the licence holder of the facility for that purpose.

[Schedule 7 amended in Gazette 25 Aug 2000 p. 4916-19 and p. 4920.]

Schedule 8 — Definitions

[Reg. 3.]

In these regulations —

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;

Building Code means the latest edition of the Building Code of Australia published from time to time by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code;

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 where an occupier may stay no longer than 3 consecutive months;

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;
- (b) has at least $\frac{1}{3}$ 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;

Schedule 8 Definitions

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.

[Schedule 8 amended in Gazette 16 Jul 1999 p. 3204; 25 Aug 2000 p. 4919-20.]

Schedule 9 — Transitional provisions

[Reg. 73.]

1. Interpretation

In this Schedule —

commencement means 1 July 1997;

equivalent provision of the former legislation means any provision of the former legislation which dealt with substantially the same matter, although it may have imposed a different standard, as the relevant provision of these regulations;

equivalent provision of these regulations means any provision of these regulations which deals with substantially the same matter, although it may impose a different standard, as the relevant provision of the former legislation;

existing facility has the meaning given by section 34(5) of the Act;

former legislation means —

- (a) local laws which, immediately before the commencement of the *Local Government Act 1995*, were by-laws made under section 200 of the *Local Government Act 1960* and which are in conflict, or inconsistent, with these regulations; and
- (b) the *Health (Caravan Parks and Camping Grounds) Regulations 1974*,

as in force on 30 June 1997.

2. Reference to “provision of the former legislation”

A reference in this Schedule to a provision of the former legislation refers only to a provision with respect to caravans and camps at caravan parks and camping grounds and does not include a reference to a provision with respect to —

- (a) the registration or licensing of facilities; or
- (b) the use of caravans or camps on land which is not a caravan park or camping ground.

Schedule 9 Transitional provisions

3. One year to comply with new provisions

- (1) A provision of these regulations for which there is no equivalent provision of the former legislation does not apply in respect of —
- (a) an existing facility;
 - (b) a caravan at an existing facility at the commencement for as long as it remains at that facility; or
 - (c) a rigid annexe which is attached to a caravan at an existing facility at the commencement for as long as it remains at that facility,

until 1 July 1998, subject to any extension of time granted under clause 4.

- (2) Where a caravan, annexe or facility was not in compliance with a provision of the former legislation, the equivalent provision of these regulations does not apply with respect to that caravan, annexe or facility until 1 July 1998, subject to any extension of time granted under clause 4.
- (3) Where a caravan, annexe or facility was in compliance with a provision of the former legislation on 30 June 1997 but ceases to so comply, the equivalent provision of these regulations applies immediately.

4. Extension of time within which to comply

- (1) The local government of the district in which the facility or caravan is situated, may issue a certificate extending the time with respect to which a provision of these regulations referred to in clause 3 does not apply, for such period of time as is specified in the certificate.
- (2) A certificate may not be issued in respect of a provision of Division 10 of Schedule 7.
- (3) A local government may issue more than one certificate with respect to the same matter but all exemptions end on 1 July 2001 and any certificate purporting to extend the time with respect to which a provision does not apply after 1 July 2001 is of no effect.
- (4) Where the local government for a district refuses to issue a certificate under this clause, it is to advise the applicant in writing of that refusal.

5. New provisions do not apply where equivalent provision of former legislation is complied with

A provision of these regulations does not apply in respect of —

- (a) an existing facility;
- (b) a caravan at an existing facility at the commencement for as long as it remains at that facility; or
- (c) a rigid annexe which is attached to a caravan at an existing facility at the commencement for as long as it remains at that facility,

if the facility, annexe or caravan was in compliance with an equivalent provision of the former legislation which applied to it at 30 June 1997 and continues to so comply.

6. Where compliance at commencement, provision continues to apply

Despite anything else in this Schedule, where a provision of these regulations is being complied with at the commencement in respect of a caravan, annexe or facility that provision continues to apply in respect of that caravan, annexe or facility.

7. Registration or licence under local law

For the purposes of these regulations, from the commencement until the appointed day referred to in section 6 of the Act —

- (a) a certificate of registration or a licence issued under the former legislation in relation to a facility is to be taken to be a licence for that facility of such type specified in Schedule 2 as is appropriate for that facility, taking into account —
 - (i) the type of registration or licence;
 - (ii) any conditions imposed on the registration or licence; and
 - (iii) the position of the facility and the type of caravans and camps which use it;
- and
- (b) the owner of a facility referred to in paragraph (a) is to be taken to be the licence holder in respect of that facility.

Schedule 9 Transitional provisions

8. Transitional provisions relating to Part 4

- (1) Despite anything else in this Schedule but subject to this clause, Part 4 of these regulations applies from the commencement.
- (2) Regulations 28, 33 and 37 do not apply until 1 January 1998 in respect of work under construction at the commencement.
- (3) Regulations 39 and 40 do not apply in respect of work under construction at the commencement.

[Schedule 9 amended in Gazette 25 Aug 2000 p. 4921.]

Notes

¹ This is a compilation of the *Caravan Parks and Camping Grounds Regulations 1997* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Caravan Parks and Camping Grounds Regulations 1997</i>	20 Jun 1997 p. 2871-946	1 Jul 1997 (see r. 2)
<i>Caravan Parks and Camping Grounds Amendment Regulations 1999</i>	16 Jul 1999 p. 3202-4	16 Jul 1999
<i>Caravan Parks and Camping Grounds Amendment Regulations 2000</i> ³	25 Aug 2000 p. 4911-21	25 Aug 2000
Reprint 1: The Caravan Parks and Camping Grounds Regulations 1997 as at 24 Oct 2003 (includes amendments listed above)		
<i>Caravan Parks and Camping Grounds Amendment Regulations 2004</i>	30 Dec 2004 p. 7011-12	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)

² Under the *Alteration of Statutory Designations Order (No. 3) 2001* a reference in any law to the Department of Local Government is to be read and construed as a reference to the Department of Local Government and Regional Development.

³ The *Caravan Parks and Camping Grounds Amendment Regulations 2000* r. 22 reads as follows:

“

22. Transitional

A licence issued in relation to a transit camp under *the Caravan Parks and Camping Ground Regulations 1997* before the commencement of these regulations is, on and after that commencement, to be taken to be a licence issued in respect of a transit park.

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