



DISTRICT COUNCIL OF ELLISTON
CARAVANS AND CAMPING BY-LAW 2022
By-law No. 6 of 2022

This By-law is to regulate camping and the use of caravans in the Council's area.

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PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Caravans and Camping By-law 2022* and is By-law No. 6 of the District Council of Elliston.

2. Authorising Law

This By-law is made under sections 238 and 246 of the *Local Government Act 1999*, regulation 28 of the *Local Government (General) Regulations 2013*, and section 18A of the *Harbors and Navigation Act 1993*.

3. Purpose

The objectives of this By-law are to regulate camping on Local Government land, roads and foreshore areas:

- 3.1 to prevent and mitigate nuisances;
- 3.2 to prevent damage to Local Government land and roads;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to enhance the amenity of the Council area; and
- 3.5 for the good rule and government of the area.

4. Commencement, Revocation and Expiry

- 4.1 This By-law will come into operation four months after the day on which it is published in the Gazette in accordance with section 249(5) of the Act.¹
- 4.2 This By-law will expire on 1 January 2030.²
- 4.3 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:

*By-law No. 6 Caravans & Camping 2015.*³

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
3. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.

5.2 This By-law applies throughout the Council area unless stated otherwise.

6. Interpretation

In this By-law, unless the contrary intention appears:

6.1 **Act** means the *Local Government Act 1999*;

6.2 **camp** includes setting up a camp, or causing:

6.2.1 a tent or other structure of calico, canvas, plastic or other similar material;

6.2.2 a swag or similar bedding; or

6.2.3 subject to the *Road Traffic Act 1961*, a caravan, tent trailer or motor home;

to remain on land overnight, whether or not any person is in attendance or sleeps on the land;

6.3 **camping reserve** means land vested in or under the control of the Council which the Council has set aside as a camping reserve and which is identified by one or more signs with the words 'camping reserve' (either with or without other words) and includes the following campgrounds operated by the Council:

6.3.1 Sheringa Campgrounds located on the land comprised in Crown Record Volume 5752 Folio 3 and Crown Record Volume 5752 Folio 4; and

6.3.2 Walkers Rock campground located on the land comprised in Crown Record Volume 5758 Folio 593;

6.4 **Council** means the District Council of Elliston;

6.5 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;

6.6 **foreshore** means land extending:

6.6.1 from the low water mark on the seashore to the nearest road or section boundary; or

6.6.2 to a distance of 50 metres from the high-water mark,

(whichever is the lesser distance);

6.7 **land** means any Local Government land, road or foreshore or part thereof;

6.8 **Local Government land** means all land owned by the Council or under the Council's care, control and management;

6.9 **road** has the same meaning as in the *Local Government Act 1999*; and

6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

PART 2 – REGULATION OF CAMPING

7. General Camping Controls

A person must not, without permission of the Council, engage in or undertake the following on any land:

7.1 Camping

7.1.1 Camp or sleep overnight other than:

7.1.1.1 in a caravan park which the proprietor has permission to operate;
or

7.1.1.2 on a camping reserve in accordance with this By-law; or

7.1.1.3 on any other land that has been designated and set aside by resolution of the Council for that purpose and only then, in accordance with any conditions determined by resolution of the Council and contained on signage erected on the land or in its vicinity.

7.2 Caravans

Subject to clause 7.1, use or occupy, or cause suffer or permit to be used or occupied, any caravan, motorhome or other vehicle on land for or in connection with camping activities, including (but not limited to) washing, cooking and sleeping.

7.3 Camping reserves

No person shall on a camping reserve:

7.3.1 Camping site

camp other than in a designated camping site;

7.3.2 Camping fee

camp on a site without first:

7.3.2.1 making a booking for that site; and

7.3.2.2 making payment of the applicable fee as may be determined by the Council from time to time;

7.3.3 Limit on camping time

camp for a period in excess of two consecutive weeks;

7.3.4 Break in camping time Orders

having camped on a camping reserve for two consecutive weeks, camp on any camping reserve until a further period of seven (7) days has expired;

7.3.5 Fail to allow inspection

fail to permit any Council officer or authorised person to enter onto and inspect the person's campsite or any tent, caravan or vehicle thereon or thereby; or

7.3.6 Fail to keep site clean

fail to keep the area on which the person is camped and the surrounds in a clean, tidy and sanitary condition.

PART 3 – ENFORCEMENT

8. Orders

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Note-

Section 262(1) of the Act states:

If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-

- a) *if the conduct is still continuing - to stop the conduct; and*
- b) *whether or not the conduct is still continuing- to take specified action to remedy the contravention.*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- leave a camping reserve;
- dismantle a tent; or
- clean and keep clean a camping site.

9. Exemptions

9.1 The restrictions in this By-law do not apply to a Police Officer, emergency worker, Council officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer or in accordance with a direction of a Council officer.

9.2 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.

9.3 An exemption:

9.3.1 may be granted or refused at the discretion of the Council;

9.3.2 may operate indefinitely or for a period specified in the instrument of exemption; and

9.3.3 is subject to any conditions specified in the instrument of exemption.

- 9.4 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 9.5 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

10. Liability of Vehicle Owners

- 10.1 For the purposes of this clause 10, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 10.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of District Council of Elliston held on **18 October 2022** an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



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GEOFF SHERIDAN
Chief Executive Officer