	<b>DISTRICT COUNCIL OF FRANKLIN HARBOUR</b>  <b>Caravan, Camping and Recreation</b>  <b>By-law no. 5 2017</b>	Version No:	1.0
		Issued:	
		Next Review:	

A by-law to manage, regulate and control caravanning, camping and recreation on Land under the care, control and management of the District Council of Franklin Harbour (*Council*) and its agents.

## CONTENTS

### PART 1 – PRELIMINARY

1. Title
2. Authorising Law
3. Purpose
4. Expiry
5. Application
6. Interpretation

### PART 2 - REGULATION

7. Camping
8. Fires
9. Fees / Permits
10. Removal
11. Offence
12. Penalties
13. Exemptions


### PART 1 - INTRODUCTION

#### 1. Title

This by-law may be cited as *By-law Number 5, Caravan, Camping and Recreation By-law 2017* of the District Council of Franklin Harbour.

#### 2. Authorising Law

This by-law is made under sections 238 and 246 of the *Local Government Act 1999* and section 18A of the *Harbors and Navigation Act 1993 (Harbors Act)*.

	<b>DISTRICT COUNCIL OF FRANKLIN HARBOUR</b>  <b>Caravan, Camping and Recreation</b>  <b>By-law no. 5 2017</b>	Version No:	1.0
		Issued:	
		Next Review:	

### 3. Purpose

The objectives of this by-law are to:

- 3.1 regulate the access to and use of land under the care, control and management of Council;
- 3.2 prevent and mitigate nuisances;
- 3.3 prevent damage to Land and facilities thereon;
- 3.4 protect the convenience, comfort, health and safety of the public.

### 4. Expiry


This by-law will expire on 1 January 2024.

### 5. Application

This by-law operates in conjunction with Council's *By-law Number 4, Boat Harbours and Facilities by-law 2016* and Council's *Permits and Penalties By-law 2010*, and is subject to the operation of the Harbors Act.

### 6. Definitions

- 6.1. **Authorised Agency** means a business authorised by Council to issue Permits;
- 6.1. **Authorised Person** has its meaning in the *Local Government Act 1999* or the Harbors Act as appropriate;
- 6.2. **Camp** includes setting up a camp, or allowing a caravan, tent or motor home (or similar) to remain on Land whether or not any person is in attendance or sleeps on the Land;
- 6.3. **Camping reserve or designated area** means Land vested on or under the control of the Council which the Council has set aside as a camping reserve or designated area and which is identified by one or more signs which include the words 'camping reserve' or 'designated camping area';
- 6.4. **Foreshore** means the area between the low water mark on the seashore and the nearest boundary of:
  - 6.4.1. a road;
  - 6.4.2. a section;
  - 6.4.3. a public reserve;
  - 6.4.4. Land.
- 6.5. **Land** means all land owned by Council or under the care, control and management of Council and includes a Harbour, adjacent land, a Road and the Foreshore as applies;
- 6.6. **Park** means community Land, reserved or delineated as a park or designated by the Council as a park;
- 6.7. **Permission** means permission of the Council and given in writing;

	<b>DISTRICT COUNCIL OF FRANKLIN HARBOUR</b>	Version No:	1.0
	<b>Caravan, Camping and Recreation</b>	Issued:	
	<b>By-law no. 5 2017</b>	Next Review:	

- 6.8. **Permit** means a valid permit issued by Council or and Authorised Agency as permits the holder to Camp on designated or reserved Land subject to the terms and conditions stated thereon, in this by-law and as published or prescribed by Council from time to time.
- 6.9. **Reserve** means community land reserved or dedicated as a reserve or designated by Council as a reserve;
- 6.10. **Road** has its meaning in the *Local Government Act 1999*;
- 6.11. **Vehicle** has its meaning in the *Road Traffic Act 1961*.

## PART 2 - REGULATION

### 7. Camping


Subject to the operation of the Harbors Act, no person shall without permission Camp in an area:

- 7.1. unless designated or reserved for Camping;
- 7.2. without a valid permit;
- 7.3. without self-contained toilet facilities unless in a designated or reserved area with toilet facilities;
- for more than 21 consecutive days in any 28-day period, and shall not:
- 7.4. use a portable generator as may cause a nuisance or disturbance to another person and never before 8am or after 8pm;
- 7.5. cause nuisance, annoyance, disturbance or inconvenience to another person;
- 7.6. fail to keep the area in a clean, tidy and sanitary condition;
- 7.7. fail to permit inspection by an Authorised Person;
- 7.8. fail to provide an Authorised person with their name, residential address, contact details or driver's licence upon request;
- 7.9. fail to leave the area as directed by an Authorised Person;
- 7.10. discharge liquid or solid waste other than in receptacles explicitly provided for that purpose by Council;
- 7.11. leave the area so used other than in a clean and tidy state having removed all rubbish and belongings.

### 8. Fires

Lighting of a fire is prohibited except:

- 8.1. in a public place provided by the Council for that purpose; or

	<b>DISTRICT COUNCIL OF FRANKLIN HARBOUR</b>	<b>Version No:</b>	1.0
	<b>Caravan, Camping and Recreation</b>	<b>Issued:</b>	
	<b>By-law no. 5 2017</b>	<b>Next Review:</b>	

8.2. in a portable barbeque that runs on gas, charcoal or heat beads so long as the barbeque is used in an area clear of flammable material in a radius of four metres; and

8.3. always in accordance with the provisions of the *Fire and Emergency Services Act 2005* and Council's Fire Management – Burning Policy.

**NOTE: the collection of firewood is strictly prohibited - all firewood must be brought with, carried and supplied by campers.**

## 9. Fees / Permits

9.1. Any person camping in the designated camping areas must buy a permit in advance and pay the prescribed fees.

9.2. The term of a permit is as specified therein and no longer than 21 consecutive days from the date of issue.

9.3. Any misuse of a permit, non-compliance of any condition/s, failure to pay fees, failure to clearly display or produce a valid permit, will of itself constitute an offence of this by-law and will result in that permit being revoked. The holder of that permit must leave the area immediately, and may incur a penalty or expiation issued by an Authorised Officer.

## 10. Removal of Equipment, Vehicles and Objects

10.1. If any person is found on Land in breach of this by-law:

10.1.1. the person in charge of the equipment, vehicle or object shall forthwith remove it as directed by an Authorised Person; or

10.1.2. an Authorised Person may remove the equipment, vehicle or object if the person fails to comply with that direction; or

10.1.3. if the person in charge of it cannot be located: then


10.1.4. it may be removed at the cost of the person in charge or the lawful owner.

10.2. An Authorised Person may direct any person who they consider to be in breach of this by-law to leave the Land.

10.3. If a person leaves equipment, vehicle or an object on Land without lawful authority or permission, or has apparently abandoned the same thereon, Council may remove it, and where appropriate and at the absolute discretion of Council:

10.3.1. it will be stored for a period of thirty days; and

10.3.2. if not claimed by its lawful owner within that time, and all expenses incurred by the Council in its removal and storage are not paid by the lawful owner; then

	<b>DISTRICT COUNCIL OF FRANKLIN HARBOUR</b>  <b>Caravan, Camping and Recreation</b>  <b>By-law no. 5 2017</b>	Version No:	1.0
		Issued:	
		Next Review:	

10.3.3. Council may dispose of it in any way it sees fit, with any proceeds applied first, in satisfaction of the costs incurred by the Council in the removal, storage and disposal of it, with any remaining funds to be forwarded to the lawful owner if the lawful owner can be identified using reasonable means; and

10.3.4. if such surplus funds are unable to be returned to the lawful owner within 90 days; then

10.3.5. retained by Council and used for the maintenance of the facilities the subject of this by-law at its discretion.

## 11. Offence

Any person who:

11.1. fails to comply with the terms and conditions of each valid permit stated thereon, this by-law and as prescribed or published by Council from time to time; or

11.2. fails to comply with a lawful direction given by an Authorised Person,  
commits an offence under this by-law.

## 12. Penalties

12.1. Any person found to have committed an offence will be subject to penalties as prescribed by Council from time to time including the costs of any action taken.

## 13. Exemptions

This by-law does not operate to restrict a person in the conduct of their duties at law<sup>\*</sup>

<sup>\*</sup>Example: a police officer, emergency worker or Council employee acting in their official capacity.

**The foregoing by-law was duly made and passed at a meeting of the District Council of Franklin Harbour held on the            by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.**

.....  
**Chris Smith**  
**Chief Executive Officer**

