

## LATROBE COUNCIL

### CAMPING BY-LAW NO 1 of 2019

This By-law of the Latrobe Council made under s145 of the *Local Government Act 1993* for the purpose of regulating camping in areas owned or under the Council's control.

#### 1. Short Title

This By-law may be cited as the Latrobe Camping By-law No. 1 of 2019.

#### 2. Definitions

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

**authorised officer** means the General Manager and any other person appointed by the General Manager; or police officer of the Tasmanian police force for the purposes of this By-law.

**camp** includes:

- (a) to erect portable shelter suitable for sleeping in overnight, whether or not that portable shelter is on or attached to a vehicle; or
- (b) being in any such portable shelter at any time during a night; or
- (c) to sleep at any time during a night in the open or in any vehicle or shelter except a building designed for human habitation; or
- (d) at any time during a night, to place, park or leave a vehicle that appears designed or equipped internally or externally to accommodate overnight sleeping, including a mobile home, campervan, caravan, slide-on-van, fifth wheeler, camper trailer or any other similar vehicle.

**Council** means the Latrobe Council.

**night** means from 8.00pm to 7.00am on the next day.

**overnight permit** means a permit issued under clause 4.

**overnight stop area** means an area identified in Schedule 1.

**regulated place** means land owned by or under the control of the Council, including a highway under the Council's control and an overnight stop area.

**vehicle** means a vehicle as defined in the *Vehicle & Traffic Act 1999*.

### 3. No Camping

- (1) A person must not camp in any regulated place except:
  - (a) in an area that has a permit for use as visitor accommodation under the Latrobe Interim Planning Scheme 2013;
  - (b) in the Port Sorell Caravan Park being the land in Certificate of Title Volume 34894 Folio 1;
  - (c) as permitted by an overnight permit and that permit is displayed as required by clause 5(6);
  - (d) in accordance with the terms of the written authority of the General Manager.

**Penalty:** A fine not exceeding 5 penalty units and a further fine of 2 penalty units for each day during which the offence continues.

### 4. Overnight Permits

- (1) Each of the following persons may issue an overnight permit in accordance with this clause:
  - (a) the manager of any Tourist Information Centre, Visitor Centre or similar facility ("facility") operated by or on behalf of the Council; or
  - (b) the employees of or volunteers working in that facility authorised by the facility manager to do so; or
  - (c) an authorised officer; or
  - (d) any other person authorised to do so in writing by the General Manager and in accordance with any terms or conditions of that authorisation.
- (2) An overnight permit may only be issued:
  - (a) with respect to an overnight stop area; and
  - (b) for a vehicle in respect of which the person issuing the permit is satisfied:
    - (i) is fully self-contained within the vehicle with respect to shower, toilet, washing, cooking and sleeping facilities for the number of persons occupying it and holding tanks for all toilet waste and sullage water sufficient for at least 48 hours use by those persons; and
    - (ii) is lockable with respect to all entrances; and

- (c) for a maximum of 2 nights in any 14 day consecutive period including any nights in respect of which an overnight permit has been issued for that vehicle and that overnight stop area.
- (3) The Council may charge a fee for an overnight permit not exceeding 10 fee units calculated in accordance with the *Fee Units Act 1997* for each night to which the overnight permit applies.
- (4) The applicant for an overnight permit must provide the following information:
- (a) the full name, residential address and postal address of:
    - (i) the person in charge of the vehicle; and
    - (ii) the registered owner of the vehicle; and
  - (b) the mobile phone number (if any) at which that person or any other person responsible for the vehicle may be contacted; and
  - (c) the information required by subclauses (2)(b) and (5)(a) – (d).
- (5) An overnight permit must include:
- (a) the registered number and description of the vehicle in respect of which it is issued; and
  - (b) the date or dates in respect of which overnight stopping is permitted, being the date on which the relevant night commences; and
  - (c) the overnight stop area in which the vehicle is permitted to stop overnight on each night that is permitted; and
  - (d) the maximum number of persons permitted to occupy the vehicle; and
  - (e) any other conditions imposed on its issue; and
  - (f) the date on which it is issued; and
  - (g) the name, position and signature of the person issuing it.
- (6) An overnight permit must be displayed:
- (a) in a position clearly readable by a person standing outside:
    - (i) the front passenger door of the vehicle; or
    - (ii) the main entrance door to the portion of the vehicle that is designed for occupancy; and
  - (b) during the period authorised by the overnight permit.

**Penalty:** 1 penalty unit.

It is a defence to a prosecution under clause 4(6) if:

- (i) the vehicle arrived that night or earlier that day in an overnight stop area after the close of business of the nearest facility referred to in sub-clause (1)(a); and
  - (ii) an overnight permit is issued with respect to that vehicle within 2 hours of the opening of that facility the next day; and
  - (iii) that overnight permit is for, or includes, the night immediately previous to its issue; and
  - (iv) the vehicle and its occupants otherwise complied with that overnight permit.
- (7) A person who is authorised to issue an overnight permit may refuse to issue one without being required to give any reason.
- (8) An authorised officer or a person referred to in clause 5(1)(a) may cancel any overnight permit if that officer or person reasonably believes that the vehicle in respect of which the overnight permit was issued is in breach of any provision of this By-law or any owner, renter or occupant of the vehicle has or is offending against this By-law.
- (9) A notice of cancellation of an overnight permit is effectively given if given in the way provided by clause 8(5)(c).

## 5. Miscellaneous Offences

- (1) A person must supply their correct full name and permanent or temporary address if requested to do so by an authorised officer or police officer if that officer reasonably believes that the person is offending or has offended against this By-law.

**Penalty:** a fine of 5 penalty units

- (2) A person must not supply false or incomplete information with respect to an application for an overnight permit.

**Penalty:** a fine of 5 penalty units

- (3) A person must not in a regulated place, discharge or allow to be discharged from any vehicle or container any sullage, effluent or water except into any facility provided by Council and indicated by signs in its vicinity to be used for that purpose and in accordance with the directions given on that sign. For this purpose "discharge" includes empty or partially empty the relevant container by hand or otherwise.

**Penalty:** a fine of 5 penalty units

- (4) A person must not in an overnight stop area:
- (a) insert any tent pegs or similar devices into the pavement or ground; or
  - (b) tie anything to any plant, pole, post, structure or building; or
  - (c) hang any clothing, bedding or similar items outside the vehicle; or
  - (d) damage any part of the overnight stop area including any landscaping, plants, poles, posts, structure or building; or
  - (e) wash the exterior of any vehicle; or
  - (f) light any fire.

**Penalty:** 5 penalty units

## **6. Enforcement**

- (1) A police officer may do any or all of the following:
- (a) remove any person from any regulated place whom they reasonably believe is offending against this By- law; or
  - (b) remove any vehicle or other thing from any regulated place that they reasonably believe is being used in contravention of this By-law and place it in a safe place until any penalty or fine payable under this By-law together with the cost to the Council of that removal and storage has been paid to the Council.
- (2) A police officer may arrest any person who is in any regulated place whom the police officer reasonably believes is offending against this By-law if the person:
- (a) refuses to leave as required by an authorised officer or police officer under subclause (1)(a); or
  - (b) does not supply the information requested by an authorised officer or a police officer under clause 6(1); or
  - (c) has offended against clause 6(2).
- (3) **Hindering or resisting authorised officers**

A person must not obstruct, hinder, abuse, or resist any authorised officer in the discharge of the authorised officer's duty.

**Penalty:** 3 Penalty Units

(4) **Directions by authorised officers**

- (a) An authorised officer may give reasonable directions to any person in relation to matters which are the subject of this by-law.
- (b) A person must not fail to comply with a reasonable direction from an authorised officer given under this by-law.

**Penalty:** 3 Penalty Units

**7. Infringement Notices**

- (1) In this Part:

**Specified offence** means an offence against the clause specified in Column 1 of the Schedule to this by-law.

- (2) An authorised officer may issue an infringement notice to a person in respect of a specified offence and the penalty payable under the infringement notice for that offence is the penalty specified in Column 3 of the Schedule to this by-law.
- (3) An authorised officer may:
  - (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
  - (b) issue one infringement notice in respect of more than one specified offence.
- (4) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.
- (5) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.
- (6) A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:
  - (a) pay the monetary penalty in full to the General Manager;
  - (b) apply to the General Manager for withdrawal of the infringement notice;
  - (c) apply to the General Manager for a variation of payment conditions; or
  - (d) lodge with the General Manager a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.
- (7) If a person who has been served with an infringement notice fails to take one

or more of the actions required by sub-clause 6. within the prescribed time, the infringement may be referred to the Director, Monetary Penalties.

## **8. Rectification Notice**

- (1) An authorised officer may give notice to a person who has done anything in contravention of this By-law which is capable of being rectified by any work or thing, requiring that person to do the work or thing that the authorised officer considers is reasonably required to rectify the consequences of that contravention.
- (2) A notice under sub clause (1):
  - (a) is to be in writing, signed by the authorised officer; and
  - (b) is to be given to the person who contravened this By-law; and
  - (c) is to identify the contravention of this By-law; and
  - (d) is to state the work or thing to be done that is required to rectify the contravention; and
  - (e) is to state the time by which the work or thing is to be completed; and
  - (f) may state the time by which the work or thing is to be commenced or any timetable for the commencement or completion of any part of the work or thing to be done; and
  - (g) may require that the work or thing be done only by a person who has appropriate qualifications reasonably required to do that work or thing and may state the qualifications that are so required.
- (3) A person must not fail to comply with a notice given under subclause (1).

**Penalty:** 3 Penalty Units

- (4) The Council may do any work or thing required by a notice under subclause (1) that is not done in accordance with that notice.

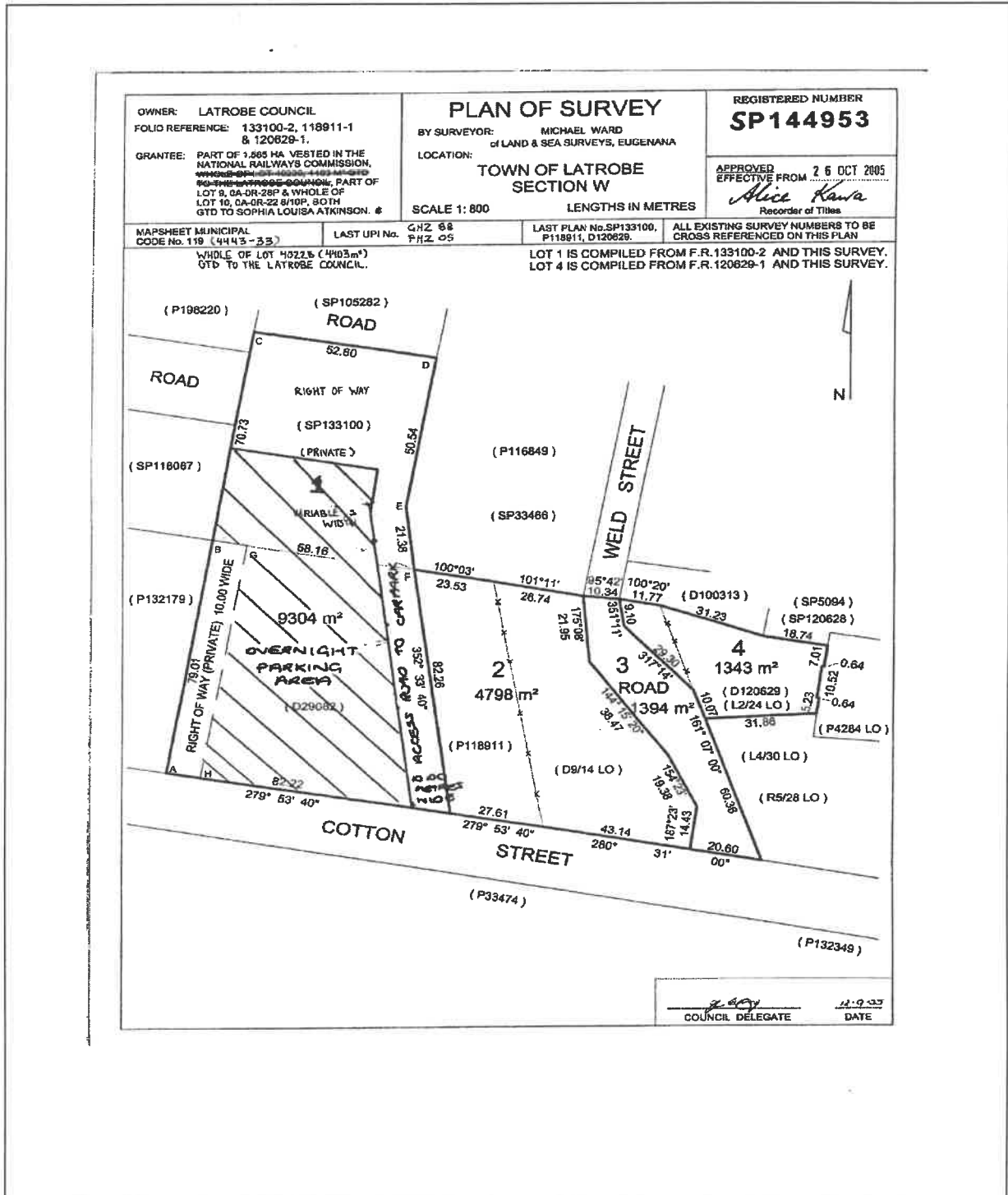
## **9. Recovery of Council's Expenses**

- (1) Any expense reasonably incurred by the Council in rectifying or remedying the consequences of any contravention of this By-law is recoverable by the Council as a debt payable by the person whose act or default constituted that contravention.
- (2) The expenses referred to in sub-clause (1) include the Council's expenses incurred under clauses 7(1)(b) and 9.

# Schedule 1

## Authorised Overnight Stop Area

The area at Cotton Street, Latrobe marked by hatching on the area on Lot 1 below.





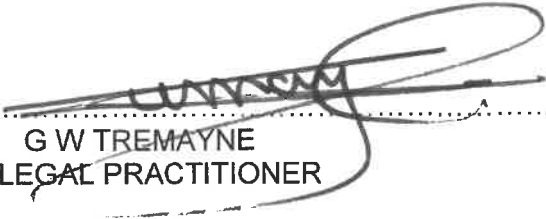
**Schedule 2**  
**Infringement Notice Offences**

<b>Clause</b>	<b>Description</b>	<b>Penalty</b> (Penalty Units)
3	No camping	2
4(6)	Failure to display permit	5
5(1)	Failure to supply name	1
5(2)	Failure to supply correct or complete information	1
5(3)	Discharge of sullage	2
5(4)	Prescribed activities in overnight stop area	1
6(3)	Hindering or resisting authorised officers	2
6(5)	Directions by authorised officers	2

I, Gerald Monson certify that the Latrobe Council has made this By-law in accordance with the *Local Government Act 1993*.

  
.....  
GENERAL MANAGER

This By-law is certified as being in accordance with the Law.

  
.....  
G W TREMAYNE  
LEGAL PRACTITIONER

The Common Seal of the Latrobe Council has been hereunto affixed pursuant to a resolution of the Council passed on the *24<sup>th</sup>* day of *September* 2019 in the presence of

  
.....  
GENERAL MANAGER