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## CENTRAL HIGHLANDS COUNCIL

### CARAVAN BY-LAW NO 1 of 2025

This By-law of the Central Highlands Council is made under Section 145 of the *Local Government Act 1993* for the purpose of controlling and permitting the occupation of caravans in the Central Highlands municipal area.

#### PART 1 – PRELIMINARY

##### 1. Short Title

- (1) This By-law may be cited as the Central Highlands Council Caravans By-law No. 1 of 2025.

##### 2. Definitions

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

**Act** means the Local Government Act 1993 (Tas);

**authorised officer** means the General Manager, and an employee of the Council authorised by the Council or the General Manager for the purposes of this By-law;

**caravan** means a vehicle 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 whether the wheels or axles are removed or not and whether it is resting directly on the ground or is placed on blocks or other supports, and any structure, awning, veranda, lean-to, carport or other enclosed or partly enclosed area used or capable of being used in connection with or appurtenant to any caravan, but does not include a building or temporary structure for which a permit is required under the *Building Act 2016* (Tas);

**car park** means:

- (a) any land owned by Council or under Council's control which Council makes available to the public to park vehicles; and
- (b) all buildings, equipment, signs, access ways, land, fences, chattels and structures used or connected in any way with the car park;

**Council** means the Central Highlands Council;

**Environmental Health Officer** means an Environmental Health Officer appointed by Council;

**fee unit** means the sum as prescribed under the provisions of the *Fee Unit Act 1997*;

**General Manager** means the General Manager appointed by the Council pursuant to section 61 of the Act;

**LUPAA** means the *Land Use Planning and Approvals Act 1993* (Tas);

**municipal area** has the same meaning as section 16 of the Act and as specified in Column 1 of Schedule 3 of the Act, including any amendment;

**occupy, occupying and occupation** includes reside or live in any caravan for the purposes of shelter, entertainment, sleeping, resting, cooking, eating, or for any other similar use whether temporary or permanent;

**occupier** includes any person having the care, control or management of any land;

**owner** means any person who, whether jointly or severally, is seized or possessed of, or entitled to, any estate or interest in land;

**penalty unit** means the amount of money set under the provisions of the *Penalty Units and Other Penalties Act 1987* (Tas);

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**permit** means:

- (a) a current permit issued under Part 3 of this By-law; or
- (b) any permit, licence or written approval granted pursuant to another By-law or legislation including a By-law or legislation which has been repealed,

provided that if the permit, licence or written approval was issued for a certain time period, that time period has not expired;

**permit holder** means a person to whom a permit is granted under Part 3 of this By-law;

**person** means an individual, corporation or other legal entity (other than the Crown);

**public place** includes:

- (a) all public land as defined by section 177A(1) of the Act and as recorded on the municipal map maintained on behalf of Council;
- (b) any other land owned by Council;
- (c) any land in which Council has an interest including by way of a lease or licence;
- (d) any road;
- (e) any car park; and
- (f) all bridges, jetties and other similar structures owned by or under the control of Council;

**road** means:

- (a) any highway, local highway or country highway as defined under the *Local Government (Highways) Act 1982* (Tas);
- (b) any part of a State Highway or subsidiary road within the meaning of the *Roads and Jetties Act 1935* (Tas) for which the Council is responsible for maintaining and reconstruction of as a local authority pursuant to section 11 of that Act;
- (c) any highway or road which is wholly or partly maintained or maintainable by Council and shown on the map maintained by Council pursuant to section 208 of the Act; and
- (d) includes a highway reservation, footpath or walkway, kerb and guttering, nature strip, pavement and earth surface drain;

**vehicle** means a vehicle as defined in the *Vehicle and Traffic Act 1999* (Tas).

### **3. Application**

- (1) This By-law applies to the municipal area of the Central Highlands Council.
- (2) This By-law does not apply to a caravan that is:
  - (a) situated in a caravan park or visitor accommodation which is operating in accordance with LUPAA; or
  - (b) used by a travelling show person in the ordinary course of their business; or
  - (c) used by Council employees or contractors involved in performing duties for and on behalf of the Council, the Federal Government or the Tasmanian Government; or
  - (d) unoccupied and being stored by the owner on the owner's land; or
  - (e) occupied for fourteen (14) days or less in a calendar year on privately owned land.

## **PART 2 – OCCUPYING A CARAVAN**

### **4. Permit necessary to occupy a caravan**

- (1) Unless authorised by a permit to do so, the owner or occupier of any land must not use or allow the land to be used to set up a caravan which is to be used for human habitation or occupation.

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**Penalty:** Fine not exceeding 3 penalty units.

- (2) A person must not occupy a caravan on any land unless the owner or occupier of the land on which the caravan is set up is the holder of a permit in relation to the caravan.

**Penalty:** Fine not exceeding 3 penalty units.

#### **5. Fee for occupation of a caravan**

- (1) A person must not accept any rent, fee or reward from any person in return for the occupation of any caravan set up on private property unless a planning permit has been issued for the use or development under LUPAA.

**Penalty:** Fine not exceeding 5 penalty units.

#### **6. Disallowance of occupation in public places**

- (1) A person must not occupy a caravan situated in any public place, unless such land is authorised for that purpose.

**Penalty:** Fine not exceeding 5 penalty units.

- (2) It is a defence to a prosecution under clause 6(1) if the person occupies the caravan because the condition of the driver or the vehicle makes it necessary for the person to occupy the caravan in the interests of safety, and occupation of the caravan occurs for no longer than is necessary in the circumstances.

- (3) A person occupying a caravan in a public place must not deposit, discharge or allow to be discharged or leave any faecal matter, offal, filth, sullage, effluent, or other noxious or polluting matter or thing, or water on that land 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:** Fine not exceeding 3 penalty units.

### **PART 3 – PERMITS**

#### **7. Granting Permit**

- (1) A permit may be granted under this By-law by an authorised officer.
- (2) A permit is not to be granted unless an Environmental Health Officer has approved the proposed method for the disposal of garbage, and on-site wastewater.
- (3) No provision of this By-law is to be construed as preventing the General Manager from referring any application for a permit to the Council.

#### **8. Application for a permit**

- (1) An application for a permit pursuant to this By-law is to be:
- (a) made in writing in accordance with any form approved by the General Manager; and
  - (b) accompanied by the prescribed fee per application specified in Schedule 1 of this By-law; and
  - (c) accompanied by such other information as the General Manager may reasonably require.
- (2) A person must not supply false or incomplete information with respect to an application for a permit pursuant to this By-law.

**Penalty:** Fine not exceeding 2 penalty units.

#### **9. Factors to be considered when granting a permit**

- (1) In assessing an application for a permit pursuant to this Part, an authorised officer may consider:

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- (a) whether the use of the caravan will adversely affect or is likely to adversely affect the amenity of the neighbourhood in which the caravan is to be set up;
  - (b) whether the caravan has sufficient or satisfactory facilities for the supply of water or disposal of wastewater available to the occupants;
  - (c) whether the occupation of the caravan is likely to cause a health hazard;
  - (d) any relevant policy of the Council; and
  - (e) any other relevant matters.

#### **10. Conditions of permit**

- (1) A permit granted under this By-law must be in writing and may be granted on such terms and conditions as the authorised officer considers appropriate, including but not limited to the siting of the caravan on the relevant site.
- (2) The permit holder and any person occupying a caravan under a permit must comply with the terms and conditions of the permit.

**Penalty:** Fine not exceeding 3 penalty units.

#### **11. Expiry of permit**

- (1) Subject to sub-clause (2), a permit shall be for a period not exceeding twelve months.
- (2) An authorised officer may extend the duration of a permit to a person who is constructing a house as their primary residence on land owned by them and intends to occupy a caravan during construction.

#### **12. Variation of permit**

- (1) An authorised officer may vary the conditions of a permit if they consider it is appropriate to do so.
- (2) If the conditions of a permit are varied pursuant to clause 12(1), the authorised officer must serve a notice in writing on the permit holder stating:
  - (a) the conditions of the permit that are varied; and
  - (b) the reason or reasons for the variation of the permit conditions.
- (3) The conditions of a permit will be varied from the date of service of the notice of the variation.

#### **13. Suspension or cancellation of permit**

- (1) An authorised officer may suspend or cancel a permit issued under this By-law if the authorised officer is satisfied that the permit holder:
  - (a) has breached a By-law of the Council; or
  - (b) has failed to comply with any condition of a permit.
- (2) If a permit is cancelled or suspended pursuant to clause 13(1), the authorised officer must serve a notice in writing on the permit holder stating:
  - (a) the permit is cancelled, or the permit is suspended including the length of the suspension; and
  - (b) the reason or reasons for the cancellation or suspension.
- (3) Cancellation or suspension of any permit is effective from the date of service of the notice on the permit holder or the date specified in the notice, whichever is the latter.

#### **14. Notice**

- (1) For the purposes of clauses 12(2) and 13(2) of this By-law, a notice may be served in any of the following ways:

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- (a) on the permit holder personally; or
  - (b) by ordinary post to the last known address of the permit holder; or
  - (c) by notice being given in the public notice section of a newspaper circulating in the municipal area.
- (2) The date of service of a notice will be:
- (a) if the permit holder was served by ordinary post, the date of service of a notice will be 5 business days from the date the notice was posted; or
  - (b) if the notice was given in a newspaper, the date of the publication of that newspaper.

**15. Assignment of permit**

- (1) A permit must not be assigned and is not transferable to any person except with the written consent of the General Manager.

**16. Permits generally**

- (1) Every permit issued pursuant to this By-law:
- (a) is to be in writing and in accordance with any form approved by the General Manager;
  - (b) is to bear the date on which it was issued; and
  - (c) remains in force for the period for which it was issued, unless it is cancelled, suspended or surrendered.

**PART 4 – ENFORCEMENT**

**17. Offences**

- (1) A person who contravenes or fails to comply with a provision of this By-law is guilty of an offence and is liable on conviction to a penalty as specified in this By-law in respect of that offence.

**18. Supply of name and address**

- (1) An authorised officer may require a person to give their name and address if the authorised officer reasonably believes that the person is offending or has offended against this By-law.
- (2) A person who fails or refuses to comply with a request to give their name and/or address is guilty of an offence.

**Penalty:** Fine not exceeding 3 penalty units.

**19. Abuse or obstruction of an authorised officer**

- (1) A person must not obstruct, hinder, resist or use abusive language to an authorised officer while the authorised officer is acting in the course of their duties pursuant to this By-law.

**Penalty:** Fine not exceeding 5 penalty units.

**20. Enforcement**

- (1) An authorised officer may direct any person to leave a public place whom the authorised officer reasonably believes is offending or has committed an offence against this By-law.
- (2) A person who fails to comply with a direction under clause 20(1) is guilty of an offence.

**Penalty:** Fine not exceeding 5 penalty units.

**21. Directions by authorised officers**

- (1) An authorised officer or police officer may give reasonable directions to any person in relation to matters which are the subject of this By-law.

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- (2) A direction given under this By-law may be given verbally or in writing and may be in the form of a letter.
  - (3) A direction given under this By-law may be subject to such conditions and requirements and allow such period for action as the authorised officer may determine.
  - (4) Unless otherwise specified in a direction, a person to whom a direction is given is to comply with the direction at the cost of that person.
  - (5) A person must not fail to comply with a reasonable direction from an authorised officer given under this By-law.

**Penalty:** Fine not exceeding 3 penalty units.

## **22. Entry onto land**

- (1) In accordance with section 20A of the Act, an authorised officer may enter and remain on land for the purposes of this By-Law.

## **PART 5 – Infringement Notices and expenses**

### **23. Infringement Notices**

- (1) In this Part, “**Specified Offence**” means an offence against the clause specified in Column 1 of **Schedule 2** to this By-law.
- (2) An authorised officer may issue an infringement notice to a person in respect of a Specified Offence and the monetary penalty payable under the infringement notice for that offence is the penalty specified in Column 3 of **Schedule 2** 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* (Tas) 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 Council;
  - (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 notice may be referred to the Director, Monetary Penalties Enforcement Service for further enforcement and recovery.

### **24. Fees, costs and charges**

- (1) Any and all expense or damages incurred by the Council, including but not limited to legal fees, fees and costs of third party debt collection services and Court enforcement fees, as a result of the breach of this By-law will be paid by the person committing the breach and are recoverable by the Council as a debt due to it, in addition to a penalty in relation to a failure to comply with or a contravention of this By-law.
- (2) Any unpaid fees, costs or charges are a debt due to the Council and are recoverable at law.

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**Schedule 1 - Schedule of Fees**

<b>Clause</b>	<b>Description</b>	<b>Fee</b> (Fee Units)
8(1)(b)	Permit fee	228.00

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## Schedule 2 - Infringement Notice Offences

Column 1: Clause	Column 2: Description	Column 3: Penalty (Penalty Units)
4(1)	Setting up a caravan for occupation without a permit	3
4(2)	Occupying a caravan without a permit	3
5(1)	Accepting a fee to occupy a caravan	5
6(1)	Occupying a caravan in a public place	5
6(3)	Disposal of waste in a public place	3
8(2)	Providing false or incomplete information in connection with an application for a permit	2
10(2)	Failure to comply with permit conditions	3
18(1)	Failure to supply name and address	3
19(1)	Abuse or obstruction of authorised officer	5
20(2)	Failure to comply with direction to leave public place	5
21(5)	Failure to comply with direction of authorised officer	3