Introduction

The following information aims to increase general awareness of laws controlling:

- the management of caravan parks, camping grounds and manufactured home estates

This information is relevant to land and business owners, managers and occupants of a caravan park, camping ground or manufactured homes estate.

This fact sheet is limited to requirements set out under the Local Government Act, 1993 and (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation, 2005.

Background

The principle Regulation governing activities and operations within New South Wales caravan parks, camping grounds and manufactured home estates came into effect in 1995 and has since been amended. The present Regulation is called the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation, 2005. It sets out various controls, such as:

- the operator of the caravan park/camping ground/manufactured home estate is required to maintain a current operational approval issued under Section 68 Part F2 of the Local Government Act, 1993 in the case of a caravan park/camping ground or Part F3 in the case of a manufactured homes estate
- preparation and display of a community map
- minimum standards for amenity and community facilities
- internal road design
- provisions for fire fighting
- minimum land area for dwelling sites
- engineering design requirements for installation work undertaken on a dwelling site
- when an application is required for proposed installations on a designated dwelling site and
- other requirements

How Can I Find A Copy Of The Act And Regulations?

A copy of the Local Government Act, 1993 and Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation, 2005 can be found through the following website:


What Is The Difference Between A Caravan Park And A Manufactured Home Estate?

A caravan park is an establishment, which has an existing development consent for a maximum number of dwelling sites within certain areas of the park for the purpose of installing moveable dwellings and relocatable homes. Management of a caravan park is governed by Part 3 of the Regulation. A moveable dwelling is a defined term. Its definition can be found under the Dictionary section toward the end of the Local Government Act, 1993. Moveable dwellings include tents, caravans, campervans, manufacture homes and other associated structures. Associated structure is also defined under the Local Government Act. An associated structure includes but is not limited to a carport, garage, shed, pergola and verandah.

Manufactured Home Estates are premises in which each dwelling site is or is to be installed only with manufactured homes being a self-contained dwelling being a dwelling containing at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities. In contrast, Manufactured Home Estates are establishments, which have existing development consent permitting the use of the land for a maximum number of dwelling sites for the purpose of installing only manufactured homes (and associated structures) in specified areas of the estate. Management of manufactured homes estate is governed by Part 2 of the Regulation.
CARAVAN PARKS, CAMPING GROUNDS, MANUFACTURED HOMES ESTATE – OPERATIONAL REQUIREMENTS

Do the Regulations apply to Existing Caravan Parks, Camping Grounds and Manufactured Home Estates?

Yes, the Regulations do apply to caravan parks, camping grounds and manufactured home estates that existed before 1995. However there are some very specific concessions granted from certain requirements under the current Regulation and will depend on the premises circumstances. For instance:

- Structures installed prior to 1995 do not need to be upgraded to comply with today’s Regulation, but any new work must comply with today’s Regulations. New work includes a new carport, extension to an existing deck or modification to an open carport to enclose it either partially or fully with fixed panels and roller doors.
- Caravan parks/camping grounds established before 1995 and have held a continuous operational approval are not required to meet the full requirements of today’s Regulation. For example are not required to have a wash bay, hydrants or forecourt, but if the park were to undergo significant re-development then this may trigger provisions for an upgrade.

What must I do if I manage a caravan park/camping ground/manufactured home estate?

As a manager you need to ensure:

- you are operating under a current “Approval to Operate”. It is an offence to operate the premises without this approval.
- ensure a copy of the “Approval to Operate”, the Regulation and community map is available for inspection and in the case of a caravan park and/or camping ground this community map needs to be displayed in a prominent position.
- have administration and operational procedures in place to ensure statutory standards are met.
- keep records of existing installations on each dwelling site. These records should include, but not necessary limited to:- site area, designation of site boundaries, types of installations on the site, site coverage, design details and engineers certificate; copy of any council approval; details recorded on compliance plates; details of the location of structures in relation to site boundaries and structures on adjoining sites; and ground and finished floor levels.
- in the case of a caravan park and/or camping ground keep a register of people staying. Clause 122 of the Regulation specifies what details need to be recorded in this register.
- in the case of a caravan park and/or camping ground give prospective occupiers written notice of the conditions of occupation. Clause 123 of the Regulation specifies minimum information that must be provided.

If I manage a caravan park/camping ground/manufactured home estate why do I need an “Approval to Operate” if the park already has development consent?

It is an offence under Section 627 of Local Government Act, 1993 to operate such premises without an approval issued under Section 68 of the same Act. An “approval to operate” is required in addition to any development consent issued for the use of the land as a caravan park, camping ground or manufactured homes estate.

Development Consent is an approval consenting to the use of land for a specified purpose, while the Approval to Operate confirms that Council is satisfied that conditions and operational procedures achieves compliance with specified requirements of the Regulation, or where there are identified departures, can remain because the Regulation provides savings provisions for premises which have maintained a continuous approval to operate and/or concurrence from the Director General has been granted in response to an objection lodged and considered under Section 82 of the Local Government Act.

When do I need to apply for an approval to operate a caravan park/manufactured homes estate?

For holders of an existing approval to operate you will need to check your last issued approval. This approval will have a stated expiry date. It is important you are aware of this date, as you will need to lodge the next application before this date. It is advisable that your application is made 40 days prior to the expiry date. The onus is on the operator of the premises to ensure this application is made prior to the approval expiry date. Council is not obliged by law to send reminders to do this.
If the caravan park/camping ground/manufactured home estate has been recently built, then an approval to operate should be obtained prior to the commencement of operation of the caravan park/camping ground/manufactured home estate and after the issue of any required occupation certificate.

How do I apply to operate a caravan park/manufactured homes estate?

You will need to lodge an M4 Activity Application Form. Where the premise is located over more than one allotment, all property owners must consent to the lodgement of the activity application.

The Activity Application Form must also be accompanied with the following documentation:

- a completed “Manufactured Home Estate/Caravan Park/Camping Ground Registration Form”
- a copy of the current Community Map, a Fire Safety Statement; and if the premises is situated on land regulated by a public authority, then evidence of a current lease/licence or other agreement issued from this authority. A community map is a scaled drawing using keys and legends to reflect operating conditions. Council’s “Manufactured Home Estate/Caravan Park/Camping Ground - Registration Form” describes information to be recorded on this map
- A fire safety statement signed by the premise owner/s or a person acting on behalf of the owner/s which lists each type of fire safety equipment/service installed and its performance standard and certifies that a properly qualified person has assessed and found when it was assessed to be capable of performing to the specified standard

Once the application is received, the assessing officer will check the information provided complies with Regulation requirements and will also check consistency with past approvals (e.g. number/type of dwelling site has not increased, dwelling sites are not located outside areas approved for use under the development consent). An Approval to Operate will only be issued once Council is satisfied that conditions and operation of the premises complies with Part 3, Division 3, Subdivision 1-8 of the Regulation in the case of a caravan park and/or camping ground and in the case of a Manufactured Homes Estate is operated in accordance with Part 2 of Division 3 of the Regulation.

What process needs to be followed to amend any condition or endorsed plans issued with the Approval to Operate?

You will need to lodge an M4 Activity Application form together with supporting documentation.

If the changes are outside the conditions approved under the existing development consent, then it is likely you will need prior development approval before making the change. It is advisable that you seek independent advice from a planning consultant regarding such requirements.

Compliance Inspections

Council may conduct routine compliance inspections aimed at verifying the premises is being operated and maintained in accordance with requirements of the Regulation and conditions associated a current approval to operate. A fee will be charged after the inspection is undertaken and charged in accordance with Council’s Fees and Charges Policy.