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PRACTICE NOTE NO.2

September 1993

**CAUTION:** This document may contain information that is not current. This document is on display for background information only.

A P P R O V A L O F C A R A V A N P A R K S A N D  
M A N U F A C T U R E D H O M E E S T A T E S

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DEPARTMENT OF LOCAL GOVERNMENT & CO-OPERATIVES

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## APPROVAL OF CARAVAN PARKS & MANUFACTURED HOME ESTATES

**C**aravan parks and camping grounds in New South Wales were required to be licensed, under section 289F of the Local Government Act 1919, from the introduction of Ordinance No. 71 on 1st December 1986.

On 1st July 1993 the Local Government Act 1993 commenced. Under this new Act caravan parks, camping grounds and manufactured home estates are no longer required to be licensed.

The new Act requires an approval to operate a caravan park, camping ground or manufactured home estate to be obtained from the council. Some licences may still be issued after 1st July 1993 under transitional arrangement detailed below.

## TRANSITIONAL ARRANGEMENTS

**C**lause 3, "General saving", of Schedule 7 to the Local Government Act 1993 permits licences to be issued for caravan parks and camping grounds if the licensing process was commenced prior to 1st July 1993. Therefore if a council has received an application for the renewal of a licence, prior to 1st July 1993, then a licence should be issued in accordance with the requirements of Ordinance No. 71.

## APPROVALS

**A**n approval to operate a caravan park or camping ground is required under section 68 part F2 of the new Act. An approval to operate a manufactured home estate is required under section 68 part F3 of the new Act.

The approvals system is detailed in Part 1 of Chapter 7 of the Act. Several points, of special interest, are discussed below:-

- ▶ Section 80 refers to an application fee. The application must be accompanied by the approved fee which may be determined by the council.
- ▶ Section 82 permits councils to set aside or vary specific provisions of a regulation or local policy but only with the concurrence of the Director-General.
- ▶ Section 89 prohibits the approval of an application unless the requirements of the relevant regulations are complied with. The relevant regulations are the Local Government (Approvals) Regulation 1993 and either the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993 or the Local Government (Manufactured Home Estates) Transitional Regulation 1993.
- ▶ Section 90 prohibits the approval of an application if the concurrence of some other person or authority is required and has not been given (eg. the Department of Conservation and Land Management). Concurrence can be assumed to have been given 40 days after being sought unless expressly refused.
- ▶ Section 103 states that an approval lapses after five years, however a council may vary that period. The Department recommends that all approvals to operate (other than special approvals to be addressed later) either caravan parks, camping grounds or manufactured home estates not be subject to any lapsing period. That is, they should be continuous subject to compliance with the relevant regulations.
- ▶ Section 106 provides for the amendment of an approval.
- ▶ Section 108 provides for the revocation or modification of an approval.

## REGULATIONS

**T**he Local Government (Approvals) Regulation 1993 gives effect to and supplements the approvals system established by the Act. This Regulation calls up the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993 and the Local Government (Manufactured Home Estates) Transitional Regulation 1993.

These two Regulations are amended versions of Ordinance No. 71, Caravan Parks and Movable Dwellings and the Manufactured Home Estates Ordinance 1992 respectively. The amendments relate mainly to licensing matters, technical requirements are unchanged. Both Regulations are transitional and are expected to be replaced later this year. The replacement Regulations are not expected to contain any significant changes, however some rationalisation will occur.

The Approvals Regulation covers all types of approvals, the following clauses refer specifically to matters relating to caravan parks, camping grounds or manufactured home estates:-

- ▶ Clause 70 and 129 to 136 inclusive.

## APPROVALS NOT REQUIRED

**C**ause 70 of the Approvals Regulation details specific situations where an approval is not required for the installation of moveable dwellings.

## SPECIAL APPROVALS

**U**nder clause 11 of Ordinance No. 71 councils could issue a “special licence” in a variety of circumstances including jamborees, pop festivals, motor racing events etc where short-term occupancy was required or to permit a person to occupy land for a special purpose such as building a home.

This provision has been recreated by clause 130 (2) of the Approvals Regulation which permits a caravan park or camping ground to operate for a limited period without being required to comply with regulations normally applicable to a caravan park or camping ground.

A “special” approval to operate a caravan park or camping ground, granted under section 68 part F2 of the Act, should specify any conditions imposed by the council together with the time period for which the approval is granted.

## INSPECTIONS

**U**nder sections 191 and 192 of the Act a council employee, or other authorised person, may enter a caravan park, camping ground or manufactured home estate for the purpose of inspecting the premises.

The Department recommends that councils maintain the annual inspection programme, for caravan parks and camping grounds, as was required under Ordinance No. 71. Annual inspections are considered to be necessary to ensure that compliance with the regulations is maintained. This is of particular importance in a caravan park or camping ground because of the provision of communal toilet facilities and the transient nature of tenants and dwellings and the types of moveable dwellings installed.

Annual inspections of manufactured home estates are not considered to be necessary. These estates do not have communal toilet facilities, the dwellings are rarely relocated and the estates are akin to other residential developments.

## FEES

**A**n “approved fee” may be charged by a council for a variety of services as specified in the Act. The term “approved fee” is defined in the Act Dictionary.

The Director-General has determined the approved fees that may be charged for inspections of caravan parks, camping grounds and manufactured home estates. Councils were advised of this determination in the Department’s “Circular to Councils” No 93/27. This advice is reprinted below:

Under section 608 (3) of the new Act councils may charge an approved fee for inspecting premises. An approved fee may be prescribed by regulations, determined by the Director-General (if not prescribed by regulations) or determined by the council (if not prescribed by regulations or determined by the Director-General). The following approved fees have been determined by the Director-General for the purposes detailed:-

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- 1 (a) The council may impose, for the purpose of determining an application for the initial approval to operate (under section 68, F2 or F3 of the Act) a caravan park, camping ground or manufactured home estate, a maximum inspection fee of \$5.40 per site. Should such an application for an approval relate to 12 sites or less the council may impose a fee of \$65.00
  - (b) Should any reinspection be required for the purposes outlined in 1 (a) above because of non-compliance with the regulations at the initial inspection the council may impose a maximum fee of \$5.40 for each site requiring reinspection. Should 12 sites or less require reinspection the council may impose a fee of \$65.00.
  - (c) The council may impose, for the purpose of determining an application for the renewal or continuation of an approval to operate a caravan park, camping ground or manufactured home estate, or for a periodic inspection required as a condition of the approval to operate, a maximum inspection fee of \$3.75 per site. Should such an application for an approval relate to 17 sites or less the council may impose a fee of \$65.00.
  - (d) Should any reinspection be required for the purposes outlined in 1 (c) above because of non-compliance with the regulations at the initial inspection the council may impose a maximum fee of \$3.75 for each site requiring reinspection. Should 17 sites or less require reinspection the council may impose a fee of \$65.00.
- 2 The council may impose, for the purpose of issuing a replacement approval, in the name of a new proprietor, a maximum fee of \$37.00.
- 3 (a) The council may impose, for the purpose of inspecting a manufactured home together with any associated structures installed on the site and issuing a certificate of completion, a maximum fee of \$65.00
  - (b) Should any reinspection be required for the purposes outlined in 3(a) above because of non-compliance with the regulations at the initial inspection the council may impose a maximum fee of \$65.00
4. (a) The council may impose, for the purpose of inspecting and issuing a certificate of completion for any associated structure not included on the certificate of completion issued for the manufactured home installed on a site, a maximum fee of \$32.50.
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- (b) Should any reinspection be required for the purposes outlined in 4(a) above because of non-compliance with the regulations at the initial inspection the council may impose a maximum fee of \$32.50.

In the Director-General's determination of fees, the term "initial approval to operate" relates to new caravan parks, camping grounds and manufactured home estates which have not previously been licensed.

Caravan parks and camping grounds which were licensed under the provisions of Ordinance No. 71 should attract inspection fees under 1 (c) and (d).

No manufactured home estates have been previously licensed.

Where an inspection of a caravan park does not relate to sites but relates to roads, amenities blocks, fencing or other matters it is recommended that councils apply the fees and charges recommended by the Local Government and Shires Associations.

## LEVIES

**T**he levy of \$2.70 per site which was payable to the Department, under both Ordinance No. 71 and the Manufactured Home Estates Ordinance, has been retained. Section 149 of the Approvals Regulation details the provisions applicable to the payment of the levy. Sub-section 149 (3) requires the levy payment to be sent to the Director-General by the council on initial grant of an approval and by the operator, on 30th June in each year following the year in which the approval was granted. An amendment to sub-section 149 (3) (b) has been approved by the Director-General which will require the levy payment to be sent annually, by the proprietor, on the anniversary of the approval rather than on 30th June.

## INFORMATION TO BE PROVIDED TO THE DEPARTMENT

**T**he Director-General may, under section 429 of the Act, require councils to provide information.

Councils were advised, in the Department's "Circular to Councils" No. 93/27 that they will now be

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required to provide to the Department copies of all initial, amended and renewed approvals to operate caravan parks (section 68, F2 approval), camping grounds (S68, F2) and manufactured home estates (S68, F3) and any revocations of these approvals.

## ORDERS

**C**ouncil's authorities to require rectification work, demolition work, action to achieve compliance with regulations and a variety of other activities are contained in Part 2 of Chapter 7 of the Act.

## APPEALS

**A**n appeal may be made to the Land and Environment Court in any of the following circumstances:-

- ▶ If an applicant is dissatisfied with a council's determination of an application for approval.
- ▶ If an applicant is dissatisfied with a council's decision relating to an "in principle" approval.
- ▶ If an approval is revoked or modified.
- ▶ If an order is served.

Part 5 of Chapter 7 of the Act specifies the circumstances and requirements relating to appeals.

## PENALTIES

**P**enalties apply for offences under the Act and are specified in Part 1 of Chapter 16 of the Act.

The maximum penalty that a council may impose for operating a caravan park, camping ground or manufactured home estate without having obtained prior approval is \$2,000 (section 626(3)).

The maximum penalty that a council may impose for failing to comply with an order No. 5

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(Compliance with relevant requirements for caravan parks, camping grounds or manufactured home estates) given under Part 2 of Chapter 7 of the act is \$5000 in the case of an individual or \$10000 in the case of a corporation (section 628(1)).

### INSTALLATION OF MOVEABLE DWELLINGS ON LAND

**A** manufactured home, moveable dwelling or associated structure may be installed on land other than land approved for use as a caravan park, camping ground or manufactured home estate. This installation will require the approval of the council under section 68 part A3 of the Act.

The approvals system is detailed in Part 1 of Chapter 7 of the Act. Several points, from the Act and the Approvals Regulation, which relate specifically to an approval issued under clause 68 part A3 include:-

- ▶ Approvals Regulation (AR) clause 9 (2) states that section 114 of the Act applies.
- ▶ Section 114 of the Act refers to “notification of neighbours”.
- ▶ AR clause 14 lists matters which must be taken into consideration when determining an A3 application. These matters include whether consent is required under the Environmental Planning and Assessment Act, 1979 and the matters set out in AR clause 12(1). However any such matters for consideration are subject to any applicable provision of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993 or the Local Government (Manufactured Home Estates) Transitional Regulation 1993.
- ▶ AR clause 15 requires that the council must take into consideration the flood-labile nature of the land when determining an application for approval to install a moveable dwelling.
- ▶ AR clause 19 prohibits approval unless the installation complies with the Act and the Approvals Regulation.
- ▶ AR clause 66 requires a moveable dwelling to comply with the applicable provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993 and the Local Government(Manufactured Home Estates) Transitional Regulation 1993.

## SUMMARY OF SUGGESTIONS

**T**he following is a summary of the Department's suggestions relating to the approvals system as it applies to caravan parks, camping grounds and manufactured home estates:-

- 1 An approval should be continuous.
- 2 An annual inspection of caravan parks and camping grounds should be conducted by council employee.
- 3 The approved fee, as determined by the Director General, for an inspection of a previously licensed caravan park or camping ground conducted for the purpose of determining an application for an approval to operate, should be a maximum of \$3.75 per site.

Suggested "approval to operate" forms are attached. Councils may choose to use these forms or may choose to create their own.

NOTE: The transitional regulations are expected to be repealed later this year.

### DISCLAIMER

All due care has been taken in preparing and checking this information document. The Department of Local Government and Co-operatives emphasises that the document is the Department's view only and should not be relied upon in any relevant legal proceedings. A council or other parties should be guided by their own legal advice.

# APPROVAL TO OPERATE A CARAVAN PARK/CAMPING GROUND

The Council of

hereby grants, under section 68 Part F2 of the Local Government Act 1993, approval to operate:

a caravan park only; or  a camping ground only; or  a caravan park and camping ground.

Approval granted to:

ADDRESS:

POST CODE:  TELEPHONE:

In respect of caravan park/camping ground known as:

Situated at:

This approval to operate shall remain in force from:  to:

or until such time as it is amended, modified or revoked under the relevant provisions of the Local Government Act 1993.

This approval relates to a total of  dwelling sites and camp sites. These sites comprise  long-term sites,  short-term sites and  campsites. Of these sites  long-term sites and  short-term sites have been reserved for use by self-contained moveable dwellings only. The numbers, sizes and locations of all dwelling sites and camp sites are specified in the community map identified by reference No.

Council has determined that the portion of the caravan park that is less than  metres above the Australian Height Datum (AHD) is flood-liable and as such no relocatable home, rigid annexe or associated structure is to be installed on that portion of the park without the prior approval of the Council.

## FACILITIES PROVIDED

### TOILET AND SHOWER FACILITIES

Toilets, Male <input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>	Toilets, Female <input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>
Showers, Male <input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>	Showers, Female <input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>
Hand basins, Male <input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>	Hand basins, Female <input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>
Urinals <input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>	

### LAUNDRY FACILITIES

Washing machines <input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>	Irons <input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>
Laundry tubs <input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>	Ironing boards <input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>
Clothes driers <input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>	Line space (metres) <input style="width: 40px; height: 20px; border: 1px solid black;" type="text"/>

### FACILITIES FOR PEOPLE WITH DISABILITIES

Showers  Toilets

## STANDARD CONDITIONS

1. This approval shall be prominently displayed on a part of the approved premises where it may be seen by all residents. Display shall be accompanied by a copy of the community map.
2. The operation of the caravan park/camping ground and any work associated with its operation must comply with any applicable standard established by the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995.
3. It is a condition of this approval that the land is not used for any commercial purpose other than a caravan park or camping ground or an associated purpose.
4. It is a condition of this approval that the land not be used for the manufacture, construction or reconstruction of moveable dwellings (this condition does not prevent the on-site repair of moveable dwellings).
5. It is a condition of this approval that inspections of the premises may be conducted by Council, to ensure continued compliance with the Act and the relevant regulations.

## SPECIAL CONDITIONS


Issued this \_\_\_\_\_

day of \_\_\_\_\_

\_\_\_\_\_  
Designation of person authorised by Council

\_\_\_\_\_  
Signature

# APPROVAL TO OPERATE A MANUFACTURED HOME ESTATE

The Council of   
hereby grants, under section 68 Part F3 of the Local Government Act 1993, approval to operate a manufactured home estate.

Approval granted to:

ADDRESS:

POST CODE:  TELEPHONE:

In respect of manufactured home estate known as:

Situated at:

This approval to operate shall remain in force from:  to:

or until such time as it is amended, modified or revoked under the relevant provisions of the Local Government Act 1993.

This approval relates to a total of  dwelling sites as referenced on community map no.

## STANDARD CONDITIONS

1. This approval shall be prominently displayed on a part of the approved premises where it may be seen by all residents. Display shall be accompanied by a copy of the community map showing the identification number, designation and location of all approved residential sites.
2. The operation of the manufactured home estate and any work associated with the operation of the manufactured home estate must comply with any applicable standard established by the Local Government (Manufactured Home Estates and Manufactured Homes) Regulation 1995.
3. It is a condition of this approval that the land is not used for any commercial purpose other than a manufactured home estate or an associated purpose.
4. It is a condition of this approval that the land not be used for the manufacture, construction or reconstruction of moveable dwellings (this condition does not prevent the on-site repair of moveable dwellings).

## SPECIAL CONDITIONS


Issued this \_\_\_\_\_

day of \_\_\_\_\_

\_\_\_\_\_  
Designation of person authorised by Council

\_\_\_\_\_  
Signature

# APPROVAL TO OPERATE A PRIMITIVE CAMPING GROUND

The Council of   
hereby grants, under section 68 Part F2 of the Local Government Act 1993, approval to operate a primitive camping ground.

Approval granted to:

ADDRESS:

POST CODE:  TELEPHONE:

In respect of primitive camping ground known as:

Situated at:

This approval to operate shall remain in force from:  to:

or until such time as it is amended, modified or revoked under the relevant provisions of the Local Government Act 1993.

This approval permits the primitive camping ground to be used by a total of not more than  caravans, campervans and tents at any one time.

## FACILITIES PROVIDED

### TOILET AND SHOWER FACILITIES

Toilets, Male	<input type="text"/>	Toilets, Female	<input type="text"/>
Showers, Male	<input type="text"/>	Showers, Female	<input type="text"/>
Hand basins, Male	<input type="text"/>	Hand basins, Female	<input type="text"/>
Urinals	<input type="text"/>		

### FACILITIES FOR PEOPLE WITH DISABILITIES

Showers  Toilets

### FIRE FIGHTING FACILITIES


## STANDARD CONDITIONS

1. This approval shall be prominently displayed on a part of the approved premises where it may be seen by all residents.
2. The operation of the primitive camping ground and any work associated with its operation must comply with any applicable standard established by the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995.
3. It is a condition of this approval that the land is not used for any commercial purpose other than a primitive camping ground or an associated purpose.
4. It is a condition of this approval that the land not be used for the manufacture, construction or reconstruction of moveable dwellings (this condition does not prevent the on-site repair of moveable dwellings).
5. It is a condition of this approval that inspections of the premises may be conducted by Council, to ensure continued compliance with the Act and the relevant regulations.

## SPECIAL CONDITIONS


Issued this \_\_\_\_\_

day of \_\_\_\_\_

Designation of person authorised by Council \_\_\_\_\_

Signature \_\_\_\_\_