



PLANNING SYSTEM

Act and Regulation changes

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Related	

Commencement of updated regulation for caravan parks and moveable dwellings

This Circular is to inform councils, operators and residents of caravan parks, camping grounds and manufactured home estates, government agencies and other interested parties of changes introduced by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

Overview

Caravan parks, camping grounds and manufactured home estates (MHEs) are important providers of affordable tourist and residential accommodation. NSW currently has over 900 of these parks, grounds and estates.

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 ('the new Regulation') was gazetted on 26 August 2005 and commenced on 1 September 2005, except for clauses 9(4) and 74(7), dealing with installation of homes of more than one storey, which both start on 1 March 2006.

The new Regulation replaces the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995 and the Local Government (Manufactured Home Estates and Manufactured Homes) Regulation 1995 ('the former Regulations'), which were repealed on 1 September 2005 as part of the staged repeal process for NSW Regulations.

Approval process

Under section 68 of the *Local Government Act 1993* (LG Act) council approval is required to operate a caravan or camping ground, or a manufactured home estate, and to install a moveable dwelling or associated structure. 'Moveable dwellings' include manufactured homes, other types of relocatable homes, tents and caravans. Examples of an 'associated structure' include a garage or carport on the same site as a moveable dwelling or a separating wall between two moveable dwellings.

Section 89(1) of the LG Act provides that in deciding whether to approve an application for a section 68 'activity', a council:

- must not grant approval if the activity would not comply with the requirements of any relevant regulation
- must take into consideration any relevant criteria of any local policy adopted by the council under Part 3 of Chapter 7 of the LG Act (commonly referred to as a local approval policy or LAP)
- must take into consideration the principles of ecologically sustainable development, as defined in the LG Act.

A section 68 approval runs for five years unless the council sets a different period. A council may extend or renew an approval (without changing the terms of the approval) if satisfied there is good cause.

A person applying to carry out an activity that would not comply with all applicable provisions of the regulations or a LAP may lodge with the council an objection under section 82 of the LG Act, to the requirement to comply with those provisions.

The regulations or a LAP may provide that certain activities may be carried out, subject to any conditions established by the regulations or the LAP, without requiring the approval of the council under section 68 of the LG Act.¹

1. Section 162 of the LG Act must be complied with before those exemptions may be included in a LAP.

Caravan parks, camping grounds and MHEs are also subject to the State's planning legislation. Under State Environmental Planning Policy No. 21 – Caravan Parks, a caravan park or camping ground requires the development consent of the council. Similarly, where State Environmental Planning Policy No. 36 – Manufactured Home Estates applies, consent is required from the council for development for the purposes of an MHE.

What does the new Regulation do?

The new Regulation focuses on promoting the health, safety and amenity of the occupiers of moveable dwellings. It sets requirements for the design and construction of caravan parks, camping grounds and MHEs, and for the installation of moveable dwellings and associated structures.

The new Regulation consolidates the two former regulations into one, with a number of changes. Part 2 deals with MHEs and the installation of manufactured homes in those estates and Part 3 with caravan parks and camping grounds and the installation of moveable dwellings in those parks and grounds and elsewhere (other than the installation of manufactured homes in MHEs).

Application of the new Regulation

All applications to operate a park, ground or estate or amend an existing approval that are determined on or after 1 September 2005 are subject to the new Regulation. The new Regulation also applies to the installation of moveable dwellings, associated structures and annexes on or after 1 September 2005.

However, the new Regulation is not retrospective. Parks, grounds and estates whose current approval was granted prior to the commencement of the new Regulation can continue to operate under that approval. Moveable dwellings lawfully installed before the commencement of the new Regulation, can stay in their present locations without any upgrades being required.

Ordinance 71 (introduced 1986 and repealed in 1993) exempted 'existing parks' from the requirement to comply with certain of that Ordinance's provisions (eg regarding maximum distance of dwellings from fire hydrants, site setbacks from boundaries, and visitors' parking). Those exemptions (where applying) are carried across to the former Regulations and apply also under the new Regulation under its savings provisions.

A new provision that applies to all caravan parks and camping grounds is a requirement for certain additional information to be provided to prospective tourist occupiers of dwellings or camp sites (see below).

What stays the same?

Most of the design, construction and operational requirements of the new Regulation are the same as they were in the former regulations. For example, the requirements regarding minimum sizes for caravan parks and MHEs, size of dwelling sites, setbacks, speed limits on access roads and the calculations for provision of laundry facilities, are unchanged.

As previously, the installation of manufactured homes and associated structures in a MHE, and the installation of relocatable homes, associated structures and annexes in caravan parks are in most cases exempted from the requirement for council approval, provided the home or structure is designed, constructed and installed in accordance with the relevant requirements of the Regulation, and the installation has the consent of the park/estate operator (see clauses 9 and 74).

Other unchanged requirements include that homes and structures not requiring council approval, must:

- be of a design certified by a practising structural engineer as structurally sound
- be installed in accordance with the specifications in the engineer's certificate and such other specifications in the approval for the park or estate
- have compliance plates attached.

What is different?

The main changes introduced by the new Regulation (discussed in more detail below) are:

1. requiring compliance with updated versions of certain codes, guidelines and Australian Standards (new parks, grounds and estates and extensions to and reconfigurations of existing ones)
2. 'calling up' some additional Australian Standards (for disability access parking and termite shields)
3. requiring council approval prior to installing a manufactured home on flood-labile land in a MHE
4. requiring (from 1 March 2006) council approval prior to installing a relocatable home of more than one storey
5. refining requirements for on-site parking
6. refining a provision regarding fire hydrants
7. requiring additional information to be provided to prospective tourist occupiers of parks and grounds
8. extending the requirements for rigid annexes inside caravan parks and camping grounds to those installed outside.
9. allowing higher densities in primitive camping grounds.

1. Compliance with updated standards

Updated standards apply to:

- installation of electrical circuits supplying electricity to dwelling sites in MHEs and long term sites in caravan parks (see clauses 30 and 104)
- design gust wind speed in respect of manufactured homes, relocatable homes, associated structures and rigid annexes (see clauses 52, 144 and 167)
- selection and installation of glazing materials (see clauses 59, 151 and 168)
- internal waterproofing in a relocatable home (other than a manufactured home in a MHE) (see clause 153)
- electrical wiring in manufactured homes and relocatable homes (see clauses 63 and 155).

In each case the applicable standard is the version in force at **1 September 2005**.

In addition updated versions of codes and guidelines also apply as follows:

- water supply service and sewage disposal system for a park, ground or estate must comply with the Plumbing and Drainage Code of Practice as in force from time-to-time (1999 is the current version), as must the stormwater drainage system for a caravan park or camping ground (see clauses 27, 28, 29, 101 and 102)
- all pipes and fittings in a manufactured home or relocatable home that relate to water supply, sewerage or stormwater drainage must be installed in accordance with the Plumbing and Drainage Code of Practice as in force from time-to-time (see clauses 62 and 154)
- water supplied for human consumption and domestic purposes to caravan parks, camping grounds must comply with the Australian Drinking Water Guidelines published in 2004 by the National Health and Medical Research Council (and this requirement is also introduced for MHEs) (see clauses 27(4) and 101(6))
- where the Floodplain Development Manual is referenced (clauses 10 and 75(1)), it means the version of that document as in force from time-to-time (current version is April 2005).

2. Additional standards

There are two matters for which the new Regulation introduces a requirement to comply with an Australian Standard:

- termite shields, barriers or the like to protect structural members susceptible to termite attack must be provided in accordance with AS 3660.1-2000 *Termite management – new building work and structures*, as in force on 1 September 2005 (see clauses 58 and 150)
- a caravan park, camping ground or MHE must contain at least one visitor parking space for people with disabilities for each 100 sites or fraction of 100 sites, and those spaces are to comply with AS/NZS 2890.1:2004 *Parking facilities – off street parking* (see clauses 24

and 98). Those parking spaces are to be included in the on-site visitor car parking required by clauses 23 and 97).

3. Manufactured homes on flood-liable land in MHEs

The new Regulation introduces a requirement for council approval prior to the installation of manufactured homes and associated structures on flood-liable land in MHEs. In deciding whether to grant approval the council must have regard to the principles in the Floodplain Development Manual. This is to ensure that any installations on flood-liable land satisfactorily address flooding constraints.

From 1 September 2005 a council's notification to an approval holder that land in a MHE (or caravan park or camping ground) is flood-liable must be in writing (see clauses 9(3) and 74(6)). This will ensure councils and operators have a clear record that the installation of a home on that land will require council approval.

4. Homes of more than one storey

Starting 1 March 2006 the installation of a manufactured home or associated structure of more than one storey in a MHE, and of a relocatable home, associated structure or rigid annexe of more than one storey in a caravan park will require prior council approval. In assessing the application a council will be required to have regard to the likely amenity impacts (eg overlooking, overshadowing) on any occupiers of any adjoining home in the park or estate and on any occupiers of adjoining land.

A definition of 'storey' is also included in the new Regulation. For example, a garage under another part of a home may be considered to be a storey.

The delayed commencement of this approval requirement is so that park or estate owners, operators or residents who have outstanding orders for two-storey homes at the time the other provisions of the new Regulation commence (ie 1 September 2005) will not be disadvantaged.

5. Parking spaces separate from sites

A resident's parking space that is separate from a dwelling or camp site (as relevant) in a caravan park, camping ground or MHE must be marked by lines, pegs or similar means to identify the site to which the space relates. This will help ensure that residents' parking spaces are not taken by others. Park owners may wish to have parking spaces that are part of a dwelling site also marked, although this is not required by the Regulation.

Visitors' parking spaces must be clearly identified as such. This will help ensure that visitors park in the spaces provided for them and do not take residents' parking spaces. Visitor parking should preferably be provided at a number of locations. This will help minimise the distance visitors need to walk.

6. Fire hydrants

Under the new Regulation any fire hydrant put in a park, ground or estate on or after 1 September 2005 must be of a double-headed pillar type. Double-headed pillar type hydrants are unlikely to be obstructed by vehicles.

NSW Fire Brigades require this type of hydrant in other situations and have requested this provision be included.

7. Information for prospective tourist occupiers of caravan parks and camping grounds

The new Regulation requires that each prospective tourist occupier of a caravan park or camping ground be given written notice of the location of each fire extinguisher, fire hose reel and fire hydrant in the park or ground. Awareness of the location of on-site fire fighting equipment will help promote safety.

If the council has notified the holder of the approval for the park or ground in writing that any land in the park or ground is flood-labile or bushfire prone (see definitions in clause 4 of the new Regulation), then the operator must also notify prospective tourist occupiers of the location of that land.

If there is bushfire prone land or flood liable land in any caravan park or camping ground in their area, councils are requested to ensure they write to the relevant approval holders to notify them of this.

The new Regulation does not itself require prospective residents of caravan parks to be provided with information. This is because prospective residents' rights to information about parks are governed by the *Residential Parks Act 1998*. However, park operators are encouraged to provide intending residents with the fire safety and (where applicable) hazard risk information referred to in clause 123(3)(h)(i) and (j).

It is recommended that all park and ground operators have an evacuation plan and display this information in a prominent location.

8. Rigid annexes outside caravan parks and camping grounds

As an additional safety measure the requirements applying to the design, construction and installation of rigid annexes in a caravan park or camping ground also apply to rigid annexes installed elsewhere (see clause 82).

9. Primitive camping grounds (PCGs)

The new Regulation provides increased opportunity for families and small groups to camp together in primitive camping grounds (PCGs).

An approval for a PCG may designate up to two camp sites per hectare, averaged over the total area of the PCG. Providing the spacing requirements in clauses 132(2)(c) and (d) are met, several tents, caravans or campervans, may be able to be placed in some camp sites.

Formerly, only up to two caravans, campervans and tents per hectare were permitted to use a PCG at any one time.

Under the new Regulation, where the approval does not designate camp sites in a PCG, a two caravans, campervans and tents per hectare maximum applies but with a concession that two or more tents occupied by a group of not more than 12 people camping together are to be counted as one tent. This concession does not extend to campervans or caravans.

Camping is not permitted outside camp sites in those PCGs where camp sites are designated. A PCG approval that does not designate camp sites may impose 'no camping' areas for health, safety, ecological sustainability or other reasons.

Where a group camps together in more than one tent and a register is kept of occupiers (a register is required if a camping fee is charged), a record must be kept of the size of that group. This will help in monitoring use levels and impacts.

While the new Regulation does not specify minimum or maximum sizes for designated camp sites (because the topographical, vegetation cover and other characteristics of PCGs will vary), it is suggested that approvals that designate camp sites should specify small sizes for those sites (generally not over around 100m²). This will help limit the number of people per site and promote the quiet enjoyment of camping. Councils should also consider requiring a water supply, and toilet and refuse facilities to be relatively close proximity to each camp site.

If the current approval for a PCG does not designate camp sites, and it is desired to establish those sites, an amendment to the approval may be necessary. The approval will need to specify the number, size and location of the camp sites (clause 72(1)(c)(ii)).

Councils should note the requirement in clause 72(3) to specify in an approval that does not designate camp sites, how the maximum number of caravans, campervans and tents permitted in the camping ground is calculated.

It is recommended that evacuation plans be put in place for all PCGs.

Other changes

A number of other changes are also made to better provide for health, safety and amenity and to improve efficiency of process.

- To allow better access for fire trucks the minimum width for the sealed portion of a minor access road in a MHE under the new Regulation is 4m, up from 3.5m (see clause 21(2)(b)).
- To promote fire safety and reduce likelihood of noise problems, a caravan must not be installed on a dwelling site on which a relocatable home is installed (see clause 164)).
- The requirements for plans to accompany an application to install a moveable dwelling have been updated and are now required to more clearly show how the proposed home would relate to its site (see clause 79).

- The holder of an approval to operate a MHE must give the council written notice of the installation of a manufactured home or associated structure, within seven days after the installation is completed (see clause 68).

Best practice

The following are some matters which operators are requested to consider as matters of best practice:

- displaying a copy of the community map at the entrance to the caravan park, camping ground or MHE will assist emergency services should they need to access the property
- lighting of paths and common areas should be bright enough to allow easy identification but not result in spill-over into homes or glare for motorists within or outside the park
- internal roads need to be kept in a good state of repair (to the standard required by the approval for the park, ground or estate)
- any speed humps on access roads in parks must not be so high as to cause damage to vehicles
- car-washing facilities should preferably be connected to a treatment unit and discharge to the sewer or a pump-out facility. No discharge or overflow to drainage easements or watercourses should be allowed. Signs should indicate applicable water restrictions

- any central collection point for garbage should be located well away from homes
- councils should establish an inspection regime for checking compliance with approvals and need to be aware of the orders provisions under section 124 of the LG Act.

Further information

For further information about the Local Government (Manufactured Home Estate, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, contact:

Planning Reform Unit
Department of Planning
GPO Box 39, Sydney 2001.

The new Regulation may be accessed on the Parliamentary Counsel Office's website at www.legislation.nsw.gov.au – see 'In force' database.

Authorised by:
Alice Spizzo

Executive Director
Office of the Director General
Department of Planning

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