



New South Wales

Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Amendment Regulation 1998

under the
Local Government Act 1993

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

ERNIE PAGE, M.P.,
Minister for Local Government

Explanatory note

The *Local Government Act 1993* makes it an offence for a person to install a manufactured home, moveable dwelling or associated structure on land, or to operate a caravan park or camping ground, without the prior approval of the council (see sections 68 and 626). The *Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995* sets out standards for the operation of caravan parks and camping grounds and the construction and installation of certain moveable dwellings and associated structures.

The objects of this Regulation are as follows:

- (a) to make further provision with respect to the installation of relocatable homes, associated structures and rigid annexes on flood liable land (Schedule 1 [1], [11] and [12]),
- (b) to remove a requirement that the concurrence of the Director-General of the Department of Local Government be obtained before an approval is given that allows the number of long-term sites in a caravan park to exceed the number of short-term sites (Schedule 1 [12]),

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- (c) to make further provision with respect to the matters to be included in approvals to operate a caravan park or camping ground (Schedule 1 [3], [4], [5] and [72]),
- (d) to extend the maximum occupation period for short term sites at caravan parks and to introduce special provisions relating to occupation of holiday vans (Schedule 1 [6]),
- (e) to require a relocatable home, associated structure, caravan, campervan or tent to be installed in a caravan park or camping ground only with the consent of the holder of the approval to operate the caravan park or camping ground (Schedule 1 [11]),
- (f) to make further provision with respect to the installation of a caravan or campervan on residential land (Schedule 1 [14]),
- (g) to remove a requirement that a certificate of completion be issued following the installation of a relocatable home (Schedule 1 [8], [16], [66] and [71]),
- (h) to make further provision with respect to the location, number and standard of facilities and utility services provided in connection with a caravan park or camping ground, including off-site parking sites, water supply, drainage, waste disposal, facilities for people with disabilities and laundry, toilet and shower facilities (Schedule 1 [20]-[31] and [76]),
- (i) to make further provision with respect to the management of caravan parks and camping grounds, including the maximum number of occupants that may be permitted per site, registration of occupants and conditions of occupation (Schedule 1 [32]-[38]),
- (j) to introduce certification requirements in relation to fire hose reels installed in caravan parks and camping grounds (Schedule 1 [39]),
- (k) to prevent the erection of community buildings on dwelling sites or camp sites in a caravan park or camping ground (Schedule 1 [40]),
- (l) to make further provision with respect to primitive camping grounds, including allowing councils to require fire fighting facilities to be provided in primitive camping grounds (Schedule 1 [41] and [42]),
- (m) to omit requirements relating to site boundaries for relocatable homes (Schedule 1 [45]),
- (n) to introduce design and construction standards for carports that are installed in caravan parks (Schedule 1 [46]),

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- (o) to make further provision with respect to the design, construction and installation of relocatable homes and associated structures in caravan parks (Schedule 1 [17], [43], [44], [47]–[56], [69] and [77]),
- (p) to make further provision with respect to the design, construction and installation of caravans and associated structures, tents and annexes in caravan parks (Schedule 1 [9], [57]–[65] and [75]),
- (q) to make other amendments to the *Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995* for the purposes of law revision or clarification (Schedule 1 [7], [9], [10], [13], [15], [18], [19], [67], [68], [70], [73], [74], [78] and [79]).

This Regulation is made under the *Local Government Act 1993*, including section 98 (other conditions of approvals), section 748 (the general regulation making power) and Schedule 6.

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1 Name of Regulation

This Regulation is the *Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Amendment Regulation 1998*.

2 Commencement

This Regulation commences on 27 March 1998.

3 Amendment of Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995

The *Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995* is amended as set out in Schedule 1

4 Notes

The explanatory note does not form part of this Regulation

Schedule 1 Amendments

(Clause 3)

[1] Clause 7 Factors for consideration before approval is granted

Omit “or rigid annexe” from clause 7 (2).

Insert instead “, rigid annexe or associated structure”.

[2] Clause 8 Concurrence of Director-General required for excess long-term sites

Omit the clause.

[3] Clause 9 Matters to be specified in approval

Insert after clause 9 (l) (b) (iii):

, and

(iv) the location of any off-site parking spaces for dwelling sites,

[4] Clause 9 (1) (c) (iii)

Insert after clause 9 (1) (c) (ii):

, and

(iii) the location of any off-site parking spaces for camp sites,

(d) the location of any flood-liable land in the caravan park or camping ground.

[5] Clause 9 (2)

Omit “plan”. Insert instead “community map”.

[6] Clause 10 Conditions of approval to operate caravan park or camping ground

Omit clause 10 (1) (c) and 10 (2). Insert instead:

- (c) a person must not be permitted to stay in a moveable dwelling that occupies a short-term site or camp site for a total of more than 150 days in any 12 month period, unless the moveable dwelling is a holiday van and the person is the owner of that holiday van,
- (d) the owner of a holiday van that occupies a short-term site or camp site must not be permitted to stay in the holiday van for a total of more than 180 days in any 12 month period,
- (e) the owner of a holiday van that occupies a short-term site or camp site must not be permitted to stay in the holiday van for more than 150 consecutive days in any 12 month period,
- (f) a person must not be permitted to stay in a moveable dwelling in a primitive camping ground for a total of more than 50 days in any 12 month period.

(2) For the purposes of this clause, only overnight stays are to be counted in calculating the number of days a person spends in a moveable dwelling.

[7] Clause 10, note

Insert at the end of clause 10:

Note. The council may also impose conditions on the grant of an approval under section 94 of the Act.

[8] Clause 11 Conditional exemptions

Omit clause 11 (1) (a). Insert instead:

- (a) the installation of a relocatable home on a dwelling site within a caravan park, so long as it is designed, constructed and installed in accordance with the relevant requirements of Part 4, or

[9] Clause 11 (2)

Omit clause 11 (2). Insert instead:

- (2) The prior approval of the council is not required for the installation of a caravan, tent or annexe on a dwelling site within a caravan park, so long as it is designed, constructed and installed in accordance with the relevant requirements of Part 5.
- (2A) The prior approval of the council is not required for the installation of a tent on a camp site within a camping ground.

[10] Clause 11 (3)

Omit “or tent” from clause 11 (3).

[11] Clause 11 (4), (5)

Insert at the end of clause 11:

- (4) An exemption provided for by this clause applies in respect of the installation of a relocatable home, associated structure, caravan, campervan or tent only if such installation is carried out by or with the consent of the holder of the approval to operate the caravan park or camping ground concerned.
- (5) An exemption provided for by this clause does not apply to the installation of a relocatable home, rigid annexe or associated structure on flood-livable land, so long as the council has notified the holder of the approval to operate the caravan park or camping ground concerned, before that installation, that the land is flood-livable land.

[12] Clause 11A

Insert after clause 11:

11A Installation on flood-livable land

- (1) In deciding whether or not to approve the installation of a relocatable home, rigid annexe or associated structure on flood-livable land in a caravan park or camping ground, the council must have regard to the principles contained in the *Floodplain Development Manual*.

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- (2) It is a condition of an approval to install a relocatable home or associated structure on flood-liable land that the relocatable home and associated structure is designed, constructed and installed in accordance with the relevant requirements of Part 4.
- (3) It is a condition of an approval to install a rigid annexe on flood-liable land that the rigid annexe is designed, constructed and installed in accordance with the relevant requirements of Part 5.

Note. The council may also impose conditions on the grant of an approval under section 94 of the Act.

[13] Clause 12 Conditional exemptions

Omit "or campervans" from clause 12 (a).
Insert instead “, campervans or tents”.

[14] Clause 12 (b)

Omit clause 12 (b). Insert instead

- (b) the installation of not more than one caravan or campervan on land occupied by the owner of the caravan or campervan in connection with that owner's dwelling-house, so long as it is used for habitation only by the owner or by members of the owner's household and is maintained in a safe and healthy condition, or

[15] Clause 13 Unconditional exemptions

Omit "Crown lands" from clause 13.
Insert instead “Crown reserves”.

[16] Clause 16 Conditions of approval

Omit clause 16 (1) (b)

[17] Clause 25 Separation distances

Insert at the end of clause 25:

(2) This clause does not prohibit the installation of semi-detached relocatable homes on adjoining dwelling sites so long as they are separated by construction conforming to the fire safety and sound insulation provisions relating to class 1 buildings contained in Section 3 of Volume Two of the *Building Code of Australia*.

[18] Clause 28 Width of roads

Omit "along its length" from clause 28 (2).

[19] Clause 29 Speed limits

Omit "along its length" from clause 29 (b).

[20] Clause 30 Residents' parking

Omit clause 30 (3). Insert instead:

(3) An off-site parking space for a dwelling site or camp site must be situated in the location specified in the approval for the caravan park or camping ground.

[21] Clause 34 Water supply

Insert at the end of clause 34 (3):

Connections must be located so that no camp site is more than 30 metres from a connection.

[22] Clause 34 (6)

Insert after clause 34 (5):

(6) The water supplied for human consumption or domestic purposes must comply with *Australian Drinking Water Guidelines 1996* published by the National Health and Medical Research Council and the Agriculture and Resource Management Council of Australia and New Zealand.

[23] Clause 35 Sewerage

Omit “must be connected to” from clause 35 (2).
Insert instead “must be provided with a connection to”.

[24] Clause 35 (3)

Insert “that includes any short term sites or camp sites” after “camping ground”.

[25] Clause 35 (3)

Insert at the end of clause 35 (3):

The common soil waste dump point must be located so as to permit adequate access by caravans and campervans.

[26] Clause 35 (3A)

Insert after clause 35 (3):

(3A) A short-term site must be provided with a disposal point, as specified in the approval, for the disposal of sullage (that is, domestic waste from baths, basins, showers, laundries and kitchens, including floor wastes from those sources) from any moveable dwelling installed on the site. More than one short-term site may be provided with the same disposal point.

[27] Clause 36

Omit the clause. Insert instead:

36 Drainage

- (1) A caravan park or camping ground must be provided with a stormwater drainage system.
- (2) All dwelling sites and camp sites must be adequately drained.

Note. The Act requires stormwater drainage work to be carried out only with the approval of the council. The *Local Government (Water, Sewerage and Drainage) Regulation 1993* specifies further requirements with respect to drainage.

[28] Clause 41 Facilities for people with disabilities

Insert “not less than one but” after “camping ground with” in clause 41 (2).

[29] Clause 41 (5)

Insert after clause 41 (4):

(5) This clause applies in respect of a caravan park or camping ground only if it has at least one dwelling site (other than a dwelling site that is disregarded under clause 39 (b)) or at least one camp site.

[30] Clause 44 Proximity of dwelling sites to shower blocks and toilet blocks

Insert after clause 44 (2)

(3) This clause does not apply in respect of dwelling sites reserved for use by self-contained moveable dwellings and dwelling sites provided with en-suite facilities.

[31] Clause 53

Omit the clause. Insert instead:

53 Maintenance

The laundry facilities required by this Division that are housed in a laundry block must be maintained in a serviceable and safe condition.

[32] Clause 54 Maximum number of persons per dwelling site or camp site

Insert at the end of clause 54:

(2) A person occupies a dwelling site or camp site if the person stays overnight in a moveable dwelling that is located on that site.

[33] Clause 55

Omit the clause. Insert instead:

55 Register of occupiers

- (1) A register of occupiers must be kept for a caravan park or camping ground.
- (2) Each person who alone occupies a dwelling site or camp site must be registered under this section. If more than one person occupies the same dwelling site or camp site, at least one of those persons must be registered.
- (3) The register must include the following particulars in relation to a person whose occupation of a site is registered under this section:
 - (a) the person's name and address,
 - (b) the dates of arrival and departure of the person,
 - (c) the site identification of the site occupied by the person,
 - (d) the registration number (if any) of the moveable dwelling, in the case of a caravan or campervan,
 - (e) particulars of the relevant compliance plate, in the case of a relocatable home.
- (4) The register must be available for inspection by any authorised person without cost during normal working hours.

[34] Clause 56 Information to be given to prospective occupiers

Omit clause 56 (1). Insert instead:

- (1) Before the holder of the approval for a caravan park or camping ground enters into an agreement with a person relating to the person's occupation of a dwelling site or camp site, the holder of the approval must ensure that the person is given written notice of the conditions of occupation.
- (1A) This clause does not apply if the agreement relates to the person's occupation of a long-term site, unless the person is proposing to occupy that site for holiday purposes.

[35] Clause 56 (2) (b)-(b3)

Omit clause 56 (2) (b). Insert instead:

- (b) the date (if any) on which it is agreed that the person's occupation of the dwelling site or camp site will cease,
- (bl) in the case of an agreement relating to occupation of a short-term site or camp site, advice as to the maximum number of days that the person may stay in a moveable dwelling on the site in any 12 month period (being the maximum number provided for by clause 10 or a lesser number determined by the holder of the approval to operate the caravan park or camping ground),
- (b2) the rules (if any) of the caravan park or camping ground,
- (b3) a telephone number on which the holder of the approval for the caravan park or camping ground, or his or her agent, may be contacted in the event of an emergency,

[36] Clause 56, note

Insert after clause 56:

Note. The *Residential Tenancies Act 1987* and the regulations under that Act apply to residential tenancy agreements under which the residential premises consist of a moveable dwelling, or a site on which a moveable dwelling is situated, or both (see section 7). That Act does not apply to premises ordinarily used for holiday purposes.

[37] Clause 57 Use of caravan parks and camping grounds

Insert at the end of clause 57:

- (2) This clause does not prevent the carrying out of work on a moveable dwelling that is installed in a caravan park or camping ground for the purpose of its renovation, maintenance or repair (such as painting, replacement of wall cladding or roof sheeting and the like).

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[38] Clause 59 Access to approval and community map

Insert at the end of clause 59:

- (2) A copy of the current community map must also be displayed in a prominent position in the caravan park or camping ground.

[39] Clause 62 Fire hose reels

Omit clause 62 (2). Insert instead:

- (2) The fire hose reels must be constructed in accordance with AS 1221 and installed in accordance with AS 2441.
- (3) The holder of the approval for the caravan park or camping ground must cause the council to be given a certificate (a *fire hose reel certificate*) in relation to the fire hose reels once every calendar year. If a fire hose reel is newly installed, the certificate must be provided within 7 days of the completion of its installation.
- (4) A fire hose reel certificate is to state, in relation to each fire hose reel installed in the caravan park or camping ground:
 - (a) that the fire hose reel has been inspected and tested by a person (chosen by the holder of the approval) who is properly qualified to carry out such an inspection and test, and
 - (b) that, as at the date on which the fire hose reel was inspected and tested, the fire hose reel was found to have been capable of performing to a standard not less than that required by this Regulation.

[40] Clause 64 Buildings

Insert after clause 64 (2):

- (3) The approval for a caravan park or camping ground may not allow the erection of a community building (other than an en-suite facility) on a dwelling site or camp site.

[41] Clause 65 Primitive camping grounds

Omit clause 65 (1) (b) and (c). Insert instead:

- (b) a caravan, annexe or campervan must not be allowed to be installed closer than 6 metres to any other caravan, annexe, campervan or tent,
- (c) a tent must not be allowed to be installed closer than 6 metres to any caravan, annexe or campervan or closer than 3 metres to any other tent,

[42] Clause 65 (1) (g)

Insert after clause 65 (1) (f):

- (g) such fire fighting facilities as may be specified in the approval are to be provided at the primitive camping ground.

[43] Clause 71 Setbacks for relocatable homes

Insert “and any associated structure” after “relocatable home”.

[44] Clause 72 Site coverage

Insert “of the dwelling site” after “is the area” wherever occurring in clause 72 (2) (a) and (b).

[45] Clause 73 Site boundary arrangements

Omit the clause.

[46] Clause 74A Carports

Insert after clause 74:

74A Carports

- (1) The roof covering and any ceiling lining, wall cladding or gable of a carport must be non-combustible.

- (2) A carport must have at least 2 sides open and at least one-third of its perimeter open. For the purposes of this subclause, a side is considered to be open if the roof covering of the carport is at least 500 mm from a relocatable home, associated structure or site boundary.
- (3) A carport must not provide direct vertical support to any part of a relocatable home.
- (4) If a carport has a common roof structure with a relocatable home and the carport does not have a ceiling, the opening between the top of the wall of the relocatable home and the underside of the roof covering of the carport must be infilled with:
 - (a) a non-combustible material, or
 - (b) construction clad with non-combustible material on the carport side.

[47] Clause 79 Floor area of certain rooms

Insert after clause 79 (1):

- (1A) The additional requirement in clause 79 (1) (c) does not apply in respect of a relocatable home that is used or intended to be used as a holiday van or park van.

[48] Clause 80 Ceiling height

Omit “(other than a kitchen)” from clause 80 (1).

[49] Clause 80 (1)

Insert “, except as otherwise provided by this clause” after “metres”.

[50] Clause 80 (3)

Insert at the end of clause 80:

- (3) In the case of a habitable room with a sloping ceiling, the ceiling height may be less than 2.4 metres if:
 - (a) the floor area of the part of the room with a ceiling height of less than 2.4 metres does not exceed one-third of the floor area of the whole room, and

(b) the ceiling height is suitable for, or does not unduly interfere with, the intended function of the room.

[51] Clause 86 Internal waterproofing

Insert at the end of clause 86:

(4) Compliance with AS 3740 satisfies the requirements of this clause.

[52] Clause 90 Footings

Insert at the end of clause 90:

(4) The clearance beneath the relocatable home is to be measured from the lowest point of the underside of the home's chassis or frame.

[53] Clause 91 Installation to comply with specifications

Insert "or associated structure" after "relocatable home" wherever occurring.

[54] Clause 92 Compliance plates to be attached

Insert after clause 92 (2) (f):

(g) whether a relocatable home is intended for use as a park van or holiday van.

[55] Clause 93 Notice of installation of relocatable home or associated structure

Omit clause 93 (1). Insert instead:

(1) The holder of an approval to operate a caravan park or camping ground must give the council written notice of the installation of a relocatable home or associated structure within 7 days after the completion of the installation.

[56] Clause 93 (2)

Insert "or associated structure" after "relocatable home" wherever occurring.

[57] Part 5, heading

Insert “, Tents” after “Caravans”.

[58] Clause 94

Omit the clause. Insert instead:

94 Setbacks for tents, caravans and associated structures and annexes

A tent or caravan (including any associated structure or annexe) must not be located:

- (a) closer than one metre to an access road, or
- (b) closer than 2 metres to the boundary of the camping ground or caravan park.

[59] Clause 95 Site coverage

Omit clause 95 (1). Insert instead:

- (1) A tent or caravan (including any associated structure or annexe) must not be installed on a single dwelling site if the floor area of the tent or caravan (including any associated structure or annexe) is more than two-thirds of the area of the site.

[60] Clause 96 Maintenance

Insert “(including any associated rigid annexe)” after “caravan”.

[61] Clause 99 Structural soundness

Insert at the end of clause 99:

- (2) A certificate issued under this clause:
 - (a) must indicate that the rigid annexe complies with any standards, codes and specifications with which it is, by this Regulation, required to comply, and

- (b) must include specifications as to the manner in which the rigid annexe must be installed and as to the nature of the footings (if any) on which it must be installed.
- (3) Any specifications with respect to footings or tie-down systems must have regard to the design gust wind speed, soil type and other design considerations applicable to the various locations in which the annexe may be installed.

[62] Clause 102 Floor area

Omit clause 102 (1). Insert instead:

- (1) The enclosed floor area of all annexes that are attached to a caravan must not exceed the enclosed floor area of the caravan.

[63] Clause 103

Omit the clause. Insert instead:

103 Installation of rigid annexe

A rigid annexe must be installed in accordance with the specifications contained in the certificate issued under clause 99.

[64] Clause 104

Omit the clause. Insert instead:

104 Wind resistance

Any caravan that is installed on a long-term site for more than 150 days and any holiday van or park van that is installed on a dwelling site must be restrained in accordance with the specifications of a practising structural engineer to withstand the wind forces applicable to the terrain category in which the dwelling site is located.

[65] Clause 105A

Insert after clause 105:

105A Notice of completion of installation

- (1) The holder of an approval to operate a caravan park or camping ground must give the council written notice of the installation of a rigid annexe within 7 days after its completion.
- (2) The notice:
 - (a) must indicate the site identifier of the dwelling site on which the rigid annexe has been installed, and
 - (b) must include the particulars contained on the compliance plate relating to the rigid annexe.
- (3) The notice must also be accompanied by:
 - (a) a copy of the engineer's certificate for the rigid annexe, and
 - (b) a fully dimensional diagram of the dwelling site on which the rigid annexe is installed, sufficient to indicate whether or not the setback, density, open space and site delineation requirements of this Regulation have been complied with.

[66] Clause 106 Certificates of completion

Omit the clause

[67] Clause 108 Annual levies

Omit "initial grant of the approval" wherever occurring from clause 108 (1).

Insert instead "grant of the initial approval".

[68] Dictionary, definition of “annexe”

Omit the definition. Insert instead:

annexe means a moveable dwelling that:

- (a) is an attachment to a relocatable home or caravan, and
- (b) is used as an extension of the habitable area of the relocatable home or caravan, and
- (c) is capable of being erected or removed within 24 hours.

[69] Dictionary, definition of “AS 3740”

Insert in appropriate order:

AS 3740 means the standard published by Standards Australia under the title “Waterproofing of wet areas within residential buildings”, and numbered AS 3740, as in force on 1 September 1995.

[70] Dictionary, definition of “camp site”

Omit “that”.

Insert instead “on which a campervan or tent may be installed and which”.

[71] Dictionary, definition of “certificate of completion”

Omit the definition.

[72] Dictionary, definition of “community map”

Omit the definition. Insert instead:

community map means a scale map relating to a caravan park or camping ground that accurately shows:

- (a) the access roads, community amenities and community buildings within the caravan park or camping ground, and
- (b) the number, size, location and dimensions of dwelling sites or camp sites within the caravan park or camping ground, and

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(c) in relation to a dwelling site or camp site within the caravan park or camping ground, the particular off-site parking space or spaces (if any) designated for use by the occupier of the dwelling site or camp site.

[73] Dictionary, definition of “compliance plate”

Omit the definition. Insert instead:

compliance plate means a compliance plate referred to in clause 92 or 105.

[74] Dictionary, definition of “dwelling site”

Omit “that”.

Insert instead “on which a moveable dwelling may be installed and which”.

[75] Dictionary, definition of “engineer’s certificate”

Insert “or 99” after “clause 76”.

[76] Dictionary, definition of “en-suite facility”

Omit “or part of a building”.

Insert instead “, part of a building or an associated structure”.

[77] Dictionary

Insert in appropriate order:

holiday van means a moveable dwelling (other than a tent) that is or usually is continuously located on a short-term site and used primarily by its owner for occasional occupancy for holiday purposes.

park van means a moveable dwelling (other than a tent), whether or not capable of being registered under the *Traffic Act 1909*, that:

(a) is or usually is continuously located on a short-term site. and

- (b) is provided for hire, and
- (c) is used by a site occupier other than the owner of the moveable dwelling primarily for holiday purposes.

[78] Dictionary, definition of “relocatable home”

Omit the definition. Insert instead:

relocatable home means:

- (a) a manufactured home, or
- (b) any other moveable dwelling (whether or not self-contained) that comprises one or more major sections, including any associated structure that forms part of the dwelling,

but does not include a tent, caravan or campervan or any moveable dwelling that is capable of being registered under the *Traffic Act 1909*.

[79] Dictionary, definition of “short-term site”

Omit “that”.

Insert instead “on which a moveable dwelling that is ordinarily used for holiday purposes may be installed and which”.