

# State Environmental Planning Policy No 21—Caravan Parks (1992 EPI 204)

[1992-204]



New South Wales

## Status Information

### Currency of version

Repealed version for 15 January 2020 to 25 November 2021 (accessed 25 November 2024 at 23:21)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

This Policy was repealed by sec 10(2)(b) of the [State Environmental Planning Policy \(Housing\) 2021 \(714\)](#) with effect from 26.11.2021.

- **See also**

[Planning Legislation Amendment Bill 2019](#)

- **Editorial note**

The Parliamentary Counsel's Office is progressively updating certain formatting styles in versions of NSW in force legislation published from 29 July 2019. For example, colons are being replaced by em-dashes. Text of the legislation is not affected.

This version has been updated.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 26 November 2021

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# State Environmental Planning Policy No 21—Caravan Parks (1992 EPI 204)



New South Wales

## 1 Name of Policy

This Policy may be cited as *State Environmental Planning Policy No 21—Caravan Parks*.

## 2 Commencement

This Policy commences on 24 April 1992.

## 3 Aims, objectives etc

(1) The aim of this Policy is to encourage—

- (a) the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and
- (b) the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and
- (c) the provision of community facilities for land so used, and
- (d) the protection of the environment of, and in the vicinity of, land so used.

(2) The strategies by which that aim is to be achieved are—

- (a) (Repealed)
- (b) by requiring that development consent be obtained from the local Council for development for the purposes of caravan parks, and
- (c) by providing that development consent may be granted that will authorise the use of sites for short-term stays (whether or not by tourists) or for long-term residential purposes, or for both, and
- (d) by requiring that development consent be obtained from the local Council for the subdivision of land for lease purposes under section 289K of the *Local Government Act 1919*.

#### 4 Land to which this Policy applies

- (1) This Policy applies to all land in the State that is within a local government area.
- (2) This Policy does not apply to—
  - (a) land to which *State Environmental Planning Policy (Western Sydney Parklands) 2009* applies, or
  - (b) land less than 18 kilometres from the Siding Spring Observatory within the meaning of clause 5.14 of the standard local environmental planning instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

#### 5 Relationship to other environmental planning instruments

- (1) In the event of an inconsistency between this Policy and another environmental planning instrument (whether made before or after this Policy) this Policy prevails to the extent of the inconsistency. This subclause is subject to section 36 of the *Environmental Planning and Assessment Act 1979*.
- (2) This Policy repeals *State Environmental Planning Policy No 21—Movable Dwellings*.
- (3) This Policy amends *State Environmental Planning Policy No 26—Littoral Rainforests* by omitting clause 10 (5).
- (4) Nothing in *State Environmental Planning Policy No 36—Manufactured Home Estates* prevents development consent from being granted pursuant to this Policy for the use of land as a caravan park in which manufactured homes are or are to be installed or placed.

#### 6 Definition

In this Policy—

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

**moveable dwelling** has the same meaning as it has in the *Local Government Act 1993*.

#### 7 Application of certain planning controls to places licensed for movable dwellings

In any environmental planning instrument (whether made before or after this Policy), references (however expressed) to caravan parks or to camping grounds, or to caravan parks and camping grounds, include references to caravan parks, within the meaning of this Policy.

#### 8 Development consent required for caravan parks

- (1) Development for the purposes of a caravan park may be carried out only with the development consent of the Council.

- (2) Before granting development consent to the use of land for the purposes of a caravan park, a Council must determine—
  - (a) the number of sites (if any) within that land that the Council considers are suitable for long-term residence, within the meaning of the *Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993*, and
  - (b) the number of sites (if any) within that land that the Council considers are not suitable for long-term residence, but are suitable for short-term residence, within the meaning of that Regulation.
- (3) A Council must not grant development consent to the use of land for the purposes of a caravan park unless it imposes as a condition of that consent a condition specifying the maximum number of sites (if any) within that land that may be used for long-term residence.
- (4) The holder of an approval under Part 1 of Chapter 7 of the *Local Government Act 1993* to operate a caravan park or camping ground on land must not, without the development consent of the Council, allow a person to occupy a site within that land—
  - (a) for a continuous period of more than 3 months, except as provided by paragraph (b), or
  - (b) for a continuous period longer than the period (if any) for which the person is allowed to be accommodated within the land by an extension that has been granted under clause 19 (6) of the *Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993*,if such a use of that site was not lawful under the *Environmental Planning and Assessment Act 1979* when this Policy commenced.
- (4A) Except as provided by subclause (4), nothing in this Policy or any other environmental planning instrument requires separate development consent to be obtained for the installation or placement of a moveable dwelling on land on which development for the purposes of a caravan park is being lawfully carried out.
- (5) This clause does not apply to any land that is authorised to be used for the purposes of a manufactured home estate by a development consent granted pursuant to *State Environmental Planning Policy No 36—Manufactured Home Estates* or dedicated or reserved under the *National Parks and Wildlife Act 1974*.

## **9 Subdivision of caravan parks for lease purposes**

- (1) Land may be subdivided for lease purposes under section 289K of the *Local Government Act 1919*, but only with the development consent of the Council.
- (2) A Council must not grant such a development consent unless the Council is satisfied that each of the lots intended to be created for lease purposes by the proposed

subdivision meets the requirements of the *Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993* for a site to be used for long-term residence.

- (3) Any prohibition or restriction on the subdivision of land imposed by any other environmental planning instrument (whether made before or after this Policy) does not apply to a subdivision for lease purposes under section 289K of the *Local Government Act 1919*.
- (4) This clause does not apply to land that is authorised to be used for the purposes of a manufactured home estate by a development consent granted pursuant to *State Environmental Planning Policy No 36—Manufactured Home Estates* or that has been reserved or dedicated for any public purpose under the *Crown Land Management Act 2016*.

## **10 Matters to be considered by Councils**

A Council may grant a development consent required by this Policy only after it has considered the following—

- (a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,
- (b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,
- (c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,
- (d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,
- (e) any relevant guidelines issued by the Director, and
- (f) the provisions of the *Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993*.