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INTRODUCTION

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

- the management of caravan parks and manufactured home estates, and
- installation standards for new structures installed on a dwelling site

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

This fact sheet is limited to requirements set out under the Local Government Act, 1993 and Local Government (Manufactured Homes, Caravan, Camping Grounds and Moveable Dwellings) Regulation, 2005. This fact sheet does not extend to requirements for approvals for temporary camp sites.

BACKGROUND

Today's regulations governing caravan parks/manufactured home estates replaced Ordinance 70/71 and came into effect in 1995. Since its introduction the regulation has been amended and the current regulation we are operating under is the 2005 amended edition. It is called the "Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation, 2005.

The regulation introduced very detailed standards regarding the operational management of caravan parks and manufactured homes estates, as well as, setting minimum standards for new structures installed on individual dwelling sites.

Changes that came into effect included:

- the need to lodge applications to operate a caravan/manufactured home estate
- application requirements for proposed installations exceeding single storey height or new installations on flood affected land
- standards for installation of structures on dwelling sites
- minimum standards for amenity and community facilities
- provisions for fire fighting
- minimum standards for preparation of community maps, and
- other requirements

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 parks must comply with 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 includes tents, caravans, campervans, manufacture homes and other associated structures (associated structures is also defined under the Local Government Act).

In contrast, manufactured home estates park is an establishment, which has 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 designated areas of the estate. Management of manufactured homes estate must comply with Part 2 of the Regulations.

DO THE REGULATIONS APPLY TO EXISTING CARAVAN PARKS/MANUFACTURED HOME ESTATES?

Yes, the regulations **do** apply to caravan parks/manufactured home estates that existed before 1995. However there are some very specific concessions granted from certain requirements of the current Regulation and will depend on the park or estates 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 installation of a new carport, extension to an existing deck or modification to an open carport to enclose it either partially or fully with rigid screens and roller doors.

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- Caravan parks that have operated before 1995 are not required to have a wash bay or hydrants, but if the park were to undergo significant re-development then this may trigger provisions for an upgrade.

INFORMATION FOR MANAGERS

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

If you are a caravan park or manufactured homes estate manager you must ensure:

- you are operating under a current “Approval to Operate”
- have administration and operational procedures in place so that statutory requirements regulating these premises are met
- maintain records of installations on dwelling sites. These records should verify any new installations on either a vacant or existing dwelling site comply with standards specified by the regulations (eg: site coverage, setbacks, fire rating, etc.)

If I manage a caravan park/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, to operate a caravan park or manufactured homes estate 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 or manufactured homes estate. When such an application is lodged with Council the application (which Wollongong City Council calls a M4 Activity Application Form) must be signed by the owner/s of the land or have their written consent attached.

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 about 40 days prior to the expiry date. The onus is on the park/estate manager 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/manufactured home estate has been recently built, then an approval to operate should be obtained prior to the commencement of operation of the park/estate and after the issue of an occupation certificate, if there were any construction certificate works connected to the establishment of the park/manufactured homes estate.

What needs to be submitted with an application to operate a caravan park/manufactured homes estate?

To lodge such an application to “Operate a Caravan/Manufactured Homes Estate” you will need to submit the following:

What needs to be submitted with an application to operate a caravan park/manufactured homes estate?

To lodge such an application to “Operate a Caravan/Manufactured Homes Estate” you will need to submit the following:

- Section 68 activity application form or, known at Wollongong City Council as an M4 Activity Application Form
- A scaled community plan for the park/estate detailing the following information: -
 - a. the location, size and identification number for each dwelling site
 - b. the assigned use of each dwelling site (that is, short term - holiday van site; short-term – park van site or short term only - that is not a holiday van/park van/camp site); camp site and long term site) and which of these are fully self-contained (that is, having laundry and sanitary facilities) or partial self-contained (that is, having sanitary facilities)
 - c. the location of any common amenities and facilities (such as, amenities block, clothes drying areas, visitor car parking, community hall, swimming pool and administration office)
 - d. the location of any hose reels and hydrants
- Submit a fire safety schedule and annual fire safety statement for fire services contained within:-
 - a. the park grounds,

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- b. main administration building and
- c. for other community use buildings

This documentation is not required for any class 1a or class 10a buildings (eg single dwellings, toilets or laundry block buildings).

- Copy of the flood evacuation plan, if caravan park or manufactured home estate is located on flood affected land.
- Names Details:

Park Owner Details	
Company Name	
Postal Details	
Name of Contact Person	
	Telephone:
	Mobile:
	Email:
Park Manager Details	
Name/s	
Postal Details	
Name of Contact Person	
	Telephone:
	Mobile:
	Email:

- Details of dwelling sites:

Type of Site		Number of Sites
Short Term Sites:	Short term only (ie not a holiday van site or park van site or camp site)*	
	Holiday Van	
	Park Van	
Long Term Sites		
Camp Sites		
Total Number Applied:		

* Holiday van sites and park van sites are defined terms under the Local Government (Manufactured Homes, Caravan, Camping Grounds and Moveable Dwellings) Regulations, 2005

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Details of number of facilities for each separate amenity block onsite:

Facility Location Identifier/Name:			
	Toilets	Showers	Handbasins
Females			
Males			
Accessible Facilities			

Laundry Facilities	
Washing Machines	
Clothes Driers	
Washing Tubs	
Line Spaces (linear metres)	

Once the application is received, the assessing officer will do an initial check to verify the information provided complies with regulation requirements and checks 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).

The assessing officer will also contact the park manager and require the park manager or a nominated representative to participate in an audit aimed at verifying the caravan park is being operated in accordance with requirements specified under Part 3, Division 3, Subdivision 1-8 of the regulation and in the case of a manufactured home estate is operated in accordance with Part 2 of Division 3 of the Regulation.

What if the Community Plan is changed after the approval to Operate has been issued?

As soon as practical after an amendment is made to the community map, a copy of the updated community map must be given to Council.

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

INFORMATION FOR MANAGERS AND CARAVAN PARK/ MANUFACTURED HOMES ESTATE OCCUPANTS

When do I need to lodge an application to do work on a dwelling site located in a caravan park/manufactured homes estate?

Before doing any work on a dwelling site you first need to check with the park/estate manager. The manager will advise on the permissibility of the work in accordance with the Regulation **and** whether an “application to install” must be lodged with Council.

Why doesn't the State Environmental Planning Policy for Exempt Development apply to Dwelling Sites in a Caravan Park/Manufactured Homes Estate?

The State Environmental Planning Policy describes certain development which does not need approval from a consent authority. This Policy **does not** apply to work undertaken on a **dwelling site** in a caravan park or manufactured homes estate as the latter is regulated under the Local Government Act and the Local Government (Manufactured Homes, Caravan, Camping Grounds and Moveable Dwellings) Regulation, 2005.

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What is a Section 68 activity “application to install”?

An “application to install” is an activity application made under Section 68 of the Local Government Act, 1993. This application is required for any new installations, extensions to existing structures and alterations made to existing structures on a **dwelling site** and is required if the following circumstances exist:

- park/estate is located on flood liable land
- for installations more than one storey in height (note: if subfloor is 2.1 metres or greater this is considered to count as a storey), or
- development which proposes to depart from standards set out in the Regulations

New work includes:

- enclosure of a carport with roller doors, solid screens, sliding doors or walls
- extensions to a deck or annex
- fences and rigid privacy screens
- addition of rigid adjustable louver’s or sliding doors to enclose existing roofed areas
- complete demolition and replacement of an existing structure
- moving an existing structure from one location to another location

An activity application is **not** required for:

- fabric adjustable blinds,
- pervious shade cloth fixed to an existing structure
- driveways
- paving which does not significantly alter the existing ground level, and
- in relation to caravan parks the installation of a tent, or registered vehicle being a caravan or campervan.

See below for information on “How to lodge an activity application”.

If the caravan park/manufactured home estate is located on flood liable land, is there any work that can be undertaken without the need for an activity application?

An activity application is needed for any new installation work on a dwelling site if the caravan park or manufactured homes estate has been identified as being on flood liable land.

An application is **not** required for maintenance, repair and renovation work. Renovation work is limited to painting, replacing furnishings or replacing deteriorated/damaged floor, wall or roof sheeting.

In regards to the conversion of an existing caravan to a relocatable home, the works that extend the area of the existing structure, or conversion of a carport into a garage are **outside** the scope of renovation work and therefore **would require** an application.

When is a carport no longer a carport?

A carport is no longer a carport if it **does not** have at least 2 sides open **and** one-third of its perimeter open. A side cannot be considered open if the roof of the carport is located within 500mm of another relocatable home or associated structure. An associated structure is a defined term under the Local Government Act and its definition can be found in the Dictionary section toward the end of this legislation.

How close can structures on a dwelling site be from other structures located on an adjoining dwelling site?

Figures 1 to 3 in Appendix One of this Fact Sheet illustrates separation distances between certain installations on different dwelling sites in **caravan parks** and as permitted under Clause 91, 140 and 141 of the Regulations.

The separation requirements for installations on dwelling sites in a manufactured home estate **are different** and detailed under Clauses 47, 48 and 49 of the Regulation.

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How much of a dwelling site can be occupied with a relocatable home?

Not more than two-thirds of the dwelling site must be occupied with a relocatable home and other roofed structures. If the dwelling site does not already have a covered car space **or** there is no resident parking space provided elsewhere within the park/estate, then an area of 3 metres by 6 metres must be provided for car parking and this area must be included in the calculation for maximum site coverage.

Can I enclose my verandah, deck or awning?

The Regulations **do not** permit such structures to be modified so as to be useable as a habitable room. The installation of adjustable rigid louvers, windows, walls and sliding doors to fully enclose an existing verandah, deck, awning or similar structure for use as a sunroom is not permitted under the Regulation.

Can I object to the Regulations?

Yes. If you seek to vary a prescribed requirement of the Regulation you should seek technical help from an experienced consultant. This consultant can assist you with the preparation of an objection to the Regulations and a justification report. This objection must be lodged with the Section 68 – M4 Activity Application Form for proposed work. If Council determines your objection is well found then the matter will be referred to the Director-General (that is, a state government minister) for final determination.

You **cannot** object to the Regulation, if the **work has already been undertaken**. In these circumstances, Council will refuse your application and deal with the matter under Council's Enforcement Policy.

What could happen if what is undertaken works on a dwelling site contrary to the Regulations?

If Council becomes aware that work on a dwelling site has been permitted and completed contrary to the Regulations, Council may take enforcement action. Council in deciding whether to take such action, will base the decision on the available evidence, individual circumstances and the co-operation of relevant parties. At the conclusion of an investigation, Council may:

- take no action
- issue a verbal advice
- issue a formal letter
- issue notices/orders
- refuse to issue an approval to operate the caravan park/manufactured homes estate
- commence legal proceedings

How to lodge an "application to install"?

To lodge such an application for installation work you will need to submit the following:

- Completed section 68 form, known at Wollongong City Council as an M4 Activity Application Form. This form must be signed by the land owner or have attached consent from the land owner to lodge this application.
- Written confirmation from the park manager (that is the person/company holding the approval to operate the park) regarding the acceptability of the proposed work and its consistency with the Local Government (Manufactured Homes, Caravan, Camping Grounds and Moveable Dwellings) Regulations, 2005
- Community plan highlighting the site location subject to proposed works
- Scaled site plans showing:
 - location and dimension of site boundaries
 - layout of exists and proposed installations
 - separation distances between the proposed installation and site boundaries as well as distances from the proposed structures and any adjoining dwelling sites
- Dimensioned floor and elevations plans (including details of finished floor and ceiling levels in relation to AHD ground levels)

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- Structural engineers details and technical design specifications (including details of termite protection, glazing, smoke detectors, etc).
- Report from an accredited practising structural engineer verifying the flood resistance and capability of the installation.
- Proposal description statement verifying suitable of proposed work in relation to known site constraints. This statement is like an environmental effects statement and should include the following details:
 Site description, description of proposed installation and use of installation and whether the proposal is located on an approved dwelling site and the type of dwelling site (eg long or short time site).
 Whether the development will result in any changes to the community map and the nature of the change.
 Will the development increase the total number of dwelling sites as approved under the existing "Approval to Operate".
 Does the proposal comply with setbacks, site coverage and design specifications as prescribed by the regulation.
 If proposal is two storey, the impacts on adjoining dwelling sites or properties.
 Method of disposal of roof water and sewerage and water supply.
 Flooding impacts and flood compatibility and consistency with Council's development controls for flood affected land.
 Tree removal.
 Management of specific site constraints, such as, if the site is affected by a drainage or electrical easements, aboriginal heritage site and acid sulphate soils.
- If a variation from the regulation is proposed, then a Section 82 objection made under the Local Government Act, prepared by an appropriately qualified person, must accompany the Section 68 – M4 activity application.

Note: applications submitted for structures already installed or installed prior to the determined of the application will be refused and may be subject to possible enforcement action under Section 124 of the Local Government Act, 1993.

What must the park/estate manager do for installation work and upon completion of such works on a dwelling site?

Included in requirements of Regulation are that a relocatable homes and associated structures must be of a design certified by a practising structural engineer to be structurally sound. Also that compliance plates (specifying the matters referred to in Clause 67 for manufactured homes estates and clause 159 for caravan parks) must be attached to an accessible part of the home and associated structure, and that within 7 days after the completion of the installation of the home/associated structure, the approval holder for the park or ground must give Council written notification of the installation in the form specified under Clause 69 for a manufactured homes estate and Clause 160 for a caravan park.

Additional documentation may be required, if specified in the conditions attached to an Activity Installation Approval.

How can I find a copy of the Act and Regulations?

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

<http://www.legislation.nsw.gov.au>

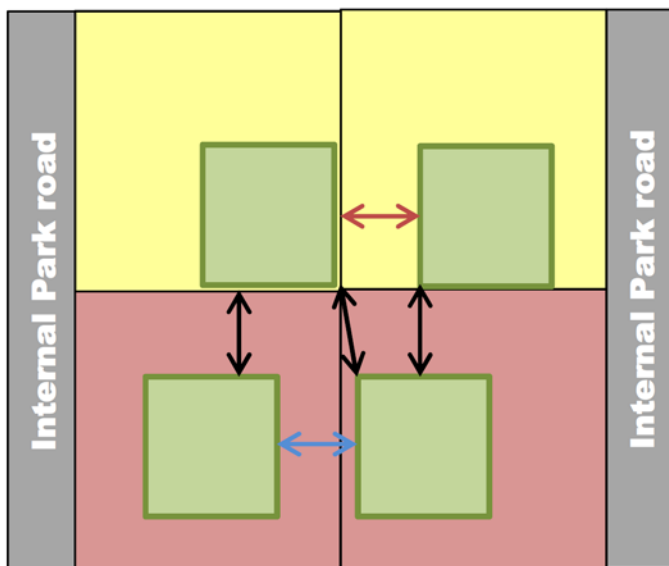
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APPENDIX ONE




Figures 1, 2 and 3 relate to setback requirements for installations in caravan parks only.
These diagrams relate to dwelling sites with adjoining internal park roads and another dwelling site.

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Figure 1 This diagram illustrates minimum separation distances for moveable dwellings and associated structures, excluding carports/garages on a dwelling site in a caravan park



Legend

-  Boundary of long-term site
-  Boundary of short-term site
-  Represents moveable dwelling and associated structures, **but excludes carports or garages**

Separation Requirements

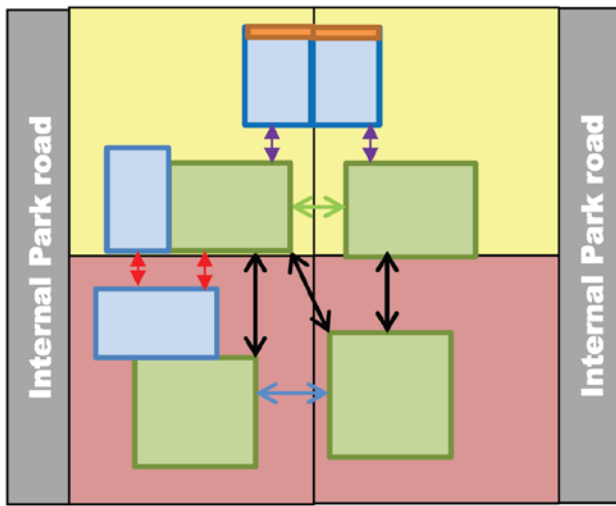
-  ≥3 metre for installations on different long-term sites
-  ≥3 metre for installations on a long-term & short term site
-  ≥2.5 metre for installations on different short-term sites

Notes:

- all installations must be setback 1m (min) from an internal park road (cl. 137)
- no more than one caravan per dwelling site (164)
- a caravan must not be installed on a dwelling site on which a relocatable home is installed (cl. 164)
- Clause 91(2) permits 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 3.7.1 and 3.8.6 of Volume Two of the *Building Code of Australia*. A semi-detached relocatable home is two homes with a common wall. This provision **does not** apply to carports, annexes, verandahs other types of class 10 structures

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Figure 2 This diagram illustrates minimum separation distances for moveable dwellings and associated structures, including carports on a dwelling site in a caravan park



Legend

- Boundary of long-term site
- Boundary of short-term
- Represents moveable dwelling or associated structures, but excludes carports or garages
- Carport
- Roller door

Separation Requirements

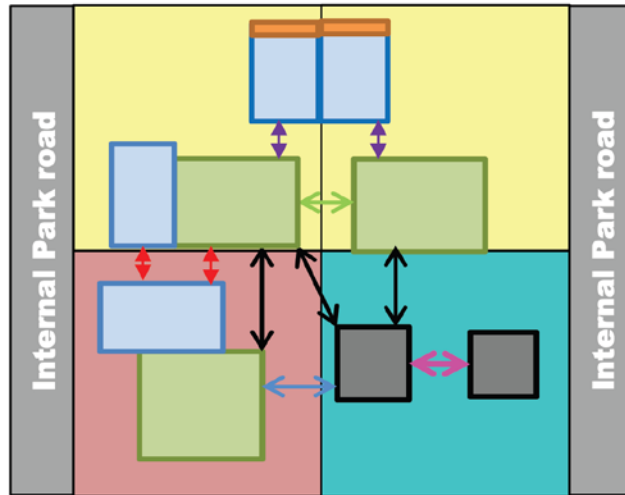
- 3.0 metre min. separation between carport or carport & moveable dwelling on adjoining dwelling site
- ≥3 metre for moveable dwelling on different long-term site
- ≥3 metre for moveable dwelling on a long-term & a short term site
- ≥2.5 metre for moveable dwelling on different short-term sites
- 500mm min. separation to maintain open side

Notes:

- all installations must be setback 1m (min) from an internal park road (cl. 137)
- carports must have a minimum of 2 sides open and 1/3 of its perimeter open. If not then this structure will be defined as a garage & must comply with clause 140 of the regulations
- no more than one caravan per dwelling site (cl. 164)
- a caravan must not be installed on a dwelling site on which a relocatable home is installed (cl. 164)
- Clause 91(2) permits 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 3.7.1 and 3.8.6 of Volume Two of the *Building Code of Australia*. A semi-detached relocatable home is two homes with a common wall. This provision **does not** apply to carports, annexes, verandahs other types of class 10 structures

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Figure 3 Minimum separation distances for various types of installation in a caravan park



Legend

- Boundary of long-term site
- Boundary of short-term site
- Boundary of camp site
- Represents moveable dwelling or associated structures, but excludes carports or garages
- Tent
- Carport
- Roller door

Separation Requirements

- 3 metre min. separation between carport or carport & moveable dwelling on adjoining dwelling site
- ≥ 2.5 metre separation for tents on same camp site
- ≥ 3 metre for moveable dwelling on different long-term
- ≥ 3 metre for moveable dwelling on a long-term & a short term site
- ≥ 2.5 metre for moveable dwelling on different short-term sites
- 500mm min. separation to maintain open side

Notes:

- all installations must be setback 1m (min) from an internal park road (cl. 137)
- carports must have a minimum of 2 sides open and 1/3 of its perimeter open. If not then this structure will be defined as a garage & must comply with clause 140 of the regulations
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