

Local Government Act & regulations

01: Approvals and community maps

Owners and operators of residential land lease communities (also called manufactured home estates, caravan parks and residential parks) have certain obligations under the *Local Government Act 1993* and *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation* (the Regulation).

The Regulation is made under the *Local Government Act 1993* and it is updated from time to time. The current version is the 2005 Regulation but in some situations an older regulation may apply.

This factsheet explains the law in New South Wales about approvals to operate and the requirements for community maps in land lease communities.

Terminology

The Local Government Act and regulations have not been updated since the *Residential (Land Lease) Communities Act 2013* commenced in 2015 and the terminology is therefore different. The Local Government Act and regulations still use the terms caravan park and manufactured home estate - both are land lease communities.

Approvals to operate

An operator is required to have council approval to operate a land lease community under section 68 of the *Local Government Act 1993*. The approval to operate is a good source of information about the community. If you have any questions about, for example, the permitted number of sites this is where you will find the relevant information.

Manufactured home estates

Under the Regulation (clause 7) an approval to operate a manufactured home estate (MHE) must specify, by reference to a plan, the number,

size and location of the dwelling sites allowed by the approval.

The operator is required to produce a community map, which is a scale map of the MHE that accurately shows the road reserves, the community amenities and the dwelling sites. A copy of the community map must be provided to council each time it is amended (clause 37).

The operator must make both the approval and community map readily available for inspection without cost in a location in the MHE as specified in the approval (clause 38).

Caravan parks

Clause 72 of the Regulation requires an approval to operate a caravan park to specify a number of particulars including:

- the number, size and location of long-term sites allowed by the approval
- the number, size and location of short-term sites allowed by the approval
- the location of any off-site parking spaces for dwelling sites.

The operator is also required to produce a community map. Clause 4 (Definitions) provides that a community map is a scale map of the caravan park that accurately shows:

- the access roads
- community amenities and buildings
- the number, size, location and dimensions of dwelling sites
- the off-site parking spaces allocated to each site.

The operator is required to make the approval and community map readily available for

inspection without cost in a location in the caravan park as specified in the approval (clause 126).

A copy of the community map must also be provided to council each time it is amended (clause 125).

Compliance

If you have any concerns about compliance with the Regulation you should raise them with your local council. They are responsible for ensuring that operators comply with both the Local Government Act and regulations.

Access to records at local council

If the approval and community map are not available in your community they can be viewed at the local council offices. Local councils are required to make approvals available for public inspection without charge under section 113 of the *Local Government Act 1993*. You can ask your council for a copy of the approval and community map, but they may charge for photocopying.

Complaints about local councils

If your local council is not meeting its' obligations under the Local Government Act you can make a complaint to the NSW Ombudsman.

FURTHER HELP

Tenants Advice and Advocacy Services

Sydney

South	9787 4679
South West	4628 1678
Inner West	9559 2899
North	9559 2899

Regional

Blue Mountains	4704 0201
Central Coast	4353 5515
Hunter	4969 7666
Illawarra & South Coast	4274 3475
Mid Coast	6583 9866
Northern Rivers	6621 1022
North West NSW	1800 836 268
South West NSW	1300 483 786

Aboriginal

Sydney	9833 3314
Northern NSW	1800 248 913
Southern NSW	1800 672 185
Western NSW	1800 810 233

Website	thenoticeboard.org.au
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NSW Fair Trading	13 32 20
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This factsheet is intended as a guide to the law and should not be used as a substitute for legal advice. The information applies to people who live in, or are affected by the law as it applies in New South Wales, Australia.

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