

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 2021 Regulation however, 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 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.

Temporary accommodation exemption

The Local Government Regulations were amended in April 2022 in response to the flooding disasters in NSW. An operator is not required to seek approval to install a moveable dwelling on land for the purposes of a caravan park and to operate the caravan park if the development complies with the temporary emergency accommodation

provisions in the State Environmental Planning Policy (Housing) 2021.

Residents who have been displaced as a result of a natural disaster can install a moveable dwelling such as a caravan (to be used as temporary accommodation) on land other than in caravan parks or camping grounds without council development approval. It must be removed within 2 years of it being installed or if designated by the local Council a longer period. The development must be carried out on or behalf of a public authority and has to be land that is supplied with water and electricity, and sewerage and drainage services and communal amenities. The development must be carried out within 5 years of the natural disaster.

Local councils have developed policies in relation to these changes and residents should contact their council for further information.

If you have been impacted by a natural disaster please contact your local Tenants Advice & Advocacy Service for advice on these temporary accommodation provisions.

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 (Interpretation) 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 125).

A copy of the community map must also be provided to council each time it is amended (clause 124).

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. For information regarding what you can complain about, and how to make a complaint, go to the website: ombo.nsw.gov.au

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For free advice, call your local Tenants Advice & Advocacy Service:

SYDNEY:

• Eastern	9386 9147
• Inner	9698 5975
• Inner West	9559 2899
• Northern	9559 2899
• Southern	9787 4679
• South West	4628 1678
• Western	8833 0933

REGIONAL:

• Blue Mountains	4704 0201
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• Hunter	4969 7666
• Illawarra Sth Coast	4274 3475
• Mid Coast	6583 9866
• Northern Rivers	6621 1022
• Northwest NSW	1800 836 268
• Southwest NSW	1300 483 786

ABORIGINAL:

• Sydney	9833 3314
• West NSW	6881 5700
• South NSW	1800 672 185
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WEBSITE: tenants.org.au

NSW FAIR TRADING: 13 32 20

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