



Attachment 1 to Item 213

Draft Local Approvals Policy - Caravan Parks

Date of meeting: 13 December 2022
Location: Council Chambers
Time: 6:30 p.m.



Local Approvals Policy - Caravan Parks

DRAFT COUNCIL POLICY

Division:	Enter Division	Policy Number:	Enter No
Branch:	Enter HCC Branch	Adopted Date:	Enter Date
Responsible Officer:	Enter Position of Responsible Officer	Next Review Date:	Enter Date
Director:	Enter Title of Director	Version:	Enter No



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1. TITLE

Local Approvals Policy – Caravan Parks.

2. PURPOSE

The purpose of the Local Approvals Policy – Caravan Parks 2022 is to provide:

1. Guidance to applicants requiring an approval for the following activities under Section 68 of the *Local Government Act, 1993* relating to caravan parks within the Hawkesbury Local Government Area:
 - Operate a caravan park or camping ground
 - Install a manufactured home, moveable dwelling or associated structure on land
2. To specify the criteria that Council staff will take into consideration in determining applications for approval under the Act; and
3. To minimise the impacts from the flooding of caravan parks, including:
 - a) risk to life,
 - b) economic losses,
 - c) social impacts,
 - d) impacts on downstream properties, and
 - e) pollution of the natural environment, including waterways.

3. SCOPE

This Policy applies to all caravan parks located within the Hawkesbury Local Government Area, and to the specified activities of this Policy that require approval under Section 68 of the Local Government Act 1993, being to:

- Install a manufactured home, moveable dwelling or associated structure on land
- Operate a caravan park or camping ground.

The Policy is a Local Approvals Policy prepared under Chapter 7, Part 3 of the Local Government Act, 1993. In particular, Clause 158 of the Local Government Act 1993 requires that a local approvals policy consist of three parts:

- Part 1: Specifying the circumstances in which a person is not required to obtain a particular approval from the Council;
- Part 2: Specifying the criteria which the Council must consider when determining whether or not to grant approval to a particular activity;
- Part 3: Specifying other matters relating to approvals not dealt with by the Act or Regulations.

4. BACKGROUND

Approval for the establishment of a caravan park is required under the Environmental Planning and Assessment Act 1979. In addition, further approval under the Local Government Act 1993 is required for the operation of a caravan park, and in certain circumstances the installation of structures on sites within a caravan park. These approvals, which are issued under Section 68 of the Local Government Act 1993, are time limited, usually 5 years, and therefore require periodic renewal.



Many of the caravan parks within the Hawkesbury have been in existence from the 1960's and 1970's and operate under older development consents

Through time, the knowledge and understanding of flood risks, and the management of such risks, have improved. As a consequence, existing caravan parks may have development that does not meet current best practice for the management of flood risks.

Where it is identified that a caravan park is subject to unacceptable flood risk, which were not known at the time of the original approval, council has a duty of care to minimise these risks where there is opportunity to do so. Approval for the installation of structures and to operate a caravan park Under Section 68 of the Local Government Act 1993 provides such an opportunity to impose additional conditions to minimise the risk of flooding, consistent with the original development approval and the relevant legislation.

In these situations, risks to existing parks can be reduced by the gradual relocation of the most flood prone sites (if feasible) and by the enhancement of emergency response and community flood awareness, as well as through restricting the number and type of structures where warranted.

5. POLICY DETAILS

5.1 Circumstances in which a person is exempt from the necessity to obtain a particular approval of the council.

Relevant exemptions from the need to obtain approval under s.68 of the Local Government Act 1993 in relation to the operation of a caravan park or camping ground or the installation of a manufactured home, moveable dwelling or associated structure on land within a caravan park or camping ground are contained in:

- The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021, and
- This Policy.

If exemptions are not provided by either the Regulations or by this Policy or if exemption criteria cannot be met, approval from Council is required under s.68 of the Local Government Act 1993. See Part 5.2 for matters which Council will take into consideration when considering an application.

5.1.1 Exemptions provided under existing Legislation

5.1.1.1 Approval to Operate a caravan park or camping ground

Existing legislation does not provide an exemption to the need to gain approval to operate a caravan park.



5.1.1.2 Approval to Install a manufactured home, moveable dwelling or associated structure on land

Existing legislation provides the following exemptions to having to gain approval for the installation of moveable dwellings and associated structures in caravan parks and camping grounds:

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021	
74 Installations for which approval not required	<p>(1) The approval of the council is not required for the installation of the following—</p> <ul style="list-style-type: none"> (a) a relocatable home or associated structure on a dwelling site within a caravan park if it is designed, constructed and installed in accordance with Division 4, (b) a caravan, tent or annexe on a dwelling site within a caravan park if it is designed, constructed and installed in accordance with the Division 5, (c) a tent on a camp site within a camping ground, (d) a campervan— <ul style="list-style-type: none"> (i) on a dwelling site within a caravan park, or (ii) on a camp site within a camping ground, (e) a moveable dwelling or associated structure on a dwelling site within a caravan park or a camp site within a camping ground if— <ul style="list-style-type: none"> (i) the manager of the caravan park or camping ground is reasonably satisfied the installation is necessary to accommodate a displaced person, and (ii) the moveable dwelling or associated structure is designed, constructed and installed in accordance with Division 4 or 5. <p>(2) The installation of the relocatable home, annexe, associated structure, caravan, campervan or tent must be carried out by, or with the consent of, the holder of the approval to operate the caravan park or camping ground.</p> <p>(3) This section does not apply to the installation of a relocatable home, rigid annexe or associated structure—</p> <ul style="list-style-type: none"> (a) on flood liable land if the council has given written notice to the holder of the approval that the land is flood liable land, or (b) with more than 1 storey.



5.1.2 Exemptions provided under this Policy

No exemptions are provided for these activities under this Policy.

5.2 Criteria which the council must take into consideration in determining whether to give or refuse an approval of a particular kind.

5.2.1 Criteria under existing Legislation

5.2.1.1 Approval to Operate a caravan park or camping ground

Existing legislation provides the following relevant criteria for consideration when determining whether or not to grant an approval to operate a caravan park within the Hawkesbury Local Government Area:

Local Government Act 1993	
Clause 89 Matters for consideration	<p>(1) In determining an application, the council:</p> <ul style="list-style-type: none"> (a) must not approve the application if the activity or the carrying out of the activity for which approval is sought would not comply with the requirements of any relevant regulation, and (b) must take into consideration any criteria in a local policy adopted under Part 3 by the council which are relevant to the subject-matter of the application, and (c) must take into consideration the principles of ecologically sustainable development.
Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021	
Clause 71 Factors for consideration before approval is granted	<ul style="list-style-type: none"> (1) The council must not grant an approval unless satisfied it will be designed, constructed, maintained and operated— <ul style="list-style-type: none"> (a) in accordance with Division 3, Subdivisions 1–8, or (b) for a primitive camping ground—in accordance with Division 3, Subdivision 9. (2) In deciding whether or not the approval allows the installation of a relocatable home, rigid annexe or associated structure on flood liable land, the council must consider the principles contained in the Floodplain Development Manual.



5.2.1.2 Approval to Install a manufactured home, moveable dwelling or associated structure on land

Existing legislation provides the following criteria for consideration when determining whether or not to grant an approval for the installation of moveable dwellings and associated structures in caravan parks and camping grounds:

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021	
75 Installation on flood liable land	<p>(1) In deciding whether to approve the installation of a relocatable home, rigid annexe or associated structure on flood liable land in a caravan park or camping ground, the council must consider the principles set out in the Floodplain Development Manual.</p> <p>(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 Part 3 Division 4.</p> <p>(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 Part 3 Division 5.</p>

5.2.2 Criteria under this Policy

5.2.2.1 Approval to Operate a caravan park or camping ground

1. The caravan park must comply with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.
2. All moveable dwellings, annexes and associated structures must have a current approval (where applicable).
3. A Flood Evacuation Plan is to be submitted to Hawkesbury City Council for any caravan parks located on flood liable land.
4. A Bushfire Evacuation Plan is to be submitted to Hawkesbury City Council.
5. In the case of a caravan park that is situated on flood liable land, the wheels, axles and/or draw bars of all moveable dwellings permanently located within the caravan park must remain installed and must be in proper working order. Draw bars are to be perpendicular to and facing an internal road to facilitate the removal of moveable dwelling in a flood event.

5.2.2.2 Approval to Install a manufactured home, moveable dwelling or associated structure on land

1. Enclosed associated structures (such as sheds and garages) and rigid annexes are not to be erected on a site in a caravan park that is situated on flood liable land.
2. Relocatable homes will only be considered on flood liable land where the land level is at or above the flood planning level (1 in 100 year flood level). Undercroft areas cannot exceed 1m above existing ground level.



3. Flexible annexes associated with holiday vans are required to be removed and stored within the caravan when the caravan is not being occupied.
4. Whitegoods, furniture and all loose items (e.g. shade sales/canopies, umbrellas, fire pits, bar-b-ques and other belongings) must be stored within caravans upon departure or removed when the site is not being occupied.

5.3 Other matters relating to approvals.

5.3.1 Standard conditions

The Local Government (*Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings*) Regulation 2021 prescribes standard conditions for approvals to operate a caravan park, as follows:

Local Government (<i>Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings</i>) Regulation 2021	
Clause 73 Conditions of approval to operate caravan park or camping ground	<ol style="list-style-type: none"> (1) An approval is subject to the following conditions— <ol style="list-style-type: none"> (a) the caravan park or camping ground must be designed, constructed, maintained and operated— <ol style="list-style-type: none"> (i) in accordance with Division 3, Subdivisions 1–8, or (ii) for a primitive camping ground—in accordance with Division 3, Subdivision 9, (b) a visitor must not be permitted to stay in a moveable dwelling occupying a short-term site or camp site for more than 150 days in a 12 month period, unless— <ol style="list-style-type: none"> (i) the moveable dwelling is a holiday van, and (ii) the visitor is the owner of the holiday van, (c) a visitor who is the owner of a holiday van occupying a short-term site or camp site must not be permitted to stay in the holiday van for more than 180 days in a 12 month period, (d) a visitor must not be permitted to stay in a moveable dwelling in a primitive camping ground for more than 50 days in a 12 month period. (2) In calculating the number of days a visitor stays in a moveable dwelling, only overnight stays must be counted. (3) This section does not apply to the operation of a caravan park or camping ground if the caravan park or camping ground is being operated— <ol style="list-style-type: none"> (a) solely in connection with the use of the land for a sporting, recreational or cultural event, and (b) for a period of no more than 6 weeks. (4) The manager of a caravan park or camping ground may authorise a person to stay in the caravan park or camping ground for a period not exceeding 2 years if the manager



	<p>is reasonably satisfied that the person has been displaced as a result of—</p> <p>(a) a natural disaster, or (b) a pandemic.</p>
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5.3.2 When does an approval lapse?

In general, an approval under section 68 of the *Local Government Act 1993* lapses five years after the date from which the approval operates, however this timeframe can be varied by Council.

5.3.3 Extensions

An extension of an approval may be granted if:

1. A request is received by Council in writing prior to the date on which the approval would have lapsed, and
2. Council determines that the approval should be extended

5.3.4 Record of approvals

A record of approvals is required to be kept under s.113 of the *Local Government Act 1993*. This record is available to the public.

6. ROLES AND RESPONSIBILITY

Responsibility	Authority	Accountability
Position: Manager Strategic Planning		
Overall responsibility for the Local Approvals policy	Approve minor changes to associated procedures.	Review and update of associated procedures. Document available and communicated to staff.
Position: Manager Development Services		
Ensure Development Services Section implements Policy	Issue approvals following assessment against the policy.	Document available and communicated to staff.
Position: Manager Regulatory Services		
Ensure Regulatory Services Section implements Policy	Issue approvals following assessment against the policy.	Document available and communicated to staff.
Position: Development Planners, Building Certifiers, Environmental Health Officers		
Assess relevant applications against this policy	Issue approvals following assessment against the policy.	Monitor applications and approvals.



7. DEFINITIONS

Associated Structure	means a carport, garage, shed, pergola, verandah or other structure designed to enhance the amenity of a moveable dwelling and attached to or integrated with, or located on the same site as, the dwelling concerned.
Annexe	defined as being an attachment to a relocatable home or caravan, used as an extension of the habitable area of the relocatable home or caravan, and is capable of being erected or removed within 24 hours. Annexes can be rigid or constructed of flexible material. See definitions of Flexible Annexe and Rigid Annexe below.
Approval	means an approval: <ul style="list-style-type: none"> • in Part 2, Division 2, Subdivision 2 and Part 3, Division 2, Subdivision 2 of <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i>—to install a manufactured home, moveable dwelling or associated structure, and • otherwise in Part 2—to operate a manufactured home estate, and • otherwise in Part 3—to operate a caravan park or camping ground.
Caravan	means a moveable dwelling designed to be capable of being registered as a trailer, but does not include a camper trailer.
Flexible Annexe	means an annexe consisting entirely of canvas or other flexible material, other than the following parts— <ol style="list-style-type: none"> (a) a rigid support frame, (b) a floor, door, window or other securable opening.
Flood liable land	is synonymous with flood prone land , that is land susceptible to flooding by the Probable Maximum Flood (PMF) event.
Flood planning level (FPL)	the level of a 1:100 ARI (average recurrent interval) flood event.
Floodplain	area of land which is subject to inundation by floods up to and including the Probable Maximum Flood (PMF) event – that is, flood liable land.
Flood probability	the size of a flood is described in terms of the chance or probability of that flood occurring in any 1 year, and for example can be expressed in the following ways: <ul style="list-style-type: none"> • 1 in 100 year flood event; • 1:100 ARI (Average Recurrence Interval); • 1% AEP (Annual Exceedance Probability). <p>Average Recurrent Interval (ARI) is measured in years:</p> <p>e.g. a 100 year ARI flood is a flood that occurs (or is exceeded) on average once every 100 years.</p> <p>Annual Exceedance Probability (AEP) is measured as a percentage:</p> <p>e.g. a 1% AEP flood is a flood that occurs (or is exceeded) on average once every 100 years. Also expressed as a 100 year event.</p>



- Holiday Van** means a moveable dwelling, other than a tent—
- (a) usually located on a short-term site, and
 - (b) used primarily by the owner of the moveable dwelling for occasional occupancy for holidays.
- Manufactured Home** means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:
- (a) that comprises one or more major sections, and
 - (b) that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the *Road Transport Act 2013*,
- and includes any associated structures that form part of the dwelling.
- Moveable Dwelling** means—
- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
 - (b) a manufactured home, or
 - (c) any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.
- Relocatable Home** means a manufactured home or other moveable dwelling, other than a tent, caravan, campervan or vehicle capable of being registered:
- (a) whether or not self-contained, and
 - (b) that consists of at least 1 major section, including an associated structure forming part of the dwelling.
- Rigid Annexe** means an annexe that is not a flexible annexe.
- Park Van** means a moveable dwelling, other than a tent, whether or not capable of being registered, that is—
- (a) usually located on a short-term site, and
 - (b) provided for hire, and
 - (c) used primarily by a site occupier, other than the owner of the moveable dwelling, for occasional occupancy for holidays.
- Probable maximum flood (PMF)** Is the largest flood that could conceivably occur at a particular location. The PMF defines the extent of the floodplain.

8. RELATED DOCUMENTS

Legislation

- Local Government Act 1993
- Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.