

1992—No. 204

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**STATE ENVIRONMENTAL PLANNING POLICY No. 21—  
CARAVAN PARKS**

NEW SOUTH WALES



*[Published in Gazette No. 53 of 24 April 1992]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Environmental Planning and Assessment Act 1979, has been pleased to make the State environmental planning policy set forth hereunder in accordance with the recommendation made by the Minister for Planning. (S90-02457)

ROBERT WEBSTER  
Minister for Planning.

Sydney, 15th April, 1992.

**Citation**

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

**Commencement**

2. This Policy commences on 24th April, 1992.

**Aims, objectives etc.**

3. (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) by providing that, for the purposes of environmental planning instruments, caravan parks or camping grounds include places required to be licensed under section 289H of the Local Government Act 1919 for the placement of movable dwellings; and
  - (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 consents 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.

#### **Land to which this Policy applies**

4. This Policy applies to all land in the State that is within a local government area.

#### **Relationship to other environmental planning instruments**

5. (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).

**Definitions**

6. In this Policy:

**“caravan park”** means land (including a camping ground) required by section 289F of the Local Government Act 1919 to be licensed for the placement of caravans or other movable dwellings;

**“Ordinance No. 71”** means Ordinance No. 71 made under the Local Government Act 1919.

**Application of certain planning controls to places licensed for movable dwellings**

7. 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.

**Development consent required for caravan parks**

8. (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 Ordinance No. 71; 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 Ordinance.

(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 a licence issued under section 289H of the Local Government Act 1919 for 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

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- (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 Ordinance No. 71,

if such a use of that site was not lawful under the Environmental Planning and Assessment Act 1979 when this Policy commenced.

(5) This clause does not apply to any land dedicated or reserved under the National Parks and Wildlife Act 1974.

**Subdivision of caravan parks for lease purposes**

9. (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 Ordinance No. 71 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 has been reserved or dedicated for any public purpose under the Crown Lands Act 1989.

**Matters to be considered by Councils**

10. 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 Ordinance No. 71.
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