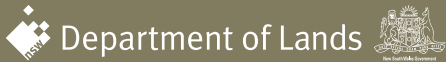


# Long-term residents in caravan parks on Crown land



A number of people reside in caravan parks as their principal place of residence. These long-term residents live in their own dwelling, usually a caravan or cabin, and have a residential site agreement or a residential tenancy agreement under the *Residential Parks Act 1998*.

The rights of long-term residents are protected under the *Residential Parks Act 1998* and residents who comply with the terms of their agreement will not be asked to leave.

Most caravan parks on Crown land were originally established to serve the broad tourist and recreational needs of the public. Over the years a number of private caravan parks have closed while demand for tourist accommodation has increased. In response, the Department of Lands (Lands) has sought to increase the availability of sites for the touring public.

Where Crown land is reserved for public recreation it must be managed for the wider interests of the community, and its protection and preservation for future generations.

The department's policy is to manage caravan parks on Crown land to predominantly provide short-term holiday or tourist accommodation and to convert long-term sites to short-term sites where possible. The policy is in keeping with case law that has consistently ruled against exclusive uses on Crown public recreation reserves.

A **residential site agreement** applies to residents residing in a caravan park with the site as their principal place of residence before 16 December 1994. A residential site agreement entitles the holder to considerable rights to assign or sublet their site to another person. It limits the circumstances where a park owner can terminate the agreement to specified reasons such as non-payment of rent, failure to rectify a dilapidated dwelling, and serious and persistent breaches of the site agreement/park rules. All the benefits of a residential site agreement pass on to the next person when the agreement is assigned or devised by will.

A **residential tenancy agreement** applies to residents residing in the caravan park with the site as their principal place of residence after 16 December 1994. The park owner can withhold the right to assign or sublet the site and can terminate the agreement depending on its terms.

## Frequently Asked Questions

- Q Is Lands phasing out long-term residence at caravan parks on Crown land?**
- A It is proposed to convert long-term residential sites to tourist sites when residents choose to vacate.
- Q How does the phasing out of long-term residents affect them - are they being 'moved on'?**
- A Long term residents can continue to stay in caravan parks on Crown land under the terms of their residential agreements. Their rights are protected under the *Residential Parks Act 1998*.
- Q Why is Lands in favour of tourists over residents when it comes to accommodation on Crown land caravan parks?**
- A Most caravan parks on Crown land were originally established to serve tourist and recreational needs of the public and are reserved for this purpose. Other Crown land is reserved for permanent accommodation including retirement villages and manufactured home estates.
- Q Can a long-term resident sell their site or leave it to their families?**
- A The provisions to assign or pass on a residence vary with the type of residential agreement and are spelled out in the *Residential Parks Act 1998*. A long-term resident with a **residential site agreement** has considerable rights to assign their site to another person. All the benefits of a **residential site agreement** pass on when the agreement is assigned or devised by will. The park owner can withhold the right to assign the site in the case of those residents with a **residential tenancy agreement**.



**Q Can a residential agreement be terminated?**

A A **residential site agreement** limits the circumstances where a park owner can terminate the agreement to specified reasons such as non-payment of rent, failure to rectify a dilapidated dwelling, and serious and persistent breach of the site agreement/park rules. The security of tenure under a residential tenancy agreement, and circumstances where it may be terminated, will depend on the individual agreement.

**Q Will Lands' policy result in a financial loss to long-term residents?**

A Lands' policy does not impact on the residential agreements of long-term residents. Therefore, Lands does not foresee any financial loss.

Disclaimer: The terms of residential agreements at Crown land caravan parks vary. This information is intended as a general description of Lands' policy on residential agreements.

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