

Park residents in New South Wales have rights under the *Residential Parks Act 1998* and the *Residential Parks Regulation 2006*. This factsheet sets out the law in NSW regarding Park Rules – what they are, how they are made and changed, and what they can be about.

Park Rules

A park owner may make written park rules relating to the use, enjoyment, control and management of the residential park. Section 62 of the *Residential Parks Act 1998* lists the topics that park rules can be made about. Park Rules can be made about any or all of the following –

- a) the making of noise;
- b) motor vehicle speed limits;
- c) the parking of motor vehicles;
- d) the disposal of refuse;
- e) the keeping of pets;
- f) the playing of games and other sports activities;
- g) the use and operation of communal facilities;
- h) maintenance standards for moveable dwellings, as they affect the general amenity of the residential park;
- i) the imposition of reasonable requirements regarding the landscaping and maintenance of any residential site on which any moveable dwelling is located; and
- j) any other matter prescribed by the regulations.

The Regulations include the following matters –

- k) waste recycling;
- l) safety of persons and property within the residential park;
- m) the storage and repair of motor vehicles, boats and trailers; and
- n) means of transportation within the residential park.

If a park rule is made about a matter that is not included in the list, it is not legally valid.

The park rules form part of every residential tenancy agreement in the park, including site agreements. Each park rule is a term of the agreement. A breach of a park rule is a breach of the agreement. Only residents of the park have an obligation to adhere to the park rules. A park owner has an obligation to ensure all residents comply with the park rules, but are under no obligation to comply with the rules themselves.

The park rules are the same for every resident. There is only one set in force at any time, and the rules that apply are the last ones that were validly made or amended, and served to each resident. A park owner cannot make different park rules for different residents.

Each resident must receive 60 days' written notice of any amendment to the park rules, including the insertion of a new rule or the removal of an old one. If it concerns the use of the park's recreational facilities, only 7 days' notice is required.

If a dispute arises in relation to a new, amended or existing park rule, a resident may apply to the Tribunal for a determination on the matter.

For further advice and information on park rules, please contact your local affiliate or contact ARPRA on **1300 798 399**. More advice is also available from NSW Fair Trading on **133 220**.

www.arpra.org.au

www.fairtrading.nsw.gov.au

This factsheet has been written to provide a brief summary of the laws in New South Wales. It should not be considered to be a full reading of the Act or be used as a substitute for legal advice.