



Planning &
Environment

IMPROVING THE REGULATION OF **MANUFACTURED HOMES, CARAVAN PARKS, MANUFACTURED HOME ESTATES & CAMPING GROUNDS**

DISCUSSION PAPER



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PART A

INTRODUCTION,
BACKGROUND AND THE
LEGISLATIVE FRAMEWORK





1.0



INTRODUCTION

1.0

Introduction

Feedback is sought from the **community and stakeholders** on simplifying the regulation of **manufactured home estates, camping grounds, caravan parks, manufactured homes and moveable dwellings** and associated policies.

This Discussion Paper has been prepared to seek feedback from the community and stakeholders on a review of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* (LG Regulation) and associated planning policies.

The review is being led by the Department of Planning and Environment, in partnership with the Office of Local Government, as the system for regulating how land may be used for caravan parks, camping grounds, manufactured home estates and the installation of manufactured homes currently sits within both planning and local government legislation.

The review is timely as the LG Regulation is scheduled to be automatically repealed in September 2016. There are also fundamental issues with the existing framework:

- The approvals process is over complicated with duplication across instruments;
- Uses are not always in the right locations;
- The lack of appropriate building and safety standards for certain forms of housing; and
- A need to provide a greater diversity of housing.

The LG Regulation sets the detailed provisions for the approval, design, siting, operation and construction of manufactured home estates, camping grounds and moveable dwellings (including manufactured homes). The principal aim of the review of the LG Regulation and associated policies is to **simplify the approvals pathway, reduce red tape for these developments and respond to the changing nature of these industries**. The policies included in this review are *State Environmental Planning Policy No. 21 – Caravan Parks* (SEPP 21) and *State Environmental Planning Policy No. 36 – Manufactured Home Estates* (SEPP 36).



This review focuses on streamlining and simplifying the approval regime for manufactured homes, moveable dwellings, manufactured home estates, camping grounds and caravan parks. It does not deal with tenancy or management issues as the laws that set out the rights and responsibilities of residents and owners of caravan parks and manufactured home estates are administered by NSW Fair Trading. The NSW Government recently released the *Residential (Land Lease) Communities Regulation 2015*, the final regulation giving effect to the *Residential (Land Lease) Communities Act 2013* which commenced on 1 November 2015. These new laws are designed to strengthen protection for residents while supporting ongoing viability in the Residential Parks industry.

Caravan parks, manufactured home estates, moveable dwellings and manufactured homes provide a diversity of housing choices in a range of locations across NSW. They also form an important component of both the tourism and housing markets, supplying stock for affordable housing and offering a diversity of tenancy choice. These facilities and forms of housing provide options for long term residential uses, such as permanent residential accommodation in a caravan park, and shorter term uses, such as seasonal workers accommodation and tourism uses. The forms of housing provided for, both inside and outside of caravan parks and manufactured home estates, include manufactured homes, caravans, campervans and camping.

This Paper provides background, outlines the legislative framework, and identifies the key issues in the approvals system. For each key issue, options are identified for ways to improve the approvals system and key questions are posed to encourage feedback.

Details for how to make a submission or provide feedback on this Discussion Paper are available at:
www.planning.nsw.gov.au/caravanandmanufacturedhomes

1.1

Approach to the review

The approach to this review involves the following activities:

- Evaluating the purpose and function of the existing LG Regulation and all state level regulatory planning requirements for the development and operation of caravan parks, camping grounds and manufactured home estates and the installation of manufactured dwellings;
- Exploring the range of operational and policy issues that have arisen since the Regulation was first made nearly 20 years ago and consider how the planning and approval system can be made more efficient;
- Seeking feedback from the community and stakeholders; and
- Developing a new framework for approvals, informed by the evidence and community and stakeholder feedback.

This Paper proposes a new framework that will provide important benefits to the community and stakeholders including:

- Supporting **uses in the right locations** through better land use and definitions and appropriate land use zonings;
- Providing **greater clarity and consistency** across NSW by simplifying approvals for manufactured homes, caravan parks and camping grounds under one Act, removing duplication and ineffective policies;
- Promoting **a greater diversity of housing choices** by providing for residential and tourist uses as well as accommodation for seasonal workers and encouraging ongoing innovation; and
- **Improving building standards and safety** for manufactured homes.

1.2

Next Steps

All feedback and submissions will be reviewed and analysed and the results will be used to inform the development of a legislative framework.

This review provides an opportunity to improve and simplify the functions and machinery of the current system in response to key issues and the changing nature of the industry. This Paper also identifies some issues that require further consideration. These will be considered in future policy reviews.

The review seeks to deliver a **more effective, streamlined regulatory approach under a new framework** to meet the NSW Government's commitments to reduce unnecessary red tape to improve the planning system.

1.3

Key issues identified in preparing this Discussion Paper

To inform the preparation of this Discussion Paper, the Department conducted targeted consultations to clarify the benefits of the existing approvals framework and any concerns or impacts for consumers, industry and councils. Discussions were held with councils, industry and housing providers, consumer groups and NSW Government agencies.

The key issues identified through this process highlighted the:

- Need for the approvals system to support uses in the right locations;
- Importance of a simpler approvals process that provides for greater certainty and consistency;
- Need to promote greater diversity of housing types across NSW; and
- Importance of providing appropriate building and safety standards.

These issues are addressed in detail in Part B of this paper.

The consultation process also highlighted a range of issues that need to be considered outside of or following on from the development of a new framework. These issues are outlined in Section 9 of this paper.

They include consideration of the:

- Role of Residential Parks and manufactured homes in the provision of affordable and seniors housing;
- Application of the Building Sustainability Index (BASIX) for manufactured homes; and
- Rights and responsibilities of park owners and tenants.

1.4

Local Government Act 1993 Review

In 2012, the Minister for Local Government appointed a four member Taskforce to review the *Local Government Act 1993* (LG Act) and the *City of Sydney Act 1988*. The Taskforce looked at ways to modernise the legislation, to ensure that it would meet the future needs of councils and communities. The Taskforce prepared a discussion paper and conducted workshops throughout NSW to discuss and refine the ideas presented in the paper.

The Taskforce proposed that 'certain approvals be repealed or transferred to other legislation, such as the installation of manufactured

homes and the operation of caravan parks and camping grounds'. The Taskforce completed its work in late 2013 and its final report and recommendations were exhibited for public comment in early 2014.

The final report included a recommendation that as many existing LG Act approvals as possible should be placed in the appropriate 'specialist' legislation. The policy option outlined in this paper — to transfer the approvals from the LG Act to the *Environmental Planning and Assessment Act 1979* (EP&A Act) — is consistent with the Taskforce recommendations.



2.0

BACKGROUND

2.0

Background

Manufactured home estates, caravan parks, camping grounds, manufactured homes and moveable dwellings are an important source of holiday and residential accommodation and also provide affordable housing.

Many of the roles and functions of these industries and developments have changed since the current regulatory framework was introduced almost 20 years ago.

These changes include increased occupation of caravan parks by long term residents; increased use of caravan parks as crisis accommodation; manufactured home estates being developed as affordable housing for seniors (generally defined as people aged 55 and over); and increased installation of manufactured homes in general residential areas outside of caravan parks and manufactured home estates.

Caravan parks and manufactured home estates contribute to the range of tourist and visitor accommodation across NSW. The caravan and camping industry injects around \$2 billion in economic value to NSW annually (source: Caravan and Camping Industry Association).

Over time they have increasingly been used to provide a form of temporary or permanent accommodation in the form of Residential Parks. According to the Residential Parks Register maintained by the NSW Fair Trading, there were 477 Residential Parks in NSW in

2012, accommodating approximately 33,352 residents. The Tenants' Union of NSW has stated that 'they are a relatively small but significant part of the housing system'.

Currently, the regulatory framework to manage these developments sits across both the EP&A Act and LG Act, resulting in overlap and multiple approvals to develop and operate manufactured home estates and caravan parks. The system is complex, with the definitions for manufactured home estates, moveable dwelling, caravan parks and camping grounds sitting across a number of different legal instruments.

The detailed provisions for the design, siting, operation and construction of these developments are set out in the LG Regulation. In addition to the LG Regulation, SEPP 21 identifies when consent is required under the EP&A Act and SEPP 36 facilitates the establishment of manufactured home estates as an alternative from of medium density housing which includes affordable housing.



2.1

Forms of development

This review **covers the approvals systems for the following different forms of development** covered by the LG Regulation, SEPP 21 and SEPP 36.

Manufactured homes

Manufactured homes are a type of self-contained relocatable home or moveable dwelling constructed off-site, transported and installed on site. A manufactured home comprises one or more major sections but is not a registrable vehicle like a motor home or campervan.

Manufactured homes within manufactured home estates and caravan parks have developed as an alternative form of tourist or residential accommodation to caravan parks. Historically, they were smaller structures that were capable of being relocated or transported to other sites. They can be efficiently installed on site when compared to traditional building construction timeframes. Innovative changes to building and construction techniques to meet changing housing needs has meant that manufactured homes are becoming a more popular housing choice outside of parks. Manufactured homes are also a popular housing choice for secondary dwellings or granny flats.

The current framework provides controls based around the historic relocatable and temporary use of manufactured homes. Increasingly, manufactured homes are taking on the appearance of a typical residential dwelling and are being built to a higher standard. There is also a trend for an increase in the size of manufactured homes. With this comes the decrease in the ability to relocate, resulting in many new manufactured homes having limited prospects of being relocated in the future.

Caravan parks

Caravan parks are spread throughout the State but are mostly located on the coast and may provide accommodation for:

- Tourists, travellers and holiday makers who wish to hire a site, caravan or cabin for a short stay or who are travelling with a caravan, or in a campervan;
- Long-term residents, often retirees, seeking a community lifestyle in a scenic location close to recreational opportunities;
- People in need of budget, short term rental accommodation; and
- Long-term casual occupants who lease sites on an annual basis and leave their caravan or other moveable dwelling there throughout the year for periodic holiday visits.

Manufactured home estates

Manufactured home estates are a contemporary form of medium density development where residents own or rent a manufactured home that is situated on a dwelling site leased from the owner of the estate. Manufactured homes are usually constructed in a factory and transported and installed in estates and then connected to services.

Camping grounds

Camping grounds catering for tents and campervans may be part of a caravan park, or may be separately provided while having similar types of facilities as caravan parks.

There are also primitive camping grounds in remote locations, which cater for tents, campervans and caravans and are not required to have laundries, showers or hot running water.





3.0

THE LEGISLATIVE
FRAMEWORK

3.0

The legislative framework

The system for regulating how land may be used for caravan parks, camping grounds, manufactured home estates and the installation of manufactured homes currently sits within both Planning and Local Government legislation, regulations and policies.

The assessment and approval of development, which includes the erection of buildings, use of land, carrying out of works and

subdivision, are covered by the planning system in NSW under the EP&A Act.

The regulation of the ongoing operation of caravan parks, camping grounds and manufactured home estates is covered by the LG Act.

This means that caravan parks, manufactured home estates, camping grounds and manufactured homes are regulated through a dual approvals system.

Table 1 identifies the key relevant statutory instruments and regulations under each of these Acts.

Table 1. Key relevant statutory instruments and regulations

EP&A Act 1979	LG Act 1993
State Environmental Planning Policy No. 21 Caravan Parks (SEPP 21)	Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005
State Environmental Planning Policy No. 36 Manufactured Home Estates (SEPP 36)	
Local Environmental Plans (Standard Instrument) 2006	

3.1

Approvals to develop and operate under the LG Act

Applications are required to be made to a local council to operate a **caravan park, camping ground or Manufactured Home Estate or install a manufactured home**, under Section 68 of the LG Act.

The associated LG Regulation then sets out the detailed controls required to be met before approval can be granted or, in certain instances, where approval is not needed.

3.2

Approvals under the EP&A Act

SEPP 21

SEPP 21 identifies that consent is required under the EP&A Act to develop caravan parks within NSW. SEPP 21 also specifies requirements that need to be considered before consent is granted, including consideration of the number of sites within the park that are suitable for short and long term residence, and imposes a condition limiting the maximum number of sites for long term residents.

SEPP 36

SEPP 36 applies across NSW, excluding the Sydney metropolitan region, and helps to facilitate the establishment of Manufactured Home Estates as an alternative form of medium density housing. Under SEPP 36, manufactured home estates are permitted wherever caravan parks are permissible. The SEPP identifies further exclusions based on environmental constraints.

3.3

Residential (Land Lease) Communities Act 2013

NSW Fair Trading administers the laws that set out the rights and responsibilities of residents and owners of caravan parks and manufactured home estates.

The new Residential (Land Lease) Community laws will commence on 1 November 2015, and include *Residential (Land Lease) Communities Regulation 2015* giving effect to the *Residential (Land Lease) Communities Act 2013*. These new laws are designed to strengthen protection for residents while supporting ongoing viability in the Residential Parks industry.

Key elements of the Fair Trading reforms under the recently released *Residential (Land Lease) Communities Act* include:

- Standard compulsory site agreements and condition reports which give residents clear information about fees, maintenance and utility charges;
- Mandatory education for all new park operators;
- The ability for Fair Trading to remove non-compliant operators from the industry; and
- Enforcement and disciplinary action against operators to be published on the Fair Trading public register.

3.4

Crown Lands Act 1989

Approximately 30 per cent of caravan parks and camping grounds in NSW are located on Crown land. Crown land is owned and managed by the State Government. The Department of Primary Industries – Lands is responsible for Crown land. This Department manages the Crown estate under *the Crown Lands Act 1989* (CL Act).

Crown land is to be managed for the benefit of the people of NSW. The CL Act prescribes the principles and objects under which the Crown estate is to be managed and administered. In summary, the principles of Crown land management are that, as appropriate:

- Environmental protection principles be observed;
- Natural resources be conserved wherever possible;
- Public use and enjoyment, and multiple use be encouraged;

- The land and its resources be sustained in perpetuity; and
- It be occupied, sold, or otherwise dealt with in the best interests of the State consistent with these principles.

It is important the new framework continues to provide mechanisms that allow caravan parks on Crown land to be operated for their recreation and tourism purposes in accordance with the *CL Act 1989*.

The EP&A Act and EP&A Regulation provide that a development application or an application for a complying development certificate must have the consent in writing of the owner of the land. In the case of Crown land, this consent is given by the Minister for Lands and Water (as landowner). As this is already in the planning system, these provisions will continue to apply.

3.5

National Parks and Wildlife Act 1974

Under the *National Parks and Wildlife Act 1974* (NP&W Act), the Chief Executive of the National Parks and Wildlife Service is responsible for the conservation, protection and management of all national parks, nature reserves, World Heritage areas, and sites of great cultural and historic significance.

The use of caravans, campervans and tents on lands reserved or dedicated under the NP&W Act is regulated under that Act and Regulation.

Under the current EP&A Act and LG Act framework, development consent or approval is not required for a caravan park or camping ground on land dedicated or reserved under the NP&W Act. It is considered that the requirements relating to such land will be principally addressed through the current E1 National Parks and Nature Reserves zone within the Standard Local Environmental Plan.

3.6

Local Environmental Plans (LEPs) and the Standard Instrument LEP

Under the EP&A Act, each local council prepares a local environmental plan (LEP), which zones the land to permit or prohibit certain activities.

In recent years, councils in NSW made new local environmental plans following the model *Standard Instrument – Principal Local Environmental Plan* (the Standard Instrument), which contains a common structure, terminology and land use definitions.

The Standard Instrument LEP adopts the definition of Caravan Park contained in SEPP 21. However, it is expressly excluded from the group term ‘tourist and visitor accommodation’. Caravan parks are not mandated as a permissible use within any of the zones under the Standard Instrument and it is left to the discretion of the local council to decide where they may be permitted.

Manufactured homes and manufactured home estates are not defined in the Standard Instrument LEP as a land use term and can therefore not be included in any of the zones. Manufactured home estates can therefore only be developed under the provisions of SEPP 36, which permits them wherever caravan parks are permitted.

Zoning for camping is also left to the discretion of local councils to determine where they should or can be permissible.

Local Planning Directions can be issued by the Minister for Planning under Section 117 of the EP&A Act. These directions are in place to guide relevant planning authorities, such as local councils, when preparing new LEPs. Relevant to this review is the Section 117 direction that provides councils to identify suitable zones, locations and provisions for caravan parks and manufactured homes in a LEP.

3.7

How can we simplify the system?

The objectives of this review are to simplify the approvals pathway, reduce red tape and respond to the changing nature of these industries.

To achieve this, it is proposed that the current dual system of approvals is streamlined and incorporated into the planning system.

This approach will mean that unnecessary controls from the existing framework will be removed without compromising important outcomes, such as the provision of residential accommodation and building safety requirements. This will reduce duplication, and simplify approvals and compliance processes.

An overview of the changes from the current dual approval system to the proposed streamlined system is illustrated in **Figure 1** and discussed further in Section 5.4 of this paper.

Figure 1: Overview of proposed changes to deliver a streamlined approvals system





PART B

KEY ISSUES





4.0

SUPPORTING LAND
USES IN THE
RIGHT LOCATIONS

4.1

The changing nature of caravan parks and manufactured home estates

What are the issues with the current framework?

Historically, caravan parks have provided an important source of affordable tourist accommodation, particularly for families. In some locations, the use of caravan parks has changed from their original approved use as tourist accommodation, into a form of long term or permanent residential accommodation. In addition, some parks have transformed into a form of permanent seniors housing.

The current approvals system was introduced at a time when only manufactured home estates (rather than caravan parks) provided longer term residential accommodation in the form of manufactured housing. As the use of caravan parks has changed, some now provide manufactured homes on site for long term residents. In these instances it is difficult to differentiate between a manufactured home estate and a caravan park. This raises issues with land use in instances where a council has granted approval for a caravan park for tourism purposes and over time this has changed to a Residential Park primarily with permanent residential sites. It could be argued that in these circumstances the park is no longer used for tourism purposes.

Caravan parks have been developed in places that are appropriate for tourist purposes, which are not always an ideal location for permanent residents. Under the current system there are limited planning controls to ensure that an approved tourist caravan park remains a tourist facility.

How can we ensure that these facilities are in the right locations?

The approvals system needs to ensure that caravan parks and manufactured home estate land uses are located in the right areas and provide certainty and clarity to councils, developers and owners.

Under a new approach, the terms 'caravan park' and 'manufactured home estate' would be replaced with the terms 'Residential Park' and 'Tourist Park' and could be defined in the following way:

- Residential Park – *A place that primarily provides accommodation for permanent residents on which moveable dwellings are installed, manufactured homes are installed and which may or may not include communal facilities and administration buildings.*
- Tourist Park – *A place that primarily provides accommodation for tourists and visitors on which moveable dwellings are installed, manufactured homes are installed, and which may or may not include communal facilities and administration buildings.*

A key challenge **is identifying a threshold that differentiates between the two types of parks.** One option could be to have a requirement that in a Residential Park at least **75 per cent** of sites are for permanent residents.

This threshold may be set in a Guideline (discussed further in Section 5.7) or through a model clause under the Standard Instrument (used for preparing LEPs by councils which guide planning decisions). This type of threshold could be provided as guidance and include an allowance for flexibility for councils to vary the threshold where appropriate. An alternative approach may be to set a threshold requirement for residential or Tourist Parks would be through the use of clause 5.4 of the Standard Instrument LEP. This clause allows councils to provide their own numerical standards relating to various uses. The terms Residential Park and Tourist Park could be included in this clause with councils electing their own threshold to apply to the terms.

The threshold approach would also allow some flexibility for owners and operators of a Park to provide a diversity of residential and tourist uses with their park responding to market forces within established parameters.

Another option to consider is incorporating appropriate zones for Residential and Tourist Parks in the new framework.

If a zoning approach was incorporated into the new framework, two options could be considered for managing permissibility within the zones.

- Option 1 – The zones could be mandated through the Standard Instrument LEP, which would require these uses to be permissible in the proposed zones where required standards were met.

- Option 2 – Alternatively councils could nominate their preferred zones based on strategic planning with consideration of Regional Plans and local strategies. In this example, Residential or Tourist Parks would be considered as part of the strategic planning for housing needs and diversity within the local government area. In this instance the State Government would provide guidance to councils.

The proposed approach for managing existing parks and camping grounds is discussed further in Section 5.5.



1. Do you agree with proposed changes to the definitions?

2.

Should a threshold for permanent residents be set for Residential Parks? If so, do you agree with a 75% threshold?

3.

Would a zoning approach be appropriate for Residential and Tourist Parks?

Should the permissibility of residential or Tourist Parks be mandated in certain zones (Option 1) or should a council determine this based on their local strategic planning (Option 2)? If Option 1, what zones are appropriate?

4.



5.0

SIMPLIFY APPROVALS

5.1

Approval of manufactured homes outside caravan parks and manufactured home estates

What are the current approval requirements for manufactured homes outside of parks and estates?

In areas outside of dedicated parks and estates, there is growing demand for manufactured homes to be used as either the principal dwelling or secondary dwelling (granny flat). However, the legislation and regulations are not clear on the planning permissibility of these uses and this creates confusion for approvals on land outside of dedicated parks and estates.

Across the country the manufactured housing industry has evolved to provide a diversity of housing through alternate means of construction. The quality, type and range of manufactured houses have evolved over time, both in NSW and nationally. The standard of design and product has improved as the industry has evolved. While manufactured homes were originally more akin to demountable buildings, like those used in schools, contemporary manufactured homes now more closely resemble modern project homes in suburban housing estates. Manufactured homes are also a popular form of dwelling house construction in regional NSW due to construction costs in remote locations.

What are the issues with the current approvals framework?

There are a number of factors causing confusion surrounding the permissibility and approval process for manufactured homes on land outside of caravan parks and manufactured home estates.

To construct a home on residential land the regulatory framework needs to recognise that the type of home is a dwelling house and a building. Manufactured homes are not considered to be a dwelling house under the EP&A Act as they are specifically excluded from the definition of 'building' under the EP&A Act. The definition of a dwelling house in the Standard Instrument LEP relies on the definition of 'building'.

Manufactured homes are also not defined as a land use under the Standard Instrument LEP and are not included in the land use table. This creates further uncertainty when determining the permissibility, as manufactured homes cannot clearly be designated as either permissible or prohibited in the zones.

Further complication is created in the existing framework as approval to install a manufactured home is also required under the LG Act.

All of these issues create confusion for councils and people wishing to purchase a manufactured home to place on residential land as an alternative to a traditionally constructed home. Understandably, the current framework results in councils tending to have different approaches for approving manufactured homes rather than a consistent approach across the State.

How can the approvals framework be improved for manufactured homes outside of parks and estates?

Stakeholders emphasised the importance of providing certainty around approvals of manufactured homes and streamlining the regulatory framework to enable people to easily utilise the benefits of manufactured homes in the construction of their principal or secondary dwelling.

To address the issues outlined in this section and make the permissibility of manufactured homes outside of parks and estates clearer and approvals process simpler, an option could be to:

- Include manufactured homes within definition of a building under the EP&A Act. This would provide greater clarity for approvals and consistency across the State. By including manufactured homes within 'building', all forms of 'residential accommodation' such as dwelling houses, dual occupancies and secondary dwellings would be permissible as manufactured homes. Proposed definition changes are discussed further in Section 5.9;
- Streamline approval processes by removing the need for manufactured homes to be approved under both the LG Act and the EP&A Act. This would provide consistency around approvals of manufactured homes; or
- Permit manufactured homes where a dwelling house (or other form of residential accommodation) is permissible in the relevant LEP. This would provide clear direction on the appropriate locations for manufactured homes.

The building standards for manufactured homes will be discussed further in Section 8.

5. Would these proposed changes make the permissibility of manufactured homes clearer and contribute to a simpler approvals process?

The manufactured housing industry provides a diversity of housing through alternate means of construction



5.2

Approval of moveable dwellings

How does the existing framework provide for moveable dwellings?

The existing framework sets controls relating to the installation of various types of moveable dwellings both inside and outside of parks and estates. Under the LG Act, a moveable dwelling is included as any tent, or any caravan, van or portable device (whether on wheels or not), used for human habitation, or a manufactured home.

In a camping ground or caravan park, the LG Regulation provides for exemptions from seeking approval from council where installing a tent on a camp site in a camping ground, or installing a campervan on a dwelling site in a caravan park or on a camp site in a camping ground, if the installation has the agreement of the park or camp ground operator. However, the installation needs to be in accordance with the relevant provisions outlined in the LG Regulation.

Outside of a park or camping ground, council approval is not required for the installation of:

- up to two caravans, campervans or tents on any land (with the landowner's permission), provided they are not occupied for more than two days at a time and are not occupied for more than 60 days (in total) in any 12-month period;
- one caravan or campervan on land on which there is a dwelling house, provided the caravan or campervan is occupied by the owner of the dwelling house or members of the household, and the caravan or campervan is maintained in a safe and healthy condition; and
- a caravan or campervan on agricultural land, provided the caravan or campervan is occupied by seasonal workers on the land.

The LG Regulation provides that installing a caravan, campervan or tent on a Crown reserve or in a State forest does not require LG Act approval. Instead, the *Crown Lands Act 1989* and the *Forestry Act 1916* apply respectively.

What are the issues with the current approval framework?

As outlined further in section 5.9, issues have been raised regarding duplication and use of the definitions contained within a number of instruments. In particular, the use of the terms moveable dwellings, relocatable home and manufactured home. The current definition of moveable dwelling includes manufactured home and the definition of relocatable home includes both manufactured home and moveable dwellings. It is unnecessary to have three separate definitions with the added confusion of cross-referencing each other and the current approach has created an inconsistency in the application of these definitions.

The continued use of the current exemptions from council approval is supported for moveable dwellings (not including manufactured homes) both inside and outside of parks and camping grounds. However, stakeholders have raised issues relating to an extension of the time permitted for use outside of a camping ground or park to allow for long weekend and school holidays. Where these exemptions have not been met, development consent will be required.

The Legislative Council Inquiry into Tourism in Local Communities found that consumer representatives identified the need for clearer regulations or policy directives to recognise the unique needs of travellers in campervans and caravans. The Inquiry identified, through submissions, that the LG Regulation does not provide adequately for self-contained campervans and caravans vehicles as they are not 'installed', and the definitions of caravan parks and camping grounds also rely on the concept of installation. It was concluded that the LG Regulation is unclear in this context and creates problems for uses of self-contained caravans and campervans.

How can the approvals framework be improved?

As further discussed in section 5.5, it is proposed that the moveable dwellings definition no longer includes manufactured home and instead refers principally to tents, caravans, campervans and so on. This is intended to simplify the controls that apply to moveable dwellings, such as tents, caravans and campervans.

It is proposed to continue the exemptions currently provided for under the LG Regulation for moveable dwellings. However, the days that exemptions are provided for the use of tents, caravans and campervans outside of camping grounds and parks is proposed to be extended from two days to allow for long weekends and school holidays. Feedback is sought as to the appropriate timeframe for such uses.

In terms of the use of self-contained caravans and campervans, feedback is sought as to the most effective way to ensure the new framework provides for such uses.

It is also proposed to continue the existing exemption for installing a caravan, campervan or tent on a Crown reserve or in a State forest so that *Crown Lands Act 1989* and the *Forestry Act 1916* apply respectively.

6.

How long should caravans, campervans or tents be permitted to be used on land outside of parks and camping grounds without the need for council approval?

7.

How should the new framework facilitate the use of self-contained caravans and campervans?

5.3

Facilitating the development of new caravan parks and manufactured home estates

How does the approval system facilitate the development of new caravan parks and manufactured home estates – SEPP 21 and SEPP 36?

Under the current framework, two separate State Environmental Planning Policies provide for the development of new caravan parks and manufactured home estates.

The framework for the approval of new caravan parks within NSW is provided for through SEPP 21. The SEPP identifies that consent is required under the EP&A Act to develop caravan parks within NSW. SEPP 21 also specifies the requirements that a consent authority (e.g. local council) must satisfy before granting consent to a caravan park.

The framework for the approval of new manufactured home estates is provided for under SEPP 36. The SEPP aims to facilitate the establishment of manufactured home estates as an alternative form of medium density housing. It applies to all of NSW outside of the Sydney Metropolitan Area including Gosford and Wyong. SEPP 36 also specifies the requirements that a consent authority (e.g. a local council) must be satisfied of before granting consent to a manufactured home estate.

What are the issues with the current SEPP framework?

Stakeholders have commented that there have not been any new caravan parks approved for development in NSW for a substantial period of time.

While SEPP 21 was developed to support establishment of new parks, it has been ineffective in doing so. Stakeholders highlighted a number of issues with SEPP 21 that contribute to this situation, in particular that it:

- Does not identify or provide direction on where parks can be located;
- Does not assist in defining or categorising parks as either residential or Tourist Parks;
- Provides minimal regulation for requirements of new parks or alterations or works to existing parks and primarily relies on the LG Act and the LG Regulation provisions; and
- Has no limit on the number or proportion of long-term resident sites.

SEPP 36 is the instrument to support establishment of manufactured home estates but there has only been a small number of manufactured home estates approved since the SEPP was introduced over 20 years ago. Stakeholders highlighted a number of issues with SEPP 36, in particular that it relies on caravans being permissible which is at the discretion of local council through their LEP. This requirement, combined with the locational exclusions in Schedule 1 of SEPP 36, results in very few potential locations for manufactured home estates. For example, some of the categories of excluded lands from SEPP 36 apply to areas identified in an LEP such as open space, environmental protection, scenic protection and rural lands.

How can this framework be improved?

To streamline the approvals framework, it is proposed that both SEPP 21 and SEPP 36 are repealed and key provisions from each SEPP would be included in the Standard Instrument LEP, a new improved SEPP or a proposed Guideline outlined in Section 5.7 of this paper.

An analysis of the suggested provisions to be retained from SEPP 36 and SEPP 21 is attached in **Appendix A**.

What provisions from SEPP 21 or SEPP 36 should be retained under the new framework?

8.

Are there additional controls that should be included in the new framework to facilitate the development of new Tourist Parks or Residential Parks?

9.

5.4

Streamlining approvals to operate for existing caravan parks, camping grounds and manufactured home estates

What are the current requirements for operating existing parks?

While development consent to use land and establish a caravan park, camping ground, or manufactured home estate is granted under the planning system, the LG Regulation provides for an approval to operate a caravan park, camping ground or manufactured home estate.

An approval to operate is sought from the local council and lapses after five years (sometimes a shorter or longer time may be set by the council). As a result, a periodic renewal or extension is required if the park, estate or camping ground is to continue operating. Renewal or extension is provided by the local council if they are satisfied that the park or estate meets the required controls under the LG Regulation every five years.

The LG Regulation also provides for 'primitive camping grounds'. This type of camping ground is generally remote from urban areas, and under the LG Regulation is required to have only a limited range of facilities. Requirements include that the ground must be provided with a water supply, toilet and refuse disposal facilities as specified in the approval for the ground. Any firefighting facilities as may be specified in the approval are also to be provided.

What are the issues with the current approval to operate requirements?

Stakeholders have suggested that requiring park or estate owners to seek permission for approval to operate every five years is time consuming and unnecessary and has led to over regulation of the industry.

The term 'primitive camping ground' is currently not defined, however the controls in the Regulation require primitive camping grounds to have only a limited range of facilities.

Options to streamline and improve the approvals framework

The approval of new caravan parks, manufactured home estates and camping grounds could be simplified by:

- Discontinuing the requirement to seek an 'approval to operate' as outlined in the LG Regulation;
- Only requiring a one-off development approval under the EP&A Act.

Key development and design standards from the LG Regulation could be included in a Guideline (discussed further in Section 5.7). As part of the development assessment process, consideration would be given to the controls outlined in a Guideline. Further work will be undertaken on shifting towards a performance based approach for controls in the Guideline.

Following development approval, appropriate council inspections should take place to ensure there are no ongoing fire or safety issues. Appropriate compliance provisions under the EP&A Act will also be in place to ensure council can take action against any issues that arise. Compliance provisions are addressed further in Section 8.5. The management of existing parks is discussed in Section 5.5.

10.

Should new caravan parks, camping grounds and manufactured home estates be subject to a one-off development consent rather than the existing approval to operate provisions?

11.

What other matters should be considered in camping grounds and primitive camping grounds approvals? Should 'primitive camping grounds' be defined?

5.5

Transitioning existing estates, parks and camping grounds to a new approvals framework

What are issues need to be considered for existing parks?

As outlined in the previous section, an approval from the local council is required under the LG Act to operate a manufactured home estate, caravan park or camping ground. As this approval lapses after five years (or as provided by council), owners and operators are required to seek renewal or extension if the caravan park, camping ground is to continue operating. This continuing requirement to seek approval to operate provisions under the current framework is time consuming and unnecessary.

Rather than continue the current approval and renewal framework for existing parks, estates and camping grounds, one proposed option is to remove the 'approval to operate' requirement. By removing this requirement, existing estates, parks and camping ground owners and operators would have no further 'lapse' in approval and would have no need to seek any further approval for the facility until such time as a development application would be required. The approvals for these existing parks, estates and camping grounds could be deemed to have been given approval under the EP&A Act. A development application in the new framework would only be required when an existing facility was seeking to expand or reconfigure.

However, it is not intended that existing estates, parks and camping grounds would subject to comply with additional controls. These existing facilities should only be subject to the controls they currently operate under. However, to ensure continued compliance with existing standards, an option may be to require any existing park be subject to a regular compliance inspection process.

The status of existing approvals will need to be made clear in the new framework. Councils, owners, operators and people living in or utilising the caravan parks will need certainty in relation to the controls that will apply to existing parks. There will be flexibility in meeting controls such as setback, size of sites and separation distances. These design controls that were previously required to be met under the LG Regulation, are now proposed to be included in the form of a Guideline.

At such time as an existing facility is seeking development approval under the new framework, there will be flexibility in meeting these controls. The Department could release guidance in the form of a circular to assist with clarifying the approach around approving development in an existing park to clarify that strict adherence to the certain controls included in the Guideline may be unreasonable.

An option that may provide flexibility in managing existing parks could be through the application of Clause 5.4 of the Standard Instrument LEP. As outlined in section 4.1, councils could provide their own numerical controls defining Residential Parks or Tourist Parks. This could provide flexibility in defining uses and capturing existing parks.

However, should an existing park seek consent under the proposed new framework, there may be an issue relating to the permissibility of the use on that site. For example, an existing caravan park that may be providing for a large proportion of residential uses may be considered to be a 'Residential Park' under the proposed new framework. However, the location of this 'Residential Park' may not be permissible in the zone in which it is located. In this case, the continued use of the site would rely on 'existing use rights' under the EP&A Act. This could limit opportunities for future development on the site as there are restrictions around increases in floor space and intensification on sites with existing use rights.

Do you agree existing parks should no longer be required to obtain 'approval to operate'? Should regular council inspections be required for these parks?

12.

What controls should existing parks be exempt from when being considered under the new framework?

13.

14.

Is it appropriate that existing parks are considered under the new framework when lodging a development application for expansion or reconfiguring?

5.6

Streamlining approvals through exempt and complying development

What is exempt and complying development?

Within the planning system, the *Exempt and Complying Development Codes SEPP* (Codes SEPP) identifies many types of home renovations and minor building projects that do not need approval from a council or accredited certifier. This is classified as exempt development. As long as the renovation or minor building project meets specific standards and land requirements, no planning or building approval is needed.

The Codes SEPP also provides for complying development which is a fast track approval process for straightforward residential, commercial and industrial development. Providing the application meets specific criteria, it can then be determined by council or an accredited certifier without the need for a full development application.

Manufactured Homes outside of parks and estates

What are the issues with current approval framework?

Section 5.1 highlighted the confusion surrounding permissibility and approval processes for locating manufactured homes in areas outside of dedicated parks and estates. A key concern is that manufactured homes are not currently clearly provided for under the Standard Instrument LEP which has created issues regarding permissibility. This has also limits opportunities for utilising the Codes SEPP.

How can the approvals framework be streamlined?

It is proposed that manufactured homes be subject to the complying development provisions contained in the Codes SEPP providing for fast track complying development process. Ancillary structures associated with manufactured homes could also be considered as exempt development if they meet certain criteria outlined in the Codes SEPP. Manufactured homes used as secondary dwellings could utilise the complying development provisions as outlined under the *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

A sample of the possible approval framework is outlined in **Table 2** below.

Table 2.
Possible approval framework for manufactured homes and moveable dwellings outside parks

Exempt Development	Complying Development	Development Application
Ancillary structures associated with a manufactured home (in line with existing exempt provisions in the Codes SEPP)	Installation of a manufactured home and associated ancillary development on an appropriately zoned site	Installation of a manufactured home and associated ancillary development that does not meet the complying development provisions

Manufactured homes within Residential and Tourist Parks

What are the current approval requirements?

Under the current framework, the LG Regulation allows for installation of a manufactured home, within a caravan park or camping ground without the approval of council, subject to meeting certain design, construction and installation requirements.

What are the issues with the current approvals framework?

Stakeholders have raised two key issues, the need for approval of manufactured homes within residential or Tourist Parks and the conversion from short term sites to long term and vice versa.

In relation to the first issue, the current system allows for the installation of single storey manufactured homes without the need for approval from council, subject to meeting certain requirements. Since this provision was first introduced, manufactured homes have changed as technology and construction methods have advanced. Earlier forms of manufactured homes were lower quality and easily transportable and it was appropriate that approval was not required for every installation to allow for easy relocation. Today, manufactured homes are more likely to be higher quality and more permanent structures.

As manufactured homes could be providing for long term residents in parks and are not as likely to be relocated as they were in the past, it may be appropriate that an assessment, either through the development application or complying development process, be undertaken prior to construction on site within these parks.

In relation to the second issue, the current framework requires that each dwelling site in a caravan park must be specified, in the approval to operate provided by council, as either a short term site or a long term site. There is currently no specific planning control requiring development approval to shift between the long term and short term sites. However, shifting between the two without development consent may result in non-compliance with the terms of the original approval. Amendment of the approval to operate would be required before converting long term sites to short term sites and vice versa.

Stakeholders have indicated that the current approach surrounding the conversion of sites between long and short term is unclear and expressed a variety of views as to whether development consent is required. Councils have advised that this conversion often happens without notification to council and can substantially change the nature of a park.

How can the approvals framework be improved and streamlined?

To manage the issues regarding the permissibility of manufactured homes within residential or Tourist Parks, an option could be to require approval for all new manufactured homes within parks to be subject to either the complying development or development assessment process. This would ensure that the appropriate checks are in place to ensure the home meets the proper design controls and building standards. The possible approval framework is outlined in **Table 3**.

For the conversion of sites from long term to short term and vice versa, there are two options identified to manage this issue:

- Option 1 – Require development consent for any conversion of sites from short to long term or vice versa
- Option 2 – Require development consent only where the conversion of sites exceeds the nominated threshold, e.g. in a Residential Park allow operators to change between short and long term provided the minimum 75 per cent residential is still met.

Table 3 outlines a sample of the possible options for framing development as exempt, complying or requiring development consent.

Table 3 – Potential approval framework for residential and Tourist Parks

Exempt Development	Complying Development	Development Application
Option 2 - Switching between long term and short term sites and vice versa where threshold is not exceeded (i.e. remaining as either a Tourist or Residential Park)	<p>Replacement of existing manufactured home on residential or tourist site where there is:</p> <ul style="list-style-type: none"> • No change from short to long term site and vice versa • No change in the size of the site • Site coverage, separation distances, open space and other specified standards are satisfied <p>The replacement of existing communal amenities or facilities, administration office and other buildings</p>	<p>Approval to operate camping ground or residential or Tourist Park. Changing between long term and short term sites and vice versa (Option 2 - only where threshold is exceeded).</p> <p>Installation of a manufactured home where:</p> <ul style="list-style-type: none"> • There is a proposed change to the size of the site • The site coverage, separation distances, open space and other specified standards will not be met <p>Adding new sites / expanding a camping ground or a residential or Tourist Park</p>

15.

What are your views on the proposed approach for exempt and complying development?

Should anything else be categorised as exempt, complying or development assessment?

16.

5.7

The introduction of a Guideline

Why is this an issue with the current framework?

The LG Regulation is highly prescriptive and contains a large number of numerical standards relating to detailed building design controls. For example, the LG Regulation provides standards for setbacks and widths of roads through to detailed provisions relating to the number of laundry tubs and ironing facilities. Under the current system, owners and operators are required to meet all of these controls each time a five yearly approval to operate is lodged for a caravan park, camping ground or manufactured home estate or where manufactured homes or other types of relocatable homes, tents and caravans are to be installed.

The current approach under the LG Regulation does not foster innovation or site sensitive design.

The strict adherence to numerical standards required under the LG Regulation is difficult to achieve and does not easily provide for variations based on site specific issues. Variations are often required to utilise the provisions of Section 82 of the LG Act. This permits for variations to the standards outlined in the LG Regulation provided the Department of Planning and Environment issues concurrence, as outlined in Section 5.8 of this paper. The variations are often minor in nature and the existing approvals process often slow down the approvals process.

How can the existing framework be simplified and streamlined?

While there is a need to provide key building and design standards in the new system, a Guideline may be the most appropriate level for these types of controls. This approach is in line with the streamlined approach taken in recently released planning instruments including *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development (SEPP 65)* and the *Apartment Design Guide*.

A full breakdown of the proposed controls for a Guideline is outlined in **Appendix B**. The Guideline could include matters such as land and dwelling site requirements, setbacks, utility services and other design controls.

A Guideline could also include standard conditions of consent to assist councils in the development assessment process.

To foster innovation and site sensitive design, increased flexibility could be incorporated in a more performance-based approach with detailed controls included in a Guideline.

The Guideline could be enabled through an amendment to the EP&A Regulation or the SI LEP to ensure it is considered appropriately.

17. Do you agree with the controls proposed for inclusion within a Guideline (as outlined in Appendix B)?

Are there any specific controls where a performance-based approach would be better suited than the current prescriptive approach?

18.

5.8

Removal of the need for concurrence from the NSW Department of Planning and Environment

What are the current requirements for concurrence?

Concurrence, as referred to in the LG Act, is a requirement that an agreement be obtained from the Secretary of the Department of Planning and Environment before a consent authority (in most cases the local council) can decide to grant consent to a development application. The relevant consent authority cannot consent to the development without considering the response from the Department of Planning and Environment.

The LG Regulation contains specific numerical controls for design, construction and installation requirements for manufactured homes, moveable dwellings and sites within caravan parks and manufactured home estates. However, the LG Act provides scope to vary the controls in the LG Regulation.

To have the controls varied for a park, the park owner can lodge an objection to standards with the local council with their LG Act Application to operate the park or as part of a development application. In the case of parks built prior to the current LG Regulation, this is almost always required due to the difficulty in meeting key controls, such as setbacks. For older parks, the sites are established and a change to the setback requirements would usually require a reconfiguration of the park at significant cost to the owner. The objection to vary the controls is then sent to the Department of Planning and Environment for concurrence by the Secretary.

What are the issues with the current framework?

For many applications, it is not possible to meet the controls under the LG Regulation. For example, a caravan park that has been operating since 1960 is likely to be operating under the controls of the regulation in place at the time it was approved. The historical regulation is likely to have very different development controls related to setbacks, separation distances, widths or roads etc. Where such a caravan park was required to lodge a development application under the current regulations, it would be difficult to comply with the current regulations requiring extensive redesign of the park layout which means concurrence is required.

This is time consuming and adds another layer of unnecessary complexity of regulation.

Requests for objections to standards usually relate to minor matters that are generally better handled as part of the development application process and managed by the relevant council.

The concurrence process does not appear to add any positive outcomes to the process, but appears to delay the approval process.

How could the approvals framework be improved and streamlined?

To remove unnecessary delays in determining approvals, it is proposed that the development and design standards are included in a Guideline for council to implement and consider variations as part of the development application process and the need for concurrence removed.

19.

Is it appropriate to remove concurrence provisions and manage variations as part of the development application process?



5.9

Definitions of development types

Why is this an issue in the current framework?

The definitions for the various forms of development considered by this paper are contained in a number of different instruments, including the LG Act, SEPP 21, SEPP 36, EP&A Act and LG Regulation.

This creates unnecessary complexity and confusion around the appropriate definition for a particular development type. There is also a degree of duplication across these legislative instruments. There is confusion around the difference between existing definitions and how those definitions are applied. For example, the current definitions of moveable dwellings, manufactured home and relocatable home are difficult to interpret and are often used interchangeably.

In addition, as discussed in section 5.1, the permissibility of manufactured homes is unclear. The term 'manufactured home' is not provided for under the Standard Instrument LEP and it is unclear whether manufactured homes can be used for dwelling houses and secondary dwellings.

How could the definitions be clarified and streamlined?

Under a new framework definitions would need to be clarified and streamlined.

Consideration will be given to defining sites by their intended and actual land use. For example, the terms Tourist Park and Residential Park could replace the terms caravan park and manufactured home estate so that these uses are clearly defined as per their land use.

Consideration will be given to defining sites used for camping more clearly with definitions introduced to differentiate between long term and short term sites.

In the case of manufactured homes, moveable dwellings and relocatable homes it is proposed to simplify these definitions to only manufactured homes and relocatable homes. The proposed definitions will make clear that manufactured homes comprise one or more major sections that are constructed and assembled away from the site, while moveable dwellings will refer to tents, caravans, campervans and other portable devices fit for human habitation. The term relocatable home will no longer be necessary.

The permissibility of manufactured homes will be clarified through including manufactured homes within the definition of 'building' to provide certainty that dwellings houses, secondary dwellings and so on can be manufactured homes.

A full breakdown of current definitions and the proposed approach to reduce duplication and provide greater clarity is outlined in **Table 4**.

20.

Do you agree with the proposed approach reducing duplication and providing greater clarity in definitions?

Table 4 – Proposed definitions under the new approvals framework

Current instrument	Current definition	Proposed definitions to be amended and included in the planning system
Standard Instrument LEP SEPP 21 SEPP 36 LG Act 1993	<p>Caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed</p> <p>Manufactured housing estate manufactured home estate means land on which manufactured homes are, or are to be, erected</p>	<p>Residential Park - means a place that primarily provides accommodation for permanent residents on which moveable dwellings are installed, manufactured homes are installed on, and which may or may not include communal facilities and administration buildings</p> <p>Tourist Park – means a place that primarily provides accommodation for tourists and visitors on which moveable dwellings are installed, manufactured homes are installed and which may or may not include communal facilities and administration buildings</p> <p><i>Consideration could be given to including a threshold</i></p>
Standard Instrument LEP	<p>Camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park</p>	<p>Retain definition</p>
LG Regulation 2005	<p>Camp site means an area of land within a camping ground on which a campervan or tent may be installed or, in the case of a primitive camping ground, on which a campervan, tent or caravan may be installed, and that is designated as a camp site by the approval for the camping ground.</p>	<p>Camp site means an area of land within a camping ground on which campervans, caravans, tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed, and that is designated as a camp site by the approval for the camping ground</p> <p>Short-term site means a site in a Residential Park or Tourist Park that is used for short-term accommodation for less than 90 days, but does not include a site in a camping ground</p> <p>Long-term site means a site in a Residential Park or Tourist Park that is intended for use by a resident and is used for more than 90 days but does not include a site in a camping ground</p> <p>Site means a site within a residential or Tourist Park for use by a movable dwelling or building providing accommodation (self- contained or otherwise) but does not include a site in a camping ground</p>

Current instrument	Current definition	Proposed definitions to be amended and included in the planning system
EP&A Act 1979	Building includes a part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure or part of a manufactured home, moveable dwelling or associated structure	Building includes a part of a building, manufactured home and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a moveable dwelling or associated structure or part of moveable dwelling or associated structure
LG Act 1993	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 <i>Road Transport Act 2013</i> and includes any associated structures that form part of the dwelling	Manufactured home means a building used for human habitation (whether or not self-contained) that: a) Comprises 1 or more major sections that are each constructed, and assembled away from the site and transported to the site for installation; and b) includes any associated structures that form part of the building but does not include a moveable dwelling
LG Act 1993	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 (under the Local Government Act 1993) for the purposes of this definition	Moveable dwelling means: a) A tent, or b) A caravan, campervan, recreation vehicle or other vehicle that is capable of being registered under the Road Transport Act 2013, or c) Any other portable device (whether on wheels or not), Which is used for human habitation, but does not include a manufactured home

Current instrument	Current definition	Proposed definitions to be amended and included in the planning system
LG Regulation	<p>Relocatable home means:</p> <p>(a) a manufactured home, or</p> <p>(b) any other moveable dwelling (whether or not self-contained) that comprises one or more major sections, including any associated structure that forms part of the dwelling, but does not include a tent, caravan or campervan or any moveable dwelling that is a vehicle of a kind that is capable of being registered within the meaning of the Road Transport Act 2013</p>	Delete definition
LG Regulation	<p>Major section means a single portion of a manufactured home or relocatable home, being a portion:</p> <p>(a) that contains a total living space (excluding the living space contained in any associated structure) of at least 20 cubic metres, and</p> <p>(b) that comprises all of the major components of that portion of the home, including the chassis or frame, the external and internal walls, the roof and ceilings, the floors, the windows and doors, the internal plumbing and wiring, the tiling, the kitchen, bathroom and laundry fittings (other than stoves, refrigerators, washing machines and other whitegoods) and the built-in cupboards and cabinets</p>	Retain definition
LG Regulation	<p>Installation means:</p> <p>(a) In relation to a manufactured home, the process of connecting the major sections of the manufactured home, and any associated structures forming part of the manufactured home, and attaching them to footings, or</p> <p>(b) In relation to an associated structure, the process of constructing or assembling the components of the associated structure, and (where appropriate) attaching them to footings, and includes the connection to the home or associated structure of gas, electricity, telephone, water, sewerage and drainage services</p>	Retain definition



6.0

PROMOTE DIVERSITY
OF HOUSING



6.1

Providing for a diversity of residential and tourist uses within parks

What are the issues with the current framework?

In preparing this paper stakeholders highlighted that the current framework relies on defining parks and estates by the form of housing rather than recognising the diversity of uses, such as long and short term, within parks.

Previous sections of this paper highlighted the changing role and functions of parks and estates in both the tourism and residential housing sectors. Park operators generally respond to market forces in the provision of either tourist sites, residential sites or a combination of the two. Depending on the location, there is usually a stronger demand for either residential or tourist uses. However, park operators may require some flexibility in providing a diversity of residential and tourist uses within their park.

In circumstances where there is a strong demand for long term residential uses, there is the risk that tourism opportunities are reduced or lost in particular locations. Conversely, where there is greater demand for tourist uses, long term residential uses may be impacted which has potential to affect local affordable housing options.

This tension between long term (residential) and short term (tourism) uses in caravan parks and manufactured home estates creates issues for planning and the appropriate use of the site. There are Government commitments to both increase housing supply and increase tourism opportunities.

How should the framework respond to these issues?

While the proposed definitions for a Residential Park or a Tourist Park are focused on providing principally for that use, there may be a need for a diversity of sites within a park. For example, tourism opportunities could be provided in a Residential Park or residential sites in a Tourist Park. This would assist in promoting a diversity of uses and provide for tourism and residential opportunities throughout NSW.

An option to enable or guide diversity is to set a minimum threshold in a Guideline. For example, a requirement or threshold of at least 10 percent of sites would need to be maintained for tourist purposes in a Residential Park and vice versa. In the case of a Residential Park, this could mean that a minimum of 75 percent of sites would be required to be residential and, in addition, a minimum of 10 percent of sites be provided as tourist sites to promote diversity. This could be standardised across the State or set by councils based on the housing needs identified in their planning strategy or Local Housing Strategy.

21.

Should sites be maintained for tourist uses in a Residential Park and vice versa?

If so, should a threshold be set to provide for a mix of uses?

22.

If so, what should the threshold be or should this be set by individual councils?

23.

6.2

Seasonal and itinerant workers accommodation

What are the issues with meeting housing demands for seasonal workers?

In parts of NSW there is a strong demand for suitable accommodation for itinerant or seasonal workers, including fly-in/fly-out accommodation, mining camps and short term housing for infrastructure projects. In many of these locations there is an undersupply of short term or seasonal accommodation options. This can contribute to the use of makeshift housing and overcrowding in residential housing. It can also place increased pressure on tourist and visitor accommodation as sites are used for residential housing for itinerant and seasonal workers.

How could a new framework respond to these issues?

An option is to consider allowing temporary or moveable housing to be located on private, council or commercial land to meet short term demand for seasonal or itinerant worker accommodation.

There have been advancements in the provision of types of housing that can be provided on short notice such as modular villages or units. These villages or unit blocks can be transported to required locations and installed within very short time frames. These types of housing could potentially be used for mining camps or for projects such as highway construction.

Careful consideration of the controls to facilitate and manage this would be required to ensure that this type of housing was being used appropriately and not undermining appropriate approvals for permanent residential housing. It is also important these forms of temporary accommodation meet clear and consistent controls across the State to ensure the health and safety of these workers is provided for. These controls may form part of a Guideline.

24.

What controls should be in place to manage short-term housing for seasonal or itinerant workers?

A photograph of two young women running on a lush green lawn. The woman in the foreground is seen from the back, wearing a light blue long-sleeved shirt and dark shorts, with long brown hair flowing. The woman further ahead is wearing a pink and white checkered shirt and denim shorts, with blonde hair also flowing. The background is filled with dense green trees under bright daylight.

Caravan parks, manufactured home estates, moveable dwellings and manufactured homes **provide a diversity of housing choices** in a range of locations across NSW



7.0

INDUSTRY INNOVATION

7.1

Support for innovation in the current framework

What innovations are there in the relevant industries? Does the current framework support innovation?

The tourism and housing industry is always changing through innovation and technological advances. In preparing this paper, stakeholders identified a number of specific housing and accommodation innovations relevant to the review.

In the tourism sector, glamping is a form of camping that offers more luxurious accommodation and facilities than traditional camping. It is also sometimes referred to as safari tents, luxury tents or boutique camping. Glamping structures are generally semi-permanent structures that are freestanding, self-contained and used for the purpose of tourist accommodation.

The key issue for glamping or safari tents is that they are long-term semi-permanent structures being placed on short-term sites within camping grounds and residential or Tourist Parks. This can be problematic in flood prone areas where councils may have restrictions on permanent structures in these places. There may be a need to provide controls around these forms of more permanent structures to differentiate them from the traditional tents.

Container homes are also an innovative housing form made from shipping containers, which are altered and assembled as modular homes. These are commonly seen as a cheaper alternative to traditional housing, generally in locations outside of dedicated residential or Tourist Parks. Container homes are a flexible form of accommodation, which can be adapted as a detached house or a secondary dwelling.

Another new form is modular housing, which comes in pre-made parts and in modular units from a factory and transported to the building site where they are placed on a fixed foundation and then assembled and completed on site. Unlike manufactured homes, modular homes are required to meet the local government requirements for permissibility, as they are a permanent structure.



The current framework is quite prescriptive in its approach and limits opportunities for industry innovation. Emerging forms of housing often do not fit within the numerical standards and rigid approval requirements under the LG Regulation. This usually results in added complications and a wide variation between local councils therefore limiting the growth of these new housing forms.

The use of manufactured homes particularly in dwelling sites outside of parks and estates is increasing in popularity. However, as previously discussed, the current framework does not provide a clear approvals pathway which is limiting expansion of this sector. In addition, manufactured homes are in demand for other forms of housing such as secondary dwellings. To ensure that the new framework does not limit options for the use of manufactured homes, an option proposed under the new framework is to allow manufactured homes to be used for all forms of residential accommodation. This approach is outlined in section 5.1 and will allow for expansion of manufactured homes into the broader residential sector by providing a clear approvals pathway.

How should a new framework support industry innovation?

Any new framework needs to support industry improvements and innovations while ensuring that appropriate building and safety standards are met.

25.

Within camping grounds and caravan parks, should long term structures, including glamping, be required to meet different controls to shorter-term structures like tents?

How can the new planning framework provide opportunities for emerging forms of development that vary from traditional housing?

26.



8.0

BUILDING STANDARDS
AND SAFETY

8.1

Manufactured homes and the Building Code of Australia (BCA)

What are the current building standards applied to manufactured homes?

Currently, manufactured homes are only required to meet certain prescribed construction standards under the LG Regulation relating to matters like fire and structural adequacy, waterproofing and the provision of light and ventilation.

Manufactured homes are not currently required to comply with the BCA. The BCA is a uniform set of technical provisions for the design and construction of buildings and other structures throughout Australia. It covers matters such as fire and structural safety, health, amenity and sustainability.

What are some issues with the current approach?

NSW is the only jurisdiction in Australia that does not require manufactured homes meet relevant BCA controls.

Manufactured homes function like and are generally used for the same purpose as a residential dwelling. Given this and the increased demand for manufactured homes on residential land outside of dedicated parks, it would be reasonable to expect that standards to which they are designed and constructed would be the same.

How could these issues be addressed in a new framework?

To address this inconsistency, it is proposed that manufactured homes be required to meet relevant BCA controls. As previously outlined, a proposed option is to include manufactured homes within the definition of 'building' under the EP&A Act which would require compliance with the BCA. Compliance with the BCA would ensure that manufactured homes are required to meet the same building and safety standards as traditional residential dwellings.

Prescribing that manufactured homes comply with the requirements of the BCA will also provide a level of flexibility. While the construction standards in the LG Regulation are prescriptive, the BCA is performance based. This provides more flexibility by allowing the option of complying with the prescriptive 'deemed-to-satisfy' provisions or through the use of an alternative solution that complies with the relevant performance requirements.

Are there any provisions of the BCA that are not appropriate for manufactured homes?

27.

8.2

Critical stage inspections for manufactured homes

What is the current certification and inspection process for manufactured homes?

The provisions in the LG Regulation require a manufactured home or associated structure to be design certified by a practising structural engineer as structurally sound, be installed in accordance with the specifications in the engineer's certificate other such applicable specifications and have compliance plates attached.

The compliance plates require a statement as to whether the home or structure complies with relevant parts of the LG Regulation. There is no requirement for council to conduct inspections on these matters.

What are the issues with the current framework?

The design certification approach outlined under the LG Regulation provides assurances around the design and structural soundness of manufactured homes. However, there have been issues raised regarding the lack of required quality control assessment within the factories producing manufactured homes.

Both the LG Regulation and EP&A Regulation do not currently prescribe when manufactured homes must be inspected. This means that the construction and installation of manufactured homes may not be subject to the same level of rigor as buildings that are built on site. This has potential implications for the ongoing safety of the occupants.

What are some options to check the safety of manufactured homes?

As manufactured homes may be brought into the definition of building under the EP&A Act, critical stage inspections could be introduced. It is recognised that in some circumstances requiring critical stage inspections to be undertaken during the construction of a manufactured home may not be practical, as they could be built in a factory some distance from the site on which they will eventually be installed. Sometimes manufactured homes are built interstate and transported long distances to site.

To accommodate these situations, an alternative way of checking that a manufactured home has been built to the relevant standards may be needed. This could be in the form of certification from an appropriately qualified person.

28.

Should the process for design certification by a structural engineer continue? Should there be any other requirements?

29.

Should manufactured homes be subject to any mandatory inspections during installation?

8.3

Fire Safety Standards in Residential and Tourist Parks

Residential and Tourist Parks provide accommodation and housing options for tourists and residents. It is therefore important to ensure these developments include appropriate fire safety provisions to minimise risk to lives and property.

The LG Regulation provides controls for fire safety, including the provision of fire hydrants and separation distances. Feedback has indicated that the current fire safety provisions are inadequate. In particular, that there are a number of concerns relating to fire safety provisions in relation to separation distances between structures and the adequate provision of fire hoses and/or hydrants. It has also been suggested that caravan parks should be required to detail on a map the location of any active or passive fire protection services.

It is proposed that all residential and Tourist Parks are required to meet appropriate fire safety controls. Feedback is sought on the appropriate fire safety controls that Residential Parks and Tourist Parks should be required to meet.

Consideration could be given to requiring Residential Parks and Tourist Parks submit an Annual Fire Safety Statement such as is currently required for developments such as boarding houses.

30.

What fire safety controls should residential and Tourist Parks be required to meet?

Would requiring residential and Tourist Parks submit an Annual Fire Safety Statement be an effective way to check essential fire safety measures have been met?

31.

8.4

Environmentally sensitive land

How are parks that are located in flood prone or bushfire prone land currently managed?

Caravan parks have historically provided for low cost, short term holiday accommodation. In the past, caravan parks provided limited amenities and principally provided sites for camping or caravans. Due to the temporary and mobile nature of the accommodation, caravan parks were considered an appropriate land use for environmentally constrained land, such as flood or bushfire prone land.

A bushfire prone area is an area of land that can support a bush fire or is likely to be subject to bush fire attack. Bush fire prone areas are identified on a bush fire prone lands map which have been prepared for most councils across NSW. The map identifies bush fire hazards and associated buffer zones within a local government area. The EP&A Act and the *Rural Fires Act 1997* provides for developments on Bush Fire Prone Land to incorporate bush fire protection measures to reduce the impacts of a bush fire.

However, as outlined in previous sections of this paper, the nature of the accommodation in caravan parks has changed significantly in terms of permanency. Manufactured homes are making up a larger proportion of sites and moveable dwellings such as caravans are often unable to be quickly relocated as they may have deteriorated or the wheels may have been removed.

The LG Regulation currently requires consideration of the NSW Floodplain Development Manual as part of the assessment for a caravan park. However, there is limited scope to manage issues surrounding environmentally sensitive land for existing parks which may operate under older regulations due to savings provisions.

Any decisions on the long term use of park and the development of park should account for flooding and flood risk, as well as coastal hazards as defined in the *Coastal Protection Act 1979*, including coastal and estuary inundation. This should include risk of damage as well as emergency response arrangements to address risk to lives. An option to address the potential issues around environmental hazards could include councils issuing a condition to developers

to have an emergency response management strategy in place ahead of issuing occupancy certificates. Further guidance could be provided for owners, operators, residents and visitors of Tourist Parks and Residential Parks to ensure flood and safety risks are adequately managed.

It is important to note that while the intention of this Discussion Paper is to simplify the approvals pathway for, reduce red tape for developments and responding to innovation in the industry, it is important proper environmental assessment is undertaken for development of sites for Tourist Parks and Residential Parks. This is particularly the case for areas where development may impact threatened species, populations or ecological communities. The impacts from these land uses on these entities can be severe and are difficult to avoid.

Residential Parks and Tourist Parks are subject to the required environmental standards and assessments. This includes consideration of native vegetation and threatened species, as well as natural hazards including bushfire and flood which should be assessed and determined in the way any other development within a zone is treated.

32.

What controls should apply to tourist and Residential Parks located on flood prone or bush fire prone land?

8.5

Ensuring compliance with certain standards

How is compliance of parks and camping grounds currently enforced?

A local council is responsible for ensuring compliance with the LG Regulation. Council can review compliance through inspections and have powers under the LG Act to manage breaches of compliance.

What are the issues with existing compliance provisions?

Ensuring that buildings, moveable dwellings and other structures within a park or camping ground or a manufactured home outside of these sites meet the relevant planning and building controls is important for the safety and amenity of residents and visitors. This means that effective compliance and enforcement provisions need to be in place.

In preparing this paper, both councils and residents have highlighted the importance of effective compliance and enforcement provisions. An example of where such controls are important may be where a park has been upgraded and the new homes placed on the site do not comply with the approved controls e.g. separation distances. From a fire safety perspective, it is important to maintain the appropriate separation distances to limit the possibility of fire spreading between homes. This is particularly important in parks with a high proportion of elderly residents and those with limited mobility.

Councils have raised concerns that the LG Act provides limited opportunities to manage breaches of compliance without progressing to court action. It may be more appropriate for councils to have the power to issue Penalty Infringement Notices to manage non-compliance.

The Legislative Inquiry into Tourism in Local Communities found that industry is concerned about inconsistent enforcement of regulatory standards by councils. In particular, industry highlighted problems around non-compliant sites that do not have any formal approval.



How can compliance be enforced in the future?

An option outlined in this paper is to transfer relevant controls for caravan parks, manufactured home estates, camping grounds, moveable dwellings and manufactured homes into the EP&A Act rather than the LG Act. If this was in place, the existing compliance provisions under the EP&A Act could be utilised by councils. This would bring development in this sector in line with existing compliance provisions for other development applications. Building and other works would need to be consistent with the approved plans and changes to these plans would require an application to modify or a new development application. Section 5 of this paper outlines a proposed approach for development to be assessed through either the development application, complying development or exempt development process.

Managing approvals through the EP&A Act would enable the use of the existing compliance provisions, including the use of Penalty Infringement Notices and Orders. For example, a council could issue a penalty notice if building work is carried out in a tourist or Residential Park without development consent in contravention of section 76A(1) of the EP&A Act. Similarly, a council can issue an order under section 121B of the Act to demolish or remove a building in a tourist or Residential Park where that building has been erected without prior development consent in a case where prior development consent is required.

33.

What would be the most effective and efficient enforcement approach?



9.0

OTHER KEY
PLANNING ISSUES

9.1

Affordable housing

Residential Parks and manufactured homes provide a type of housing which can be more affordable than traditional housing. Leasing a caravan or manufactured home, leasing land on which a manufactured home is situated and the cost of purchasing a manufactured home are significantly less than a residential home

Manufactured housing, and its location within Residential Parks, is becoming increasingly popular for seniors and retirees. The increasing trend for Residential Parks that are marketed as senior communities also makes them attractive to the over 55s age group and older people who could not afford to purchase into conventional seniors housing developments. As the ageing population continues to grow, it is likely that the trend and demand for residential seniors parks will continue. Residential Parks also provide a source of affordable housing for workers (seasonal, fly-in/fly-out), homeless and at risk groups (seeking refuge).

There is also a category of people in caravan parks who usually move there as a last resort and not by choice. This could be due to being unable to access the private rental market or social housing sector. Caravan parks are also used as an alternative to boarding houses outside of the capital cities and can provide the last housing option before homelessness.

Reduced affordability

While Residential Parks provide a source of affordable housing, the following factors impact on these affordability factors:

- The loss of residential sites and parks to tourist sites, which is a more common occurrence in coastal locations and popular regional destinations; and
- The replacement of older style, smaller manufactured homes with larger, modern manufactured homes. This change may be the result of individual owners updating their manufactured home, but is most often attributed to park owners and companies upgrading Residential Parks and replacing existing manufactured homes and caravans with modern, larger manufactured homes.



Legislative Council Inquiry into Social, Public and Affordable Housing

In 2013, the Legislative Council established a Select Committee on Social, Public and Affordable Housing to inquire into and report on various issues relating to social, public and affordable housing, including projections of future supply and demand, the link between the lack of housing and social disadvantage, housing design approaches and social service integration and other related matters.

The Committee's report (September 2014) states that community housing providers may be well placed to be part of this solution, given their successful approach to managing tenancies and strong financial and property management skills. One of the recommendations in the report was that the NSW investigate innovative models of ownership and/or management of Residential Parks, including barriers that may prevent community housing providers from managing Residential Parks.

As part of this review, preliminary discussions were held with a number of community housing providers. Only a small number of community housing providers expressed interest in being involved in the management of Residential Parks. Discussion with community housing providers have informed the development of this discussion paper.

9.2

Role of residential parks in seniors housing

There are a range of 'seniors developments' in NSW that are subject to the provisions of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* (the Seniors SEPP). Development approved under the Seniors SEPP requires that strict criteria are satisfied for location and access to services, including shops, bank, community services and doctors. The Seniors SEPP also mandates accessibility standards in relation to the design of dwellings, communal areas, parking, pathways and the like.

Feedback has indicated a growing trend for Residential Parks to be marketed as lifestyle communities targeting seniors groups. In these circumstances there are currently no requirements relating to on-site service provision or accessibility to services off-site. As residents age and potentially require greater access to services and facilities, this can become problematic and restrict the opportunity for seniors to age in place as their needs become greater.

This is a key issue for the sector given the ageing population and the increasing demand for seniors housing throughout the State. Similar to the issue surrounding affordable housing, seniors housing in Residential Parks is complex. These issues will be considered as part of the Department of Planning and Environment's work on planning policies, including a policy on housing.

9.3

Building Sustainability Index (BASIX)

BASIX aims to deliver equitable, effective water and greenhouse gas reductions across NSW. BASIX is an integrated part of the planning system and is implemented under the EP&A Act and is part of the development application process in NSW. It contributes to reduced water and energy consumption and provides a long term financial saving for the homeowner.

The application of BASIX relates to the proposed location of a dwelling, and in the case of manufactured homes, they can technically be moved from one site to another. It is important to give full consideration of the benefits and impact of the application of

BASIX to manufactured homes to ensure that effective sustainability measures are in place. While it may be appropriate that manufactured homes are required to meet relevant BASIX controls, this issue will be given further consideration in the next stage of this review.





APPENDICES

Appendix A – Consolidation of SEPP 21 and SEPP 36

Provisions – SEPP 21	Amend	Delete
Aims and objectives	<p>An amended version of the objectives would be contained within the Guideline. The amended objectives will distinguish between Residential Parks and Tourist Parks</p> <p>Residential Parks and Tourist Parks will be defined in the Standard Instrument. The definitions will refer to the requirements for a majority of residential (long term) sites in a Residential Park and tourist (short term sites) in a Tourist Park</p>	
Land to which this policy applies		These provisions are no longer required as the location of Parks will be regulated through LEPs
Relationship to other EPIs		These provisions are no longer required as Parks will be regulated through LEPs
Definitions caravan park moveable dwelling	An amended definition of moveable dwelling will be included in the standard LEP	New definitions for Residential Parks and Tourist Parks will be included in the Standard LEP. Caravan Park will no longer be defined

Appendices

Provisions – SEPP 21	Amend	Delete
Application of certain planning controls	<p>A modified version of this provision, potentially as note, may be required to indicate the relationship between caravan parks and new definitions (i.e. Tourist Parks, etc.)</p> <p>Camping is currently separately defined in the Standard LEP and this definition (or an amended version) would be retained</p>	
Development consent required for caravan parks		<p>These provisions are no longer required. The number of residential and tourist sites and length of stay will be regulated by the definitions of Residential Parks and Tourist Parks, and any related definitions, which will be included in the Standard LEP. Other requirements or considerations relating to residential and tourist sites, including conditions to be included in a determination, of will be contained with the Guideline</p> <p>The requirements relating to land dedicated or reserved under the <i>National Parks and Wildlife Act 1974</i> will principally be addressed through the current E1 National Parks and Nature Reserves zone within the Standard LEP. Permissible uses within the E1 zone are limited to uses authorised under the <i>National Parks and Wildlife Act 1974</i></p>
Subdivision of caravan parks for lease purposes	<p>Consent requirements relating to subdivision could be included in the subdivision clauses contained in the Standard LEP (Clauses 2.6 Clause 4.1). Detailed design and other requirements relating to lots would be contained within the Guideline</p>	

Appendices

Provisions – SEPP 21	Amend	Delete
Matters to be considered by councils	<p>An amended version of matters that are required to be considered by Council in determining a development application for Residential Park or Tourist Park would be contained in the Guideline</p> <p>The matters for consideration would vary depending on whether the application related to a Residential Park, Tourist Park. For example low cost housing and the adequacy of community facilities, transport and other services would be considerations for a Residential Park</p> <p>Consistency/compliance with the Guideline itself would also be a consideration</p>	

Provisions – SEPP 36	Amend	Delete
Aims and objectives	An amended version of the objectives would be contained within the Guideline. The amended objectives will distinguish between Residential Parks and Tourist Parks	<p>Provisions a) and b) are no longer required. The location of Residential Parks will be regulated by Standard Instrument LEPs</p> <p>Residential Parks and Tourist Parks will be listed as permissible (or prohibited) uses within the LEPs</p>
Land to which this policy applies		These provisions are no longer required as the location of Parks will be regulated through LEPs

Appendices

Provisions – SEPP 36	Amend	Delete
Relationship to other EPIs		These provisions are no longer required as Parks will be regulated through LEPs
Definitions		New definitions for Residential Parks and Tourist Parks will be included in the Standard LEP
Where development for the purposes of a manufactured home estate may be carried out		These provisions are no longer required as Parks will be regulated through LEPs
Development consent required for manufactured home estates	<p>An amended version of matters to be considered by Council in determining a development application for Residential Park or Tourist Park would be contained in the Guideline</p> <p>The matters for consideration would vary depending on whether the application related to a Residential Park or Tourist Park. For example low cost housing and the adequacy of community facilities, transport and other services would be considerations for a Residential Park</p> <p>Consistency/compliance with the Guideline itself would also be a consideration</p>	<p>These provisions are no longer required as Parks will be regulated through LEPs</p> <p>Other requirements or considerations relating to residential and tourist sites, including conditions to be included in a determination, of will be contained with the Guideline</p> <p>The approval requirements for manufactured homes will be regulated through LEPs and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</p>

Appendices

Provisions – SEPP 36	Amend	Delete
Land to which this policy does apply		This provision is not required, as subdivision of Parks would be regulated through LEPs
Categories of excluded land	<p>Provisions relating to the suitability or unsuitability of certain locations for a Parks due to environmental constraints, hazard, sensitivities will be required. For example in relation to flood affected lands</p> <p>These provisions would principally be contained in the Guideline, however there may be circumstances where it is appropriate to modify or include provisions in the Standard LEP</p>	The land exclusions identified in Schedule 2 will not apply, as the location of Parks will be regulated through LEPs
Dictionary	A modified definition of manufactured homes will be included in the Standard LEP	<p>New definitions for Residential Parks and Tourist Parks will be included in the Standard LEP. Caravan Park will no longer be defined</p> <p>‘Crown Reserve’, ‘the Act’ are currently included in the Standard LEP definitions</p> <p>‘Sydney region’ no longer needs to be defined as Standard LEP and any provisions relating to Parks will apply to all of NSW</p>

Appendices

Appendix B – Existing provisions to be transferred to a Guideline

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

Part 1 – Preliminary

4 – Definitions	Electricity Code of Practice	Minor access road
Access road	Ensuite facility	Plumbing Code of Australia
Annexe	Flexible annexe	Practicing structural engineer
Camp site	Flood liable land	Primitive camping ground
Campervan	Floodplain Development Manual	Rigid annexe
Caravan	Habitable room	Road reserve
Community amenity	Holiday van	Self contained moveable dwelling
Community building	Major access road	Short term site
Community map	Major section	Site boundary
Dwelling site	Manufactured home	Storey

Division 2 - Approvals and exemptions

6 – Factors for consideration before approval is granted	8 – Conditions of approval	11 - installation of manufactured home or associated structure of more than one storey
7 – matters to be specified in approval	10 - installation on flood liable land	

Division 3 - Manufactured Home Estates

12 – minimum size of estate	14 – size of dwelling sites	16 – dwelling sites to have road frontage
13 – community amenities	15 – site identification	17 – setbacks of community buildings

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

Division 3 - Manufactured Home Estates

18 – setbacks of dwelling sites from road frontages	33 – garbage removal	44 – setbacks for manufactured homes
19 – use of buffer zones	34 – fire hydrants	45 – site coverage
23 – visitor parking	35 – buildings	46 – minimum open space requirements for dwelling sites
24 – visitor parking for people with disabilities	36 – use of manufactured home estates	47 – site boundary arrangements
27 – water supply	37 – community map	53 – floor area of manufactured home
28 – sewerage	38 – access to approval and community map	54 – floor areas of certain rooms
29 – drainage	40 – installation allowed only on dwelling sites	62 – plumbing and drainage
30 – electricity supply	42 – installation allowed only if dwelling site is properly serviced	67 – compliance plate
31 – telephone lines	43 – density	

Part 3 – caravan parks, camping grounds and moveable dwellings

71 – factors for consideration before approval is granted	80 – factors for consideration before approval is granted	87 – dwelling sites to have road frontage
72 – matters to be specified in approval	81 – conditions of approval – relocatable homes and associated structures	88 – setbacks of community buildings
73 – conditions of approval to operate caravan park or camping ground	82 – conditions of approval – rigid annexes	89 – setbacks of dwelling sites and camp sites from road frontages
75 – installation on flood liable land	83 – minimum size of caravan park or camping ground	90 – use of buffer zones
76 – installation of a relocatable home, rigid annexe or associated structure of more than one storey	84 – community amenities	91 – separation distances
79 – plans to accompany applications for approval	85 – size of dwelling sites and camp sites	96 – resident parking
	86 – site identification	97 – visitor parking

Appendices

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

Division 3 - Manufactured Home Estates

98 – visitor parking for people with disabilities	115 – clothes dryers	129 – fire hose reels
101 – water supply	116 - drying areas	130 – car washing bay
102 – sewerage	117 – water supply	132 – primitive camping grounds
103 – drainage	118 – ironing facilities	134 – installation allowed only on dwelling sites
104 – electricity supply	119 – construction of laundry blocks	135 – relocatable homes to be constructed and assembled on site
105 – common trenches	120 – maintenance	136 – installation allowed only if dwelling site is properly serviced
106 – modification of calculations	121 – maximum number of persons per dwelling site or camp site	137 – one relocatable home per dwelling site
107 – number of showers and toilets to be provided	122 – register of occupiers	138 – setbacks for relocatable homes
108 – facilities to be provided	123 – information to be given to prospective occupiers	139 – site coverage
109 – other facilities	124 – use of caravan parks and camping grounds	142 – associated structures not to contain habitable rooms
110 – construction of shower blocks and toilet facilities	125 – community map	145 – floor area of relocatable home
111 – proximity of dwelling sites to shower blocks and toilet blocks	126 – access to approval and community map	146 – floor area of certain rooms
113 – washing machines	127 – garbage removal	
114 – laundry tubs	128 – fire hydrants	

Division 6 – Caravans, tents and annexes

161 – setbacks for tents, caravans and associated structures and annexes	163 – maintenance	165 – running gear
162 – site coverage	164 – one caravan per dwelling site	169 – floor area



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