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NSW Department of Planning &
Environment
ATTN: Carlie Ryan
GPO BOX 39
SYDNEY NSW 2001

REQUEST	495293
Our Ref:	P15/94299
Date	11 December 2015

Submission	Improving the Regulation of Manufactured Homes, Caravan Parks, Manufactured Home Estates and Camping Grounds – Discussion Paper
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Dear Sir/Madam

Reference is made to the current exhibition of the discussion paper “Improving the Regulation of Manufacture Homes, Caravan parks, Manufactured Home Estates and Camping Grounds” and moveable dwellings.

Due to the short exhibition timeframe the discussion paper has not been reported to Council and the following responses to the questions posed in the discussion paper have been prepared by Council officers.

Reply to “Question for Discussion”

- Question 1 – Does you agree with the proposed changes to the definitions?

The following amendments are suggested to current/proposed definitions:

- a. **Camp site** means an area of land within a camping ground, residential park or tourist park that is designated as a camp site by the approval for the camping ground on which temporary placement, of which campervans, caravans, tents, annexes or other similar portable and lightweight temporary shelters and including associated structures are, or are to be, installed, erected or placed.

As an operational requirement, none of the above shall be permitted where incorporated with a device for waste water storage and disposal, unless the site has a connection point for disposal.

Definition required for the term “temporary placement” to distinguish from permanent use.
Suggest temporary placement - not exceeding a single continuous period of 90 days.

- b. **Short-term site** means a site in a Residential Park or Tourist Park that is used for short-term accommodation and occupation of the site by a person must not exceed a total of more than 180 days in any 12 month period.
- c. **Moveable dwelling** – Point (b) modified to “A caravan, campervan, recreation vehicle or other vehicle that is kept registered under the Road Transport Act 2013”
- d. **Installation** - delete reference to “constructing”

- e. Associated structure - Clearer definition of associated structure with this term changed to ancillary structure which can be attached and/or detached and is associated with the use of the dwelling site.
- f. Manufacture home – Point (b) modified to “includes any associated structure on the dwelling site”

Primitive Camping Ground: definition required

- g. Recommended definition to clarify design requirements for “permanent installations” inclusive of manufactured homes, moveable dwellings (including caravans, campervans and other registered trailers and motor homes) and associated structure.

- Question 2 - Should a threshold for permanent residents be set for Residential Parks? If so, do you agree with a 75% threshold?

A threshold for Residential Parks is not required. A 100% occupancy in a clearly defined residential park would be acceptable.

However, there should be a set threshold should be for Tourist parks. Suggest a threshold of at least 50%, as primary use would change should there be more than 50% residential use, that is, long-term sites. Although a 70-80% threshold would ensure the character of a Tourist park is maintained. The threshold is a matter to be determined though the DA process, having regard to the site constraints.

- Question 3 – Would a zoning approach be appropriate for Residential and Tourist Parks?

No. A specific zoning for Residential parks and Tourist Parks is not supported. A zone should permit a range of uses and not be prepared for a single use.

- Question 4 - 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?

Agree with Option 2 as it would enable Council to consider the local circumstances. Council would object to Tourist Parks and Residential Parks being mandatory uses in the E2 Environmental Conservation and E3 Environmental Management zones.

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

Yes

- Question 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?

Maximum of two weeks

- Question 7 - How should the new framework facilitate the use of self-contained caravans and campervans?

Intent of question is not clear. Further explanation required. Does this relate to utility provisions (eg connection to sullage and sewer disposal, water supply and electrical supply facilities)?

- Question 8 - What provisions from SEPP 21 or SEPP 36 should be retained under the new framework?

Nothing – see question 9 for clarification

- Question 9 - Are there additional controls that should be included in the new framework to facilitate the development of new Tourist Parks or Residential Parks?

Recommend either assessment provision within EPAR or alternately develop SEPP for assessment provisions and requirements.

- Question 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?

Yes

- Question 11 - What other matters should be considered in camping grounds and primitive camping grounds approvals? Should 'primitive camping grounds' be defined?

Yes - primitive camping ground should be defined.

- Question 12 - Do you agree existing parks should no longer be required to obtain 'approval to operate'? Should regular council inspections be required for these parks?

Reply to first question – Yes

Reply to second question – Regular inspection should be carried out for Camping Grounds (including Primitive Camp sites) Tourist Parks and not Residential Parks

- Question 13 - What controls should existing parks be exempt from when being considered under the new framework?

Parks that have current operational approval

General saving provisions should apply as per any legislative change. However, exempts from fire safety standards should not apply, that is hose reels and hydrants/water supply for firefighting.

Park that do not have a current approval should fully comply with new requirements, unless otherwise approved by a consent authority.

- Question 14 - Is it appropriate that existing parks are considered under the new framework when lodging a development application for expansion or reconfiguring?

Yes

- Question 15 - What are your views on the proposed approach for exempt and complying development?

Table 3 -

Exempt Development – disagree with proposed exemption; Option 1 – development consent required for any conversion of short-term site to long-term site and camping site to short-term or long-term site.

Complying Development - Agree

Development Application – Agree with requirement development application for installation as per Table 3

- Question 16 - Should anything else be categorised as exempt, complying or development assessment?

Recommend that ancillary structures included within exempt and complying development codes.

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

Too little detail to provide comment. However guideline should be uniformed across Residential and Tourist Parks. Happy to provide further comments when design guidelines are available as concerns are raised should they reflect the current Regulation.

How will the design guideline be referenced to give it legal stature?

- Question 18 - Are there any specific controls where a performance-based approach would be better suited than the current prescriptive approach?

As stated above, not enough information provided. However, agreed there may be some aspects where performance based approach could be included.

- Question 19 - Is it appropriate to remove concurrence provisions and manage variations as part of the development application process?
Yes
- Question 20 - Do you agree with the proposed approach reducing duplication and providing greater clarity in definitions?
Yes
- Question 21 - Should sites be maintained for tourist uses in a Residential Park and vice versa?
Residential park should not have to maintain a minimum number of tourist sites. Tourist park should have to maintain a minimum threshold for tourist uses.
- Question 22 - If so, should a threshold be set to provide for a mix of uses?
Yes threshold should be set. Tourist Park should not to exceed 50% residential use – that is long-term site.
- Question 23 - If so, what should the threshold be or should this be set by individual councils?
Tourist Park should not exceed the threshold of 50% residential use – that is long-term site.
No – should not be set by individual Council's
- Question 24 - What controls should be in place to manage short-term housing for seasonal or itinerant workers?
Suggest new definition and category for this operational use.
Design controls similar to Tourist Parks.
- Question 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?
Long term structures should have to meet specified designed requirements (eg ties downs, wind loading resistance, flooding control standards, separation requirements, etc)
- Question 26 - How can the new planning framework provide opportunities for emerging forms of development that vary from traditional housing?
Performance based assessment criteria
- Question 27 - Are there any provisions of the BCA that are not appropriate for manufactured homes?
Yes. However, in relation to BASIX some provisions may not be appropriate such as rain water tank.
- Question 28 - Should the process for design certification by a structural engineer continue? Should there be any other requirements?
Yes – structural engineer should still certify the structure
- Question 29 - Should manufactured homes be subject to any mandatory inspections during installation?
Yes. Mandatory inspections for installation work should be carried out by an appointed accredited building certifier. Inspections should include piers, footings, slab, framework and final (where applicable).
Occupation certificate should also be required prior to occupation or use of structure.
- Question 30 - What fire safety controls should residential and Tourist Parks be required to meet?
Hose reels, hydrants and separation distances should comply with BCA requirements. Agree with provision of map indicating all active and passive fire protection systems.

- Question 31 - 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?
Yes. Will need to amend the Environmental Planning and Assessment Regulation to incorporate the various types of parks.
- Question 32 - What controls should apply to tourist and Residential Parks located on flood prone or bush fire prone land?
Flood Prone requirements should be consistent with BCA requirements, CDC requirements and DCP flood controls (where applicable) and the flood plain development manual.
Bush Fire – no constructions requirements for structures, however the park/grounds must be managed as an asset protection zone in accordance with NSW Rural Fire Service – Planning for Bush Fire Protection.
Mandatory requirement bushfire evacuation plans.
- Question 33 - What would be the most effective and efficient enforcement approach?
PINS, notice and orders as per general building and regulatory offences in the Environmental Planning Assessment and Act. Legislative review should also include notice, orders and PINS adopted for operational/management in use breaches.

Additional Comments/Questions for Consideration

1. With proposed changes, how will Council's enforce the operational requirements. Will there be a Regulation specifying operating requirements, so it is enforceable as majority of parks will be operating under existing use rights where no Development Approval has been issued.
2. How will Council be able to enforce/kept records of the previous/current operating approval conditions (eg number of sites and site type, etc) as there is no mandatory requirement to obtain DA consent and no longer the Section 68 (Part F2/F3) Local Government approval requirement (keep in mind existing use with no previous DA consent).
3. Will there be saving provisions for those that hold a current license? How will the legislation deal with park that are currently operating without a license?
4. Where a park does not hold a current Section 68 (Part F2/F3) Local Government approval these parks should be required to obtained DA approval for the use.
5. Will there be any mandatory upgrades with the transition to a new regulatory framework, eg hydrants
6. Issue - where a park has lodged a new application for operational approval and this matter is still under assessment by Council, will a new application be required with transition to a new regulatory framework?
7. Clearer definition of associated structure required. Rather than using the term associated structure replace with "ancillary structure". See previous comments regarding changes to definition.
8. Can the Department circulate the design guidelines for comment? Council supports a single design guideline with same standards set for Tourist and Residential Park, and also a consistent framework applied across the State. How will these guidelines be enforced, that is what legislative weight will they have?
9. Orders under Environmental Protection and Assessment Act are generally limited to "building works". Therefore new order provisions should be adopted under 121B to allow issuing of Notice/Orders/PINS related to operational and park conditions being contrary to legislated standards, development standards and design guidelines.
10. Should the Department consider developing standard development conditions to be imposed on a use consent for operation of a Park/Camping Ground.
11. If design guidelines are adopted under a SEPP there should be additional provision in Schedule 1 of the Environmental Protection and Assessment Act similar to below requirement in Schedule 1, Part 1, Section 2, Clause 5 of the Act:

“In addition, a statement of environmental effects referred to in subclause (1) (c) or an environmental impact statement in respect of State significant development must include the following, if the development application relates to residential apartment development to which *State Environmental Planning Policy No*”:

12. Design guidelines should be incorporated with a SEPP, whilst operational and management is use requirements to be incorporated into a Regulation. Irrespective of whether a development consent has been granted or operating under existing use rights, the operation and management of the park/camping ground is to comply with the Regulation at all times with penalties adopted for offences.
13. Design guidelines for Temporary Camping Ground guidelines required
14. As part of the transition to the new regulatory framework and inclusive of existing parks with a current approval and in addition to the community map, the park operator is to keep and maintain an overall master installation plan and master register of site attributes (refer points 15 and 18 of attached letter for further details)

Any installation that is intended for permanent installation and including any manufactured home, moveable dwelling and associated structure on a site shall be subject to an application, unless otherwise exempt under the code SEPP requirements.

Attached is a copy of Wollongong City Council's previous submission dated 6 May 2015. Please refer to previous comments under heading 9, 10, 11, 12, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24 and 27 to 39 (inclusive).

Should you wish to discuss the contact of this further, please contact myself on (02) 42277055.

This letter is authorised by:

Conny Gissel
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Attachment: Letter – Wollongong City Council (Ref: P15/25421)