



016

The Department of Planning & Environment
ATTN: Natalie Spiridon
GPO BOX 39
SYDNEY NSW 2001

REQUEST	464767
Our Ref:	P15/25421
Date	6 May 2015

RE: Review of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 (LG Reg)

Dear Sir/Madam

This submission is prepared by Officers of Wollongong City Council and provides comments regarding the proposed review of legislation regulating manufactured home estates, caravan parks, camping grounds and moveable dwellings.

As part of the overall objectives of this review, attention is drawn to the following desired outcomes:

1. Consolidate/standardise manufactured home estate (MHE), caravan park and camping ground requirements as far as practical
2. As far as practical, installation design and construction requirements are aligned or require compliance with the National Construction Code Series – Building Code of Australia (Vol 2) and Australian Standard
3. Transfer approval requirements to Environmental Planning and Assessment Act & Regulation
4. Introduce prior approval criteria and certification requirements
5. Provide exempt development standards adopted under a State Environmental Planning Policy
6. Mandate records kept by caravan park/camping ground/MHE operators regarding park conditions, site conditions and site occupation details
7. Review requirements for caravan park/camping grounds operating on flood liable land
8. Introduce prescribed conditions of consent
9. Introduce additional enforcement/penalty provisions
10. Promote more consistent interpretation of legislation requirements

In light of the above, the following suggestions are made:

1. Planning Controls and Land Constraints

Council is not opposed to planning reforms promoting long-term affordable housing option and increase of dwelling sites within caravan parks, provide that the activity is consistent with Local Environmental Plans, as well as, have regard to Council's Development Control Policies adopted for development on flood liable land and subject to development approval.

That legislation is strengthened to ensure caravan parks established for the purpose of tourism accommodation and are maintained with serviced and actual available sites for this purpose and that the portion of available sites operated do not exceed a ratio of short-term sites, camp-sites and long-term sites, as approved by Council. This should be a prescribed consent condition.

For example, if approval is granted for a maximum of 150 short-term sites, 50 camp-sites and 100 long-term sites, the available operated ratio of maintained sites would be 0.5 short-term sites: 0.16 camp sites : 0.33 long-term sites.

2. Flood Risk

That consultation is undertaken with flood risk technical experts to provide more transparent design controls and risk management requirements for caravan parks and camping ground operating on categorise or uncategorised flood liable land.

3. Operational and Installation Approvals

- a. remove requirement for an operational approval under Section 68 (Part F2 & F3) of the Local Government Act, 1993 with a transitional period for caravan parks/manufactured home estate (MHE) operators to obtain a development approval to formalise their present use; layout, location of permanent installations of structures on dwelling site/camp sites, location of community buildings and maximum number of long-term, short-term, manufacture home sites, and camp sites
- b. temporary caravan parks and camping grounds continue to be subject to approval for the activity, transfer approval process to the Environmental Planning and Assessment Act
- c. compliance inspections and certificate required to verify commencement of operation of any new/temporary caravan park and camping ground and MHE
- d. Transfer the requirement of installation approval under Section 68(Part A) of the Local Government Act, 1993 to the Environmental Planning and Assessment Act
- e. Development of Exempt/Complying Development State Environmental Planning Policy for minor installation activities permitted on dwelling sites. Conditional exemptions under Clause 9 and 74 of the Regulation to be amended as per recommendations contained here within.
- f. That the installation of any manufactured home, relocatable home or 'permanent' installation of a vehicle used for human habitation is subject to prior approval from a consent authority **regardless** of whether these structures are on flood liable land or not.
- g. Details accompanying the installation applications should be of the same standard as specified under Clause 79 of the Regulation for installations on private land. Additionally, the application should be accompanied with sufficient documentation that verifies the installations will be located within an area approved for installation activities and will not result any increase of the maximum number of sites approved as documented on an endorsed community map.
- h. That upon determination of an application for installation work, that the applicant is required to notify the caravan park/MHE operator of its determination, by providing them with a copy of the decision and endorsed plans. This notice is to be given within 7 days of the determination and prior to undertaking installation work. This requirement should be a prescribed condition of consent
- i. That **all** installations, but excluding a tent and registered vehicles (see point 9) used for human habitation, are subject to a certificate of completion issued by a certifying authority and that a certifying authority is appointed prior to commencement of work and undertakes critical stage inspections. Critical stage inspections should include:
 - i. after excavation for, and prior to the placement of, any footings, and
 - ii. prior to pouring any in-situ reinforced concrete building element, and
 - iii. prior to covering any stormwater drainage connections, and
 - iv. after installation work has been completed and prior to any completion certificate being issued for the occupation of installation.
- j. Where Council is not the appointed certifier, that certifier adhere to the same notification requirements for complying development/construction certifications.

These changes are considered necessary given risk factors associated with higher density of habitable structures, compliances breaches associated with reduced separation distances and lack of fire

separation between detached and attached associated structures appurtenant to different habitable structures.

4. Notice of completion of an installation

That the caravan park/MHE operator is accountable for submission of the 'notice of completion' of installation. Notice of completion only required to be submitted when the activity does not require prior approval as all development requiring approval is subject to certificate of completion.

Documentation required with a notice of completion to include a copy of master layout plan.

5. Moveable dwellings elsewhere than in a caravan park or camp ground

That clauses under Part 3, Subdivision 3 of the Regulation dealing with installation of moveable dwellings elsewhere than in a caravan park or camp ground are placed under its own "Part" of Regulation to ensure there is a clearer distinct of the requirements.

6. Definitions

That the following definitions contained within the Act be copied/transferred into the Regulation or the Regulation should identify that the term is defined under the Act.

- i. *associated structure*
- ii. *manufactured home*
- iii. *manufactured home estate*
- iv. *moveable dwelling*

7. Modified definition of Installation

That the reference to "constructing" is removed from the definition, and the wording replaced with "process of assembling and connecting components".

8. Modified definition of storey

That Clause 11 and 76 of the Regulation be reviewed to also consider impact of raised installations where the distance from the external ground to the lowest floor level measured from the outside wall exceeds a height of 2.1 metres. This is necessary because of limitation of the definition of a storey, such as, in the case of where a subfloor area which does not have a 'floor'.

9. Maintenance of Campervans, Caravans and other vehicles used for accommodation

That the legislation is amended to require motor vehicles/caravans/trailer vehicles used for human habitation are maintained in a registered condition under the Roads Transport Act unless installation approval is obtained by Council to allow permanent installation. This change will help to manage risks associated with caravan parks operating on flood liable land.

That clause 124(2) is reviewed due to interpretation issues associated with permissible activities for the purposes of renovation, maintenance or repair. Where work undertaken involves complete demolition and replacement of structure or where a moveable dwelling is located to a different dwelling site, this activity should be identified as new work and subject to prior approval considerations.

10. Maintenance of Restraints for Wind Loading

That Clause 171 of the Regulation is amended and reflect requirement to inspect and maintain wind loading restraints.

11. Use of Camp site

That the definition of camp site be reviewed. It is unclear why campervans and not caravans are permitted on a camp site. It is assumed this restriction applies for sullage disposal reasons.

Now a wider range of vehicles (such as 'large axil motor homes') have storage tanks for grey and black water disposal. As such, should the operation of camp sites now be limited to tents.

Incorporate camp site requirements in Regulation to reflect permissible installations and use on a camp-site.

That the legislation is amended to allow ensuite facilities on camp-sites.

12. Holiday Van/Park Van Changes

That the terms holiday van and park van be deleted cannot see a reason for the distinction, as Clause 73 of the Regulation is simplified. Council raises not objection that all short-term sites not be occupied by a person exceeding more than 180 days in any 12 month period.

13. Relocatable Home/Manufacture Homes

- a. That definition of “relocatable home” and “manufacture homes” is reviewed due to interpretation issues for separation requirements. That the part of the definition incorporating the words “including any associated structure that forms part of the dwelling” is replaced with “including any attached or detached associated structure, that is appurtenant to the dwelling”
- b. That the definition of associated structures, relocatable homes, and manufactured homes is amended to include reference that these structures shall be classified in accordance with Clause 1.3.2 of National Construction Code Series – Building Code of Australia (Vol 2) for the purpose of satisfying design standards specified by the Regulation (eg fire separation, sound insulation, stairways, etc.).

14. Community Map

That in addition to the current requirements of a community map it also includes the following:

- a. The delineation, dimensions and location of the operational boundaries of the caravan and camping ground in relation to different lot boundaries
- b. The location and labelling of different areas available for recreation or other communal activities
- c. A table identifying the:
 - i. area of each separate space available for recreation/communal activities within the boundaries of the caravan and camping ground
 - ii. calculated total area available for recreation/communal activities
 - iii. total operational area of the caravan and camping ground
 - iv. percentage of available recreation/communal land area within the operational area of caravan and camping ground
- d. The location, site identification, site area and boundary dimensions for each short term/long term/camp site
- e. A table summarising the maximum permissible operational number of long-term/short-term/manufacture home sites/camp sites compared to actual number of these sites in operational use.
- f. Location of existing water supply point, sullage point and electrical supply point servicing park sites
- g. A table listing the total number of short-term, long-term and camp-sites
- h. The location of communal:
 - i. male, female and accessible sanitary facilities
 - ii. laundry facilities; and
 - iii. clothes line areas reserved for residents
- i. A table listing the type and total number of male, female and accessible disabled sanitary facilities provided park residents. This table is to list the number of toilets, showers, hand basins, urinals, mirrors and confirm that each hand basin and shower is supplied with hot and cold water
- j. A table listing the type and total number of laundry facilities. This table is to list the total number of washing machines, clothes dryers, wash tubs, length of clothes line (in metres), irons and iron boards. This table is to confirm that each wash tub and washing machine is supplied with hot and cold water and where irons and iron boards are available from the manager’s office upon request this arrangement should also be notated.

- k. Location and width of **all** access roads including details of the exit/entry point for the premises and access for all sites.
- l. Direction of vehicular travel along all access roads
- m. The location of any off-site resident parking (that is, sites which do not have accessible onsite parking), visitor parking and accessible disabled parking
- n. Location of incoming forecourt area
- o. Location of a common soil waste dump point
- p. Location of a vehicular wash bay
- q. Location of any hose reels and hydrants

15. Overall Master Layout Installation Plan

That legislation is introduced so that in addition to a community map, an overall master layout plan. This plan being drawn to scale and include the following:

- a. location of any easements
- b. existing ground levels to Australian Height Datum (AHD)
- c. location and dimensions of:
 - i. Incoming forecourt area
 - ii. off-site resident parking (that is, sites which do not have accessible onsite parking), visitor parking and accessible disabled parking
- d. location of all permanent structures/installation
- e. the separation distance from the boundary of short term/long term/camp sites being immediately adjacent to any community building, such as an amenities block
- f. setback of permanent structures from the parks road
- g. separation of permanent structures from site boundaries
- h. finished floor height (AHD) to of any relocatable home, manufactured home and permanently installed vehicles used for habitable purposes
- i. location of any active or passive fire protection system (such a, hose reels, hydrants or fire rate walls providing separation between dwelling).

This information is considered necessary to provide an overall indication of standard of compliance in the caravan parks/MHE and to provide a better indication of risks associated with fire spread and flooding.

16. Management and Records

- a. That Clause 126 of the Regulation is amended to include the master plan must be made available to prospective occupiers.
- b. That Clause 126 of the Regulation is amended to display a copy of the current master plan

17. Registration Details

In addition to details required to be kept under Clause 122 of the Regulation, that the park operator also record the total days occupied by different registered occupiers of a short-term site and camp-site over any 12 month period. This is to ensure the maximum period of occupancy as specified by the legislation for a short-term site or camp-site is not exceeded.

18. Master Register of Site Attributes

That the legislation require caravan parks/camp grounds or a manufactured home estate operators to maintain a master register of site attributes recording the following:

- i. its unique site identification number
- ii. in relation to a caravan park/camping ground, the designation of the site, that is, if it is a short-term site, long-term site or a camp site

- iii. total site area
- iv. identification of each type of installation existing on each dwelling site (eg relocatable home, carport, permanent van, ridged annexe, covered deck, uncovered deck, garage, awning etc)
- v. the reference number of each certificate of completion issued for an installation and installation date of all structures
- vi. the unique identification number that is marked on each major section (that is, the marking required under Clause 67(3) and 159(3))
- vii. the details record on a compliance plate/certificate
- viii. which installations are park/estate owned or privately owned
- ix. the area occupied by installations
- x. identification of any installation not included in the calculation of site coverage
- xi. calculated percentage of site coverage
- xii. if site installed with power connection point and if installed whether the power is metered
- xiii. if site installed sullage connection point
- xiv. if site installed water supply point is installed
- xv. if site installed with toilet and hand basin
- xvi. if site installed with a shower
- xvii. if site installed with laundry facilities
- xviii. if site installed with clothes line of at least 2 lineal metres in length
- xix. is site provided with onsite parking (space measuring 6 metres long by 3 metres wide) or off-site parking

Note:

- In the case of camp sites which may share a common water supply point, the register should indicate which sites are sharing the same supply point.
- A short-term or long-term site not yet installed with a power and sullage connection point and water supply point should be identified as a future site and the community map accordingly marked to reflect future site.

This register is necessary to verify compliance with the Regulation.

19. Register of Approved Section 82 Variation

That caravan park, camp ground and a manufactured home estate operator maintain a register of any approval incorporating a Section 82 variation.

20. Compliance Plates

That the legislation be amended to require a compliance plate to be fixed to all structures where requiring structural soundness design unless exempted under Clause 51(4) and 143(4) of Regulation.

21. Consolidation Requirements

That legislation is reformatted to consolidate common requirements specified under Part 2 and 3 of the Regulation. This change is recommended to reduce repetition.

22. General Design

That Clause 39 and 133 of the Regulation is consolidated as the same requirement apply to MHE, caravan park and camping ground.

Also see comments under point 39, regarding development of centralised website to help locate and access relevant gazetted specifications.

23. Community Amenities

That Clause 13 and 84 of the Regulation is consolidated as the same requirement apply to MHE, caravan park and camping ground.

That the clause is simplified by not allowing for a lesser proportion of community amenities.

24. Penalty Infringement Notice

That Penalty Infringement Notices are introduced for offences for failure to:

- a. obtain an approval to install
- b. submit a notice of completion
- c. submit a certificate of completion
- d. prominently display a community map and master overall plan
- e. maintain a register of occupiers
- f. maintain other registers information as prescribed by the Regulation
- g. to comply with conditions of approval related either to installation work or operation of the caravan park/camp ground/MHE

25. Compliance with National Construction Code Series – Building Code of Australia (Vol 2)

- a. That a review is undertaken of design requirements specified by the Regulation, such as, but not limited to the controls for fire separation, lighting, ventilation, termite barriers, internal waterproofing, carparking dimensions, access road widths, vehicular movements (including turn movements to access carspace/carport/garage), termite management systems, glazing, internal waterproofing, etc... That the review align or require compliance with National Construction Code Series – Building Code of Australia (Vol 2) and Australian Standard.
- b. That the legislation adopts requirements for balustrading, stairway design and fall protection from windows. These requirements should align or require compliance with National Construction Code Series – Building Code of Australia (Vol 2).

26. Room/Ceiling Heights

That minimum room/ceiling heights for relocatable homes, manufactured homes, rigid annexes and other types of associated structures require compliance with relevant performance requirements of the National Construction Code Series – Building Code of Australia (Vol 2).

27. Separation and site boundary arrangements

That setback and separation requirements specified under the Regulation is standardised to be the same for manufactured home estates, caravan parks and camping grounds. Therefore, it is suggested that the controls under clause 47 of the Regulation also be adopted for structures installed on dwelling sites and camp-sites in a caravan park or camping ground.

That the legislation introduces minimum separation and site boundary arrangements for any detached or attached associated structure appurtenant to the use a caravan or any other form of vehicles used for human habitation. This is necessary because currently the legislation is silent on this matter.

28. Fire protection/separation and sound insulation requirements

That a review is undertaken of Clause 47, 48, 49, 91, 140 and 141 of the Regulation to ensure a more consistent interpretation of fire separation (as well as, sound separation) which aligns or requires compliance with National Construction Code Series – Building Code of Australia (Vol 2).

Therefore, it is suggested that Clauses 48, 49, 140 and 141 of the Regulation be deleted. That matters of lesser separation distances as prescribed by the Regulation (see point 27), may be permitted where the moveable dwelling or manufactured home and any attached or detached associated structure appurtenant to the dwelling, will comply with fire safety and sound insulation requirements specified by the National Construction Code Series – Building Code of Australia (Vol 2).

29. Diagrams/Illustrations

That included in the Regulation are diagrams to explain setback and fire separation requirements. Also see comments under Point 39.

30. Hydrant System

That all existing caravan parks/camping grounds are upgrade where hydrant systems are not installed or coverage is not achieved to ensure all areas have coverage. The coverage and performance complies with AS2419.1.

This is considered necessary to address a variety of fire safety concerns associated with the progressive intensification of permanent installations in caravan parks, close proximity of permanent installations without adequate fire separation (given interpretation issues associated with Clauses 48, 49, 140 and 141), and proximity of permanent installations to bushfire prone land.

31. Open Space

That the legislation introduces minimum open space requirements for dwelling sites in a caravan park where structures for human habitation are permanently installed. That the requirement aligns with Clause 46 of the Regulation.

32. Site Access

- a. That a review is undertaken regarding connection of dwelling sites to an access road. Where the site is not provided with onsite parking it is recommended that a minimum 1.0 metre clear pedestrian path of travel to the access road is provided.
- b. That the legislation specify minimum pedestrian access requirement to a camp-site. That access should not involve passing through another site and have a minimum 1.0 metre clear path of travel from the camp-site to the access road.
- c. That a review is undertaken regarding vehicular access to dwelling sites where onsite parking space is provided. That the legislation adopt standards to ensure the turning movement of vehicles entering/exiting a site and accessing on-site car space (including a covered car parking area) can be manoeuvred within the site boundaries. It is recommended the Regulation adopt the relevant Australia Standard related to this topic.
- d. That the legislation introduces minimum internal dimensions for a covered or enclosed car space (that is, single/double carport or garage). The standard should require compliance with the relevant Australian Standard.

33. Road Design and Car parking

That the legislation review dimension requirements specified for access roads and parking and align with Australian Standards. To simplify the Regulation, that the standards specified for MHE also apply to caravan parks and camping grounds.

34. Toilets in place of Urinals

That Clause 107 of the Regulation is reviewed to allow a concession for not providing urinals where a toilet is installed in lieu of the urinal.

35. Water supply

In relation to Clause 101(3) pertaining to camp sites, that the legislation review require that the water connection is available without the need to pass through another site.

36. Proximity to Toilet/Shower Blocks

That Clause 111 of the Regulation is reviewed and the standard simplified to require that any dwelling site and camp-site to be within a set distance from a shower block and toilets. Council raises no objection to this requirement being standardised to 100m.

37. Car Wash Bay

That Clause 130 of the Regulation is reviewed. Council raises no objection to this requirement being deleted.

38. Location of relocatable homes

That Clause 134(2) of the Regulation is modified to delete the reference to “community amenity”. It does not seem appropriate that a relocatable home should be permitted on land reserve community amenity.

39. Centralised Website

To promote more consistent interpretation of legislation requirements, it is suggested that a plain Englished centralised website be developed, incorporating interpretative and interactive tools having links to practice notes, circulars, gazetted specifications and copies of repealed legislation.

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

This letter is authorised by:

Conny Gissel
Senior Development Project Officer
Wollongong City Council
Telephone (02) 4227 7111