



11 December 2015

Planning and Environment  
Attention: Carlie Ryan  
GPO Box 39  
SYDNEY NSW 2001

Contact: Sarah Hyatt  
Our Ref: DOC2015/061629  
Your Ref:

Dear Ms Ryan

**Discussion Paper: Improving the Regulation of Manufactured Homes and Estates, Caravan Parks and Camping Grounds**

Council would like to make a submission on the Departments discussion paper, improving the regulation of manufactured homes and estates, caravan parks and camping grounds. Each of the questions raised in the discussion paper have been addressed below:

**In response to Question 1 *"Do you agree with proposed changes to the definitions?"* the following is provided:**

New definitions for Residential Park and Tourist Park are generally supported. However, Council does not support the definitions including the option as to whether or not community facilities and administration buildings are provided. It is considered that community facilities are particularly important for residents in both Residential and Tourist parks, it is an expectation of the community that such facilities will be provided. It is essential that administration building are provided to oversee the running and ongoing operations of parks. Administration buildings provide a central point of contact for residents and visitors and play a vital role in the management of parks. The risk is that by making these optional, these areas become unsupported medium density development and the definitions should be amended to ensure that community facilities and administrations building are provided within both Residential and Tourist Parks.

**In response to Question 2 *"Should a threshold for permanent residents be set for Residential Parks? If so, do you agree with a 75% threshold?"* the following is provided:**

Whilst the setting of a 75% threshold for Tourist Parks is generally supported, concern is raised in relation to the setting of a threshold within a Residential Park, particularly in relation to the integration of permanent and temporary residents within the same park. The term Residential Park implies permanent residential accommodation. As such, the setting of a threshold for Residential Parks should be at the discretion of the individual Council, with the possibility of 100% of the development used for residential purposes.

**In response to Question 3 “*Would a zoning approach be appropriate for Residential and Tourist Parks?*” the following is provided:**

Caravan parks, camping grounds and cabins have traditionally provided affordable accommodation for holidaymakers, retirees and low-income residents.

This would be outside the scope of the Standard Instrument (SI) LEP and contrary to Council's adopted residential hierarchy. Also location and constraint considerations would need to be considered. Currently, 'caravan parks' are permissible in the RU2 - Rural Landscape, R5 - Large Lot Residential, RE1 - Private Recreation and RE2 - Public Recreation. The introduction of a Residential and Tourist Park within these zones as an alternative from of medium density housing is not supported.

Council is currently in the process of reviewing the development trends in the Cessnock LGA, including evaluation of Council's broader settlement goals within the 25 year planning horizon of the Lower Hunter Regional Strategy.

This review will also have implications for the application of S.94 Developer Contributions, particularly for the permanent occupants of Residential and Tourist Parks.

**In response to 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?*” the following is provided:**

Option 2 is the preferred option. Council would nominate preferred zones based on housing needs through local strategies and strategic planning.

**In response to Question 5 “*Would the proposed changes make the permissibility of manufactured homes clearer and contribute to a simpler approvals process?*” the following is provided:**

The proposed changes would simplify the approvals process. The proposal that the moveable dwellings definition no longer includes manufactured home and instead refers principally to tents, caravans, campervans etc is supported. This will simplify the controls that apply to moveable dwellings, such as tents, caravans and campervans.

**In response to 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?*” the following is provided:**

Maintaining the current exemptions is supported. Council generally supports expanding the current exemptions to include long weekends, but does not support expanding of the exemptions to cover the entire length of school holidays. Caravans, campervans and tents are intended to be used for short terms accommodation and do not support long periods of habitation, with no permanent connection to services particularly sewer. Council would support the use of the above outside defined caravan parks and camping grounds during school holidays for a maximum period of not more than seven (7) consecutive days unless arrangement are available for the connection to a potable water supply and effluent disposal, in which case a maximum period of 14 days would be acceptable.

**In response to Question 7 “How should the new framework facilitate the use of self-contained caravans and campervans?” the following is provided:**

Self-contained caravan and campervans should be considered as moveable dwellings, and be subject to the same requirements as structures used for permanent accommodation.

**In response to Question 8 “What provisions from SEPP 21 or SEPP 36 should be retained under the new framework?” the following is provided:**

Council considers that the aims, objectives and matters for considerations are important in the assessment of proposed land uses. Matters for consideration in both of the SEPP's helps to ensure the right development in the right location. It is also important to retain requirements for community facilities to be provided.

This is generally supported however, any new SI Local Provision will need to contain the key matters to be considered from each SEPP.

**In response to Question 9 “Are there any additional controls that should be included in the new frameworks to facilitate the development of new Tourist Parks or Residential Parks?” the following is provided:**

The new frameworks should provide provisions in relation to the following additional matters:

- Controls to guide the use of Residential Parks as an alternative form of seniors housing,
- Where community facilities and administration buildings are not being provided, tests should be included to determine if optioning out of these requirements is suitable
- Public transport options, including provision of dedicated bus lanes along the frontage of sites,
- Landscaping guidelines, and
- Requirements for street naming.

**In response to 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?” the following is provided:**

One-off development consent issued for these development is supported, with conditions being imposed on the notice of determination requiring annual public health and fire safety inspections.

**In response to Question 11 “What other matters should be considered in camping grounds and primitive camping grounds approvals? Should ‘primitive camping grounds’ be defined?” the following is provided:**

Primitive camping grounds should be separately defined. The following additional matter should be considered when assessing an application for primitive camping grounds:

- Evacuation management and early warning in the event of an emergency or threat to life (i.e. bush fire),
- Controls around the collection of rubbish,

- Time limiting the number of consecutive days visitors are allowed to stay within a primitive camping ground,
- Regulating the number of tents, and
- Compliance with relevant health standards.

**In response to 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?” the following is provided:**

Council supports removal of the current ‘approval to operate’ provisions with savings and transitions provisions to be outlined within the new guidelines. Savings and transitions provisions should require existing parks to be subject to annual inspections, particularly public health and fire safety.

**In response to Question 13 “What controls should existing parks be exempt from when being considered under the new frameworks?” the following is provided:**

Savings and transitions provisions should be included within the new framework to allow existing parks to continue under the current requirements. Exemptions should be extended to existing parks under the new framework for new guidelines. However, where new requirements for fire safety and public health are introduced, existing parks should be upgraded to ensure compliance.

**In response to Question 14 “Is it appropriate that existing parks are considered under the new frameworks when lodging a development application for expansion or reconfiguring?” the following is provided:**

Yes, where an application is submitted to expand upon an existing approval, the proposed additions should be required to meet the new standards. Savings and transitional provisions should outline provisions for existing operations wanting to expand, outlining exemptions afforded to the existing component of a park and new requirements which the existing park is required to meet (i.e. fire safety upgrades etc). Provided that reconfigurations of existing parks will result in substantially the same development, where the proposal is of minor environmental impact, the proposed development should only be required to be upgraded to comply with the new requirements to ensure compliance with current building, fire safety, bush fire protections, public health and flood planning requirements. Where an application is made under s.96(2) the proposed development should be required to be brought into line with the new guideline requirements.

**In response to Question 15 “What are your views on the proposed approach for exempt and complying development?” the following is provided:**

The proposed approach for exempt and complying development is supported, ensuring a streamlined approach whilst requiring compliance with a strict set of requirements.

**In response to Question 16 “Should anything else be categorised as exempt, complying or development assessment?” the following is provided:**

Current exempt and complying development provisions outlined within the SEPP are considered adequate.

**In response to Question 17 “Do you agree with the controls proposed for inclusion within a Guideline (as outlined in Appendix B)?” the following is provided:**

Concern is raised in relation to drawing the current requirements from the Local Government Regulations and putting these into a guideline and the strength of the requirements, which are weakened by pulling these away from being legislative requirements to being a Guideline. It is considered necessary that in order to strengthen the requirements of the Guideline, local councils will be required to implement DCP provisions to further guide and regulate development of Residential and Tourist Parks.

**In response to Question 18 “Are there any specific controls where a performance-based approach would be better suited than the current perceptive approach?” the following is provided:**

Council supports the current prescriptive requirements. A performance based approach may be suitable in relation to lot size and urban design.

**In response to Question 19 “Is it appropriate to remove concurrence provisions and manage variations as part of the development application process?” the following is provided:**

Council supports the removal of concurrence provisions.

**In response to Question 20 “Do you agree with the proposed approach reducing duplication and providing greater clarity in definitions?” the following is provided:**

The proposed definitions are supported and will provide greater clarity, provided that the definitions are amended to clarify requirements for community facility and administration buildings. Splitting the definitions into Residential and Tourist Park is supported.

**In response to Question 21 “Should sites be maintained for tourist uses in a Residential Park and vice versa?” the following is provided:**

Concern is raised in relation to providing tourist sites within a Residential Park, particularly in relation to the integration of temporary residents with permanent residents. The term residential park implies permanent accommodation, with the expectation of occupants being permanent residential. However, providing permanent sites within a Tourist Park is supported, provided that individual Councils have the discretion to set a threshold.

**In response to Question 22 “If so, should a threshold be set to provide for a mix of uses?” the following is provided:**

Council supports the proposed 75% threshold for Tourist Parks. The setting of a threshold for Residential Parks should be at the discretion of the individual Council, with the possibility of 100% of the development used for residential purposes.

**In response to Question 23 “If so, what should the threshold be or should this be set by individual Councils?” the following is provided:**

A 75% threshold for Tourist Parks is supported. Individual Councils should be able to determine the threshold for Residential Parks up to 100%.

**In response to Question 24 “What controls should be in place to manage short-term housing for seasonal or itinerant workers?” the following is provided:**

The proposed review will not add or subtract to other alternative housing options available to short term or itinerant works. Existing housing options will cater for the housing needs of these seasonal workers.

**In response to Question 25 “Within camping grounds and caravan parks, should long term structures, including glamping, be required to meet different controls to shorter-term structure like tents?” the following is provided:**

Long terms structures, such as glamping, should be required to meet tie down and support provisions in accordance with the same provisions for permanent structures.

**In response to Question 26 “How can the new planning frameworks provide opportunities or emerging forms of development that vary from traditional housing?” the following is provided:**

The new framework can provide for emerging forms of development by ensuring proposed housing meets the needs of intended residents, particularly in circumstances where these developments will cater for seniors. Measures need to be included within the new guideline to allow elderly residents to age in place.

**In response to Question 27 “Are there any provisions of the BCA that are not appropriate for manufactured homes?” the following is provided:**

All the relevant provisions within the BCA that apply to a standard residential dwelling are applicable to manufactured homes, with manufactured homes being a form of residential development used for residential purposes.

**In response to Question 28 “Should the process for design certification by a structural engineering continue? Should there be any other requirements?” the following is provided:**

Design certification should continue. However, there should be an increase in the frequency of certification and engineers attending fabrication sites. It is considered that the following certification should be extended to include frame and wet areas. Given manufactured home will now fall within the definition of a dwelling, they should be subject to the same inspections / certification as traditional dwellings.

**In response to Question 29 “Should manufactured homes be subject to any mandatory inspections during installation?” the following is provided:**

Manufactured homes should be subject to the same critical stage inspection carried on any other residential development.

**In response to Question 30 “What fire safety controls should Residential and Tourist Parks be required to meet?” the following is provided:**

Residential and Tourist Parks should be required to meet the following fire safety controls:

- Access to hydrants – within 90m,
- Provision of fire hose reels,
- Smoke alarms in dwellings,

- Fire safety separation of buildings, and
- Extinguishers to be provided in community buildings.

Current fire safety measures are to continue to be complied with.

**In response to Question 31 “Would requiring Residential and Tourist Parks to submit an Annual Fire Safety Statement be an effective way to check essential fire safety measure have been met?” the following is provided:**

Council supports requirements to submit annual fire safety statements.

**In response to Question 32 “What controls should apply to Tourist and Residential Parks located on flood prone or bush fire prone land?” the following is provided:**

Current requirements for residential and tourist development on bush fire prone land and flood prone land should continue to apply. Manufactured homes on bush fire prone land or flood prone land should be required to comply with the same provisions as a dwelling.

**In response to Question 33 “What would be the most effective and efficient enforcement approach?” the following is provided:**

Council would support the current enforcement approach to unauthorised development, issuing of Penalty Infringement Notices and Orders. Where unauthorised development occurs, Council should require the lodgement of a Development Application for use and where necessary, the application should be supported by a Building Certificate to ensure the structural adequacy of the development.

The above response is provided on the current information. Cessnock City Council would like the opportunity to amend or add to this submission should any of the proposed requirements be changed or added to.

Should you have any enquiries regarding this submission please contact Council’s Acting Team Leader Development Services, Ms Sarah Hyatt on telephone 02 4993 4206 or via email [sarah.hyatt@cessnock.nsw.gov.au](mailto:sarah.hyatt@cessnock.nsw.gov.au).

Yours faithfully



Janine McCarthy  
Acting Director Planning and Environment