



9 December 2015

Ms Carlie Ryan
Team Leader/Housing Policy
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Ryan

Subject: Discussion Paper : Improving the regulation of manufactured homes, caravan parks, manufactured home estates & camping grounds

Thank you for the opportunity to provide a submission on the above discussion paper which seeks options for improving the planning and approvals system for manufactured homes and estates, caravan parks and camping grounds.

Attached is Council's feedback on the proposed options outlined in the Discussion Paper.

Should you require further information, please contact Council's Manager Property & Business Development, Kate Cramp, on 4921 0310.

Yours sincerely

Brian Bell
General Manager

Cc: LGNSW - Jennifer Dennis - Senior Policy Officer, Planning



Lake Macquarie City Council's Submission on the NSW Government's Discussion Paper:

**Improving the regulation of
manufactured homes, caravan
parks, manufactured home estates
and camping grounds**

November 2015

NSW Department of Planning & Environment Discussion Paper "IMPROVING THE REGULATION OF MANUFACTURED HOMES, CARAVAN PARKS, MANUFACTURED HOME ESTATES & CAMPING GROUNDS"	
Section of Paper & Questions to be Answered	Answers to Question by Lake Macquarie City Council
Section 4. Supporting Land Uses in the Right Locations	
Q 1. Do you agree with changes to the definitions?	<p>Replacing the definitions of "caravan park" and "manufactured home estate" with "Tourist Park" and "Residential Park" (respectively) is supported. The proposed definitions better reflect the intended use of each type of development, which (generally) also require a different level of services and facilities.</p> <p>LMCC supports the simplification of the regulation of manufactured home estates, camping ground, caravan parks, manufactured homes and moveable dwellings.</p>
Q 2. Should a threshold for permanent residents be set for Residential Parks? If so, do you agree with a 75% threshold?	<p>A threshold for permanent residents should be set to ensure Residential Parks are used for their intended & approved purpose. A 75% threshold seems reasonable.</p> <p>However, it is also important to set a maximum threshold for permanent residents in Tourist Parks (e.g. 25%) to ensure that they do not become substandard Residential Parks.</p>
Q 3. Would a zoning approach be appropriate for Residential and Tourist Parks?	<p>Residential Parks should attract a residential zoning (e.g. R1 or R3) as they are a form of affordable medium density housing.</p> <p>Tourist Parks should attract an RE1, RE2 or SP3 zone.</p>
Q 4. Should the permissibility of residential or Tourist Parks be mandated in certain zones (Option 1) or should councils determine this based on their local strategic planning (Option 2). If Option 1, what zones are appropriate?	<p>It would be acceptable for Residential Parks to be a mandatory permitted use in an R1 and R3 zones, but not in other R zones.</p> <p>Similarly, it would be acceptable if Tourist Parks were made a mandatory permitted use in RE1, RE2 and SP3 zones.</p>
Section 5. Simplify Approvals	
Q 5. Would these proposed changes make the permissibility of manufactured homes clearer and contribute to a simpler approval process?	<p>As proposed, including manufactured homes in the definition of "building" under the EP&A Act, will remove the need for their approval under the LG Regulation. This, together with allowing manufactured homes wherever a "dwelling house" is permitted in an LEP, will clarify permissibility and simplify the approval process.</p>
Q 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?	<p>Camping outside of designated parks and camping grounds should be in accordance with relevant Council policies.</p> <p>For camping on privately owned land, it is suggested that a maximum period of 14 days (in any 12 month period) would allow a reasonable period for friends or family to visit the occupants of the dwelling house, and use such accommodation on a temporary basis.</p>

Q 7. How should the new framework facilitate the use of self-contained caravans and campervans?	Limitation on the maximum length of time such temporary accommodation is permitted outside of a Tourist Park, in any 12 month period without council consent, could be contained in the EP&A Regulation. Alternatively, it could be contained in an amended clause 2.8 Temporary use of land in the SLEP.
Q 8. What provisions from SEPP 21 or SEPP 36 should be retained under the new framework?	It is fundamentally important that the new framework does not encourage Park applications in environmentally sensitive or hazardous locations. It is also important that the new framework encourage Parks in areas where relevant and adequate services, facilities and transport exists.
Q 9. Are there additional controls that should be included in the new framework to facilitate the development of new Tourist Parks or Residential Parks?	No comment.
Q 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?	It is usual for a development consent to be granted for a permanent period, and not be subject to continual re-approval. Therefore, unless there are extenuating circumstances, these types of development should be subject to a one-off development consent. Approval to operate e.g. on Council land, would be subject to separate contract arrangements.
Q 11j. What other matters should be considered in camping grounds and primitive camping grounds approvals? Should 'primitive camping grounds' be defined?	No comment on additional matters for consideration. However defining 'primitive camping grounds' is supported as it would differentiate them from other forms of camping grounds.
Q 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.	One-off approvals are supported – see answer to Q 10. On the issue of regular council inspections, yes as long as regular, scheduled inspections are undertaken by the relevant regulatory and compliance authority. Regulatory compliance should be dealt with at a Tribunal level or provide councils with the ability to adequately cost recovery compliance investigations, without court action. Councils will find it difficult financially to provide services assisting occupiers without adequate cost recovery.
Q 13. What controls should existing parks be exempt from when being considered under the new framework?	Renewal of existing approval to operate a caravan park – notice of determination.
Q 14. Is it appropriate that existing parks are considered under the new framework when lodging applications for expansion or reconfiguration?	It would seem appropriate to consider applications for expansion under the new framework, but some degree of 'flexibility' may be warranted to achieve fair and satisfactory outcomes. Even greater flexibility would be warranted for applications to merely reconfigure an existing park.
Q 15. What are your views on the proposed approach for exempt and complying	The approach in Table 3 appears generally reasonable. Notwithstanding, any manufactured home, which is intended for long-term occupation, should comply with the BCA

<i>development?</i>	requirements for a dwelling house. Any exempt and complying provisions should accommodate this.
<i>Q 16. Should anything else be categorised as exempt, complying, or development assessment?</i>	Ancillary development associated with sites in residential and tourist parks should be considered as either exempt or complying development with appropriate controls.
<i>Q 17. Do you agree with the controls proposed for inclusion within a Guideline (as outlined in Appendix B)?</i>	Council has no objections to the proposed Guideline, so long as it is legally enforceable and accessible to the public.
<i>Q 18. Are there any specific controls where a performance-based approach would be better suited to the current prescriptive approach?</i>	Performance-based controls, with standards set in a guideline, would provide more flexibility. However, the views of the Development Assessment & Compliance and Community Planning Departments are important on specific controls.
<i>Q 19. Is it appropriate to remove concurrence provisions and manage variations as part of the development application process?</i>	Concurrence from a State government authority should be reserved for circumstances where there is a clear State interest. The unnecessary involvement of State government in minor matters merely serves to delay decisions and brings criticism on the planning system. Removal of concurrence requirements in the subject circumstances is considered sensible.
<i>Q 20. Do you agree with the proposed approach reducing duplication and providing greater clarity in definitions?</i>	The proposed approach to reduce duplication and to clarify definitions is supported. However, use of the term 'primarily', in the definitions of Residential Park and Tourist Park, requires only 51% of 'permanent' or 'tourist/visitor' occupants, respectively. Thresholds should require at least 75% of the intended occupants are necessary in both of these definitions.
Section 6. Promote Diversity of Housing	
<i>Q 21. Should sites be maintained for tourist uses in a Residential Park and vice versa?</i>	Maintaining a percentage of sites in a Park for its non-prime purpose is supported in recognition of market needs and viability needs of Parks.
<i>Q 22. If so, should a threshold be set to provide for a mix of uses?</i>	Yes, a threshold should be set because the permanent occupants of Residential Parks have a higher level of service needs than do tourists. An applicant shouldn't be able to submit a DA for a Tourist Park, which requires a lower provision/availability of services, facilities and transport, and then operate it as a Residential Park. Additionally, tourists require a lesser standard of accommodation than do permanent residents. Dwellings for permanent accommodation should be required to meet the BCA requirements for such use.
<i>Q 23. If so, what should the threshold be or should this be set by individual councils?</i>	The choice of a threshold is somewhat arbitrary. However, a minimum threshold of 75% for the Parks' prime use (Residential or Tourist) reflects the Parks' prime use, while providing significant flexibility to accommodate the non-prime use to meet market and viability needs. If an applicant requires a lesser threshold to accommodate the specific needs of an area, the DA (for a 'mixed park' use) could reflect this by showing what area is to be a Residential

	Park, and what area is to be a Tourist Park (with the same applicable thresholds applying in each area).
Q 24. What controls should be in place to manage short-term housing for seasonal or itinerant workers?	<p>This is another example of a 'temporary use of land'. Therefore, clause 2.8 (Temporary use of land) could be modified to accommodate such need. Alternatively, a specific clause could be introduced into the SLEP. In doing so, however, there should be clear understanding that the land would be rehabilitated to its original or alternative acceptable condition when the temporary use has concluded. In addition, Guidelines should be prepared which outline the standard of service needs and other considerations a council needs to take into account when determining such a DA. A DA should demonstrate that the Guideline's requirements are being met, or justify any discrepancies.</p> <p>Should be restricted to the number of days allowed – suggest maximum 180 days per year as per existing legislation.</p>
Section 7. Industry Innovation	
Q 25. Within camping grounds and caravan parks, should long-term structures, including glamping, be required to meet different controls to short-term structures like tents?	<p>Any long-term accommodation structures, which are unable to be moved in response to impending flooding or coastal threat, should be located outside such potential threat-areas.</p> <p>Short-term mobile forms of accommodation, such as tents and caravans, are more easily moved in response to such threats.</p>
Q 26. How can the new planning framework provide opportunities for emerging forms of development that vary from tradition housing?	Deferred to other council departments more familiar with the current LG Regulation in this regard. However, removing requirements from the LG Regulation and including new provisions in the EP&A Regulation and a Guideline is an opportunity to achieve this.
Section 8. Building Standards and Safety	
Q 27. Are there provisions of the BCA that are not appropriate for manufactured housing?	Manufactured homes and ancillary development should comply with the Building Code of Australia.
Q 28. Should the process of design certification by a structural engineer continue? Should there be any other requirements?	<p>Design certification by a structural engineer is supported and should continue.</p> <p>Council does not have any suggestions for any other requirements in relation to this question.</p>
Q 29. Should manufactured homes be subject to any mandatory inspections during installation?	<p>Mandatory inspections should be required at the following stages by an accredited certifier or suitably qualified person:</p> <ol style="list-style-type: none"> 1. Prior to the placement of any footings. 2. Frame - prior to installation of internal linings and bulk insulation (wall cladding, services installed and roofing completed) – could be certified by engineer or an accredited certifier in factory. 3. Waterproofing inspection – could be certified by an accredited certifier in factory. <p>Final inspection (at practical completion)</p>

<p><i>Q 30. What fire safety controls should Residential and Tourist Parks be required to meet?</i></p>	<p>Fire hydrants must be provided in Residential Parks and Tourist Parks in accordance with the Water Authority requirements or a Guideline proposed in conjunction with NSW Fire & Rescue and the NSW Rural Fire Service.</p> <p>Council does not support the provision of standalone fire hose reels throughout the park as they are routinely vandalised and used for purposes other than for fire fighting purposes. They should be located adjacent to the community facilities only.</p> <p>The use of fire hose reels by occupants may pose electrical risks to occupiers (user) if they attempt to use it on a fire where the power has not been disconnected.</p> <p>Each manufactured home and relocatable dwelling must have smoke alarms and a portable fire extinguisher installed within.</p> <p>Community buildings must have the applicable fire safety measures required for the building in accordance with the building classification under the Building Code of Australia.</p>
<p><i>Q 31. Would requiring a Residential or Tourist Park submit an Annual Fire Safety Statement be an effective way to check essential fire safety measures have been met?</i></p>	<p>The submission of an Annual Fire Safety Statement would be an effective way to check essential fire safety measures have been tested and repairs made.</p> <p>It is also recommended that an annual audit of the residential and tourist park certifying compliance with the regulatory requirements would seem sensible, but should be done by a suitably qualified independent person.</p>
<p><i>Q 32. What controls should apply to Tourist and Residential Parks located on flood prone or bush fire prone land?</i></p>	<p>Residential Parks, because they have a high proportion of permanent residents, should be assessed and developed to the same standard as normal residential development.</p> <p>Tourist Parks, which provide a high proportion of short-term accommodation, may be subject to lesser requirements to Residential Parks. However, all permanent structures should be located outside of flood or coastal hazard areas.</p> <p>Additionally, all Parks should be required to submit, and comply with, a Hazard Evacuation Plan.</p> <p>In the case of existing Parks, those in hazard areas should be required (by legislation) to also prepare Hazard Evacuation Plans. Additionally, they should be encouraged to modify their Park over (say) 7 years to comply, as far as practically possible, with current standards.</p> <p>Prohibit manufactured homes on flood prone or bush prone land.</p> <p>Allow caravans and mobile homes on flood prone land.</p>
<p><i>Q 33. What would be the most effective and efficient enforcement approach?</i></p>	<p>Council supports the effective compliance and enforcement action proposed. Council has concerns on how it will finance the compliance and enforcement roles proposed with the removal of the ability to charge fees for renewals and annual inspections conditioned by those approvals. The ability to provide cost recovery is critical to provide effective and efficient enforcement.</p> <p>If no cost recovery is proposed, then the enforcement control should be transferred from councils to a Tribunal.</p>