

14 December 2015

Attention: Carlie Ryan, Team Leader, Housing Policy
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Ryan

Thank you for the opportunity to review and comment on the Discussion Paper for 'Improving the Regulation of Manufactured Homes, Caravan Parks, Manufactured Home Estates and Camping Grounds'.

Please find attached Council's comments with regard to each of the questions as presented in the Discussion Paper.

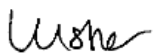
Council is very supportive of the Department's intention to simplify the existing regime, however concern is raised around some of the proposed changes which may become more onerous than the current regime.

Eurobodalla would like to be involved in the development of a Guideline and we also extend an invite to the Department to visit the Eurobodalla to have a look at some local case studies and the potential implications of the proposed changes on existing parks.

Thank you again for the opportunity to provide feedback on the review of existing legislation. We look forward to the opportunity to participate in this review further.

Please do not hesitate to contact me on (02) 4474 1304 if you require any further information.

Yours sincerely



Lindsay Usher
Director
Planning and Sustainability Services

Discussion Paper Question	Council Comment
Section 4.0 – Supporting land uses in the right locations	
1. Do you agree with the proposed changes to the definitions?	Agree with the proposed changes to definitions and transferring into the Standard Instrument LEP. The best fit for permissibility of these uses will need to be considered by Council.
2. Should a threshold for permanent residents be set for Residential Parks? If so, do you agree with a 75% threshold?	Agree with 75% as a maximum threshold to ensure the primary land use remains as approved. The threshold should not require a minimum land use mix – eg. Parks can 100% residential or 100% tourist. The threshold should be mandated in the definition.
3. Would a zoning approach be appropriate for Residential and Tourist Parks?	Disagree if this option is about creating new zones in the Standard Instrument (SI) LEP. Existing zones within the SI LEP should be utilised.
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 Options 1, what zones are appropriate?	Preference is for Council to determine where such uses are permissible with consent, rather than being mandated.
Section 5.0 – Simplifying approvals	
5. Would these proposed changes make the permissibility of manufactured homes clearer and contribute to a simpler approvals process?	Agree. If a manufactured home were defined as a building, this would make clearer that a manufactured home is a type of dwelling. However, it is not clear what certification regime will apply to these buildings.
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?	In recognition of the example provided regarding long weekends and school holidays, we support increasing the existing 2 day exemption to 7 or more days. Regardless of the number of days, the exemption should require that approved sanitary facilities must be available and approved means of disposing of sullage.

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7. How should the new framework facilitate the use of self-contained caravans and campervans?	<p>The exemption to allow caravan, campervans and tents to be permitted on land outside a caravan park should require approved sanitary facilities and approved sullage disposal. The exemption could state except in the case of self-contained caravans or campervans, in which case all grey and black water is to be retained within the vehicle and disposed of at a lawful dump point location.</p> <p>Within parks, agree it should be made clearer that parking of a self-contained caravan or campervan on an approved dwelling site within a caravan park does not require separate approval. Further, self-contained vehicles could be permitted on a camp site where all grey and black water is retained within the vehicle and disposed at the lawful dump point within the park.</p>
8. What provisions from SEPP21 or SEPP36 should be retained under the new framework?	Agree with the provisions in Appendix A to be included in a guideline.
9. Are there additional controls that should be included in the new framework to facilitate the development of new Tourist Parks or Residential Parks?	To consolidate and/or integrate all other relevant provisions (eg. Bushfire, flooding, heritage, marine parks, RMS, Office of Water) to provide a one-stop shop pathway.
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 provision?	<p>New parks are already subject to initial development consent. Section 5.4 in the discussion paper does not make clear what is intended for existing parks. Clause 5.5 states “the status of existing approvals will need to be made clear in the new framework”. This is a significant issue for Eurobodalla where there are 32 existing parks all with different uses and ratios, most of which are located within environmentally sensitive lands.</p> <p>Council disagrees with removing the ‘approval to operate’ process. Council does not agree this is time consuming or unnecessary. The Approval to Operate process is quick and simple. Parks are self-motivated to achieve an approval. Eg. They pro-actively provide a copy of the annual fire safety statement when applying for an approval to operate.</p> <p>The option to require existing parks to be subject to a purely compliance process rather than an application process, moves the responsibility and cost of compliance to Council instead of parks being motivated to manage their own compliance in order to obtain approval.</p>

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	We believe that a combined inspection regime and approvals process is most effective in ensuring compliance with standards, as the inspection allows identification of non-compliance and the approvals provides motivation for parks to manage those non-compliances.
11. What other matters should be considered in camping grounds and primitive camping ground approvals? Should 'primitive camping grounds' be defined?	Primitive camping grounds should be adequately defined to separate them from camping grounds where certain amenities are required. Guidance is required to distinguish where a primitive camping ground is permitted eg. does the park have to be remote? Does it have to exhibit particular natural amenity to be offering a 'primitive' experience as distinct from a general camping ground?
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?	No Council does not agree with removing the Approval to Operate process. Currently parks are self-motivated to manage their own compliance to obtain a satisfactory approval to operate each year. Removing this would shift the onus onto Council to be proactive in the compliance roll. It will require Council to use its resources to follow-up compliance complaints and to initiate compliance action at a cost to Council rather than withholding approval until such time as compliance is achieved. Refer to Council comments above at item 10.
13. What controls should existing parks be exempt from when being considered under the new framework?	<p>Council is unclear from the discussion paper exactly what framework is proposed for existing parks?</p> <p>The exemptions from Ordinance 71 for existing parks (pre-1986) should carry forward and the content of those exemptions be specified in the new framework (to avoid referring to previous legislation).</p>
14. Is it appropriate that existing parks are considered under the new framework when lodging a development application for expansion or reconfiguration?	<p>Yes it is appropriate, however without any clarification around that framework we are unable to comment.</p> <p>Please note that any existing park proposing to expand would currently be subject to a Development Application and all applicable requirements including integrated agency requirements. A reconfiguration of sites within the existing footprint of the park (such as change long-term to short-term, combine sites, shuffle site areas) can often be dealt with easily and quickly through an amended community map as part of the approval to operate process.</p>
15. What are your views on the proposed approach for exempt and complying development?	Agree with the proposed approach in table 3. However, if a park could switch short-term to long-term sites (or vice versa) as exempt development without providing any documentation to Council, how will Council determine the use of a site in the future if required to undertake a compliance inspection?

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	<p>Currently, Eurobodalla manages this change (within the threshold of the approved use) via the approval to operate process. This just requires the park to provide an amended community map and nominate the use of each site so the required checks can be undertaken.</p> <p>Concern that Eurobodalla will not benefit from the proposed changes to exempt development if this cannot be undertaken in environmentally sensitive areas eg. parks within 100m of a Marine Park. In which case many more activities within local parks will then require a DA and this would be more onerous than the current regime.</p>
<p>16. Should anything else be categorised as exempt, complying or development assessment?</p>	<p>A specific schedule should be created for exempt development within residential parks and tourist parks. It needs to deal with the anomalies such as the definition of a 'site' and the number of structures. Minor development within existing sites should be considered as exempt such as the following:</p> <ul style="list-style-type: none"> • Garden sheds • Patio blinds, enclosure of verandahs • Carports • Decks • Ramps, stairs • Tropical roof <p>A code needs to be created for complying development within residential and tourist parks that addresses the definition of a manufactured home. The code should consider streamlining the bushfire and flood certification requirements to facilitate CDC development in existing parks.</p>
<p>17. Do you agree with the controls proposed for inclusion within a Guideline (as outlined in Appendix B)?</p>	<p>Yes. Transferring the current Regulations into a modern guideline is supported and in particular creating an exempt code specifically for caravan parks so minor works do not require Council approval.</p>
<p>18. Are there any specific controls where a performance-based approach would be better suited than the current prescriptive approach?</p>	<p>Issues that don't relate to health and safety should be performance based or not included in a guideline. Eg the number of ironing boards, washing machines laundry tubs etc should be driven by the market and left for park management to provide.</p>

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19. Is it appropriate to remove concurrence provisions and manage variations as part of the development application process?	Yes.
20. Do you agree with the proposed approach reducing duplication and providing greater clarity in definitions?	<p>Yes, with the following suggested clarification:</p> <p>Short term site – clarify that the 90 days for tourist accommodation only refers to occupation by one tenant. So that the site can be used all year round by multiple tenants.</p> <p>Manufactured Home – the removal of the requirement to be self - contained may make classification under the Building Code of Australia difficult as a dwelling (1a) is required to have particular facilities</p> <p>Major Section – This definition still refers to a relocatable home</p>
Section 6 – Promote diversity of housing	
21. Should sites be maintained for tourist uses in a Residential Park and vice versa?	No. The primary use of a Residential Park should be permanent accommodation and the primary use of a Tourist Park should be temporary accommodation. Any threshold should be about maintaining the primary use only and should not mandate the retention of tourist accommodation in a Residential Park, and vice versa.
22. If so, should a threshold be set to provide for a mix of uses?	As above.
23. If so, what should the threshold be or should this be set by individual councils?	As above.
24. What controls should be in place to manage short-term housing for seasonal or itinerant workers?	Consideration could be given to a new clause in the Temporary Use of Land provision in the Standard Instrument providing for short term housing for seasonal or itinerant workers. The clause could state that consent is not required for up to 5? caravans/campervans/tents on a rural property to house seasonal workers for a period of no more than 4? weeks at any one time.
Section 7 – Industry innovation	
25. Within camping grounds and caravan parks, should long term structures, including glamping, be required to meet	Yes, there should be controls for glamping and any new form of development which includes a structure that predominantly remains onsite. From the proposed definitions, it appears these structures would be defined as a 'manufactured home'.

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different controls to shorter-term structures like tents?	It is our experience that glamping generally incorporates structures which are permanently installed. The new regime should provide guidelines and standards for these structures that also address issues such as flooding and bushfire.
26. How can the new planning framework provide for opportunities for emerging forms of development that vary from traditional housing?	There are sufficient performance based provisions in the Building Code to deal with health and safety of emerging forms of construction. Providing the types of development can be defined and permitted in the relevant zones then the DA and CC process should be able to deal with different types of construction.
Section 8 – Building standards and safety	
27. Are there any provisions of the BCA that are not appropriate for manufactured homes?	<p>The definitions and classifications in the Building Code do not adequately address manufactured homes or the caravan park requirements eg. What is the classification of a manufactured home that is not ‘self-contained’? With regards to fire safety some clarification will need to be provided around site boundaries eg is the dwelling site or the park boundary the fire source feature?</p> <p>It is also not clear how the Building Code will deal with the requirements of a structure for transport. Eg bracing etc.</p>
28. Should the process for design certification by a structural engineer continue? Should there be any other requirements?	Yes, This would already be required under the performance provisions of the Building Code.
29. Should manufactured homes be subject to any mandatory inspections during installation?	<p>The current regime under the EP&A Act requires critical stage inspections for all classes of residential buildings and the appointment of one Principle Certifying Authority for a development. How is this requirement going to be managed? A lot of manufactured homes are constructed interstate or at least outside the local government areas. How will the requirements for appointing a Principle Certifying Authority for building works apply to manufactured homes?</p> <p>Is it intended that the full provisions of The Premises Standard (accessibility standard) will apply to Tourist Parks but not Residential Parks? The Premises Standard pick up on Tourist accommodation, requiring a ratio of units to be accessible however there is no requirement for single dwellings. There is no requirement under the current LG regime to provide accessible cabins. The new framework with a DA/CC or CDC will trigger the Premises Standard. This will have significant implications and may completely prevent new development within existing parks.</p>

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30. What fire safety controls should residential and Tourist Parks be required to meet?	<p>Where the parks have reticulated water they should be required to meet the same requirements as any other residential development. Some clarification of buildings and site will be required as all current fire safety requirements relate to buildings and not developments.</p> <p>Where parks do not have reticulated water, guidance should be provided on what are suitable fire safety controls.</p>
31. Would requiring residential and Tourist Parks to submit an Annual Fire Safety Statement be an effective way to check essential fire safety measures have been met?	<p>Yes – However as above, clarification of requirements will be needed. Existing provisions in the EP&A Act for Annual Fires Safety Statements relate to buildings and not sites or developments. How will fire safety schedules be established and how will they relate to the entire park and not a building?</p> <p>Council has concern that the onus for following up on these requirements is going to fall to Council if the approval to operate process is removed.</p>
32. What controls should apply to tourist and Residential Parks located on flood prone or bush fire prone land?	<p>All existing requirements apply to the development of new parks and it is assumed this will continue. However, once a park is established a streamlined approach is required to facilitate minor development and upgrades within the park. The requirement to obtain flood and bushfire certificates for each individual complying development is onerous. Suggest that a regime to certify the park as a whole rather than individual developments is more suitable. This is also applicable where development consent is required as many minor developments such as tropical roofs, decks and ramps to existing cabins become integrated development due to bushfire.</p>
33. What would be the most effective and efficient enforcement approach?	<p>To maintain some sort of approval regime. This motivates parks to comply without Council being forced to use resources to follow up on compliance matters.</p> <p>If moved to the EP&A Act, the orders in table 121B will need updating to include provisions for Tourist and Residential Parks. There are currently insufficient provision that could be applied to existing parks.</p>