

14 December 2015

Ms C Ryan  
Team Leader, Housing Policy  
Department of Planning and Environment  
SYDNEY NSW 2001

Dear Ms Ryan

**CARAVAN, CAMPING AND MANUFACTURED HOMES - LOCAL GOVERNMENT REVIEW**

Thank you for the opportunity to provide Council's perspectives in respect of the Local Government Review of Caravan, Camping and Manufactured Homes.

Council's submission as provided below has been prepared in two sections. Section one provides an introduction which explains the main focus of Council's issues in respect of caravan, camping and manufactured homes.

Section two provides discussion in respect of the questions for discussion as included in the Improving the Regulation of Manufactured Homes, Caravan Parks, Manufactured Home Estates and Camping Grounds Discussion Paper.

**Introduction**

The City of Dubbo is located at the cross roads of three busy highways and is the major service centre for the Orana Region and the Central West Region of New South Wales. The City is also home to the Taronga Western Plains Zoo and an associated tourist precinct.

The City has a total of five caravan parks that each performs an important function in the delivery of tourist and visitor accommodation for visitors to Dubbo and to a lesser extent, minor affordable housing opportunities.

The City has an active tourism industry with visitors staying an average of 2.6 nights and that also are estimated to contribute \$186.796 million annually. The importance of tourism to the City is also highlighted that the industry is estimated to provide a total of 1,059 jobs.

The City has a good record in the delivery of residential housing across a wide variety of price points and formats in the Dubbo housing market. The current nature and state of the Dubbo housing market has resulted in the City not having any manufactured home estates and a limited number of permanent sites in the five caravan parks.

However, Council recognises that there must be robust controls to guide the management of caravan parks and to guide the provision and development of new caravan parks in the City. It is widely acknowledged that over time, the current legislation in respect of caravan parks, moveable dwellings and other temporary forms of residential accommodation has become difficult to navigate and overly-complicated with a number of layers impacting individual development types. Council welcomes the direction from the Department of Planning and Environment to further rectify this legislation and move towards better outcomes for the provision of temporary residential accommodation.

As included in the Discussion Paper, Council endorses/supports the proposal by the Department to include manufactured homes under the Environmental Planning and Assessment Act, 1979 and to provide for their formal integration into the planning system.

Council also welcomes a review of the requirements of State Environmental Planning Policy 21 – Caravan Parks and State Environmental Planning Policy 36 – Manufactured Home Estates. In respect of SEPP 36, Council considers that the Department should give consideration to the removal of permissibility requirements included in the SEPP and allow councils to integrate such requirements into Local Environmental Plans. This would ensure councils would have the ability to effectively plan and manage the development of such land use activities to ensure they are located within a reasonable proximity of community facilities, public transport and employment opportunities.

### **Key Questions for Discussion**

#### **1. Do you agree with proposed changes to the definitions?**

The proposal included in the Discussion Paper to change the current definitions of ‘caravan park’ and ‘manufactured home estate’ to ‘tourist park’ and ‘residential park’ are considered to more accurately reflect the different usage of the individual park types and the changing nature of tourist and visitor accommodation in respect of caravan parks.

However, the Department should ensure that the new definitions are reflected in all levels of legislation including the Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulation, Local Government Act, 1993 and associated Regulations, all relevant State Environmental Planning Policies and Local Environmental Plans.

#### **2. Should a threshold for permanent residents be set for residential parks? If so, do you agree with a 75% threshold?**

The proposal included in the Discussion Paper to introduce a threshold for permanent residents in a ‘residential park’ is considered to have merit. However, it is unclear as to how the 75% figure was arrived at and what assessment was undertaken to reach this figure.

The selection of an appropriate percentage should be at the discretion of local government where an assessment of the local conditions and the actual type and style of 'residential park' can be undertaken.

**3. Would a zoning approach be appropriate for residential and tourist parks?**

The proposal included in the Discussion Paper to utilise Clause 5.4 of the Standard Instrument to set an appropriate threshold to differentiate between 'residential parks' and tourist parks' should be utilised by the Department. However, Local councils should have the ability to maintain a degree of flexibility through allowing Clause 4.6 Exception to Development Standards of the Standard Instrument to apply in some capacity to this provision.

This would allow councils to consider a park with a differential split that was consistent with its strategic planning and community expectations.

**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?**

It is considered that Option 1 as included in the Discussion Paper would remove the ability of Council to strategically plan for the provision of residential parks or tourist parks in a local environmental plan. Council considers Option 2 would allow the community to have input into the strategic planning process and to have a say in where residential and tourist parks should be developed.

Option 2 is consistent with the key concepts and initiatives included in the new planning system White Paper which aimed to provide the community with a level of development certainty through the strategic planning process.

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

The Discussion Paper has correctly recognised that the approval of manufactured homes across NSW is not supported by robust legislation which has resulted in a variety of approaches. Council is of the view that any work the Department can undertake to further streamline approvals and regulatory processes for manufactured homes can only improve development outcomes and community knowledge and acceptance.

It is considered that the inclusion of manufactured homes in the definition of building under the Environmental Planning and Assessment Act, 1979 along with a range of other residential building types, is appropriate. It is understood that this would necessitate removal of the requirement for approval under the Local Government Act, 1993.

However, in pursuing this course of action, the Department should take into account how manufactured homes would achieve compliance with BASIX requirements and how critical

stage inspections would be undertaken given manufactured homes are predominately constructed off-site. In addition, in Council's experience, a number of manufactured homes are purchased from interstate. This results in a situation where the interstate manufacturer may not be fully aware of requirements that may exist under NSW legislation.

**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 Discussion Paper has raised a possible need to further expand the time allowable for campervans or tents to be provided outside of a caravan park without the need for approval. Council supports the current limitations. However, it is acknowledged that this could be extended to reflect long weekends as provided in the Discussion Paper.

It is considered that the current limitations aim to ensure caravans, campervans and tents are provided in caravan parks where services and facilities are provided.

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

It is considered that this issue is directly related to issue 6. Council supports retention of the current time limitations without the need for approval with the provision of a minor extension to reflect long weekends.

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

In respect of State Environmental Planning Policy 21 – Caravan Parks, it is considered that there is no planning reason that the SEPP should be retained in its current form. Council considers that the information included in the SEPP could form a local provision in the Standard Instrument as the SEPP provides matters for Council to consider in the development of a caravan park.

In respect of State Environmental Planning Policy 36 – Manufactured Home Estates, it is considered that the majority of the requirements of the SEPP could be retained. However, the key issue with the requirements of the SEPP is the fact that a manufactured home estate could be developed where a caravan park is permitted with development consent.

**9. Are there additional controls that should be included in the new framework to facilitate the development of new tourist parks or residential parks?**

Council is of the view that the Department could remove the permissibility allowance in the State Environmental Planning Policy 36 – Manufactured Home Estates and permit local councils to determine the permissibility of these development types through the strategic planning process. This would ensure the community could have input into the process and also ensure

that manufactured home estates (residential parks) are provided in locations that are within a reasonable proximity of community services, public transport and support services.

Council also considers that the Department could include design and development guidance in the SEPP. This would ensure manufactured home estates could meet minimum design quality and not operate as a inexpensive form of housing offering residents a questionable level of residential amenity.

**10. Should new caravan parks, camping grounds and manufactured home estates be subject to one-off development consent rather than the existing approval to operate provisions?**

Council generally supports new caravan parks, camping grounds and manufactured home estates being subject to one-off development consent.

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

Council considers that primitive camping grounds should be a defined land use activity in the Standard Instrument and subsequently their development should be regulated by the need for development consent to be obtained.

**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 requirement as included in the Discussion Paper to remove the current 'approval to operate' is generally concurred with. However, a legislative mechanism should be maintained that renders a facility subject to a yearly inspection by Council. In addition, should this inspection identify issues in respect of the operation of the facility, Council must maintain a mechanism to seek rectification of such issues.

Rectification of such issues could be achieved through the orders provisions of the Environmental Planning and Assessment Act, 1979. However, this area of the Act can be cumbersome to administer from Council's perspective.

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

Council considers that all facilities should be required to achieve compliance with the new framework. However, it is acknowledged that this may render councils liable to consideration of facilities under two different systems and create confusion for the industry.

It is considered that the new framework could be introduced through a staged implementation process with facilities of a certain size required to achieve initial compliance and then for the framework to be rolled out completely.

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

It is considered that it may be appropriate for existing facilities to achieve compliance with the new framework if development consent is sought for expansion or reconfiguration. However, this compliance mechanism could also be considered as a component of key question 13 as provided above, which proposed a staged implementation process.

**15. What are your views on the proposed approach for exempt and complying development?**

The proposals included in table 2 of the Discussion Paper in respect of exempt and complying development requirements are considered appropriate having regard to the inclusion of manufactured homes in the definition of building under the Environmental Planning and Assessment Act, 1979. This would ensure parity with regular residential housing types and associated exempt and complying development allowances.

**16. Should anything else be categorised as exempt, complying or development assessment?**

It is considered that there are no other development types that should be categorised as exempt, complying or development that require development assessment.

**17. Do you agree with the controls proposed for inclusion within a Guideline?**

The Discussion Paper has proposed the preparation of a Guideline in respect of a number of issues included for consideration in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation, 2005. Whilst this Regulation is overly prescriptive and can be onerous on facilities to achieve full compliance, it is unsure as to whether the Guideline to be prepared by the Department will adequately replace these provisions.

The Discussion Paper uses the example of the overall design of State Environmental Planning Policy 65 Design Quality of Residential Apartment Development (SEPP 65) and the associated Apartment Design Guide. The difficulty in taking prescriptive standards to the level of a guide is how enforceable the requirements of the Guide will be and how they will be adopted by the industry. In addition, this also may result in Council having difficulty in ensuring compliance by operators.

The provision of a Guideline is considered to be appropriate to further explain and enhance the requirements of the Regulation. However, the Guide should not replace legislative requirements.

It is considered that a more effective means in ensuring compliance with the Regulation would be to prepare a new provision in respect of the consideration of variations. This new variations

provision would not require Council to consult with the Department of Planning and Environment in respect of each individual variation and would allow Council to consider the variation subject to a set of criteria.

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

It is considered that a performance-based approach could be utilised for a number of provisions. An example of such provisions could be the requirement in the Regulation for the provision of car washing facilities, clothes washing, drying facilities and other similar requirements. These issues could be considered as part of a performance-based approach where Council could consider the characteristics of the development and its location.

Dubbo City Council would be happy to be actively involved in the preparation of a performance-based approach to a selection of issues as included in the Regulation.

**19. Is it appropriate to remove concurrence provisions and manage variations as part of the development application process?**

As discussed in key issue question 17, the process for the consideration of variations is cumbersome. Council supports any actions to further streamline the process for the consideration of variations.

**20. Do you agree with the proposed approach reducing duplication and providing greater clarity in definitions?**

The proposed changes to definitions across the industry as included in table 4 are considered appropriate for inclusion in the relevant legislation.

**21. Should sites be maintained for tourist uses in a residential park and vice versa?**

Council considers that there should be a level of flexibility maintained for operators of facilities to alter the status of sites in a residential park and vice versa. However, this flexibility should be relatively minor and ensure the park continues to operate as intended and in accordance with any development consents issued and associated approvals.

**22. If so, should a threshold be set to provide for a mix of uses?**

In respect of the issues raised in question 21 as above, it is considered that a set threshold should be set for any variation to the status of sites.

**23. If so, what should the threshold be or should this be set by individual councils?**

It is considered that any threshold for variance to the status of sites should be set by individual councils and be included in clause 5.4 of the Standard Instrument.

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**24. What controls should be in place to manage short-term housing for seasonal or itinerant workers?**

It is acknowledged that the planning system does not have an appropriate level of flexibility in its operation to facilitate the delivery of accommodation for seasonal or itinerant workers or the holiday and leisure sector. This can be increasingly seen by the number of land use conflicts and complaints councils often receive in respect of itinerant workers or holiday accommodation which is often associated with situations where traditional residential housing is leased on a short-term basis.

Council's strategic planning approach in respect of housing for itinerant or seasonal workers has been to consider the provision of short-term housing in Council's defined Residential Urban Release Areas as included in the Dubbo Local Environmental Plan 2011. This strategic approach would allow a short-term housing provider and/or developer to provide an appropriate development in a location that has not yet been developed to its full extent.

In undertaking the short term development, the provider is required to show how this development can be integrated into a future residential neighbourhood and provide a legacy for that neighbourhood once the housing is no longer required for the original use.

For developments that are undertaken in smaller regional centres including mines or the like, all permanent accommodation, which could be defined as all staff required as part of mining operations, should be accommodated either within and/or adjacent to the nearest centre. It is considered that the planning system could benefit from a separate approach to the provision of housing for seasonal or itinerant workers. It is also considered that this approach could also include holiday accommodation. This approach could include a new Section 117 Direction for temporary residential accommodation which would provide guiding strategic principles required to be considered by the Department of Planning and Environment and Council's at the strategic stage and a new State Environmental Planning Policy that would guide the development of temporary residential accommodation.

The new State Environmental Planning Policy could consider the following issues:

- Permissibility requirements for temporary residential accommodation and integration with the Standard Instrument;
- A new development regime for use of temporary residential accommodation, which would require a "mini" development application process to be undertaken;
- Minimum amenity principles for development to comply with;
- An abbreviated assessment process included issues a Council must take into account in assessing a development application for temporary residential accommodation; and
- Streamlined enforcement procedures under the Environmental Planning and Assessment Act, 1979 for rectification of genuine planning issues.



The new State Environmental Planning Policy could also provide specific principles for the provision of new temporary residential accommodation developments of a specific size and nature, including a minimum requirement for a Council to enter into a Voluntary Planning Agreement for delivery of required infrastructure for the temporary residential accommodation.

**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?**

Council considers that a review of glamping and associated structures should be undertaken to ensure compliance is maintained with the intent of legislation and to not introduce more permanent accommodation types and styles that may not have been anticipated when current legislation was developed.

**26. How can the new planning framework provide opportunities for emerging forms of development that vary from traditional housing?**

Council considers that the Standard Instrument offers an appropriate level of flexibility that could facilitate the delivery of a variety of housing types.

**27. Are there any provisions of the BCA that are not appropriate for manufactured homes?**

Council supports the proposals included in the Discussion Paper for the Building Code of Australia to apply to manufactured homes. It is considered that the deemed-to-satisfy provisions of the BCA offer an appropriate level of flexibility in respect of compliance with BCA provisions.

**28. Should the process for design certification by a structural engineer continue? Should there be any other requirements?**

Council considers that the requirement to obtain design certification by a structural engineer should continue.

**29. Should manufactured homes be subject to any mandatory inspections during installation?**

Council considers that manufactured homes should be the subject of critical stage inspections to ensure compliance is achieved with the Building Code of Australia and any appropriate Australian Standards.

However, it is also recognised that the critical stage inspection regime would be required to be altered to reflect the fact that a manufactured home is delivered to the site fully constructed. Council does not support manufactured homes being subject to a reduced standard of assessment and compliance.

**30. What fire safety controls should residential and tourist parks be required to meet?**

Council considers that residential and tourist parks should be required to meet appropriate fire separation as required for residential housing under the Building Code of Australia. However, in the case of tourist parks, compliance with the minimum separation distances in the Building Code of Australia will be difficult to achieve and may be considered to be too onerous.

Council considers that an assessment of the minimum fire hydrants and associated infrastructure should be undertaken to ensure appropriate fire protection mechanisms are in place.

**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?**

Council considers the proposal for residential and tourist parks to submit an Annual Fire Safety Statement to be appropriate. However, savings and transitional arrangements will be required to be in place to reflect the existing status and nature of fire infrastructure in existing parks.


**32. What controls should apply to tourist and residential parks located on flood prone or bushfire prone land?**

In respect of the development of tourist and residential parks located on flood prone land, it is considered that these parks shall only be developed on the area of the land which is classified as being above the level of the 1% flood and also has flood free access above the level of the 1% flood.

In respect of the development of tourist and residential parks on bushfire prone land, if compliance with Planning for Bushfire Protection Guidelines can be achieved, Council raises no objection to development being undertaken.

If you require any further information or clarification, please do not hesitate to contact Council's Strategic Planning Supervisor, Steven Jennings on (02) 6801 4000.

Yours faithfully



*Melissa Watkins*  
Director Environmental Services

**Please be advised that the Civic Administration Building will close for business at 3 pm on Thursday 24 December 2015 and reopen at 9 am Monday 4 January 2016.**

**During this period, requests for emergency and essential services may be lodged with Council by telephoning 02 6801 4000.**