



New South Wales

State Environmental Planning Policy (Housing) Amendment (Manufactured Home Estates, Caravan Parks and Camping Grounds) 2023

under the

Environmental Planning and Assessment Act 1979

[The following enacting formula will be included if this policy is made—]

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

Minister for Planning and Public Spaces

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State Environmental Planning Policy (Housing) Amendment (Manufactured Home Estates, Caravan Parks and Camping Grounds) 2023 [NSW]

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1 Name of policy

This policy is *State Environmental Planning Policy (Housing) Amendment (Manufactured Home Estates, Caravan Parks and Camping Grounds) 2023*.

2 Commencement

This policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of policy

This policy is repealed at the beginning of the day following the day on which this policy commences.

Schedule 1 Amendment of State Environmental Planning Policy (Housing) 2021

[1] Section 3 Principles of Policy

Insert after section 3(h)—

- (i) minimising the flood risk to life and property associated with the use of land,
- (j) facilitating the establishment of manufactured home estates as a form of medium density residential development that provides an alternative to traditional housing arrangements,
- (k) facilitating the orderly and economic use and development of land for caravan parks and camping grounds used for tourists, short-term residents or long-term residents.

[2] Chapter 3, Parts 8 and 9

Omit the parts.

[3] Chapter 5

Insert after Chapter 4—

Chapter 5 Manufactured home estates, caravan parks and camping grounds

Part 1 Preliminary

149 Definitions

In this chapter—

Crown reserve has the same meaning as in the *Crown Land Management Act 2016*, Division 12.5.

install a manufactured home, relocatable home or moveable dwelling has the same meaning as in the *Local Government (Manufactured Home Estates, Caravan Parks and Camping Grounds) Regulation 2021*.

long-term dwelling site has the same meaning as in the *Local Government (Manufactured Homes, Caravan Parks and Camping Grounds) Regulation 2021*.

manufactured home estate means land on which manufactured homes are, or are to be, erected.

150 Relationship to other environmental planning instruments

If there is an inconsistency between this chapter and another provision of this policy or another environmental planning instrument, whether made before or after this chapter, this chapter prevails to the extent of the inconsistency.

Part 2 Manufactured home estates

151 Land to which part applies

- (1) This part applies to the State, other than the following—
 - (a) the Eastern Harbour City, Central River City and Western Parkland City under the *Greater Cities Commission Act 2022*,

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- (b) land less than 18km from the Siding Spring Observatory, within the meaning of the standard instrument, clause 5.14,
 - (c) land specified in Schedule 5.
- (2) Land may be specified in Schedule 5 if it is subject to a local environmental plan prepared in accordance with the principles of a direction issued by the Minister under the Act, section 9.1 in relation to this part.

152 Development for the purposes of manufactured home estates

- (1) Development for the purposes of manufactured home estates is permitted with development consent on land—
- (a) on which development for the purposes of caravan parks is permitted with development consent, or
 - (b) in a rural zone, if the land adjoins land zoned for residential, employment, mixed use, business or industrial uses.
- (2) This part does not require separate development consent for the installation of each manufactured home in a manufactured home estate.

153 Land on which manufactured home estates are prohibited

- (1) Despite section 152(1), development for the purposes of manufactured home estates is prohibited on land—
- (a) dedicated or reserved under the *National Parks and Wildlife Act 1974*, or
 - (b) in a Crown reserve.
- (2) Despite section 152(1), development for the purposes of manufactured home estates is prohibited on the following land—
- (a) land identified in an environmental planning instrument as the following, however described—
 - (i) a buffer area within 1km of land used for the purposes of air transport facilities or heavy industries,
 - (ii) a habitat corridor,
 - (iii) wetlands,
 - (iv) a scenic protection area,
 - (v) in Zone RE1 Public Recreation, or
 - (b) land in the coastal wetlands and littoral rainforest area or the coastal vulnerability area under *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 2, or
 - (c) land in a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*, or
 - (d) land shown on the Biodiversity Values Map under the *Biodiversity Conservation Regulation 2017*, clause 7.3, or
 - (e) land in the following local government areas that is not zoned or reserved under an environmental planning instrument for urban use—
Ballina, Bega Valley, Bellingen, Byron, City of Lake Macquarie, City of Newcastle, City of Wollongong, Clarence Valley, Coffs Harbour, Eurobodalla, Kempsey, Kiama, Mid-Coast, Nambucca Valley, Port Stephens, Port Macquarie-Hastings, Richmond Valley, Queanbeyan-Palerang Regional, Shellharbour, Shoalhaven, Snowy Monaro Regional, Tweed, Upper Lachlan Shire, Yass Valley, or

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- (f) flood liable land within the meaning of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 5, or
- (g) land to which *Dungog Local Environmental Plan 2014*, clause 6.10 or *Port Stephens Local Environmental Plan 2013*, clause 7.10 applies.

154 Subdivision of manufactured home estates for lease purposes

- (1) This section applies to subdivision under—
 - (a) the *Community Land Development Act 2021*, or
 - (b) the *Conveyancing Act 1919*, Part 2, Division 3B.
- (2) Subdivision of land for the purposes of manufactured home estates is permitted with development consent.
- (3) Development consent must not be granted to subdivision if a resulting lot would contravene a requirement of the *Local Government (Manufactured Home Estates, Caravan Parks and Camping Grounds) Regulation 2021*.
- (4) This section applies despite a prohibition or restriction on the subdivision of land imposed by another environmental planning instrument, whether made before or after this part.
- (5) This part does not allow the subdivision of land in a Crown reserve.

155 Determination of development applications

- (1) Development consent must not be granted to development for the purposes of manufactured home estates unless the consent authority is satisfied of the following—
 - (a) each of the sites on which a manufactured home will be installed in the manufactured home estate will be adequately provided with the following—
 - (i) reticulated water,
 - (ii) a reticulated sewerage system,
 - (iii) drainage,
 - (iv) electricity,
 - (b) the manufactured home estate will be provided with adequate transport services,
 - (c) sufficient community facilities and services, whether located in or outside the manufactured home estate, will be available and reasonably accessible to the residents of the manufactured home estate,
 - (d) the development will not have an adverse effect on the following identified in an environmental planning instrument that applies to the land—
 - (i) a heritage item,
 - (ii) a waterway or land with special landscape, scenic or ecological qualities.
- (2) In deciding whether to grant development consent to development for the purposes of manufactured home estates, the consent authority must consider the following—
 - (a) the cumulative impact of the development and other manufactured home estates in the area,
 - (b) the *Local Government (Manufactured Home Estates, Caravan Parks and Camping Grounds) Regulation 2021*.

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156 Consideration of coastal hazards and flooding

Development consent must not be granted to development for the purposes of manufactured home estates unless the consent authority is satisfied that the land is suitable for development for residential purposes, taking into account the following—

- (a) coastal hazards within the meaning of the *Coastal Management Act 2016*,
- (b) the objects of the *Coastal Management Act 2016*,
- (c) a coastal management program, within the meaning of the *Coastal Management Act 2016*, that applies to the land.

Part 3 Caravan parks and camping grounds

157 Land to which part applies

- (1) This part applies to all land in the State that is in a local government area.
- (2) This part does not apply to—
 - (a) land to which *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 7 applies, or
 - (b) land less than 18km from the Siding Spring Observatory within the meaning of the standard instrument, clause 5.14.

158 Development for the purposes of caravan parks and camping grounds

- (1) Development consent must not be granted to development for the purposes of caravan parks unless the consent authority has determined—
 - (a) the number of sites, if any, that the consent authority considers are suitable for long-term dwelling sites in the caravan park, and
 - (b) the number of sites, if any, that the consent authority considers are not suitable for long-term dwelling sites, but are suitable for short-term dwelling sites, in the caravan park.
- (2) Development consent must not be granted to development for the purposes of camping grounds unless the consent authority has determined the number of camp sites in the camping ground.
- (3) Subsection (2) does not apply to development for the purposes of primitive camping grounds.
- (4) This part does not require a separate development consent for the installation of each moveable dwelling in a caravan park or camping ground.
- (5) This section does not apply to land—
 - (a) on which development for the purposes of manufactured home estates may be carried out with development consent granted under this chapter, Part 2, or
 - (b) dedicated or reserved under the *National Parks and Wildlife Act 1974*.
- (6) In this section—

short-term dwelling site has the same meaning as in the *Local Government (Manufactured Homes, Caravan Parks and Camping Grounds) Regulation 2021*.

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159 Subdivision of caravan parks for lease purposes

- (1) Subdivision of land under the *Conveyancing Act 1919*, Part 2, Division 3B for the purposes of caravan parks is permitted with development consent.
- (2) Development consent must not be granted to subdivision if a resulting lot would contravene a requirement of the *Local Government (Manufactured Home Estates, Caravan Parks and Camping Grounds) Regulation 2021*.
- (3) This section applies despite a prohibition or restriction on the subdivision of land imposed by another environmental planning instrument, whether made before or after this part.
- (4) This section does not apply to land—
 - (a) authorised to be used for the purposes of manufactured home estates by a development consent granted under this chapter, Part 2, or
 - (b) dedicated or reserved for a public purpose under the *Crown Land Management Act 2016*.

160 Determination of development applications

- (1) In deciding whether to grant development consent to development for the purposes of caravan parks or camping grounds, other than primitive camping grounds, the consent authority must consider the following—
 - (a) whether, because of the location or character, the land is particularly suitable for use as a caravan park or camping ground for tourists or long-term dwelling sites,
 - (b) whether there is adequate provision for tourist accommodation in the surrounding area, and whether existing tourist accommodation will be displaced by the use of a caravan park for long-term dwelling sites,
 - (c) whether there is adequate low-cost housing in the area,
 - (d) whether necessary community facilities and services are available in the caravan park, camping ground or the area, and whether the facilities and services are reasonably accessible to the occupants of the caravan park or camping ground,
 - (e) the *Local Government (Manufactured Home Estates, Caravan Parks and Camping Grounds) Regulation 2021*.
- (2) In deciding whether to grant development consent to development for the purposes of primitive camping grounds, the consent authority must consider the *Local Government (Manufactured Home Estates, Caravan Parks and Camping Grounds) Regulation 2021*.

[4] Schedule 5

Omit Schedules 5–7. Insert instead—

Schedule 5 Land to which Chapter 5, Part 2 does not apply

section 151

This schedule is blank

[5] Dictionary

Insert in alphabetical order—

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Crown reserve, for Chapter 5—see section 149.

install, for Chapter 5—see section 149.

long-term dwelling site, for Chapter 5—see section 149.

manufactured home estate, for Chapter 5—see section 149.