

Manufactured home estates, caravan parks and camping ground amendments – guide to the proposed amendments

The Department of Planning and Environment has prepared this document to help you navigate the consultation draft for the proposed amendments to the planning framework for manufactured home estates, caravan parks and camping grounds.

This document provides a quick summary of proposed amendments to *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* (LG Regulation), *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) and *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

These amendments are proposed as the first stage of a broader review of the regulatory framework for these types of development. Additional public consultation will be carried out as further policy proposals progress.

Flooding standards

New flooding controls are being considered for manufactured home estates, caravan parks and camping grounds on flood prone land.

In line with recommendations of the 2022 Flood Inquiry, the consultation draft includes a proposal to prohibit any new permanent dwelling sites on flood prone land in caravan parks. Short-term sites will continue to be permitted on flood prone land and the changes will not impact existing sites. That is, the proposed changes will not have retrospective application.

The consultation draft also introduces additional requirements for newly proposed parks, estates and camping grounds such as minimum floor levels for habitable rooms in manufactured homes and relocatable homes. Additionally, development must not cause increased flooding elsewhere in the floodplain, and access to a refuge above the probable maximum flooding level will be required.

The draft also proposes to remove flooding requirements from the Housing SEPP for manufactured home estates. Development applications for manufactured home estates within a flood planning area would instead be subject to the considerations of section 5.21 of the *Standard Instrument Local Environmental Plan*. This will remove overlap between the SEPP and the local LEP requirements and

provide greater certainty for all stakeholders. It will also allow councils to consider the full range of flooding provisions available including the *Flood Risk Management Manual*, any local flood studies and any relevant local development controls.

Installation of caravans, campervans and tents without approval

The consultation draft includes changes to the current exemptions for the installation of a caravan or campervan outside a caravan park. Currently, the Regulation allows for one caravan or campervan to be installed and occupied indefinitely by the owner of the land or members of the owner's household, without approval. Council staff have told us that it can be difficult to determine who is a member of the owner's household and to establish if a caravan is being 'occupied'.

In response to these concerns, we are proposing to permit one caravan or campervan to be installed on land without approval for up to 6 months. We are also proposing to require that the relevant council must be notified in writing at least two days prior to the installation. The caravan or campervan must not exceed 20 m² (when fully expanded and including any associated structures) and must be located behind the building line of the principal dwelling on the lot. The proposed exemption will not restrict who can occupy the caravan or campervan.

The proposed amendments respond to concerns that have been raised about large moveable dwellings being installed without approval where a secondary dwelling or dual occupancy would not be permitted under planning legislation.

Installation of caravans or campervans that do not satisfy the exemption requirements will continue to be permitted, provided approval is obtained from the local council under section 68 of the *Local Government Act 1993*.

The consultation draft clarifies that "installation" of a caravan or campervan includes the connection to utilities such as electricity or water. This will help to clarify the difference between parking a caravan or campervan, and installing one. Where a caravan or campervan is parked (e.g., on a driveway) and not in use, the provisions in the Regulation relating to approval to install and exemption from the requirement to obtain approval will not apply.

Short-term stay limits

Currently there are different short-term stay limits for short-term sites within caravan parks and no clear limits for length of stay within camping grounds. This causes uncertainty for occupants, operators and councils.

To simplify the stay limits, the consultation draft proposes to allow visitors to stay on short term sites within caravan parks for up to 180 days in a 12-month period, regardless of whether they own the caravan. This is an increase from the current stay limit of 150 days and brings the LG Regulation into alignment with the *Holiday Parks (Long-term Casual Occupation) Act 2002*.

A stay limit of 90 days in a 12-month period is proposed to be introduced for camping grounds.

Stays for long-term sites will continue to be uncapped.

Community map requirements

The consultation draft proposes that new community maps will need to be prepared by a registered surveyor or other qualified person, and must clearly identify the following:

- roads, community amenities and buildings;
- the number, size, location and dimensions of dwelling sites or camp sites;
- location of each fire extinguisher, fire hydrant and hose reel; and
- any other relevant information.

These amendments aim to improve safety, increase transparency for residents, operators and authorities, and to assist councils to ensure compliance with other requirements of the Regulation. A map that satisfies the new requirements will need to be provided with any future application for approval to operate a park or estate.

Separation distances

The consultation draft proposes changes to how separation distances are measured for movable dwellings within a caravan park. Currently, the minimum separation distances of 2.5 m for short-term sites and 3 m for long-term sites are measured dwelling-to-dwelling. This means that a person installing a new moveable dwelling adjacent to a site where a dwelling has already been installed may need to provide more than their 'share' of the separation distance.

To address this issue, it is proposed that separation distances for moveable dwellings in caravan parks be measured from the site boundary instead of from dwelling-to-dwelling. This will ensure that the separation distance will be evenly shared across boundaries, with 1.5m required on each site for permanent sites (total of 3m separation) and 0.9m (total 1.8m) for short term sites.

Excluded land for manufactured home estates

Currently, Schedule 6 of the Housing SEPP lists land that cannot be used for manufactured home estates. Some of the terms used in the current schedule are no longer meaningful and in other cases state environmental planning policies have been introduced to provide a more consistent, state-wide approach to regulation.

The draft proposes to omit references to types of land which have been captured by other policies such as water catchment areas, extractive resource areas and service corridors.

Restrictions relating to coastal hazards have been separated from the list of prohibited land and are instead included as matters for consideration in the determination of a development application. This will have the same effect as the current standards within Schedule 6.

Fire hydrants and hose reels

Currently, the standards for fire hydrants and hose reels within caravan parks, camping grounds and manufactured home estates are unclear and differ from the standards applicable to fire hydrants and hose reels for buildings.

To address this, the consultation draft proposes that fire hydrants and fire hose reels in parks, estates and camping grounds must be installed and maintained in accordance with the relevant Australian Standards. It is also proposed to require hydrants and hose reels to be inspected and certified annually, as is required for fire safety measures in buildings.

Timeframe for certificate of completion

It is proposed to extend the timeframe for councils to consider a notice of installation of a moveable dwelling from five to twenty days. Councils have told us that when informed of new installations in a manufactured home estate or caravan park, five days does not provide enough time to review the documentation, carry out an inspection and issue a certificate of completion.

Other amendments

Consolidation of standards

It is proposed to consolidate many manufactured home estates and caravan parks standards because, currently, many standards are identical for the two uses, but they are split across different

parts of the Regulation. Stakeholders have told us that this can cause confusion and make it difficult to find the relevant standards.

The main goal of this change is to combine similar controls while continuing to maintain separate standards as required. For example, the requirements for utilities connection differ between manufactured home estates and caravan parks. They have been combined into a single standard while maintaining the separate requirements for each use.

Housekeeping changes

Other proposed general housekeeping amendments include:

- updating outdated terms and local government area names within the Housing SEPP 2021;
- consolidating and updating the road design and parking requirements for caravan parks and manufactured home estates to align with current Australian Standards and RMS requirements;
- requiring that all dwelling sites within a manufactured home estate and all permanent sites within a caravan park are to be provided with a fixed-line, fixed wireless or satellite telephone connection;
- amending the lodgement requirements to facilitate lodgement of applications under section 68 of the *Local Government Act 1993* via the NSW Planning Portal;
- omitting the requirement for community buildings within parks and estates to be constructed from brick or concrete masonry. This will allow greater flexibility in design and construction of these facilities; and
- omitting requirements for ironing facilities within caravan parks, and
- amending the EP&A Regulation to insert a standard condition on a development consent to specify that a separate approval must be obtained under the *Local Government Act 1993* to operate a caravan park, manufactured home estate and/or camping ground.