

Manufactured home estates, caravan parks, camping grounds and moveable dwellings

This document answers frequently asked questions about the consultation draft for manufactured home estates, caravan parks, camping grounds and moveable dwellings

Why is the department reviewing the framework in phases?

The department is undertaking a comprehensive review of the planning frameworks for caravan parks, manufactured home estates, camping grounds and moveable dwellings. This review is being approached in phases due to the complexity of the issues that need to be resolved, and the need to amend multiple instruments.

Phase 1 of the review involves changes to the Local Government (Caravan Parks, Manufactured Home Estates, Camping Ground and Moveable Dwellings) Regulation 2021 (LG Regulation) and State Environmental Planning Policy (Housing) 2021 (Housing SEPP), as set out in the consultation drafts.

Phase 2 will review the approval pathways and definitions across planning and local government legislation. Phase 2 will also look to better align the planning settings with the new certification framework for prefabricated building. Further public consultation will be carried out as Phase 2 progresses in 2024.

What changes are proposed for development on land subject to flooding?

The consultation draft proposes to streamline the consideration of flooding at the development application stage as well as introducing new standards for operation of a flood-affected caravan park, camping ground or manufactured home estate.

The draft proposes to remove flooding consideration from within the Housing SEPP, instead relying on the provisions within section 5.21 of the Standard Instrument Local Environmental Plan (SI LEP). This will ensure that a consistent approach to flood assessment is applied across the state.

A new principle is proposed to be introduced into the Housing SEPP to have consideration that development minimises the flood risk to life and property.

The consultation draft also introduces new standards for the ongoing operation of a caravan park, manufactured home estate or camping ground approved to be developed on land subject to flooding.

One of the most significant reforms proposed is a requirement that no new long-term dwelling sites will be permitted on land within a flood planning area. This is a direct response to Recommendation 25 of the [NSW Flood Inquiry](#). This change will apply to existing caravan parks but will not require the removal of existing flood-affected long-term sites. However, it will prevent any new long-term sites from being established.

The reform will also prevent the conversion of approved caravan parks into de facto manufactured home estates in flood-affected areas.

Additional standards are also proposed for new caravan parks, camping ground and manufactured home estates on land within the flood planning area. These proposed standards include requirements such as a pedestrian and vehicle refuge and that each habitable room to have a flood level in line with the applicable floor level within any local development control plan. These requirements will not apply to parks, grounds and estates which already exist prior to the commencement of the regulation.

See section 6 of the Draft Local Government (Caravan Parks, Manufactured Home Estates, Camping Ground and Moveable Dwellings) Regulation.

Why are exemptions being provided for the installation of caravans, campervans and tents outside caravan parks?

Caravans, campervans and tents provide households with an affordable and accessible solution for temporary and acute housing needs. Facilitating the installation of these moveable dwellings without approval can minimise the regulatory burden for councils and households.

We are proposing simplified criteria for the exemption from approval in response to stakeholder feedback. If a homeowner wants to install a caravan or campervan that does not meet the criteria, this can still be facilitated through the approval process set out at section 68 of the *Local Government Act 1993*.

The draft provides an amended definition of “installation” to distinguish this activity from (for example) parking a campervan in a driveway without connecting it to utilities. See Division 3 of the Draft Local Government (Caravan Parks, Manufactured Home Estates, Camping Ground and Moveable Dwellings) Regulation.

Why is the exemption from the requirement to obtain approval for installation of a caravan or campervan outside a caravan park being limited to apply for 6 months and 20 sqm?

Councils have told us that the exemptions under section 77 of the current Regulation are being used to circumvent approval processes and the payment of development contributions for secondary dwellings and dual occupancies. In some cases, dwellings up to 60 sqm are being installed permanently, without any approval, where consent to construct a dwelling would not have been granted. This is placing increased pressure on services such as sewerage and water, and can also affect the streetscape and neighbourhood amenity.

The proposed standards acknowledge that facilitating the installation of moveable dwellings without approval on a temporary basis can address a genuine need. The proposed restrictions for the exemption aim to ensure that these provisions are used only to address acute and temporary situations, and not to circumvent the planning system.

Where a homeowner wants to install a caravan or campervan that exceeds 20 sqm, or for a period longer than 6 months, this can still be facilitated through the approval process set out at section 68 of the *Local Government Act 1993*.

See section 15 of the Draft Local Government (Caravan Parks, Manufactured Home Estates, Camping Ground and Moveable Dwellings) Regulation.

Why is it proposed to limit the installation of tents outside camping grounds?

Council have told us that the current lack of regulation is resulting in the inappropriate use of tents on land outside camping grounds for long-term housing. This is often inappropriate due to the lack of sanitation and weather protection afforded by a tent on a long-term basis.

A timeframe of 30 days was determined to be appropriate for short-term use.

As with the draft requirements for installation of caravans, permission can be granted by councils where an installation will exceed the exemption criteria under section 68 of the *Local Government Act 1993*.

See section 15 of the Draft Local Government (Caravan Parks, Manufactured Home Estates, Camping Ground and Moveable Dwellings) Regulation.

Why are the stay limits for short-term sites in caravan parks changing?

Currently, visitors are permitted to stay for a maximum of 150 days on a short-term site in a caravan park, unless they are the owner of the holiday van or caravan, in which case they can stay for 180 days. Longer stays of up to 2 years are permitted if the occupant has been displaced due to a natural disaster or pandemic. This distinction between owner and non-owner creates confusion for

occupants and operators. Furthermore, severe shortages of affordable rental housing in some locations, including a lack of available long-term caravan park sites, have seen some occupants needing to move 3 times a year to comply with the 150-day maximum stay limit.

To address these concerns, the consultation draft proposes to consolidate and amend the current length of stay for short-term sites within caravan parks to 180 days regardless of whether the occupant is the owner of the van. This will bring the LG Regulation in line with the maximum stay permitted under the *Holiday Parks (Long-term Casual Occupation) Act 2002* and ensure consistency for all visitors staying on short-term sites.

There are no stay limits for long-term sites and this will remain unchanged.

See section 19 of the Draft Local Government (Caravan Parks, Manufactured Home Estates, Camping Ground and Moveable Dwellings) Regulation.

What are you doing about the conversion of caravan parks to manufactured home estates?

Currently, you can install moveable dwellings in approved caravan parks without a separate approval. The draft Regulation proposes to require approval from council for any installation of a manufactured home within a caravan park. This will give councils the opportunity to prevent caravan parks from being converted to (what are essentially) manufactured home estates on land where that use is not considered appropriate or would not be permitted under the Housing SEPP.

Changes to the flooding standards have also been proposed to prevent the approval of new long-term sites, including the conversion of short-term sites into long-term, on land within the flood planning area.

See sections 6 and 11 of the Draft Local Government (Caravan Parks, Manufactured Home Estates, Camping Ground and Moveable Dwellings) Regulation.

Where has Schedule 6 of the Housing SEPP gone?

Schedule 6 Categories of excluded land of the Housing SEPP has been updated to remove outdated references and to better reflect current planning terminology. It is proposed to relocate the provisions into the body of SEPP – see section 153 of the draft.

The exclusion of manufactured home estates on land within water catchment areas, extractive resource areas or service corridors is proposed to be omitted from the Housing SEPP as these issues are now addressed through other legislation.

Restrictions relating to coastal hazards are proposed to be omitted from the schedule, and instead addressed as a matter for consideration in the determination of a development application. Because the current exclusion is framed as a consideration for the council, this is considered a more

appropriate approach. The proposed approach will not alter the application of this provision from the current requirements. References to the Coastline Management Manual have been updated to reflect current legislation.

See section 153 and 156 of the Draft State Environmental Planning Policy (Housing) 2021.

Why are new requirements being introduced for fire hose reels and fire hydrants?

Fire safety measures such as fire hose reel and fire hydrant systems are required to comply with certain standards when installed as part of a 'building'. They are also required to be tested and certified on an annual basis, with an 'Annual Fire Safety Statement' being prepared and submitted to demonstrate compliance. Because caravan parks and manufactured home estates are not 'buildings' as defined in the *Environmental Planning and Assessment Act 1979*, the requirement for an annual fire safety statement does not apply.

The changes proposed in the consultation draft will ensure that hydrant and hose reel systems are subject to the same standards for installation and ongoing maintenance whether they are installed inside a caravan park or camping ground, or as part of a building.

See sections 56 and 57 of the Draft Local Government (Caravan Parks, Manufactured Home Estates, Camping Ground and Moveable Dwellings) Regulation.

Why are you deleting the requirements for smoke alarms in moveable dwellings?

If a caravan, manufactured home or relocatable home was installed prior to 1996, the LG Regulation currently does not require a smoke alarm to be installed in the home. However, the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (Fire Safety Regulation) requires installation of smoke alarms in all moveable dwellings regardless of their age.

The consultation draft proposes to remove the smoke alarm requirements in the LG Regulation and rely on the Fire Safety Regulation requirements that apply to all forms of accommodation. The changes set out in the consultation draft will not affect the current requirements under the Fire Safety Regulation but will eliminate a source of potential confusion.

Why does the definition of 'install' in the draft LG Regulation amendment distinguish between the installation of a moveable dwelling inside or outside a park or estate?

The distinction was made as installation of a moveable dwelling within a park or estate has been considered as part of the original application for approval and services such as sewerage, water, etc have been assessed as acceptable.

Installation of a moveable dwelling outside a park requires consideration of the impacts on services.

See Schedule 1 - Dictionary of the Draft Local Government (Caravan Parks, Manufactured Home Estates, Camping Ground and Moveable Dwellings) Regulation.

Why are changes being made to the separation distance requirements for installation of moveable dwellings in caravan parks?

Currently, separation distances are measured dwelling to dwelling, which can result in inequities between dwelling sites and places an unfair burden on the moveable dwelling installed later to provide the full setback.

The new standards will ensure that separation distances are shared equally across the dwelling sites.

The separation distances of 1.5m for permanent dwelling sites will maintain the current standard of 3m separation between moveable dwellings. A smaller distance of 0.9m (1.8m total) has been created for short-term dwelling sites reflecting their smaller lot size and lower requirements for private outdoor space due to the temporary use of these sites.

See section 70 of the Draft Local Government (Caravan Parks, Manufactured Home Estates, Camping Ground and Moveable Dwellings) Regulation.

What are the proposed requirements for new community maps?

Councils have told us that community maps can often be outdated, handwritten and regularly do not reflect what exists on site. This is often due to the age of the caravan parks and manufactured home estates and their evolution over time. This causes confusion for operators about what they should be providing to council.

The consultation draft proposes to improve the standards for community maps with the maps to now be prepared by a registered surveyor or building engineer 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.

The requirements for a community map will apply to new and existing manufactured home estates and caravan parks.

Community maps for camping grounds will not be required to be prepared by a qualified person.

This is aimed to improve safety and increase transparency for residents, operators and authorities, as well as help ensuring compliance with other parts of the Regulation. The new map will be

required to be provided to the consent authority as part of the next application for Approval to Operate.

See section 9 of the Draft Local Government (Caravan Parks, Manufactured Home Estates, Camping Ground and Moveable Dwellings) Regulation.

Why is the timeframe for councils to respond to a 'notice of installation' being extended?

Feedback from councils advised that 5 working days is insufficient to ensure the requirements of the Notice of Completion have been complied with. The proposed 20 working days is in line with the requirements for a Complying Development Certificate.

See section 89 of the Draft Local Government (Caravan Parks, Manufactured Home Estates, Camping Ground and Moveable Dwellings) Regulation.

How will councils assess a renewal of an Approval to Operate for existing parks and estates against the provisions set out in the draft LG Regulation?

Under section 68 of the *Local Government Act 1993*, an Application for Approval to Operate a park or estate must demonstrate compliance with the Regulations as they are written.

Each council will need to consider if strict compliance with the standards should be required for existing parks or estates on a case-by-case basis. Where an existing facility does not or cannot comply with the proposed provisions, the applicant can seek relief from the requirement to comply with any standards of the Regulation under section 82 of the *Local Government Act 1993*.

The department will consider if specific provisions require savings measures based on stakeholder feedback received in response to exhibition of the drafts.

The definitions relating to land uses (e.g., manufactured home estate) and different types of moveable dwellings (e.g., relocatable home) are a key area of concern. Why are these not being addressed in Phase 1?

We have received feedback from various groups that a number of the definitions are unclear and should be updated.

These definitions sit across multiple instruments. We will be making changes to the definitions and the associated planning and approval pathways as part of Phase 2.