

Feedback submission to discussion paper “ Improving the regulation of manufactured homes, caravan parks, manufactured homes estates and camping grounds.”

Name: Peter van Ovost

Involvement:

Past owner and manager of 3 Caravan Parks in St Georges Basin and Sussex Inlet from 1984 to 2014. Currently trying unsuccessfully to gain development approval from Shoalhaven City Council to build a new Residential and Tourism Caravan Park in Sussex Inlet.

Past History with Government Legislation.

Prior to 3 October 1986 there was no requirement set by Local and State Government to nominate which sites were long term or short term in a caravan park. The total number of sites were fixed but sites fluctuated from short to long term and back, at will, depending on the need at the time.

Shoalhaven City Council introduced annual caravan park inspections and approvals in the mid 1980's and stated Caravan Park owners needed to declare in their **annual caravan park approval** application how many long term residents they had currently occupying sites. This information then became the basis of how many long term sites the Park was allowed and if the Park wanted to change the 1986 historical number a development application had to be lodged proving the park and sites met the Local Government Act (Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation).

In the LG (CP,CG & MD) R 1995 long term sites in caravan Parks were limited to 50%, any increase over 50% needed Director General approval (this requirement was deleted in 1997/8).

The LG (CP,CG & MD) R 1995 regulations were written in the form of

- Long term sites
- Short term sites
- Camping sites

and contained prescriptive, numerical standards and requirements for design and building of Caravan Parks. The regulations contained confusing and interchangeable terms including:

- Dwelling site
- Long term site is a dwelling site
- Holiday van means a moveable dwelling on a short term site for occasional occupancy
- Manufactured home
- Moveable dwelling
- Park van is a moveable dwelling located on a short term site for holiday purposes
- Relocatable home
- Self contained moveable dwelling
- Short term site is a dwelling site
- Campervan is a moveable dwelling but is not a caravan

- Caravan is a moveable dwelling but is not a camper trailer
- A campervan is allowed on a camp site, but a caravan is not
- A camp ground is not allowed to accept caravans
- A primitive camp ground however can accept caravans

Short term sites were defined as – “ **a person** may not occupy a short term site or camp site for a single period of more than 3 months (not exceeding 5 months in total)” This means short term sites could be occupied 365 days a year as long as you did not have the same **person** for more than 3-5 months occupying the nominated site, effectively meaning all long and short term sites could be occupied 365 days a year

The five months (150 days) was in 1997 extended to 180 days for an owner of a holiday van that occupies a short term or camp site, but depending on which person was occupying the site at what time it effectively meant all short term sites could be occupied 365 days a year.

If both long and short term sites can be occupied 365 days a year why was there a distinction between the two. The confusion carried through to the 2005 regulations, the Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation and the Local Government (Manufactured Home Estates and Manufactured Homes) Regulation were combined in 2005. One set of regulations trying to control two very different industries – tourism and residential.

A Caravan Park basically has 5 types of tenancies:

- Camping which includes swags, tents, campervans, camper trailers, caravans and Recreational Vehicles. These occupiers (including itinerant workers) are on a site in the caravan park for a short term of time (Short term being under 180 days)
- Short Term occupiers of Park owned dwellings, moveable or otherwise.
- Long Term occupiers of Park owned dwellings, moveable or otherwise
- Long term casual site occupiers whose caravan, tent, cabin, mobile home, manufactured home, relocatable home or any other type of moveable dwelling is located on the short term caravan park site 365 days a year but is not always occupied throughout the year.
- Long term permanent site occupiers who live onsite 365 days a year.

An important factor is that long term site occupiers do not mix well with short term occupiers (in most cases) as short term occupiers are usually in “holiday” mode in regards to noise, time of day etc where as long term occupiers are in “routine” mode and enjoy their peace and quite. Envisage yourself living next door to a house that is rented every week to a new group of people who are on holidays for that week.

Answers To Specific Questions

1. Do you agree with the proposed changes to the definitions.

Yes.

There should be Residential Parks catering for permanent residents only.

These residents should be able to reside in a dwelling that can be moveable, or fixed and these dwellings can be Park owned or occupier owned including:

- Movable dwellings being manufactured homes built in such a manner that they can be moved i.e. can be easily split into major sections with a sectional flooring truss system, support walls and split roof trusses). These type of homes must be engineered with engineering certification and engineering compliance plates.
- Fixed dwellings, whether they are manufactured or traditionally built, which would be homes constructed under the BCA.

There should not be any tourism sites in a residential Park as tourist and permanent residents lead very different lifestyles which leads to acrimony

Tourist Parks should cater for short term occupiers only (up to 180 days) including:

- tourists and itinerant workers with their own movable dwelling including campers, camper trailers, campervans, caravans, recreational vehicles etc
- tourists and itinerant workers requiring on site accommodation provided by the Park owner including a permanent onsite tent, caravan, cabin or manufactured home
- Long Term Casual Occupiers who leave their mobile dwelling onsite all year but only use the mobile dwelling for up to 180 days in a year.

There is no need to distinguish between a camping site and a short term site in Tourists Parks they should all be short term sites.

2. Should a threshold for permanent residents be set for Residential Parks ? If so do you agree with a 75% threshold ?

Residential Park should be 100% permanent residents.

Tourist Parks should be 100% short term stays (180 days or less)

However there should be nothing to stop one business operator having two parks at the same location a Residential Park and a Tourism Park as long as they are physically separated by buffer zones and fencing, to ensure the short term stayers do not interfere with the lifestyle of the permanent residents.

3. Would a zoning approach be appropriate for Residential and Tourist Parks.

Yes but flexible zoning is required with an inexpensive avenue to approach State Government for a rezoning to facilitate Residential and Tourist Parks

Developing a new Caravan Park whether it be a Residential or a Tourist Park is very difficult due to zoning constraints.

These Parks require large areas of land and they require town water and sewerage, mains electricity and road access.

A new Park development in the Shoalhaven can only be built on a zoning of rural land RU2 or RU5, SP3 tourism land and Recreational Land RE1 and RE2. In practical terms this means

- Rural lands are usually not suitable for a new Park as there is no available town water and sewer, limited electrical supply available and poor road access with residents being isolated with little or no public transport.
- Tourism Lands are very limited in size. An amalgamation of lots for the development of a new Park is economically prohibitive.
- Recreational lands are usually owned by government bodies, not for sale, any private recreational land is usually historic for a particular sport, club etc and held in trust, not for sale.

A perfect example of problems with LEP zoning exists currently in Sussex Inlet. This small coastal village of some 4,000 people relies entirely on tourism and retirement and is in desperate need of a new additional Caravan Park.

The LEP for Sussex Inlet has 131 acres set aside as IN1 General Industrial yet has only six tenants occupying some 3 acres. The land is located within the village boundary, has access to full services including town water and sewer, and is adjacent to the electrical substation all areas are located on residential streets.

Enquiries were made with the Shoalhaven City Council for a rezoning of some 30 acres to allow for a new Caravan Park with buffer zones. Shoalhaven City Council planning staff stated these lands are set aside as "employment lands" for the next 40 years and Residential or Tourist Parks are not employment generating. Council Staff maintain the large parcels of Industrial Land is required to meet the needs of future BHP type manufacturing concerns. This mode of planning is not appropriate for the today's fast moving society.

The proposed new Park in Sussex Inlet involves construction employment of some 250 years building amenities and manufactured homes and cabins, and in addition will provide 5 full time and 12 casual employment positions in its operation, but it could not get past step 1 being Council co-operation.

The two observations are:

- A complete lack of innovation or adaptability by Council
- Fear of competition as the Local Council owns and operates twelve large Tourist Parks in the Shoalhaven City.

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.

Option 1 is the preferred option, however it would be more appropriate to ask which zonings are not appropriate for Residential and Tourist Parks i.e. B 1 to B7 ,and W1 to W3.

In all other zonings there may well be good justification for a Park. Even zonings like IN3 Heavy Industry could justify a location within that zone for a Park to be used for short term workers accommodation.

The answer is to open Parks to as wide as possible zoning by only prohibiting Parks in a small number of inappropriate zones

Local Councils are not entrepreneurial and leaving a decision to their planning department will lead to negative approaches. Councils/Councillors will always protect their own interests and their current Park assets before allowing new Parks to develop.

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

Manufactured homes located outside of Parks should be included in the BCA and the EP & A Act as a building, exactly the same as a traditionally constructed home and be subject to the same building standards and BCA requirements and Home Warranty Insurance.

The LG Act should not apply to manufactured homes installed outside Parks.

We should permit manufactured homes where a dwelling house (or other form of residential accommodation) is permissible in the relevant LEP.

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.**

Up to 60 days in a 12 month period is acceptable, and there is no need to state a 2 day at a time limit on the continuous period allowable within the 60 days.

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

Self contained caravans and campervans are for use both inside and outside Parks.

Outside Parks on private property they should be limited to the 60 day in 12 months rule.

Inside parks they should be limited to either:

- Tourist Parks short term 180 day in 12 months rule, or
- Long term Residential Parks 365 days in a year.

8. **What provision from SEPP 21 or SEPP 36 should be retained under the new framework.**
9. **Are there additional controls that should be included in the new framework to facilitate the development of new Tourist Parks or Residential Parks**

The standard instrument LEP should refer to, and define, Tourists Parks as short term only sites, Residential Parks as long term only sites and the standard instrument allow a business to have both types of parks at the same location if appropriately segregated using fencing and buffer zones.

Tourist Parks should cater for short term occupiers only (up to 180 days a year) including:

- tourists and itinerant workers with their own movable dwelling including campers, camper trailers, campervans, caravans, recreational vehicles etc
- tourists and itinerant workers requiring on site accommodation provided by the Park owner including a permanent onsite tent, caravan, cabin or manufactured home
- Long Term Casual Occupiers who are owners of a permanent onsite tent, caravan, cabin or manufactured home which stays onsite all year but use of the dwelling is for less than 180 days in a year.

Notes:

- A. Manufactured cabins and homes used in Tourist Parks should be built in such a manner that they can be moved i.e. can be easily split into major sections with a sectional flooring truss system, support walls and split roof trusses). These type of homes should be engineered with engineering certification and engineering compliance plates.
- B. There is no need to distinguish between a camping site and a short term site in Tourists Parks they should all be short term sites.

Residential Parks should cater for long term occupiers only (365 days a year) including:

- Moveable dwellings being manufactured homes built in such a manner that they can be moved i.e. can be easily split into major sections with a sectional flooring truss system, support walls and split roof trusses) These type of homes should be engineered with engineering certification and engineering compliance plates.
- Fixed dwellings, whether they are manufactured or traditionally built, which would be homes constructed under the BCA

A guideline paper should be issued covering both Residential Parks and Tourist Parks.

The guideline paper should include:

- Objective of the guideline and the distinction between Tourist and Residential Parks
- The zones which Residential Parks and Tourist Parks are prohibited i.e. B1 – B7 and W1 to W3
- Manufactured homes can be both moveable dwellings (regulated by engineering certification, and engineering compliance plates) and fixed dwellings (regulated by Council or private certification when placed onsite.)
- Fixed dwellings that can be built onsite (regulated by Council or private certification inspections.)
- Camping in Tourist Parks should be simplified so as all sites are short term sites which can accommodate moveable dwellings including camping.
- Detailed design and other requirements of Tourist and Residential Parks including the allowance of both types of Parks on the same location with appropriate separation, fencing and buffer zones.
- Provisions relating to the suitability or unsuitability of certain locations for a Park due to environment constraints, flooding, bushfire, hazards and other sensitivities.
- Need for Councils to approve Parks if not prohibited in the mandated zones and, complying on a performance based approach with the guidelines.

10. Should new caravan parks be subject to a one-off development consent rather than the existing approval to operate provisions?

Yes.

Currently in the Shoalhaven Caravan Parks are subject to an annual inspection, often by a junior or new staff member with limited Caravan Park experience and often with a different interpretation of the LG (CP,CG & MD) R than their predecessors in the previous years.

Annual Fire Certificates should be mandatory.

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

Tourism Parks should not have "camp grounds" separately defined instead Tourist Parks have short term sites which can be used for camping or any other type of moveable dwelling.

Camp Grounds used for camping only can be separately defined and regulated as they contain camping only sites for short term and allow swags, tents, camper trailers, caravans, campervans and recreational vehicles. If this is accepted then there is no need to distinguish between camp grounds and primitive camp grounds.

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.

Existing parks are wildly diverse in their standards, facilities and safety.

Existing parks operating under Pre October 1986 regulations are often parks of a poor standard and some are extremely dangerous fire traps due to lack of site setbacks and separations distances, built in bush locations etc.

Parks operating under the LG (CP,CG & MD) R 1995 onwards should be up to standard.

The Parks which are not up to fire and health standards require regular Council inspections until they are brought up to standard as they lodge development approvals under the new framework

13. What controls should existing Parks be exempt from under the new framework.

If Tourism and Residential Parks are prohibited in the same zones (B1-B7 and W1-W3) and both types of Parks are able to be operated on the same site then existing use rights should not be an issue.

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

Yes as long as we adopt a realistic performance based approach.

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

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

Manufactured homes and associated structures outside of Parks should be subject to the complying Exempt and Development Provisions contained in the SEPP Codes.

For Tourist Parks, manufactured cabins and homes should be built in such a manner that they can be moved i.e. can be easily split into major sections with a sectional flooring truss system, support walls and split roof trusses . These type of homes must be engineered with engineering certification and engineering compliance plates.

These homes and cabins should be allowed to be installed on short term sites without the approval of Council, subject to meeting certain design, construction and installation requirements.

For Residential Parks there should be two types of homes allowable in the Park:

- Moveable dwellings being manufactured homes built in such a manner that they can be moved i.e. can be easily split into major sections with a sectional flooring truss system, support walls and split roof trusses) These type of homes must be engineered with engineering certification and engineering compliance plates.

These homes and cabins should be allowed to be installed on long term sites without the approval of Council, subject to meeting certain design, construction and installation requirements.

- Fixed dwellings, whether they are manufactured or traditionally built, which would be homes constructed under the BCA, these homes should be subject to the complying Exempt and Development Provisions contained in the SEPP Codes.

Residential Park should be 100% long term sites (permanent residents).

Tourist Parks should be 100% short term stays (180 days or less)

However there should be nothing to stop one business having two parks at the same location a Residential Park and a Tourism Park as long as they are physically separated by buffer zones and fencing, to ensure the short term stayers do not interfere with the lifestyle of the permanent residents.

On the above basis a development consent would only be required if the operator wants to change the number of sites in either the Residential or Tourist Park.

17. Do you agree with the controls proposed for inclusion within a Guideline (as outlined in Appendix B)

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

The new guidelines for Tourist and Residential Parks should include the prescriptive and numerical standards only as a suggested model set of standards. A flexible realistic performance based approach should be applied to the suggested model.

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?

Yes

I agree that there be separate definitions for :

- Tourist Park being a park with short term sites on which tents, camper trailers, campervans, caravans and moveable dwellings (including cabins and manufactured homes) can be placed
- Residential Park being a park with long term sites on which a mixture of
 - a) movable dwellings being manufactured homes can be placed and
 - b) fixed dwellings being manufactured homes and standard homes both built onsite under the BCA
- Campground being an area of land that has access to communal amenities for use by swags, tents, campervans, camper trailers and caravans for a short term
- Short Term in Tourist Parks is defined as where a person cannot occupy the site for more than 180 days in a year
- Short Term in a campground is defined as where a person cannot occupy the camp site for more than 90 days in a year
- Long Term sites are located in Residential Parks only and allows a resident to occupy the site for 365 days a year.

21. Should sites be maintained for tourist uses in a Residential Park and vice versa?

If you accept there should be nothing to stop one business having two parks at the same location a Residential Park and a Tourism Park as long as they are physically separated by buffer zones and fencing, to ensure the short term stayers do not interfere with the lifestyle of the permanent residents, then a Residential Park should be 100% long term sites and a Tourist Park should be 100% short term sites.

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

If you accept the above there should be no mix of uses.

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

Councils should not set thresholds. If a threshold is required 25% is as good as any.

History has shown us Caravan Parks in 1995 had a threshold of 50% under the LG (CP,CG & MD) R 1995, this threshold was abolished in 1997/98.

The preference is there should be nothing to stop one business having two parks at the same location a Residential Park and a Tourism Park as long as they are physically separated by buffer zones and fencing, to ensure the short term stayers do not interfere with the lifestyle of the permanent residents, then a Residential Park should be 100% long term sites and a Tourist Park should be 100% short term sites.

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

Where there are insufficient short term sites in Tourist Parks for itinerant and seasonal workers then temporary or moveable housing should be allowed to be provided on private, council or commercial land for those workers.

25. Within camping grounds and caravan parks, should long term structures, including glamping, be required to meet different controls to shorter term structures like tents?

No.

Short term refers to the length of stay by a person. Short term does not refer to the durability, size, type of dwelling placed on a short term site.

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

There needs to be a system of certification of the structures placed on long and short term sites.

For tourist parks, manufactured cabins and homes or any other form of structure should be built in such a manner that they are moveable dwellings i.e. can be easily split into major sections with a sectional flooring truss system, support walls and split roof trusses . These type of homes must be engineered with engineering certification and engineering compliance plates.

These homes and cabins should be allowed to be installed on short term sites without the approval of Council, subject to meeting certain design, construction and installation requirements.

For Residential Parks there should be two types of homes allowable in the Park:

- Moveable dwellings being manufactured homes built in such a manner that they can be moved i.e. can be easily split into major sections with a sectional flooring truss system, support walls and split roof trusses) These type of homes must be engineered with engineering certification and engineering compliance plates.
These homes and cabins should be allowed to be installed on long term sites without the approval of Council, subject to meeting certain design, construction and installation requirements.

- Fixed dwellings, modular homes etc would be homes constructed on site under the BCA and should be subject to the complying Exempt and Development Provisions contained in the SEPP Codes.

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

Manufactured homes should be subject to the performance based BCA

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

For a moveable cabin or a moveable manufactured home the engineer certification should continue.

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

Non moveable manufactured homes and other fixed homes, placed on long term sites, should not require engineering certification but should be subject to the BCA and the normal Council or private certifier inspection regime.

30. What fire safety controls should Residential and Tourist Parks be required to meet

New Residential and Tourist Parks should require an independent bushfire report if the Park is located on bush fire prone land.

Appropriate APZ and building set backs be implemented with Permanent structures to be built to meet the appropriate bush fire attack levels as per the BCA

- 30 meter Fire hose reels to be able to reach each structure,
- Fire hydrants and roadways to accommodate Fire services
- Annual Fire Safety Statements

- 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?**

Yes

- 32. What controls should apply to Tourist and Residential Parks located on flood prone or bush fire prone land.**

New Tourist and Residential Parks should meet the same standards as residential zones, with permanent structures built accordingly following the BCA. This includes:

- Bushfire assessments, APZ's, setbacks, BAL buildings requirements and appropriate fire hoses, hydrants and water storage.
- Flood prone land being subject to the NSW Floodplain Development Manual.

- 33. What would be the most effective and efficient enforcement approach?**

Agree the most effective and efficient enforcement approach would be through the EP&A Act.