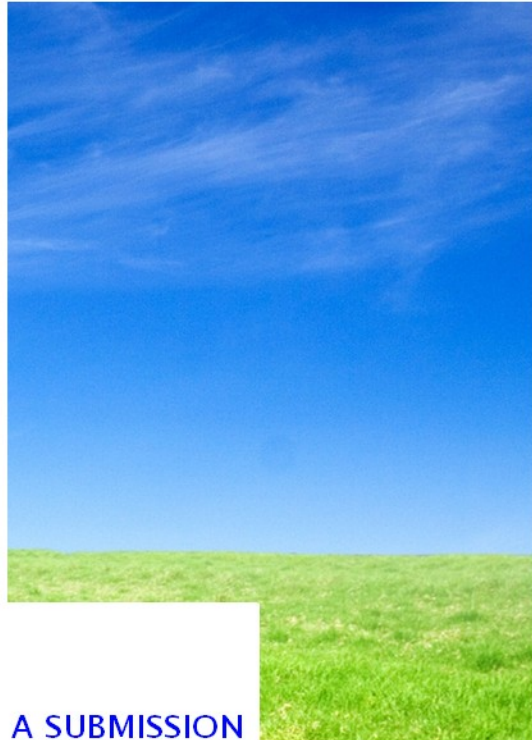




Improving the Regulation of Manufactured Homes, Caravan Parks, Manufactured Home Estates, and Camping Grounds

A submission by the Affiliated Residential Park Residents Association Inc.



A SUBMISSION





ARPRA

Representing Residential Land Lease Communities

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Dear Carlie,

Thank you for the opportunity for The Affiliated Residential Park Residents Association Inc. (ARPRA) to participate in the discussion on Improving the Regulation of Manufactured Homes, Caravan Parks, Manufactured Home Estates and, Camping Grounds.

ARPRA believes that the regulation in its current form is outdated and is ambiguous. We believe that the proposed changes allow greater scope for clearer and more precise information being disseminated for both owners of dwellings and Manufactured Home estate and Caravan Park operators.

We look forward to the any proposed changes as a result of the review.

Gary Martin
NSW State President

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

Yes.

Question 2. Should a threshold for permanent residents beset for Residential Parks? If so, do you agree with a 75% threshold?

There are conflicts in “composite” parks which have a mix of long-term residential sites and site for “holiday” caravan site. This conflict arises from the needs of long-term permanent residents and the desires of overnight or short-stay tourist site lessees/visitors.

For example, “the Residential (Land Lease) Communities Act 2013 enables community rules to be made in relation to the use, enjoyment, control and management of the residential community. These rules have been made to maintain a peaceful, comfortable and enjoyable community for all residents, staff and visitors.”

Unfortunately, holiday-makers in the tourist sections arrive in “holiday-mode” having left their manners and brains behind and often impinge on “the peaceful and quiet enjoyment” that

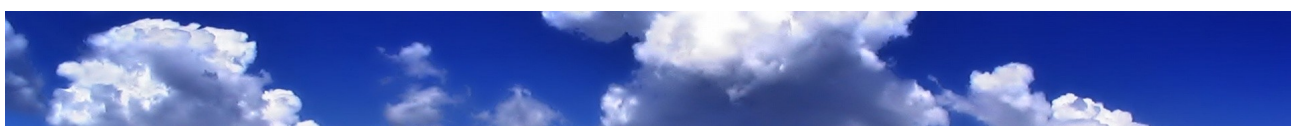
permanent residents are entitled to under their lease agreements.

Rather than have a threshold of any percentage on when a park is nominated a residential or tourist, it would be much better if an operator was required to comply with a regulation to better delineate—for example, with fencing/hedging, restricted access management (e.g., boom gates, etc.)—between “residential” and “tourist” sites.

This would allow the “residential” park sites to be more appropriately managed under the Residential (Land Lease) Communities Act 2013 and Regulations while the “tourist” sites could be better managed under the Holiday Parks, etc., Act 2005, so that there are reduced overlapping and/or conflicting requirements.

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

Yes.



Question 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?

Councils should be allowed to determine where Residential and Tourist Parks are located based on their individual planning requirements—a case of local knowledge is a better judge than a mandated city-centric determined rule.



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

Many “manufactured homes” are superior in finish and design than many homes built on-site. In rural areas, manufactured homes are generally much cheaper and more cost-effective than homes built on-site and quite often suit the ground on which they are built better, e.g., where there are soil issues with swelling and shrinking between extended dry periods and “floods”. Manufactured homes on pillars are subject to less movement than

houses on bedded footings or “floating” slabs where services are subject to damage through ground movement.

Therefore, any change that allows the use of manufactured homes within normal residential subdivisions or improves the approval process for the use of manufactured homes on rural properties would be greatly appreciated.

Question 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?

Controls on usage of caravans, campervans and tents on land outside parks and camping grounds should be strictly policed to prevent substandard “ghettos” becoming established. Any “structured” used for human habitation regardless of length of time stay should be subject to the same regulations regarding sanitation, adequate water supply, fires safe zones etc as for other residential properties. “Wild” camping should be restricted to Crown Lands. National Parks and Forests and controlled under the respective Acts.

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

If a self-contained caravan or campervan is on-site within a tourist park for more than 60 consecutive days, it should be subject to the same provisions as long-term caravans within that same park.

If self-contained caravans or campervans are being used for the use for which they were originally designed (i.e., road trips), then they should fall under the conditions imposed by the caravan parks for short-term tourists.

Questions 8. What provisions from SEPP 21 or SEPP 36 should be retained under the new framework? and **Question 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 amendments outlined in the Appendix A of the Discussion Paper cover all that needs to be said in responses to these Questions.

Local Environmental Plans should be developed (with community input) so that potential operators of tourist and residential parks can have surety of their investments.

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

Never!

All residential parks and tourist parks MUST have continued five-yearly, or shorter periods, where required, after which compliance checks MUST be completed. Experience shows that there are too many operators who allow developments and practices which extend beyond Local Government regulations. These make parks unsafe, unhygienic, and in some cases, blots on local council development. Operators are too often known to take short-cuts in repairs and maintenance, allow illegal additions and alterations, not maintain roadways, park lighting, etc. While it may be said that permanent residents can take an operator to NCAT for persistent breaches of standard, if these standards are not enforced by regular, periodic checks by Local Government, then the efforts of residents to maintain a safe and hygienic park in which to live will continue to fall back onto their pockets which are usually limited because many residents choose to live in residential parks due to the low cost of living, a life-style which they can afford.

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

Camping grounds in licenced caravan parks/camping grounds must have regulations regarding site size, coverage, facilities, etc.

Primitive camping grounds should be restricted to National Parks, Crown Lands and Forests and be regulated under the appropriate Acts. Temporary camping grounds (e.g., rodeos, rallies, etc.) must have DA approval to ensure safety and hygiene.

Question 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 MUST have regular Council compliance inspections in order to continue to operate.

There is a litany of cases where existing parks have no approval to operate, and in one case, has not had an approval for 10 years. The result of this has devastating consequences. The park is run-down, there are hundreds of breaches of the regulation, residents homes have devalued significantly, and fire safety has become a paramount concern. If councils or some other authority checked parks on a regular basis, these types of issues would not occur. The current system of also allowing park operators to "self"

police is not working.

As a case in point, one park operator installs dwellings on short-term sites. The operator then sells these to consumers as "retirement living". The unsuspecting consumer thinks that they have occupancy rights for 365 days a year. Only to find out much later that, in fact, they are on a short-term site, giving 180 days occupancy. They have essentially lost their investment. The park operator fails to lodge notice of installation to the council, who, already under-resourced, may only find out the problem at the next Approval to Operate approval period.



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

None. The reasons outlined previously state why compliance checks **MUST** be made on a regular basis to exclude unscrupulous operators.

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

NO! New parks AND old parks **MUST** continue to have regular compliance checks as presently required.

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

The proposals in Table 3 are quite acceptable.

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

Alterations to existing residences or additions on that site in a residential park that extend beyond its current footprint require Local Government approval.



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

Guidelines are unfortunately guidelines and too open to interpretation.

Like the Laws of Rugby, they are laws only and not rules. They are too open to interpretation which causes mass confusion when games played by a team under different referees brings great dissatisfaction because of the different interpretation of the laws!

Proposed guidelines would need to have extensive supervision which would require additional processes beyond which exist presently! Will they really be time-saving or will they lead to too many short-cuts and expedient solutions based on economic rationale rather than the needs of consumers for whom these changes should be working!

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

Performance-based approaches lead to more inconsistencies than many other methods. This is again due to individual interpretations of “standards of performance”. Even if a list of norms is provided, the level to which something meets that norm is dependent on individual interpretation of the assessor.

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

Existing parks must retain their ability to provide safe and hygienic conditions according to the regulations when they were first approved. As residences within existing parks need replacing or renovation, they should be made to update to present regulations. Only in cases where there is an absolute danger, should older premises be assisted in upgrading to current conditions., e.g., residences which have become uninhabitable.

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

Duplication needs to be removed. Most of this can be done by placing all approvals under the auspices of the local government. The definitions provided appear to be quite satisfactory.

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

Yes, with the proviso that the rights of permanent residents in the residential section of such composite parks do not have those rights infringed by the behaviour of tourists.

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

Yes.

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

Thresholds should be determined by local councils under their LEPP according to local needs.

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

“Careful consideration of the controls to facilitate and manage this would be required to ensure that this type of housing was being used appropriately and not undermining appropriate approvals for permanent residential housing. It is also important these forms of temporary accommodation meet clear and consistent controls across the State

to ensure the health and safety of these workers is provided for.”

The above quote from the paper delineates the needs that normal local government regulations as to standards of safe and hygienic housing must be met.

Questions 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?

Yes. Controls similar to those for permanent structures should exist.

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

Any new forms of housing which meet normal industry standards for permanent occupation, other than those which require to be erected permanent footings or slabs, and which can be sited as per manufactured houses, should be allowed. There are many forms of innovative housing other than those mentioned

(containers, glamps, modular units) such as prefabricated wooden wall, floor, roof, sections with full insulation, that can be bolted together quickly on the same footings as manufactured houses, and look extremely glamorous and luxurious. They should be allowed.

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

As seen in many examples on public record, buildings that are supposed to have been built under BCA controls have been independently passed only to prove to be death traps, .e.g., lack of appropriate fire safety features, etc. Again, because this is a “performance-based” criterion, it is open to abuse. All housing should comply with BCA to bring NSW into line with the rest of Australia.

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

No. Mandatory post-installation inspection should only be necessary with any alterations required by the inspector to be completed before an occupation certificate is issued.



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

All housing should be subject to the same inspection requirements. In the case of manufactured homes, houses should be inspected for compliance on completion of the house on-site. Industry inspectors should be regularly assessing the standards of performance of manufactured house builders in situ.

Question 30. *What fire safety controls should residential and Tourist Parks be required to meet?*

Residential and Tourist parks should be no different to wherever large numbers of people may be sleeping! Not only should all parks have the appropriate fire safety provisions, they must be adequately maintained and serviced. Increased governance regarding fire reels in older parks and hydrants in newer parks.



Questions 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. If boarding houses and other establishments where there are a large number of people accommodated are required to submit Annual Fire Safety Statements, so should parks especially in consideration that a large number of tourist park accommodation consists of very flammable styles of accommodation with limited access (e.g., caravans).

Question 32. What controls should apply to tourist and Residential Parks located on flood-prone or bush fire-prone land?

Yes. Not only should parks be controlled under existing fire and flood control measures, all parks should be mandated to develop and practise emergency fire and flood evacuation procedures.

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

The lack of enforcement of local government regulations is of high concern to residents. Previously, it has been stated that there is a continued need for compliance inspections because of unscrupulous operators failing to comply (on purpose) with Local government regulations under the present Acts.

Initial breaches should be met with fines or Penalty Infringement Notices. Continued and subsequent breaches should be met with fines or prohibition from ownership/management of the park(s). The Residential (Land Lease) Communities Act 2013 allows the Director General NSW Fair Trading to remove an operator from a park for persistent breaches.

If a builder can be breached for not

following local government regulations in a residential subdivision, etc., then a park operator should be able to be penalised in the same manner.

Retaining affordability of housing in residential parks.

All operators must pay a levy to cover any increased costs associated with introducing improved regulation of the industry.

These costs must be shown to be part of the operator's operating expenses and should not be used as a basis to impose a rent increase on residents. E.g., the levy could be imposed on company profits before tax. This would limit the operator's desire to raise rents.

