

OUT15/35070

Ms Carlie Ryan
Team Leader, Housing Policy
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Ryan

The Office of the NSW Small Business Commissioner response to the Department of Planning and Environment Discussion Paper – Improving the Regulation of Manufactured Homes, Caravan Parks, Manufactured Home Estates and Camping Grounds

The Office of the NSW Small Business Commissioner (OSBC) is focussed on improving the operating environment for small businesses throughout NSW. The role of the OSBC is to:

- provide dispute resolution services;
- speak up for small business within government; and
- deliver quality business advice through Small Biz Connect.

The OSBC works closely with small businesses and industry to identify regulatory requirements that place unnecessary burdens or costs on small businesses across a wide range of sectors. This extends to acting as the NSW small business representative on a range of government agency consultations, reviews and reforms.

The OSBC has reviewed the 'Discussion Paper – Improving the Regulation of Manufactured Homes, Caravan Parks, Manufactured Home Estates and Camping Grounds' and offers the following comments.

Simplifying approvals:

The OSBC in-principle supports the recommendations of the discussion paper to streamline the planning and local government legislation to remove the duplication across various instruments. The aim to simplify the approvals pathway, reduce red tape for development, and respond to the changing nature of these industries is a positive move towards reducing the current complexity.

The OSBC recommends that any new terminology adopted by revised planning approvals consider the current operating environment, with particular consideration given to businesses that may not be easily captured by the new definitions. For example, many existing businesses may find it difficult to determine their primary use and could have an equal allocation of 'tourist and visitor dwellings' and 'permanent residential dwellings'. The OSBC also recommends that the adoption of these definitions should be consistently applied across all local government jurisdictions.

The OSBC agrees that the Local Government Regulation does not currently prescribe actions for councils to balance the competing needs of tourists using community land for

free parking purposes against supporting local accommodation businesses such as caravan parks, camp grounds and local motels.¹ The OSBC is aware of a number of issues in regional towns involving the use of Crown Land and community land for non-commercial camping. These concerns pertain to the perceived unfairness of allowing the free use of camping grounds that are located nearby commercial accommodation businesses. The OSBC is concerned that the discussion paper proposes introducing one standard for one type of commercially operated business (i.e. a local small business managed caravan park) and another for a similar but non-commercial business (i.e. a local showground used for 'primitive camping' purposes) that requires fewer facilities than a commercial business that is fulfilling its regulatory requirements.

The OSBC acknowledges that there is a need to develop clearer regulations and/or policy directives to recognise the unique needs of travellers in campervans and caravans. Any review of 'primitive camping' should consider the impact this practice can have on commercially operated caravan and camping ground businesses. Providing councils with clear guidance and support to balance competing objectives should clarify the requirements between councils, local accommodation businesses, residents and travellers.

Local small business-owned and managed accommodation parks are unlikely to support the recommendation to extend the exemptions for the use of tents, caravans and campervans outside of commercial camping grounds from two days to allow for long weekends and school holidays. The OSBC recommends that any proposed changes to these rules be developed in close consultation with the industry.

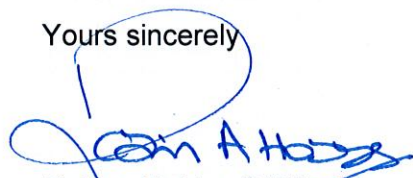
Proposed guideline:

The OSBC supports the introduction of a guideline to streamline and simplify the existing planning framework for commercial and residential use and to ensure that the requirements regarding the number of short and long term residences per site are clear. A consistent guideline can also foster innovation, support businesses wanting to expand, and assist councils in the development assessment process.

The OSBC recommends that the Department of Planning and Environment undertake regular reviews of any introduced changes to consider the community and business impacts and any ongoing community feedback.

Should you wish to further discuss any of the issues raised in this submission please contact Melanie O'Brien, Advocacy Advisor on (02) 8222 4828 or melanie.o'brien@smallbusiness.nsw.gov.au.

Yours sincerely



Robyn Hobbs OAM
Small Business Commissioner

14 December 2015

¹ 5.2 Approval of moveable dwellings, Improving the Regulation of Manufactured Homes, Caravan Parks, Manufactured Home Estates and Camping Grounds, p31.