

Submission to the discussion paper “Improving the Regulation of Manufactured Homes, Caravan Parks, Manufactured Home Estates & camping Grounds”

1. Certainly it is appropriate to simplify the current multi pronged regulatory system, and the confused zoning for parks.
2. However the review is based on the assumption that councils are impartial & competent to administer all of the relevant DA's, licences, zoning, SEPP's etc.
In reality:
 - a. There has been significant overreach and unequal treatment by councils
 - b. Councils are often operators of competing parks and treat them preferentially to private parks
 - c. Councils can hold ideologically driven goals and use “environmental” zoning and other similar provisions (such as DCP's and environmental overlays) to curtail operations of private parks.
 - d. There is no effective oversight of councils' administration of parks.
 - e. There is no recourse to councils' excesses or errors except by expensive and difficult L&E Court action, where ratepayers' funds are used to fight ratepayers. As most cases are of the “merit” type, even winning a case costs the park owner a great deal of money.
3. Regulations
 - a. When it suits them, councils can and do interpret the minutiae of any regulations as rigidly as they like, then adding their own rules via DCP's and ad hoc policies.
 - b. By way of examples, some councils are currently insisting on:
 - i. Paving of roads in camping areas
 - ii. Permanent all night lighting in camping areas
 - iii. Number of metres of clothes lines, washing machines, driers, laundry tubs, bathrooms, washbasins, irons & ironing boards
 - iv. Covered disabled parking
 - v. Short distances from camping areas to amenities
 - vi. Pet restrictions and covenants
 - vii. Unrealistic, exaggerated and inaccurate s94 Developer Contributions
 - viii. Restrictions on catering facilities to outside visitors
 - ix. Requirement for massive plantings, contrary to RFS safety rules
 - x. Severely limited signage
4. Tourist - Residential
 - a. I am opposed to a seemingly arbitrary splitting of parks into Tourist & Residential. There should continue to be flexibility of business models, with allowance for change of the mix of uses, depending on the operator's inclinations and views & requirements of the market.
 - b. This can be accommodated by consistently using the term “Tourist and Residential Parks”
 - c. At most there should be provisions that with (say) over 50% permanent (long term) sites, specific common recreation facilities be provide
 - d. Economic benefits such as local employment should be taken into significant account when considering any park issues.

5. Zoning

- a. This definitely needs to be clarified.
- b. No part of a title of land that the park is situated on should be zoned E2,3 or 4.
- c. Either:
 - i. a single zone should be applied to all parks as proposed ("Residential and Tourist Parks")

or

- ii. parks should be zoned Residential in urban areas, and Rural Village in non-urban areas, with such uses mandated in those zones. Note that even a medium size park has several hundred people, more than many villages.
- d. Permissibility of parks should be mandated in whichever zone scheme is chosen, without further council involvement.
- e. In all cases both Tourist and Residential accommodation should be permitted without further consent, including all kinds of camping.
- f. All uses that are required to make parks functional such as: offices, kiosks, cafe, shops, amenity buildings, recreation spaces, playgrounds, garages, roads, water & sewerage plants etc should be permitted uses with complying consent, requiring only basic compliance with applicable Australian standards.

6. Manufactured homes, caravans

- a. Should be included as "dwellings" and treated as exempt or at most complying development.
- b. This should not include "non-removable" caravans, and permanent (long term) occupancy should not be permitted in such. Such installations become unsafe over time and enforcing safety standards on the owners is difficult.
- c. Caravans should not be permitted without council consent for longer than 1 week on land outside of parks
- d. Councils should not be allowed to provide free overnight or longer roadside or other camping areas without such areas being subject to the same regulations as licenced parks.
- e. It should be straight forward for strata sub-division of parks for permanent occupancy in a manufactured home

7. Licencing & DA's

- a. Currently councils use the recurring opportunities to enforce regulations as in 3. above.
- b. Once DA is approved the licence should be permanent, without the recurring inspection & re-licencing cycle.
- c. An increase in the number of sites or other intensification should not trigger enforcement of regulations pertaining to infrastructure or sites already in place. The only regulations to apply should be the ones strictly pertaining to the new sites.

8. Building Standards & Safety

- a. It should be sufficient that the manufacturer of the home provides appropriate certification, without further council involvement, see 6a. above.
- b. The Annual Fire Safety Statement is adequate.
- c. A report by an independent consultant that the park complies with RFS rules should be sufficient, without further council involvement
- d. Councils to be prohibited from applying vegetation conditions that diminish fire safety or conflict with RFS requirements.

9. Generally

- a. Remove most of the detailed prescriptive regulations, other than basic health & safety – let the consumer market decide.
- b. The issuing by councils of Penalty Infringement Notices and Orders under the EP&A Act is a heavy handed and readily abused power.
- c. If required, a less confrontational “non-compliance notice” should be issued with the provision of independent, binding arbitration (not toothless mediation) of issues between councils & park owners, with minimal costs. For example the scope of the <http://www.jrpp.nsw.gov.au/> should be changed to provide such a forum.
- d. Section 94 Developer contributions for new sites only should be capped to 10% of such a contribution for a family dwelling in the similar location for a Tourist site and 20% for a Residential site. A conversion of a site from Tourist to Residential should be 10%.

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