

Submission to
Department of Planning
and Environment

Improving the regulation of manufactured homes and estates, caravan parks and camping grounds

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SUMMARY

The Co-operative Living Information Service is a non-profit voluntary web-based service, www.coopliving.info, which supports existing and forming landsharing communities and their members, and people wishing to join or form them.

In response to the discussion paper "Improving the regulation of manufactured homes and estates, caravan parks and camping grounds", it is submitted that:

- The review of residential and tourist parks should be undertaken in the context of addressing the class of land uses which offer accommodation in a number of dwellings on land in one ownership.
- Planning provisions should ensure that this class of land uses is commonly available across NSW.
- SEPP 15 Rural Landsharing Communities should be part of this review.
- In formulating new provisions, the review should pay special attention and give priority to affordability (economic), community (social support) and environmental (sustainability) opportunities available through residential village developments.

CONTEXT

Examining a particular industry's treatment under the planning system and then proposing solutions on that basis does not lead to integrated or consistent planning, let alone one which is not "over-complicated" and where uses are "in the right places".

An examination of manufactured home parks and caravan parks and camping grounds is an arbitrary subset of planning uses.

It has been brought about by provisions (SEPPs) which have specifically regulated these uses, with which difficulties are currently being experienced.

Where the proposal is to bring these within a standard planning instrument, by way of zoning and/or use definitions, the broader planning context needs to be taken into account.

If this is not done, difficulties will continue to arise because special treatment is being given to a particular industry because of assumptions being made current and future practices and requirements.

These uses are a subset of developments which are in the one ownership (or on the one land title) which provide accommodation for residents in a number of dwellings, often in the form of temporary or permanent residential communities providing low-cost and affordable accommodation.

Given that this review is predicated on a review of State Environmental Planning Policies, all such policies dealing with this class of development should be reviewed in the one exercise.

As SEPP 15 Rural Landsharing Communities is also currently under review, the planning provisions for these communities should also be addressed as part of this review to provide consistency in dealing with this class of land uses.

ANSWERS TO QUESTIONS

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

The proposed definitions are useful in highlighting the relevance of communal facilities.

However, they do not sit well in the broader context of the Standard LEP definition of multi-dwelling housing: "3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building"

If the proposed definitions are to be adopted, an additional (or replacement) definition should be added to the Standard LEP, similar to that in the Victoria Planning Provisions for "*Residential Village*":

"Land, in one ownership, containing a number of dwellings, used to provide permanent accommodation and which includes communal, recreation, or medical facilities for residents of the village."

With a definition like this, the whole range of developments offering accommodation in a number of dwellings is covered.

Question 2. Should a threshold for permanent residents be set for Residential Parks?

An alternative is for applicants to have to apply under separate guidelines for permanent and temporary accommodation within their parks (or residential villages) with approvals conditioned accordingly.

Temporary accommodation is not only for tourist purposes, but can cover a range of other purposes as well. It can also be for participation for in educational, health or welfare (eg crisis accommodation) activities.

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

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?

Residential parks, tourist parks and residential villages should be permissible throughout every municipality in the State.

They should be regarded as part of the State's affordable housing regime and planning provisions should ensure that their affordability is not compromised.

It should be difficult for a council to prohibit these developments either by not providing opportunities for their creation or by creating conditions which impose costs which prohibit the affordability or feasibility of these developments.

The discussion paper does not discuss what it regards as "an ideal location for permanent residents" or why.

It should not be assumed that residential parks and residential villages should only be permitted in residential zones or that tourist parks should only be permitted in rural zones.

The current trend in rural residential strategies seems directed at reducing rural residential population.

However, residential parks, residential villages and tourist parks can often be most appropriately placed in rural areas.

It should not be assumed, for example, that these facilities are or should be primarily for the elderly, who have special transport, medical or other needs.

Nor should it be assumed that they should or need be owned by commercial or welfare interests. There should be no obstacle placed in front of resident ownership and management of residential parks, residential villages or tourist parks.

A zoning approach may be appropriate, although local authorities should have some flexibility in the context of strategic priorities as long as affordable options are available.

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

The law (or more correctly laws in combination) in NSW create special difficulties for resident-owned parks and villages.

This is particularly evident when it comes to owner-building in residential villages.

The law should not discriminate against the regulation of housing based on whether it is within or outside a residential park, residential village or tourist park.

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?

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

No changes should be made that impose further controls.

Question 8: What provisions from SEPP 21 or SEPP 36 should be retained under the new framework?

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 discussion paper describes the impediments to establishing new residential and tourist parks under SEPPs 21 and 36.

The same applies to SEPP 15, which was also established to encourage the development of a particular form of residential village.

This discussion paper states: "SEPP 36 is the instrument to support establishment of manufactured home estates but there has only been a small number of manufactured home estates approved since the SEPP was introduced over 20 years ago."

It proposes that changes need to be made to increase the numbers approved.

In the June discussion paper for the State Environmental Planning Policy Review 2015, this same statement was used as the rationale for prohibiting SEPP 15 residential villages. (See submission to that review, attached.)

"With its proposed repeal, no new rural landsharing communities will be permitted ..."

This is an example of inconsistent proposed treatment of development within the one class of land use.

The proposed approach of incorporating SEPP 21 and SEPP 36 provisions within the Standard LEP, a new SEPP and/or guidelines should also include SEPP 15.

The SEPP 15 provisions are appropriate guidelines for adoption in a new framework.

SEPP 15 shares the challenge of SEPPs 21 and 36 of overcoming bureaucratic and artificial impediments to their establishment.

It is far too easy for local councils to find or create overlays which ultimately prohibit the development of residential parks, residential villages or caravan parks within their areas, or to impose conditions that render a development infeasible or unaffordable.

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?

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

Planning consent should be separate from consumer protection regulation.

The assumption should not be made that all residential parks, residential villages or tourist parks are necessarily run by commercial operators (or alternatively by welfare providers) and not by the residents themselves.

Consumer protection has limited application when the consumers themselves are the operators.

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

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

This could be a useful approach to apply to residential villages, as well as to residential parks and tourist parks, depending on the definition of "ancillary structures" and "ancillary development".

OTHER COMMENTS

Building standards and safety

Care should be taken to ensure that any implementation of narrower standards for building and safety do not lead to undesirable outcomes.

It is hard to argue against the desire to improve "fire and structural safety, health, amenity and sustainability".

However, this can result in greater standardisation, less housing diversity and greater cost.

It is easy to claim that the BCA is performance-based. However, the process of demonstrating the performance of an innovative approach can be beyond the means of the resident-owners of a residential park or residential village.

The effect is that the BCA becomes narrowly prescriptive, favouring traditional construction methods with expensive manufactured materials.

Environmentally-sensitive land

The discussion paper ignores issues of protecting and conserving the natural environment.

Eco-villages, a form of residential village, often outperform other forms of residential accommodation because they have the flexibility to implement a range of innovative approaches to both infrastructure and housing design that are otherwise not available.

This is a particular potential benefit of this class of land use, which should not be ignored.

A number of the major environmental organisations around the world are advocating the need for Western cultures in particular to transform themselves into localised, low consumption communities based on new economic models.

The class of land use provides the opportunity to adopt the simple life advocated. The planning system should not stand in the way of people wanting to live this way, even if it does not facilitate it.

The aged, the young and special needs

As described in the final section of the discussion paper, residential parks and residential villages (including retirement villages and other aged care facilities) have a special role to play in our society.

The fact we have an ageing population increases the demand for these.

Similar facilities also have a traditional role with other special needs groups, such as group houses for those with disabilities.

With the increasing cost of housing and the lack of alternatives, low-cost and affordable housing is becoming increasingly important for other sections of the community, such as those on low incomes and young people.

Young people are much more likely to need relatively short-term, if not temporary, low-cost accommodation.

This class of land use offers special advantages which can be used to meet these needs.

Developments which are resident-managed, non-profit and self-funding have the potential to offer substantially better outcomes than those that are commercially-driven and those which are operated to a corporate welfare model.

Changing demographics: Affordability, community and social support

The numbers of single adult households has dramatically increased in recent years and the trend shows little sign of diminishing.

New forms of land use are required to meet this need that are based around "community lifestyles" (as the discussion paper puts it), which are both affordable and offer social support.

Despite acknowledging this as a motive for permanent residents choosing to live in residential parks and tourist parks, the implications of this are not explored in the discussion paper.

The demand for residential villages, should they be facilitated by planning provisions, can be expected to be as great as for residential and tourist parks.

This being the case, the provision of "communal facilities" becomes a significant factor in the social benefit provided by such parks and villages.

CONCLUSION

Residential villages offering community lifestyles are well placed to meet the emerging demands and social issues of the demographic trend towards single adult households.

They can also offer simple low-consumption lifestyles that will contribute to efforts to reduce global warming in an era of climate change.

Developments should be encouraged that are affordable, provide social support and allow globally sustainable living.

Any changes to planning provisions as a result of this review should be implemented as part of consistent measures to support all forms of residential development with multiple dwellings which are under one ownership or on one title.

This should incorporate the provisions of SEPP 15, which should not be limited to a restricted number of rural local government areas, but be available across the state in urban, urban fringe and regional areas as well.

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