

Department of Planning and Environment  
Locked Bag 5022  
Parramatta NSW 2124  
*Submitted online through the planning portal website*

14 December 2023

**Re: Response to Phase 1 improvements to the planning framework for caravan parks, camping grounds, manufactured home estates and moveable dwellings.**

Dear Sir/Madam

We refer to the consultation draft for the phase 1 proposed amendments to the planning framework for manufactured home estate, caravan park and camping grounds and welcome the opportunity to provide a response.

The Tenants' Union of New South Wales (TU) is a Community Legal Centre specialising in residential tenancy law and policy. We are the resourcing body for the state-wide network of Tenants Advice and Advocacy Services (TAASs), who respond to questions and requests for assistance from land lease community residents.

The TU also assists home owners in land lease communities directly and through our work with resident organisations. We have provided services to home owners including representation in proceedings in the NSW Civil and Administrative Tribunal (NCAT), the NCAT Appeal Panel, the NSW Supreme Court, the NSW Land and Environment Court, and the NSW Court of Appeal.

Our experience and expertise, along with that of the TAASs' and resident organisations provides a significant body of knowledge to draw upon when considering proposed amendments to the planning framework for manufactured home estates, caravan parks and camping grounds. We are in a unique position to understand and demonstrate the impact of the planning framework on the day to day lives of residents who live in these communities, with a singular focus on the 36,000 people who live in land lease communities in New South Wales.

## Flooding standards

We are very supportive of the amendments proposed to establish new flooding controls for manufactured home estates, caravan parks and camping grounds on flood prone land. We have seen first hand the devastation caused by flooding in communities and believe these measures are necessary to protect people's lives, their homes and their personal belongings.

## Short term stay limits

We support the proposal to allow visitors to stay on short term sites for up to 180 days in a 12 month period. This will bring consistency for all occupants of short term sites and avoid confusion.

## Community map requirements

The lack of accurate community maps drawn to scale causes a lot of confusion and problems for home owners in land lease communities and we welcome the changes to community map requirements.

We would also like to see an additional requirement namely, identification of the evacuation meeting place for the community being shown on the map. This should be consistent with the emergency evacuation procedures that operators are responsible for having in place under section 37(1)(h) *Residential (Land Lease) Communities Act 2013 (NSW)*.

We would like to see a time period for existing operators to comply with this requirement instead of it only becoming a requirement when they submit any future application for an approval to operate a park or estate. We feel that a 2 year period from when the new legislation commences for existing operators to submit a community map that complies with these new requirements would be appropriate and not place an onerous burden on operators.

## Separation distances

This is a sensible change and will help reduce inequity and friction between neighbours if the separation distance is shared between adjoining home owners.

## Fire hydrants and hose reels

This is a vital amendment given many communities are located in bush fire prone areas. These measures will help to provide greater protection for the residents of these communities, many of whom are elderly.

## Timeframe for certificate of completion

We are aware of some land lease community operators (as vendors of new manufactured homes) who have given the required notice of the installation of manufactured homes to the local council. However, in those instances the notices from operators were either inaccurate or omitted necessary compliance specifications. For example, the building code fire rating materials were absent (non fire rated external walls) or they did not comply with what was required for the location of the manufactured homes within a high Bush Fire Attack Level (BAL 29) area. Non compliance with other Australian Standards was evident when Council Environment and Public Health Officers conducted inspections and issued proposed orders and other orders pursuant to section 124, *Local Government Act 1993* (NSW). A significant concern for the new home owners was the fact that there were no compliance plates attached to the manufactured homes. We are also aware of the failure to obtain prior council approval for the installation of two storey homes by land lease community operators where they are vendors of new manufactured homes.

Certificates of completion have consequently not been issued from council to the new home owners because of compliance issues identified above. These matters have also included setbacks and separation distances between manufactured homes that have not been complied with by the vendor operator of the residential land lease community.

The new homes have been occupied by persons prior to any certificate of completion causing distress to those new home owners and concern regarding their home insurance policies.

As a consequence of the above examples we strongly support the proposal to increase from 5 days to 20 days the time within which the council must give the owner of the home a certificate of completion for the manufactured home. This proposal would give council compliance officers appropriate time within which to check that a manufactured home has been designed, constructed and installed in accordance with the legislation.

## Consolidation of standards

The consolidation of standards for manufactured home estates and caravan parks is very welcome. The Local Government Regulations in their current format are confusing and make it difficult for residents to understand what standards apply to their community.

The Tenants Union of NSW welcomes the changes outlined in the consultative draft and also makes two recommendations outlined above to strengthen the provisions on community map requirements.

### Recommendation 1

Evacuation meeting place to be identified and included on the community map

## Recommendation 2

All operators to comply with new community map requirements within 2 years of the relevant legislation commencing

We look forward to participating in phase 2 of this process. We submitted a written response dated 14 December 2015 to the discussion paper *Improving the regulation of manufactured homes, caravan parks, manufactured home estates and camping grounds* that was released by Planning in 2015 and we hope to see the issues raised in that paper addressed in phase 2 of this process.

Other things to consider in phase 2

- Information pamphlet for prospective residents, home owners in land lease communities informing them of their obligations under the Local Government Regulations. Many home owners are unaware of their obligations and this is important information they should be provided at the time they move into a community by the operator
- Update terminology in the Local Government Regulations to terminology used in the *Residential (Land Lease) Communities Act 2013* to provide consistency

If you require any further information please contact Eloise Parrab directly on 02 8117 3719 or be email [eloise.parrab@tenantsunion.org.au](mailto:eloise.parrab@tenantsunion.org.au)

Yours sincerely



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