

**Department of Planning & Environment**

**Shelter NSW submission on  
proposed planning reforms to  
Manufactured Homes, Caravan  
Parks, and Camping Grounds  
(Phase 1 amendments)**

***A secure home for all***

14 December 2023



## About Shelter NSW

Shelter NSW has been operating since 1975 as the State's peak housing policy and advocacy body. Our vision is to create a sustainable housing system that provides secure homes for all. We provide systemic advocacy and advice on policy and legislation for the whole NSW housing system to resolve housing inequality.

We are especially concerned for low-income households which struggle to afford good-quality and well-located housing in the private market. We consider a sustainable housing system one that delivers what we call Triple-A housing and Triple-P outcomes.

Affordable and diverse homes	Accessible, well-located housing	Appropriate, high-quality development
Housing supply and demand Tenure forms and rights Housing types and sizes	Proximity to jobs and services Access to public transport Accessibility and adaptability	Amenity and aesthetics Energy and environment Standards and maintenance
Productive cities and regions	Poverty-free communities	Protected neighbourhoods
Access to jobs and services  Housing costs and consumption Financial and economic stability	Housing stress and homelessness Physical and mental health Education access and attainment	Energy use and consumption  Urban heat Climate resilience and adaptation

We believe the housing system should deliver safe, secure, and affordable living outcomes for all, regardless of tenure type.

## Shelter NSW position

We thank the Department of Planning & Environment for the opportunity to make comment on these reforms.

Our position is underpinned by our membership base and alliances with organisations such as the Tenants Union NSW and Homelessness NSW, as well as engagement with local Councils across regional NSW (including Eurobodalla Shire, Shoalhaven, and Central Coast).

**Shelter NSW supports any planning or regulatory reform that improves the livelihoods of low-income households.** Caravan parks and manufactured home estates are mostly home to older people on lower incomes and other cohorts who struggle to access secure homes in the private market<sup>1</sup>. Moveable dwellings or tents occupied outside of these designated sites are similarly 'home' to many marginally housed or homeless cohorts<sup>2</sup>. Traumatic events, such as domestic violence or natural disasters made more potent and

<sup>1</sup> NSW Department of Customer Service. (November 2021). *Residential (Land Lease) Communities Act 2013 Statutory Review*. Retrieved from <https://www.parliament.nsw.gov.au/tp/files/81194/DCS%20-%20Statutory%20Review%20Residential%20Land%20Lease%20Communities%20Act%202013.pdf>

<sup>2</sup> Australian Bureau of Statistics ('ABS'). (22 March 2023). *Estimating Homelessness: Census*. Retrieved from <https://www.abs.gov.au/statistics/people/housing/estimating-homelessness-census/latest-release>

frequent by anthropogenic climate change, are often the catalyst for people moving into these types of arrangements.

For these reasons, **we remind the Department of its societal obligation to institute reforms that do not confer further disadvantage** or hardship on vulnerable populations.

## Context of the proposed reforms

The exhibited documents for this consultation period relate to “Phase 1” reforms of how the planning and local government regulatory framework set limits on the use of land for ‘manufactured homes’, ‘manufactured home estates’, ‘moveable dwellings’, ‘caravan parks’, ‘campsites’, and ‘tents’.

We understand the Phase 1 reforms are mostly intended to respond to the findings of the *NSW Select Committee on the Response to Major Flooding Inquiry (2022)*. It is anticipated that Phase 2 reforms will address ongoing concerns around definitions and regulatory overlap, as outlined in the Department’s 2015 Discussion Paper on *Improving the Regulation of Manufactured Homes, Caravans Parks, Manufactured Homes Estates and Camping Grounds*.

Like our friends at the Tenants Union, we hope to see further consultation and long overdue resolution of Phase 2 matters in 2024.

## Our comments

### Flooding

Shelter NSW supports the new planning requirement that no new long-term dwelling sites will be permitted on land within a flood planning area in caravan parks. **We ask that further consideration be given to long-term dwelling sites proposed between the flood planning level ‘FPL’ (1% AEP +500mm) and Probable Maximum Flood ‘PMF’ level** (which can be anywhere from 0.002% to 0.000001% AEP). At the very least, dwellings on long-term sites shall have floor heights above the flood planning level and approaching the PMF.

Many caravan parks are located on severely flood prone land in regional NSW and we have witnessed mass devastation across the State in recent La Nina years, whereby flooding approached PMF levels in locations such as Lismore<sup>3</sup>.

As our climate continues to change, the precautionary principle to prevent loss of life and damage to property (for residents who have little to no alternative accommodation options) needs to be invoked. We tend to agree with Floodplain Management Australia and the Insurance Council of Australia<sup>4</sup> that such precautions must – more often than not – include

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<sup>3</sup> White, L in *ABC News North Coast*. (13 October 2022). Worst-case flooding in Lismore could reach 16.5m – so how likely is a Probable Maximum Flood? Retrieved from <https://www.abc.net.au/news/2022-10-13/what-is-a-probable-maximum-flood-lismore-peak/101523822>

<sup>4</sup> NSW Parliament, *Legislative Council Select Committee on the Response to Major Flooding across New South Wales in 2022*. (2022). [Transcript from Hearing Tuesday 14 June 2022](#); [Submission no. 37 Insurance Council of Australia](#)

**stricter planning controls above the FPL and approaching the PMF for sensitive residential development** (including social, affordable, and low-cost housing).

### Short stay limits in caravan parks

The consultation draft acknowledges the chronic lack of affordable housing supply in the State, and the very small role that short stay sites in caravan parks can play in temporarily alleviating housing concerns for low-income people. To this end, **we support increasing the amount of time that short-term caravan sites can be occupied** by 'renters' to 180 days.

We are interested to know **what support, if any, will be provided to 'renters' as the 180-day mark approaches (to move to a new site or transition into more secure accommodation)?** We understand caravan park operators do not have an explicit duty in this regard, however, we have heard from some local Councils that this is a potential area of education and collaboration between Department of Communities and Justice, specialist homelessness services, caravan park operators, local Councils, and Crown Land Managers.

### Community Maps

From a safety and liveability perspective, **we support the introduction of standardised requirements for the drafting and publishing of Community Maps** as they apply to caravan parks and manufactured home estates. We agree with the Tenants Union that such **maps shall also depict evacuation routes and procedures.**

### Installation of moveable dwellings outside of caravan parks and manufactured home estates

We have heard from many Councils that there are real compliance, amenity, and physical infrastructure servicing headaches with the current proliferation of moveable dwellings being installed in backyards and front yards of family homes without approval. Phase 1 reforms appear to address at least some of these concerns.

**Shelter NSW supports removing the requirement for the occupant of a moveable dwelling in these circumstances to be a 'family member'** of the main dwelling house household on the land. Requiring investigation of family status and personal connections for the purposes of occupying a caravan (without approval for 6 months) is overly intrusive and does not afford dignity to any residents.

## Use of tents in non-designated areas

It is proposed to introduce a time limit of 30 days for the installation of tents outside of campgrounds, in the draft Local Government Regulations. It is not clear what happens to these tents and their occupants after the 30-day limit has passed.

As more and more people are squeezed out of the private rental market, face excruciating wait times for social housing, and struggle to access crisis accommodation options, makeshift living in tents has sadly become more normalised<sup>5</sup>. We are concerned that the new 30-day limit will add stress and trauma to homeless people sleeping rough across the State. **How will this new time-limit be enforced and yet still align with the *NSW Protocol for Homeless People in Public Places*?** Expulsion or move-on orders must not be enacted if local and State authorities cannot provide reasonable alternative accommodation options for rough sleepers.

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Please contact Policy Officer Kayla Clanchy, [kayla@sheltersnsw.org.au](mailto:kayla@sheltersnsw.org.au), if clarification is needed on any of the above.

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<sup>5</sup> Beazley, J. in *The Guardian*. (20 November 2022). 'Do we just make a tent city?': The councils grappling with an influx of homeless Australians. Retrieved from <https://www.theguardian.com/australia-news/2022/nov/20/do-we-just-make-a-tent-city-the-councils-grappling-with-an-influx-of-homeless-australians>