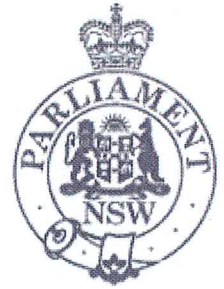


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**MOVEABLE DWELLINGS**

The Hon. CATHERINE CUSACK (20:26): Historically, caravan parks on the coast are in low-lying areas near waterways, river areas and the coastal zone. They were traditionally proper caravan parks used for holidaymakers. The definition of a caravan park is not confined to being occupied by a caravan. Moveable dwellings can occupy a caravan park, and moveable dwellings can now be two-storey houses that are no different to standard houses constructed in situ. That is due to a loophole in New South Wales planning legislation.

The problem is that local councils that do not want to approve two-storey dwellings in flood plains are being forced to use laws designed to regulate caravans. The laws are not appropriate for assessing major new housing developments that are getting approved on flood-prone land. That is not a theoretical problem; it is happening right now and consuming the time and resources of North Coast councils that are already under pressure dealing with housing issues arising from the floods.

I will explain how the loophole works. Under the Environmental Planning and Assessment Act 1979, the definition of a caravan park is the standard definition across the State of New South Wales: It reads:

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

We then move to the definition of a moveable dwelling:

moveable dwelling has the same meaning as in the *Local Government Act 1993*.

Note—

The term is defined as follows—

moveable dwelling means—

(a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or

(b) a manufactured home, or

(c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

The problem is paragraph (b), "a manufactured home", so we need to go to the Local Government Act 1993 and look at the definition of a manufactured home:

manufactured home means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling—

(a) that comprises one or more major sections, and

(b) that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the Road Transport Act 2013, and includes any associated structures that form part of the dwelling.

The above is what one can have now in a caravan park. Troy Green, the General Manager of Tweed Shire Council, has raised the problem with me. He wrote:

This means we are not getting applications within our caravan parks, the likes of GemLife and Barney's Point (Palm Lake) which are effectively small homes being built on slabs on ground within the Parks. Even worst they are not meeting the standards that you would adhere to with subdivisions (which they are now effectively) and nor is there any DA required for their construction.

It is a terrible loop hole that should be immediately addressed, or we will find more of these post the 2022 floods.

I refer to my own council of Ballina Shire, which has been battling a developer called GemLife. It owns wetland in west Ballina, which is almost literally encircled by Emigrant Creek, where it meets the Richmond River. It wants to put 300-site manufactured homes estate on that block of land. The solution to the problem is to redefine what a manufactured home is within the Local Government Act 1993 and the standard instrument. They need to talk to each other. It seems to me the issue is impacting all our councils.

Another important distinction between a home and a manufactured home is that a manufactured home needs to be built off site and transported onto the property. I make the point that even this requirement can be, and has been, waived if applicants apply for permission. That is what occurred in the case of Banora Point on the banks of the Tweed River as access to the site was constrained because the trucks with houses on them could not go under bridges. All those houses are now being built on site. The developers utilising the loophole are buying caravan parks and greenfield sites and creating manufactured home estates that can be marketed as resorts, villages and aged-care facilities. Given the evolution of manufactured homes to include two-storey buildings that can even be erected on site and are in fact houses, I recommend, first, an urgent amendment to the definition of "manufactured home"; and, secondly, that planning and Fair Trading talk about whether consumer protections are designed for these sorts of situations.