Our Ref: ME | LR

8 October 2024

Ross Smith
Deputy Secretary Regulation and Service Delivery
Office of the Secretary
Department of Justice

Via email: haveyoursay@justice.tas.gov.au

Dear Mr Smith,

Regulation of long-term residency in caravan parks in Tasmania – Discussion Paper

Thank you for the opportunity to provide a submission on the *Regulation of long-term residency in caravan parks in Tasmania Discussion Paper*. This submission has been prepared by the Local Government Association of Tasmania (LGAT) on behalf of Tasmanian local government in collaboration with our members; all 29 councils.

LGAT is incorporated under the *Local Government Act 1993* and is the representative body and advocate for local government in Tasmania. Where a council has made a direct submission to this process, any omission of specific comments made by that council in this submission should not be viewed as lack of support by LGAT for that specific issue.

Please contact Michael Edrich, Senior Policy Advisor, if you have any questions or would like further information, at michael.edrich@lgat.tas.gov.au or 03 6146 3740.

Yours sincerely,

Dion Lester
Chief Executive Officer

LGAT Submission: Regulation of long-term residency in caravan parks in Tasmania – Discussion Paper 2024

Introduction

We appreciate the additional consultation opportunities Consumer, Building and Occupational Services (CBOS) has provided on this issue. This included a dedicated information session for local government.

The local government session was well attended, however we also received direct feedback from councils. Following, our submission provides objectives and positions based on this feedback from councils and our submissions on other matters, in particular in relation to housing. The key positions are that:

1. Compassionate housing policy and regulation – Tasmanian councils do not want regulatory enforcement to push people into a worse housing situation and seek responses that balance regulatory needs with risks of housing insecurity and homelessness.
2. Improve housing security and safety – reforms from this Discussion Paper should seek to maintain or increase people's housing safety and security.
3. Efficient regulation – councils are already heavily burdened with development regulation and enforcement under the *Land Use Planning and Approvals Act 1993* (LUPAA) and the *Building Act 2016*. The Government should not impose even more regulatory obligations upon councils in this area, such as under the *Residential Tenancy Act 1997* (RTA).
4. Coordinated development of housing policy – supporting secure housing cuts across a wide range of regulatory and economic policy, with local government a key implementor of State Government regulation. Policy approaches to housing must be developed in close collaboration with councils.

Develop housing-related policies in close collaboration with local government

Regulating long-term residents in caravan parks is a matter of State Government housing policy. As housing policy, it affects a number of areas across different State Government agencies: planning and development policy, building standards and rental tenancy policy. Local government is the implementation arm of State Government building, planning and development regulation and policy. Where rental property owners do not meet their planning or building requirements, councils can become involved.

Collaboration across State agencies and with local government is critical to successful housing policy that meets the needs of communities. Councils know the local landscape and

have an excellent understanding of the implementation implications of policy. We commend the State Government's work to lead housing policy and urge a coordinated approach that has local government at the table.

Compassionate housing policy – do not regulate into homelessness

Councils understand that caravan parks play an important role in emergency and affordable housing and do not want their regulation to force people experiencing housing insecurity into a worse situation. It is important that the caravan park reforms do not have this unintended consequence.

Regulating long-term residents in caravan parks is an example of marginal housing options that become critically important during a housing crisis.

The Tasmanian Housing Strategy contains the following diagram (Figure 1, below) that helps place this form of accommodation in the spectrum to then enable appropriate responses for people living in caravan parks and to help them through the housing spectrum to improve housing security and avoid exacerbating our housing crisis.

Caravan parks appear to sit right at the cusp of the 'homelessness' and 'rental' categories, currently delivering 'transitional housing' and 'informal agreements' forms of housing.

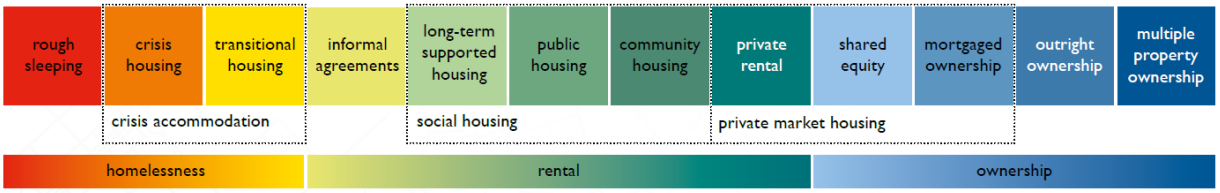


Figure 1 | The housing security spectrum: current Tasmanian housing system
The housing system illustrating the range of experiences through homelessness, rental and ownership. When the private market has limited capacity, more households need social housing and crisis accommodation. High demand in the private market results in insecure informal agreements and increased levels of all forms of homelessness, including rough sleeping.

At the December 2019 LGAT General Meeting, LGAT members resolved a position to adopt in local by-laws *"so that a person is not guilty of an offence in relation to camping in public spaces if at the time they are homeless."*

Improve housing security and safety

We also acknowledge that caravan parks are typically intended and built for short-term stays and are not typically designed for long term housing. Better options need to be made available in the market, with caravan parks filling the short-term need.

Local government, as a regulator, understands and appreciates that building regulations are intended to protect lives and property. These should not be sacrificed to address a housing need.

This means that caravan park owners should be required to meet building standards where they provide the accommodation, such as in a cabin, and for caravans as well. Providing the accommodation strongly implies providing an acceptable level of safety for guests – both short-term and long-term residents.

We recommend Tasmania apply:

1. Built form standards for caravan parks. These may be best aligned with visitor accommodation standards, rather than residential dwellings. Longer term use should not be prevented in regulation, with pathways provided towards improved living standards in quality housing options and affordability.
2. Service standards and arrangements for caravan park owners to provide for long-term residents. This should be consistent with those for typical residential tenancy arrangements provided under the RTA.

Regulate efficiently and effectively

Tenancy service standards

To support housing security, these standards need to apply to arrangements between caravan park owners and long-term residents. That means 'long-term resident' needs to be defined and note the timeframes of other jurisdictions provided in the Discussion Paper.

These tenancy arrangements are likely best implemented under the RTA. Local government has no role under the RTA and is not resourced to have one; it is important that this continues to be the case.

We do not have a specific view on the timeframe threshold. The duration should be longer than the typical leisure visitor, for example in Western Australia the timeframe is 3 months. This appears to be a reasonable balance between a short-term visitor and a long-term resident requiring housing security protections. The timeframe should also apply where a short term visitor continues a stay where they do not find another housing solution.

Tenancy built form standards

The caravan park owner should be responsible for meeting the standard where a resident is using accommodation provided by them. However, different consideration is needed for a caravan park resident living in their own caravan or campervan. Although it would be

appropriate to require the resident to maintain certain safety standards once they are a long-term resident, such as smoke detectors, fire extinguishers, and caravan vehicle safety standards.

In circumstances where the caravan or campervan is no longer a vehicle and it is anchored to the ground and has transitioned to a building and an improvement to land, then building regulations would apply, creating an obligation for councils to regulate building standards. There needs to be clear consent pathways for the visitor/resident and caravan park owner when a caravan is anchored to the ground for accommodation, making it a building.

Further consideration may be needed around planning definitions to permit longer term residency of caravan parks, when required to provide the housing security for people that they need before they can move into more secure residential dwellings.