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Dear Jason

Draft Planning and Design Code Submission – Phase 2 on behalf of SA Parks

Introduction

URPS has been engaged by SA Parks to review and advise in respect of the draft Planning and Design Code (the Draft Code).

SA Parks is the peak industry body representing more than 140 caravan and tourist parks and residential parks in South Australia.

SA Parks is generally supportive of the direction within the draft Code, however, it wishes to provide feedback and recommend further consideration to the following issues:

1. Definition of Residential Park
2. General support within the Code for Residential Parks
3. Guidelines in the Residential Park Zone
4. Public notification of residential parks related development
5. Guidelines in the Caravan and Tourist Park Zone
6. Public notification of caravan park and tourist park related development
7. The process for expanding and establishing new residential parks and caravan and tourist parks.

Background

In 2008, the Minister for Planning completed the Residential Park and Caravan and Tourist Parks DPA which affected land in Metropolitan and Outer Metropolitan Adelaide. This DPA reviewed existing Development Plan policy for short and long term accommodation provided in caravan and tourist parks. It also coincided with the introduction of the *Residential Parks Act 2007* which was a new Act that regulated long term resident accommodation in caravan parks.

A follow up DPA was proposed complete the same review and rezoning process for regional South Australia, however, this did not proceed. This has led to some inequity and inefficiencies for some caravan

and tourist parks in regional areas. Having said that, many Councils have transitioned their Development Plans to the South Australian Planning Policy Library format and this has provided opportunities to locate existing caravan and tourist parks within specific caravan and tourist park zones.

As part of the DPA in 2008, caravan parks and residential parks were rezoned to either the Caravan and Tourist Park Zone or the Residential Park Zone. Some existing parks were split in two with parcels of land in both zones.

Residential Park Zones

There are currently Residential Park Zones in Alexandrina, Gawler, Mallala, Onkaparinga, Playford, Victor Harbor, Yankalilla and the Yorke Peninsula. Land within the Residential Park Zones has generally been developed as Residential Parks providing long term accommodation under the *Residential Parks Act 2007*. The site at Yorke Peninsula is currently vacant where land within the other Residential Parks is generally developed for that purpose.

Residential Parks provide an affordable housing opportunity and permanent place of residence (dwelling) without owning the land on which it sits. It is similar but different to retirement villages established under the *Retirement Villages Act 2016*. Generally, existing residential parks provide permanent places of residence for aged persons in manufactured dwellings and this is permitted under the Act.

Housing products within Residential Parks has changed substantially since the introduction of the *Residential Parks Act 2007*. This has led to some existing parks to changing over time and moving away from a 50:50 residential/tourist mix to a residential parks with limited tourist accommodation. Woodcroft Park in Onkaparinga is one such Park.

Residential parks (*operated under the Residential Parks Act 2007*) have been developed outside of Residential Parks Zones in normal residential zones and in one case within the Caravan and Tourist Park Zone (Waikerie Lifestyle Village).

Definition of Residential Parks

Under the current planning system, residential parks are not defined in the *Development Act 1993* or the *Development Regulations 2008*. They are typically captured by the umbrella term “supported accommodation” for development assessment purposes. While supported accommodation is not defined by the *Development Act 1993* or the *Development Regulations 2008* but is recognised in Development Plans and the South Australian Planning Policy Library (SAPPL) as “including nursing homes, hostels, retirement homes, retirement villages, residential care facilities and special accommodation houses”.

Residential parks are to be defined under the draft Code specifically as follows:

Residential park means a residential park operating under the regulatory framework of the Residential Parks Act 2007.

The definition is defined to exclude caravan and tourist parks.

Supported accommodation is proposed to be defined under the Code as follows:

Supported accommodation means premises in which residential accommodation is provided to persons requiring/together with regular medical and/or personal care assistance.

The definition is defined to exclude hospitals and retirement facilities (the latter of which is a new definition specifically for retirement villages that operate under the *Retirement Villages Act 2016*).

Based on the new defined meaning of supported accommodation, residential parks no longer fall within a broader supported accommodation term.

General Support within the Code for Residential Parks

The 2008 Ministerial DPA provided a good policy framework for the development of Residential Parks within Residential Park Zones. Additionally, new residential parks were also able to be developed outside of Residential Park Zones including in both regional and metropolitan areas. Under the current SAPPL Development Plans, residential parks (as a kind of supported accommodation) is envisaged in nearly all residential zones across South Australia. Under the draft Code, they are only envisaged in Residential Parks Zone.

Residential parks are a legitimate kind of development that provides affordable housing opportunities for aged persons and others with specific needs. It is our strong view that residential parks should continue to be permitted in residential/neighbourhood zones throughout South Australia. Contemporary residential parks have no material differences to typical retirement villages in that they have smaller allotments than those typically prevailing in a residential/neighbourhood zone (as the sites and dwellings are designed for aged persons). While residential parks typically comprise manufactured style dwellings, those kinds of building forms are appropriate in residential/neighbourhood zones subject to the normal design guidelines found within the Code.

With the inclusion of residential parks in residential/neighbourhood zones as envisaged kinds of development, there should be supporting provisions at the general level (General Development Policies) that deal with site areas (permitting smaller site areas than in the Zone) and dealing with matters like private open space, suitable building setbacks and landscaping. The provisions would also address associated and ancillary activities that are appropriate in a residential park such as offices, common facilities, shops and recreational facilities.

In addition to the above, applicable provisions for residential parks should also be listed in Table 3 of the respective residential/neighbourhood zones.

Assessment Procedure for Development of and in a Residential Park

As most Residential Parks are located in purpose designed zones under the existing system, development of (or within) a residential park is assessed as *merit* development. It also generally does not involve public notification as nearly all kinds of envisaged development are expressly listed as a Category 1 kind of development in the Zone.

Under the draft Code, development of and within Residential Park will be assessed as “performance assessed” development. This is the equivalent of a merit assessment and involves an assessment of the proposed development against the applicable policies of the Planning and Design Code.

Residential Parks are not listed in Table 3 within the Residential Park Zone. Table 3 should be amended to include Residential Parks and the respective policies.

SA Parks seeks the following changes with respect to the assessment procedure for development of and within a residential park:

- Certain kinds of development to be “deemed to satisfy” (i.e. effectively as of right development) where they meet strict criteria (such as setbacks, private open space, site area etc). The current list of deemed to satisfy activities is limited in the zone to carports, outbuildings, dwelling additions, excavation and filling and verandahs. In my view, there is an opportunity for dwellings to be considered as a deemed to satisfy kind of development subject to meeting appropriate criteria.
- Public notification should only be required where the development consists of “all other code development” and not any kind of development that is envisaged in the Zone.
- Given the nature of the Residential Park Zone as “islands” surrounded by land in a different zone, it is questionable as to whether public notification should be required for all kinds of development (i.e. as per part (a) of the table; this approach is inconsistent with that of the current SAPPL and counter to the current approach to public notification in Development Plans’ Residential Park Zones.

Guidelines of the Residential Parks Zone

Generally, the overarching intent of the Residential Park Zone remains the same under the Planning and Design Code in comparison with the policy of the South Australian Planning Policy Library. For instance a single “Desired Outcome” replaces the three zone “Objectives” under the current system:

Planning and Design Code

Desired Outcome 1

Affordable housing opportunities, and associated small-scale services and facilities, in an open landscaped setting.

South Australian Planning Policy Library

Objective 1 A zone that primarily provides affordable housing opportunities in a landscaped village setting.

Objective 2 A zone accommodating low to medium-scale accommodation predominantly in the form of caravan and camping sites, cabins and transportable dwellings, surrounded by open landscaped areas.

Objective 3 Development that contributes to the desired character of the zone.

Generally, the list of envisaged land uses is smaller in the new Residential Parks Zone. This is because “cabins” and “camping grounds” are no longer generally envisaged in the Zone. Activities that remain appropriate include:

- Amenity block
- Caravan permanently fixed to land
- Community facility
- Detached dwelling
- Indoor recreation facility
- Outbuilding
- Residential Park

- Shop

Remaining Zone provisions that relate to site area, setbacks, building design are generally consistent with the existing Residential Parks Zone.

Having regard to the existing and proposed provisions, it is considered that:

- All existing kinds of envisaged development should be retained as being contemplated/appropriate including:
 - > Waste reception/treatment/storage/disposal (particularly notable for regional areas)
 - > Office
 - > Van Storage Compound
 - > Resident Workshop
 - > Pool
- Group dwellings should be envisaged in the list of envisaged kinds of development as dwellings within a residential park constitute a group dwelling as defined by the Planning and Design Code, and
- The zone should continue to provide guidance on “travelers/tourist accommodation” as some residential parks still have some short term tourist accommodation.

Caravan and Tourist Park Zone

Generally, the overarching intent of the Caravan and Tourist Zone remains the same under the Planning and Design Code in comparison with the policy of the South Australian Planning Policy Library. For instance, a single “Desired Outcome” replaces the three main zone “Objectives” under the current system:

Planning and Design Code

Desired Outcome 1

Tourist accommodation and associated services and facilities that enhance visitor experiences and enjoyment.

South Australian Planning Policy Library

Objective 1 A zone primarily for short-term tourist accommodation and associated facilities.

Objective 2 A zone accommodating a range of short-term tourist accommodation predominantly in the form of caravan and camping sites, cabins, serviced apartments and transportable dwellings (*Conversion note: the words ‘transportable dwelling’ are optional depending on the character of the zone and the words ‘serviced apartments’ only apply to the NPSP Council Development Plan*) surrounded by open landscaped areas.

Objective 3 Development that is designed to enhance the natural features of the local environment, including visual amenity, landforms, fauna and flora.

The list of envisaged land uses is essentially the same, although there has been some consolidated (i.e. caravan park, camping ground etc are included as “tourist accommodation”. The envisaged land uses in the Code include:

- Advertisement

- Amenity block, including shower, toilet and laundry facilities
- Dwelling in the form of a manager’s residence ancillary to tourist accommodation
- Office ancillary to tourist accommodation
- Recreation area including tennis court, basketball court, playground
- Shop ancillary to tourist accommodation
- Swimming pool/spa pool
- Tourist accommodation comprising cabins, caravans, camping ground.

Remaining Zone provisions that relate to ancillary activities (such as shops, caretakers dwellings), landscaping, building setbacks and advertising.

The desired site area for each caravan, cabin and dwelling site has increased from 81m² to 100m² under the draft Code. This is generally supported given the demand for space at caravan and tourist parks. Increasing the site area does mean that yield is reduced and this further highlights the importance for caravan and tourist parks being able to expand beyond their existing sites.

Assessment Procedure for Development of and in a Caravan and Tourist Park Zone

It is understood that most existing caravan parks are located within the designated Caravan and Tourist Park Zone.

Under the existing Development Plans, development of and within a caravan or tourist park is assessed as *merit* development. It also generally does not involve public notification as nearly all kinds of envisaged development are expressly listed as a Category 1 kind of development in the Zone.

Under the Planning and Design Code, development of and within caravan and tourist will be assessed as “performance assessed” development. This is the equivalent of a merit assessment and involves an assessment of the proposed development against the applicable policies of the Planning and Design Code. They will generally be subject to public notification (but third parties will not have rights of appeal) because they are adjacent land in a different zone.

Similar to our observations for the Residential Parks Zone, Caravan and Tourist Park Zones are “island” zones. This means public notification is required as a default position. Again, this is counter to current to Development Plans and the SAPPL. It is recommended that clause (a) of the public notification table be removed. It is also recommended all envisaged kinds of development be included in Table 3 such that those kind of activities do not trigger public notification.

The “deemed to satisfy” table including the “tourist accommodation” activities is supported.

There are “deemed to satisfy” provisions (effectively providing for “as of right development”) for tourist accommodation that complies with specific criteria. This is an improved outcome in comparison to the existing system. No public notification is required for deemed to satisfy development.

Outside of existing Caravan and Tourist Park Zones, there appears little support in other Zones for the establishment of new caravan and tourist parks. This means that land will typically need to be rezoned before it can accommodate new caravan and tourist park development. This is similar to the current planning system but presents some difficulties for the expansion of existing facilities. SA Parks looks

forward to further advice from the Department in respect to the function and process for rezoning land where that is undertaken by third parties/landowners.

Caravan and Tourist Park Development Outside of the Caravan and Tourist Park Zone

Given the difficulties in the expansion of existing caravan and tourist parks beyond of the Caravan and Tourist Park Zone, SA Parks has concerns with the establishment of non-commercial caravan and tourist park activities outside of the Caravan and Tourist Park Zone.

SA Parks is particularly concerned with the establishment of free campgrounds in sites such as showgrounds and on Council reserves. These facilities will undermine the viability of existing facilities and are often unmanaged and with little regulation. SA Parks is understandably concerned that these kinds of sites where there is no on-site manager and no amenities have the potential to lead to undesirable amenity and environmental impacts particularly where they are in close proximity to towns and sensitive coastal or riverine environments.

Summary and Conclusions

The following improvements to the Code are recommended:

- General approach/policy
 - > ensure that new residential parks can be established in residential areas outside of the Residential Park Zone (i.e. normal residential/neighbourhood zones)
 - > provided that residential parks are an envisaged kind of development in normal residential/neighbourhood zones, ensure that they are listed in Table 3 with applicable policies
- Residential Park Zone
 - > ensure that existing residential parks that are located in the Caravan and Tourist Park Zone should be relocated to the Residential Parks Zone (i.e. Waikerie)
 - > amend to reflect the nature of development within a residential park (i.e. group dwellings) and ensure that all existing envisaged activities in the SAPPL are carried over to the Code
 - > include deemed to satisfy criteria for envisaged development within the Residential Parks Zone to enable quick and certain assessments for certain kinds of development that meet specific criteria
 - > public notification should not be required for envisaged development and nor should there be a requirement to notify adjacent landowners/occupiers given the existing villages are in purpose designed zones
- Caravan and Tourist Park Zone
 - > make no change to the minimum site area for caravans/cabins/dwellings in the zone
 - > public notification should not be required for envisaged development and nor should there be a requirement to notify adjacent landowners/occupiers given the existing caravan and tourist parks are in purpose designed zones

SA Parks would be pleased to meet with representatives of the Department to provide further advice and recommendations.

Please call either Simon Channon or Grazio Maiorano if you have questions on [REDACTED]

Yours sincerely



Grazio Maiorano
Director



Simon Channon
Senior Associate